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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION (2025)

COMMITTEE ON IMPLEMENTATION

.....

FIFTH REPORT ON

THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

.....

DECEMBER, 2025

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 03 DEC 2025 DAY. Wednesday
TABLED BY: Hon. Janet Sitienei MP
CLERK-AT-THE-TABLE: Gertrude Chebet

The Directorate of Audit, Appropriations and General-Purpose Committees

The National Assembly

Parliament Buildings

NAIROBI

NATIONAL ASSEMBLY
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Table of Contents

LIST OF ABBREVIATIONS AND ACRONYMS vii

LIST OF ANNEXURES viii

1.0 PREFACE xii

1.1 Establishment and Mandate of the Committee xii

1.2 Committee Membership xiii

1.3 Committee Secretariat xv

2.0 INTRODUCTION 1

2.1 Reports Considered by the Committee 1

3.0 REPORT ON THE ANTI-COUNTERFEIT AUTHORITY REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS 3

3.1 Background 3

3.2 Submission by the Executive Director, Anticounterfeit Authority, ACA 3

3.2 Committee on Implementation observations 10

3.3 Committee on Implementation Recommendations 10

4.0 NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS 11

4.1 Background 11

4.2 Submission by the Director General National Environment Management Authority (NEMA) 11

4.3 Committee on Implementation Observations 15

4.4 Committee on Implementation Recommendations 15

5.0 REPORT ON RIVATEX EAST AFRICA LIMITED REGARDING THE IMPLEMENTATION STATUS OF THE SECOND REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS 16

5.1 Background 16

5.2 Submission by the Managing Director, Rivatex East Africa Limited 16

5.3 Committee on Implementation Observations 21

5.4 Committee on Implementation Recommendations 22

6.1 Background 23

6.2 Submission from the Director General - National Transport Safety Authority 23

Status of Implementation 23

6.3 Committee on Implementation Observations 25

6.4 Committee on Implementation Recommendations 26

7.0 COMMUNICATIONS AUTHORITY OF KENYA REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS 27

7.1 Background 27

7.2 Committee on Implementation Observations 43

7.3 Committee on Implementation Recommendations 43

8.0 THE THIRD REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS - MOI TEACHING AND REFERRAL HOSPITAL (MTRH) 44

8.1 Background 44

8.2 Submissions from the Chief Executive Officer - MTRH 45

Management Response 45

8.3 The Committee on Implementation Observations 48

8.4 Committee on Implementation Recommendations 48

9.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE PUBLIC PETITION (NO. 70 OF 2019) REGARDING WITHDRAWAL OF HARMFUL PESTICIDES IN KENYA 49

9.1 Background 49

9.2 Submission by the Principal Secretary - State Department for Agriculture 52

9.3 Committee on Implementation Observations 63

9.4 Committee on Implementation Recommendations 64

10.0 REPORT ON CONSIDERATION OF THE PUBLIC PETITION NUMBER (03) OF 2023 REGARDING THE MANAGEMENT OF STANDARD GAUGE RAILWAY (SGR) SERVICES 65

10.1 Background 65

10.2 Submission by the Managing Director, Kenya Railways 66

10.3 Committee on Implementation observations 72

10.4 Committee on Implementation Recommendations 72

12.0 REPORT ON PUBLIC PETITION NO. 44 OF 2023, ON ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY 73

12.1 Background 73

12.2 Submission by the Principal Secretary, State Department for Public Service & Human Capital Development 74

12.3 Submission by the Acting Chief Executive Officer, Teachers Service Commission (TSC 78

12.4 Submission by The Acting Chief Executive Officer, Salaries and Remuneration Commission 79

12.5 Committee on Implementation Observations 80

12.6 Committee on Implementation Recommendations 81

13.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS ON ITS CONSIDERATION OF A PUBLIC PETITION FOR THE RESETTLEMENT OF ENOOSUPUKIA EVICTEES 82

13.1 Background 82

13.2 Submissions by the Principal Secretary, State Department for Interior and National Administration 84

13.3 Committee on Implementation observations 86

13.4 Committee on Implementation recommendation 86

14.0 REPORT OF THE PUBLIC PETITIONS COMMITTEE ON PUBLIC PETITION NO. 6 OF 2022 BY THE HON. (DR.) JAMES NYIKAL, REGARDING COMPENSATION FOR NYANZA-WESTERN KENYA CAUCUS OF INTERNALLY DISPLACED PERSONS 87

14.1 Background 87

14.2 Submission by the State Department of Devolution 87

14.2 Submissions from State Department for Internal Security and National Administration 90

14.3 Committee on Implementation observations 91

14.4 Committee on Implementation recommendations 91

15.0 STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS THE DEPARTMENTAL COMMITTEE ON LANDS REPORT ON ITS CONSIDERATION ON THE RESETTLEMENT OF NTIRIMITI SUBUIGA SQUATTERS ON LAND PARCELS NUMBER 2806-3 SUBUIGA BOSNIA AND 2822-3 NTIRIMITI SETTLEMENT SCHEME 92

15.1 Background 92

15.2 Submissions by the Principal Secretary, State Department for Interior and National Administration 93

15.3 Submission by the Directorate of Criminal Investigations 94

15.4 Committee on Implementation Observations 96

15.5 Committee on Implementation Recommendations 96

16.0 HIGHER EDUCATION LOANS BOARD REGARDING THE IMPLEMENTATION STATUS OF THE 21ST REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS –HIGHER EDUCATION LOANS BOARD (HELB) 97

16.1 Background 97

16.2 Submission by the Chief Executive Officer, Higher Education Loans Board 97

16.3 Committee on Implementation Observations 102

16.3 Committee on Implementation Recommendations 103

17.0 IMPLEMENTATION STATUS OF CHEMUSUSU DAM WATER SUPPLY AND DISTRIBUTION SCHEME FOLLOWING RECOMMENDATIONS OF THE REPORT BY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATIONAL RESOURCES 104

17.1 Background 104

17.2 Submission by the Management of Central Rift Water Works Development Authority 105

17.3 Committee on Implementation observations 106

17.5 Committee on Implementation recommendations 106

18.0 THE 24TH REPORT OF PIC ON AUDITED FINANCIAL STATEMENTS FY 2014/2015 TO 2019/2020 - STATUS OF COMPLETION OF THE REHABILITATION AND REPAIR OF ELDORET-ZIWA KACHIBORA-KACHIBORA-ELDORET-KABENES ROAD BY KENYA RURAL ROADS AUTHORITY 108

18.1 Background 108

18.2 Submission by the Principal Secretary, for Roads, Ministry of Roads and Transport ..109

18.3 Committee on Implementation Observations 110

18.4 Committee on Implementation Recommendations 110

19.0 THE REPORT BY THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING ON THE INQUIRY INTO THE USE OF THE STANDARD GAUGE RAILWAY 111

19.1 Background 111

19.2 Submissions by the Managing Director, Kenya Railways regarding the implementation status 113

19.2 Committee on Implementation Observations 121

19.3 Committee on Implementation Recommendations 122

20.0 STATUS OF THE IMPLEMENTATION OF THE FINDINGS CONTAINED IN THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON MOI TEACHING AND REFERRAL HOSPITAL (MTRH) -ELDORET 123

20.1 Background 123

20.2 Committee on Implementation Observations 127

20.3 Committee on Implementation Recommendations 128

21.0 IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON A MOTION SPONSORED BY THE MEMBER FOR KIRINYAGA COUNTY, THE HON. JANE MAINA, MP, RESOLVING THAT THE STATE DEPARTMENT FOR BASIC EDUCATION INTRODUCES COMPREHENSIVE HEALTH, WELLNESS AND SEX EDUCATION IN THE CURRICULUM AS A CORE SUBJECT IN SCHOOLS 129

21.1 Background 129

21.2 Submission from the Cabinet Secretary - Ministry of Education 129

21.3 Committee on Implementation Observations 132

21.4 Committee on Implementation Recommendations 132

22.0 IMPLEMENTATION STATUS OF A MOTION SPONSORED BY THE MEMBER FOR KILOME CONSTITUENCY, THE HON. THADDEUS NZAMBIA, MP, RESOLVING THAT

THE MINISTRY OF LABOUR AND SOCIAL PROTECTION UNDERTAKES CONTINUOUS AND TIMELY REGISTRATION OF ELDERLY PERSONS UNDER THE OLDER PERSONS CASH TRANSFER PROGRAMME 133

22.1 Background 133

22.2 Submission from the Principal Secretary - State Department for Social Protection and Senior Citizen Affairs - Ministry of Labour and Social Protection 134

22.3 Committee on Implementation Observations 136

22.4 Committee on Implementation Recommendations 136

23.0 IMPLEMENTATION STATUS OF A MOTION SPONSORED BY THE MEMBER FOR NYALI CONSTITUENCY, THE HON. MOHAMED ALI, HSC, MP, RESOLVING THAT THE GOVERNMENT IMMEDIATELY BANS DISCUSSION, PUBLICATION AND DISTRIBUTION OF INFORMATION PROMOTING SAME-SEX RELATIONSHIPS IN THE COUNTRY 137

23.1 Background 137

23.2 Submissions by the Principal Secretary, State Department for Social Protection - Ministry of Labour and Social Protection 137

23.3 Submissions by the Principal Secretary, State Department for Broadcasting and Telecommunications (SDBT) - The Ministry of Information, Communication and the Digital Economy 141

23.4 Committee on Implementation Observations 148

23.5 Committee on Implementation Recommendations 149

24.0 REPORT ON THE IMPLEMENTATION STATUS OF A MOTION ON THE ASSESSMENT OF PUBLIC HEALTH RISKS POSED BY CONTINUED USE OF LANG'ATA CEMETERY 150

24.1 Background 150

24.2 Submission by the Principal Secretary - State Department for Public Health and Professional Standards, Ministry of Health 152

24.3 Committee on Implementation Observations 163

24.4 Committee on Implementation Recommendations 163

25.0 REPORT REGARDING THE IMPLEMENTATION STATUS OF THE MOTION SPONSORED BY THE MEMBER FOR LIKONI CONSTITUENCY HON. MISHI JUMA MBOKO, MP RESOLVING THAT THE GOVERNMENT THROUGH THE MINISTRY OF EDUCATION ESTABLISHES A SPECIAL NEEDS UNIT IN EVERY PRIMARY AND SECONDARY SCHOOL 164

25.1 Background 164

25.2 Submission by the Cabinet Secretary – Ministry of Education 165

25.3 Committee on Implementation Observations 167

25.4 Committee on Implementation Recommendations 168

26.0 REPORT REGARDING THE IMPLEMENTATION STATUS OF THE MOTION SPONSORED BY THE MEMBER FOR MBEERE NORTH CONSTITUENCY, THE HON. GEOFFREY RUKU, MP THAT THE MINISTRY OF EDUCATION DEVELOPS A COMPREHENSIVE POLICY ON JUNIOR SECONDARY SCHOOLS (JSS) AND AN

IMPLEMENTATION FRAMEWORK FOR THE COMPETENCY BASED CURRICULUM AT JSS LEVEL 169

26.1 Background 169

26.2 Submission by the Cabinet Secretary – Ministry of Education 170

26.3 Committee on Implementation Observations 173

26.4 Committee on Implementation Recommendations 173

27.0 REPORT ON THE KENYA RAILWAYS CORPORATION REGARDING THE 175

REPORT ON PUBLIC PETITION NO. 50 OF 2023 REGARDING DELAYED PAYMENT OF PENSION BY KENYA RAILWAYS CORPORATION BY THE HON. 175

(DR.) CHARLES ONCHOKE, MP. 175

27.1 Background 175

27.2 Submission by the Managing Director, Kenya Railways 176

27.3 Committee Observation 176

GENERAL OBSERVATIONS 177

GENERAL RECOMMENDATIONS 177

LIST OF ABBREVIATIONS AND ACRONYMS

DCI – Directorate of Criminal Investigations

HELB – Higher Education Loans Board

HSC – Head of State Commendation

MDAs -Ministries, Departments and Agencies

MoE – Ministry of Education

MoH – Ministry of Health

MTRH – Moi Teaching and Referral Hospital

NEMA – National Environment Management Authority

NTSA – National Transport Safety Authority

PIC – Public Investments Committee

RIVATEX – Rift Valley Textiles

SGR – Standard Gauge Railway

SMART – Specific, Measurable, Achievable, Relevant and Time-bound

EACC – Ethics and Anti-Corruption Commission

PWD – Person with Disabilities

ARCA - Athi River Catchment Areas (ARCA)

LIST OF ANNEXURES

Annex No.	Title
Annex 1	**Minutes of the Committee**
Annex 2	**Adoption List**
Annex 3	**Submission by the Director General National Environment Management Authority (NEMA)**
Annex 4	**Submission by the Managing Director, Rivatex East Africa Limited**
Annex 5	**Submission by the Director General - National Transport Safety Authority**
Annex 6	**Submission by the Executive Director, Anticounterfeit Authority**
Annex 7	**Submission by the Director General – Communications Authority of Kenya**
Annex 8	**Submissions from the Chief Executive Officer - MTRH**
Annex 9	**Submission from the Cabinet Secretary - Ministry of Environment, Climate Change and Forestry**
Annex 10	**Submission by the Directorate of Criminal Investigations**
Annex 11	**Submissions from the Office of the Attorney General**
Annex 12	**Submission by the Chairman National Land Commission**
Annex 13	**Submissions by the Principal Secretary, State Department for Devolution**
Annex 14	**Submissions by the Principal Secretary, State Department for Interior and National Administration**
Annex 15	**Submission by the State Department of Devolution**

Annex 16	**Submissions from State Department for Internal Security and National Administration**
Annex 17	**Submissions by the Principal Secretary, State Department for Interior and National Administration regarding the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme**
Annex 18	**Submission by the Directorate of Criminal Investigations regarding the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme**
Annex 19	**Submission by the Chief Executive Officer, Higher Education Loans Board**
Annex 20	**Submission by the Management Central Rift Water Works Development Authority**
Annex 21	**Submission by the Principal Secretary, for Roads, Ministry of Roads and Transport**
Annex 22	**Submissions by the Managing Director, Kenya Railways regarding the implementation status**
Annex 23	**Submission by the State Department of Devolution**
Annex 24	**Submission by the State Department of Interior and National Administration**
Annex 25	**Submission by the Principal Secretary - State Department for Agriculture**
Annex 26	**Submission by the Principal Secretary - State Department for Public Health and Professional Standards, Ministry of Health**
Annex 27	**Submission by the Managing Director, Kenya Railways**

CHAIRPERSON'S FOREWORD

This Report contains status of implementation statuses of various recommendations of House Reports, Petitions and Resolutions considered by the Committee on Implementation. It also entails a compilation of the responses received from various implementing bodies.

In total, the Committee considered the implementation status of recommendations contained in eleven (11) adopted House Reports and resolutions emanating from four (4) Motions adopted by the National Assembly, as well as recommendations of seven (7) reports on petitions that the Committee was able to dispense with. This adds up to a total of twenty-two (22) individual reports.

In determining the implementation status of the aforementioned House resolutions, the Committee examined whether such decisions and undertakings had been implemented within the sixty (60) days provided for by Standing Order 201 on Reports on House Resolutions, and whether such implementation had taken place within the minimum time necessary, and in instances where that had not happened, if a satisfactory explanation for the delay had been provided.

To help the Committee effectively examine the progress made by the relevant government agencies in the implementation of House resolutions, the Committee was guided by the provisions of Article 153(4) (b) of the Constitution. This provision requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control. The Committee, therefore, wrote to various Ministries, State Corporations, and Agencies requesting for updates on the implementation status of House resolutions between October 2023 and August, 2025.

Consequently, the Committee received both oral and written submissions from relevant Cabinet Secretaries, and accounting officers of State Corporations, providing the implementation status of the recommendations contained in the Reports adopted by the House.

In addition, the Committee undertook inspection visits to various parts of the country to ascertain the progress made in implementing some of the House resolutions. For instance, the Committee conducted inspection visits to counties such as Mombasa, Kilifi and Uasin Gishu to verify responses submitted to it on the report of the Auditor-General on the audited accounts of Coast Water Works Development Agency (Coast Water Services Board) FY 2012/2013 – 2014/2015.

Arising from its findings, the Committee made the following general observations on implementation of House resolutions: -

i. Some of the resolutions had been implemented while others had not been implemented;
ii. the implementation of some of the House resolutions has been hampered by ongoing litigations and lack of budgetary allocation to actualize implementation;
iii. land remains a recurrent issue and also features in the assets of state corporations that have been grabbed and subsequently flagged by reports of the Auditor-General;

iv. the Committee in the course of discharging its mandate found out that many state corporations had staff in acting capacity among them, the Inspectorate of State Corporations. This ties the hands of state officers in discharging their oversight role where they cannot enforce matters such as surcharging the management of state corporations whose funds had been misappropriated;

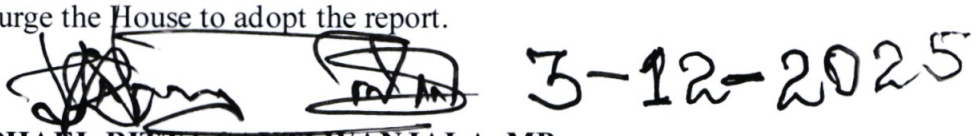
v. for the House resolutions that require a multi-agency approach, lack of collaboration between the relevant government agencies, failure to take responsibility amongst the government agencies and outright blame shifting among themselves, had impeded implementation of House resolutions within the envisaged timelines; and

vi. resolutions on payment of terminal dues to former public officers remain pending for more than twenty years and have not been addressed as at the date of compiling this report due to the complexity of the issue on repayment of such dues.

Honourable Speaker, I wish to reiterate the utmost commitment of the Select Committee on Implementation in ensuring that the National Assembly resolves issues of concern to the citizenry by holding the Executive to account through the implementation of House resolutions. This ultimately ensures that the National Assembly executes its constitutional mandate effectively and efficiently and the House does not act in vain.

In conclusion, Honourable Speaker, I wish to express my appreciation to fellow Honourable Members of the Committee, the Office of the Speaker, the Clerk of the National Assembly and the Secretariat for facilitating the production of this Report.

Honourable Speaker, pursuant to Standing Order 199(6), it is my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this Report on the Table of the House and urge the House to adopt the report.



HON. RAPHAEL BITTA SAUTI WANJALA, MP.

CHAIRPERSON, COMMITTEE ON IMPLEMENTATION

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Implementation is established under Standing Order 209 of the National Assembly Standing Orders.
2. The Committee is charged with scrutinizing the resolutions of the House (including adopted Committee Reports), Petitions and undertakings given by the National Executive and examining whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation had taken place within the minimum time necessary; and whether or not legislations passed by the House have been operationalized and where operationalized, the extent to which such operationalization had taken place within the minimum time necessary. The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant Select Committee on implementation status without justifiable reasons.
3. Standing Order 201 further provides that within sixty days of a resolution of the House or adoption of a Report of a Select Committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House.
4. The mandate of the Committee is further enhanced by the provisions of Article 153(4) (b) of the Constitution which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

1.2 Committee Membership

5. The Committee on Implementation comprises of the following Members–

CHAIRPERSON

Hon. Raphael Bitta Sauti Wanjala, CBS, MP

Budalangi Constituency

Orange Democratic Movement

VICE-CHAIRPERSON

Hon. Rose Museo, CBS, MP

Makueni County

Wiper Democratic Movement-Kenya

MEMBERSHIP

Hon. Mohamed Ali, MP
Nyali Constituency
United Democratic Alliance

Hon. Mark Samwel Muriithi Mwenje, MP
Embakasi West Constituency
Jubilee Party

Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
Kibwezi East Constituency
Wiper Democratic Movement – Kenya

Hon. Johnson Manya Naicca, CBS, MP
Mumias West Constituency
Orange Democratic Movement

Hon. Elijah Memusi Kachory, MP
Kajiado Central Constituency
Orange Democratic Movement

Hon. Hillary Arap Kosgei, MP
Kipkelion West Constituency
United Democratic Alliance

Hon. Nicholas N. Nixon Ngikilong', MP
Turkana East Constituency
Jubilee Party

Hon. Charles Gumini Gimose, MP
Hamisi Constituency
Amani National Congress

Hon. Lillian Chebet, Siyoi, MP
Trans Nzoia County
United Democratic Alliance

Hon. Abdul Ebrahim Haro, MP
Mandera South Constituency
United Democratic Movement

Hon. Cynthia Jepkosgei Muge, MP

Hon. Julius Taitumu M'Anaiba, MP

Nandi County

United Democratic Alliance

Igembe North Constituency

United Democratic Alliance

Hon. Hamisi Kakuta Maimai, M.P

Kajiado East Constituency

Orange Democratic Movement

Hon. Chepkwony, Charity Kathambi, MP

Njoro Constituency

United Democratic Alliance

Hon. Zamzam Mohamed Chimba, M.P

Mombasa County

Orange Democratic Movement

Hon. Rael Chepkemoi Kasiwai, M.P

West Pokot County

Kenya Union Party

Hon. Chege Njuguna, MP

Kandara Constituency

United Democratic Alliance

Hon. Kitilai Ole Ntutu, MP

Narok South Constituency

Independent

Hon. Komingoi Kibet Kirui, MP

Bureti

United Democratic Alliance

1.3 Committee Secretariat

6. The secretariat facilitating the Committee comprises of the following officers: -

Ms. Lucy G. Kimathi
Deputy Director, AA&GPC
Team Leader

Mr. Abdiaziz Shobay
Clerk Assistant I

Mr. James Macharia
Senior Media Relations Officer

Mr. Mark Namaswa
Clerk Assistant II

Mr. Collins Namulen
Fiscal Analyst II

Ms. Noel Amutabi
Legal Counsel II

Ms. Catherine Mukunyi
Sergeant- at- Arms

Mr. Alex Amwata
Hansard Reporter II

Ms. Mercy Ondego
Research Officer III

Mr. Eugene Luteshi
Audio Officer

Ms. Shamsa Ahmed
Research Officer III

2.0 INTRODUCTION

2.1 Reports Considered by the Committee

7. The Committee on Implementation commenced to apprise itself on the implementation status of House resolutions in accordance with Standing Order 209 (2) which requires the Committee to scrutinize resolutions of the House (including adopted Committee Reports), Petitions and the undertakings given by the National Executive.
8. The Report contains the status of the implementation of various reports as submitted by Ministries, Departments and Agencies as from October, 2023 to date.
9. These include the:
    1. Report on the Anti-Counterfeit Authority regarding the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on The First Report on Employment Diversity Audit in Public Institutions;
    2. Report on the National Environment Management Authority (NEMA) Regarding the Implementation status of The Report of the Committee on National Cohesion and Equal Opportunity on The Second Report on Employment Diversity Audit in Public Institutions;
    3. Report on Rivatex East Africa Limited regarding the Implementation status of The Second Report of The Committee on National Cohesion and Equal Opportunity on The Second Report on Employment Diversity Audit in Public Institutions;
    4. Report on the National Transport Safety Authority (NTSA) Regarding the Implementation Status of The Report of The Committee on National Cohesion and Equal Opportunity on The Second Report on Employment Diversity Audit in Public Institutions;
    5. The Third Report of The Committee on National Cohesion and Equal Opportunity on Employment Diversity Audit in Public Institutions - Moi Teaching and Referral Hospital (MTRH);
    6. Communications Authority of Kenya Regarding the Implementation Status of The Report of The Committee on National Cohesion and Equal Opportunity on The First Report on Employment Diversity Audit in Public Institutions;
    7. Report on The Motion on The Assessment of Public Health Risks Posed by Continued Use of Lang'ata Cemetery;
    8. Report on Public Petition No. 44 Of 2023, On Enhancement of House Allowances for Teachers Working and Residing Within Kilifi Municipality;
    9. Report on the Motion Sponsored by The Member for Nyali Constituency, The Hon. Mohamed Ali, HSC, MP, Resolving That the Government Immediately Bans Discussion, Publication and Distribution of Information Promoting Same-Sex Relationships in The Country'
    10. Implementation Status of a Motion Sponsored by The Member for Kilome Constituency, The Hon. Thaddeus Nzambia, MP, Resolving That the Ministry of

Labour and Social Protection Undertakes Continuous and Timely Registration of Elderly Persons Under the Older Persons Cash Transfer Programme;

11. Implementation status of she Resolution of the House on a Motion sponsored by the Member for Kirinyaga County, the Hon. Jane Maina, MP, resolving that the State Department for Basic Education introduces comprehensive health, wellness and sex education in the curriculum as a core subject in schools;
12. Report of The Departmental Committee on Health on The Public Petition (No. 70 Of 2019) Regarding Withdrawal of Harmful Pesticides in The Kenya Market;
13. Status of The Implementation of the findings contained in The Report of The Departmental Committee on Health on Moi Teaching and Referral Hospital (MTRH) - Eldoret;
14. Report on Consideration of The Public Petition Number (03) Of 2023 Regarding the Management of Standard Gauge Railway (SGR) Services;
15. The Report by The Departmental Committee on Transport, Public Works & Housing on the Inquiry into the use of The Standard Gauge Railway;
16. The 24th Report of PIC on Audited Financial Statements FY 2014/2015 To 2019/2020 - Status of Completion of The Rehabilitation and Repair of Eldoret-Ziwa Kachibora-Kachibora-Eldoret-Kabenes Road by Kenya Rural Roads Authority;
17. Report on the Implementation Status of Chemususu Dam Water Supply and Distribution Scheme Following Recommendations of The Report by Departmental Committee on Environment and National Resources on the Status of Dams;
18. Report on the Higher Education Loans Board Regarding the Implementation Status of the 21st Report of The Public Investments Committee on Audited Financial Statements for State Corporations – Higher Education Loans Board (HELB) ;
19. Report on the Status of Implementation of The Recommendations the Departmental Committee on Lands Report on Its Consideration on The Resettlement of Ntimiriti Subuiga Squatters on Land Parcels Number 2806-3 Subuiga Bosnia and 2822-3 Ntimiriti Settlement Scheme;
20. Report of The Public Petitions Committee on Public Petition No. 6 Of 2022 By the Hon. (Dr.) James Nyikal, Regarding Compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons;
21. Report of The Departmental Committee on Lands on Its Consideration of a Public Petition for The Resettlement of Enoosupukia Evictees;

3.0 REPORT ON THE ANTI-COUNTERFEIT AUTHORITY REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

3.1 Background

10. Anti-Counterfeit Authority (ACA) was established under the Anti-Counterfeit Act 2008 as a State Corporation with the mandates to enlighten and inform the public on matters relating to counterfeiting, combat counterfeiting, trade and other dealings in counterfeit goods, devise and promote training programs to combat counterfeiting and coordinate with national, regional or international organizations involved in combat counterfeiting. ACA is a state corporation under the Ministry of Investment, Trade and Industry.
11. In its Report, the National Cohesion and Equal Opportunity Committee noted the following regarding employment diversity audit in public institutions in the Anti-Counterfeit Authority.
12. **The National Cohesion and Equal Opportunity Committee made the following recommendations:**
    i) ACA should expand the scope of the job advertisements which will enable it to reach more ethnic groups;
    ii) The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order 10 reach more Persons with Disabilities (PWDs);
    iii) ACA should employ affirmative action measures in employment 10 enhance diversity representation of all the forty-six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution; and
    iv) ACA should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs).

3.2 Submission by the Executive Director, Anticounterfeit Authority, ACA

13. Dr. Robi Njoroge, Executive Director, ACA appeared before the Committee on Friday, 25th April, 2025 to apprise it on the implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the first report on employment diversity audit in public institutions. The Executive Director was accompanied by the following officers:

(i) Ms. Rephar Kitavi	-	Director, Corporate Services
(ii) Mr. Mukofu Naylor	-	Deputy Director, Legal
(iii) Mr. Lindsay Kipkemoi	-	Deputy Director, Enforcement
(iv) Mr. Mogeni Ongera	-	Deputy Director, Finance
(v) Ms. Agnes Kupa	-	Principal Human Resources Officer.

14. The Committee was informed as follows regarding the recommendations

1) **Only Sixteen (16) out of the forty-six (46) ethnic groups have been employed in ACA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At senior management level, only nine (9) ethnic groups are represented namely; Kikuyu, Kalenjin, Kamba, Mijikenda, Somali, Kisi, Turkana, Luo and Luhya.**

Management Response

15. The Authority has carried out two (2) recruitments in 2023 and 2024 which led to an increase in the number of ethnic groups from sixteen (16) to nineteen (19) with the additional ethnic groups being Tharaka, Teso and Maasai. At Senior management level, the representation of ethnic groups remains at nine (9) ethnic groups.

Committee Observation

16. The Resolution has been implemented. The Committee notes that this is a continuous process that requires gradual improvement.

2) **Majority of the employees at the Authority are from four (4) communities namely; Kikuyu at 18.1%, Luo at 13.3%, Kalenjin at 11.4% and Kamba at 11.4%.**

Management Response

17. The representation at the Authority has increased from four (4) communities to eight (8) namely: Kikuyu at 15.3%, Luo at 14%, Kalenjin at 14%, Kamba at 11%, Luhya at 8%, Kisi at 8%, Somali at 7.6% and Mijikenda at 5%.

Committee Observation

18. The Resolution has been implemented. The Committee notes that this is a continuous process that needs to be improved with time.

3) **The Authority has a youth representation of 60% showing it has accorded employment opportunities to the youth in line with Article 55 (C) of the Constitution.**

Management Response

19. The Committee was informed that the Authority remains compliant with Article 55 (C) of the Constitution with a current youth representation of 55%.

Committee Observation

20. The resolution has been implemented.

4) **The Authority has seventy (73) male staff and thirty-two (32) female staff translating to 69.52% and 30.48% respectively, achieving the required two-thirds gender rule;**

Management Response

21. The Authority had complied with the required two-thirds gender rule with eighty-three (83) male staff and thirty-five (35) female staff translating to 70% and 30% respectively.

Committee Observation

22. The resolution has been implemented.

5) **ACA has not complied with Article 54(2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 0.9%**

Management Response

23. The Committee learnt that the Authority still remained non-compliant with Article 54(2) on the 5% threshold of Persons with Disabilities (PWDs) employment. In the last two recruitments carried out in 2023 and 2024, the Authority shared the last two recruitment adverts with the National Council for Persons with Disabilities. However, did not get suitable candidates for the positions advertised.

Committee Observation

The Resolution has not been implemented. The Committee notes that this is a continuous process that needs to be improved with time.

6) **The Authority has only three (3) female staff members out of eleven (11) in the composition at Senior Management Level;**

Management Response

The Committee learnt that the Authority had five (5) female staff members out of fourteen (14) at Senior Management Level thus meeting the third (1/3) gender rule.

Committee Observation

24. Implementation ongoing. The Committee notes that this is a continuous process that needs to be improved with time.

7) **Before the passage of the 2010 Constitution, the Authority had only ten (10) ethnic groups with the Kalenjin community dominating at 35.2%. ACA has since increased the number of ethnic groups to sixteen (16) reducing the representation of Kalenjin to 11.4%**

Management Response

25. The Committee was informed that the Authority had since increased the ethnic groups to nineteen (19), however the representation of Kalenjin increased to 14%.

Committee Observation

26. Implementation is partially done. The Committee notes that this is a continuous process that requires further improvement over time.

8) **In the ratio between National population and employment proportion, the Kisii community is overrepresented with a positive variance of 2.92%.**

Management Response

27. The Committee learnt that the ratio between National population and employment proportion, the Luo community is currently overrepresented with a positive variance of 6%. However, the Authority told the Committee that it would strive to increase the representation of other communities in future recruitments.

Committee Observation

28. Implementation is partially done. The Committee notes that this is a continuous process that requires further improvement over time.

9) **ACA should expand the scope of the job advertisements which will enable it to reach more ethnic groups.**

Management Response

29. The Committee was informed that the Authority had placed the job advertisements in a widely circulated newspaper through *MyGov* newspaper and its social media platforms for a period of twenty-one (21) days thus encouraging more applicants. As a result, the Authority received a total of three thousand four hundred and thirty-eight (3,438) applications in 2023 and two thousand eight hundred and seventy-three (2,873) applications in 2024.

Committee Observation

30. The resolution has been implemented.

10) **The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);**

Management Response

31. The Committee was informed that the Authority was in continuous engagement with the National Council for Persons with Disabilities (NCPWD) in terms of placements of interns through Public Service Commission and on job advertisements.

Committee Observation

32. Implementation ongoing. The Committee notes that this is a continuous process that needs to be improved with time.

11) **ACA should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic group in the Authority in line with Article 232 of the Constitution;**

Management Response

33. The Authority informed the Committee that affirmative action was used during the shortlisting and interviewing processes leading to an increase in the number of ethnic groups from sixteen (16) to nineteen (19) with the additional ethnic groups being Tharaka, Teso and Maasai.

Committee Observation

34. Implementation partially done. The Committee notes that this is a continuous process that needs to be improved with time.

12) **ACA should provide adequate and equal opportunities for appointment, training and advancement at all levels of ethnicity, age, gender and Persons with Disabilities (PWDs).**

Management Response

35. The Committee was told that the Authority had provided equal opportunities for appointment, training and promotions at all levels of ethnicity, age, gender and Persons with Disabilities (PWDs) as shown in the tables below:

S No	Name	Designation	Age	Ethnicity	Gender
1.	Henry Omusundi Maina	Deputy Director Research and Policy	51	Luhya	Male
2.	Chepng'etich Nelly	Deputy Director Planning and Quality Assurance	43	Kalenjin	Female
3.	James Mwangi	Deputy Director Finance and Accounts	51	Kisii	Male
4.	Mogeni Ongera	Deputy Director Finance and Accounts	51	Kisii	Male
5.	Ndung'u Bryan Ngunjiri	Driver	33	Kikuyu	Male
6.	Abikar Abdi Mohamed	Principal Inspector	38	Somali	Male
7.	Onyango Beatrice Apiyo	Principal Supply Chain Management Officer	35	Luo	Female
8.	Ndunda Damaris Ndinda	ACA inspector	42	Kamba	Female
9.	Erupe Godfrey Napas	Supply Chain Management Officer	30	Turkana	Male
10.	Odhiambo George Otieno	ACA inspector	30	Luo	Male
11.	Mwaro Dennis Amenya	Driver	36	Kisii	Male
12.	Hussein Agole	ACA inspector	31	Gabra	Male
13.	Mwangangi Sheila Nzila	Finance and account	38	Kamba	Female
14.	Juma Tony Wekesa	ACA inspector	31	Luhya	Male
15.	Omanyala Sherry Andanje	Human Recourse Management officer	33	Luhya	Female
16.	Salaon Virginia Naitareu	Senior supply Chain Management Officer	33	Masai	Female
17.	Ngeera Julius Muchui	Senior Driver	33	Meru	Male

18.	Wabuko Jacklyne Adhiambo	Public Communications officer	37	Luhya	Female
19.	Ombane Bonface Nyang'au	ACA inspector	29	Kisii	Male
20.	Nyokabi Vyonna Njenga	ACA inspector	26	Kikuyu	Female
21.	Mohamud Hamza Abdirahman	Driver	25	Somali	Male
22.	Grace Mwaka Mgaza	ACA inspector	26	Mijikenda	Female
23.	Manasseh Pyeko Cherpka	ACA inspector	30	Kalenjin	Male
24.	Patrobas Ogweno Owino	Driver	40	Luo	Male
25.	Serem Edwin	Driver	39	Kalenjin	Male
26.	Tobias Obiki Ketere	Driver	34	Luo	Male
27.	George Nyabao Nyakundi	Driver	42	Kisii	Male
28.	Matilda Ayieko	Legal Officer	33	Luhya	Female
29.	Mbae Kelvin	Legal officer	33	Kikuyu	Male
30.	Jully Diana Adhiambo	Principal Legal Officer	36	Luo	Female

Staff on promotion for the FY 2023/24

		Staff on promotion for the FY 2023/24						
S no	**Name**	**PF. No**	**Grade**	**Higher Grade**	**Date of the promotion**	**Ethnicity**	**Pwd**	**Gender**
1	Norman Lotunale Pkiror	201006048	ACA9	ACA8	1st April 2023	Kalenjin	None	
2	Fridah Kendi	201006047	ACA9	ACA8	1st April 2023	Meru	None	Female
3	Eric Kosgei Tanui	201006052	ACA9	ACA8	1st April 2023	Kalenjin	None	
4	Cecily Ndusa	201510110	ACAIO	ACA9	1st April 2023	Kamba	None	Female

S	Rose Kiema Mbula	201509098	ACA9	ACA8	1st April 2023	Kamba	None	Female
6	Rosema Khan	201509099	ACA9	ACA8	1st April 2023	Kikuyu	None	Female
7	Emmanuel Too	215111113		ACA8	1st April 2023	Kalenjin	None	Male
8	Philoson Buya	201902147	ACA9	ACA8	1st April 2023	Pokomo	None	Male
9	Susan Nyawira Gitere	201902142	ACA6	ACAS	1st April 2023	Kikuyu	None	Female
10	Esther Nanjala Mayoka	201902181	ACA6	ACAS	1st May 2023	Luhya	None	Female
11	Faith W. Njoroge	201006035	ACA6	ACAS	1st May 2023	Kikuyu	None	Female
12	Samuel Kanuakahe	201006037	ACA6	ACAS	1st May 2023	Kikuyu	None	
13	Annie Obiero	201006020	ACAS		1st May 2023	Luo	None	Female
14	Katherine Namachi Khaoya	201006039	ACA6	ACA 5	1st June 2023	Luhya	None	Female
15	Florence Chepkorir	201006050	ACA9	ACA8	1st June 2023	Kalenjin	None	Female
16	Rachael Neema Mutisia	201902155	ACA6	ACA5	1st May 2023	Kamba	None	Female
17	Abdi Dube	201902174	ACA6	ACA5	1st May 2023	Somali	None	Male
18	Collins Okoth	201902152	ACA6	ACA5	1st May 2023	Luo	None	Male
19	Abdikadir Yussuf Maalim	201602120	ACA6	ACA5	1st Ma 2023	Somali	None	Male

36. Further, the Committee was informed that the Anti-Counterfeit Authority had acknowledged the observations and recommendations of the Committee on National Cohesion and Equal opportunity. While the Authority had made notable progress such as maintaining youth representation at 55% and achieving the two-thirds gender rule, it recognized the need for further action to enhance diversity and inclusivity within its workforce. By the time of preparing this report, only nineteen (19) out of the forty-six (46) ethnic groups were represented, and there was underrepresentation of Persons with Disabilities at 0.9%, below the constitutional threshold of 5%.
37. The Authority informed the Committee that it was committed to expanding the scope of job advertisements, collaborating with the National Council for Persons with Disabilities, and implementing affirmative action measures to ensure equitable representation across all ethnicities, genders, ages, and abilities.

Committee Observation

38. Implementation is partially done. The Committee notes that this is a continuous process that requires further improvement over time.

3.2 Committee on Implementation observations

39. The Committee observed that: -

1. The Anti-Counterfeits Authority (ACA) still placed Persons with Disabilities (PWD's) on the same pedestal with the rest of the population thus disadvantaging them.
2. In some cases, the positive variance of representation in employment of some community members increased, thus negating efforts at attaining regional balance and equity in public employment.
3. ACA as constituted then was understaffed at 46% of its targeted workforce, with staffing needs of at least 250 staff.
4. That there is a moratorium by Treasury barring state entities from hiring new staff. This has negatively impacted on recruitment at the entity.

3.3 Committee on Implementation Recommendations

40. Within six (6) months upon tabling and adoption of this report, the Anti-counterfeit Authority should have fully complied with the recommendations contained in the report concerning statutes governing cohesion in Kenya.

4.0 NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

4.1 Background

41. The Committee on National Cohesion and Equal Opportunity in the Second Report on Employment Diversity Audit in Public Institutions made the following recommendations regarding the National Environment Management Authority (NEMA):
    i) The Authority should expand the scope of the job advertisement which will enable it to reach more ethnic groups.
    ii) NEMA should employ affirmative action measures to enhance diversity representation of all the forty-Six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution.
    iii) NEMA should provide adequate and equal opportunities to appointment, training and advancement at all levels in terms of ethnicity, age, gender and persons living with disabilities (PWDs).
    iv) NEMA should implement initiatives that promote age diversity such as mentoring programs and recruitment strategies aimed at different age groups.
    v) The Authority should ensure promotions are based on merit and favouritism or other non-merit factors performance rather than which Can lead to disparities in ethnic and representation.
42. The Committee wrote to NEMA Director-General, Dr. Mamo B. Mamo on 30th July, 2025 inviting him to apprise the Committee on the status of implementation of recommendations in the Second Report on Employment Diversity Audit in Public Institutions regarding NEMA.

4.2 Submission by the Director General National Environment Management Authority (NEMA)

43. Mr. Ongare appeared before the Committee on 8th August, 2025 to apprise it on the implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the Second Report on Employment diversity Audit in Public Institutions – National Environment Management Authority (NEMA). He was accompanied by Mr. Kennedy Ochuka - Director, Corporate Services and Ms. Esther W. Chege - Human Resources Director.
44. The Committee was informed that:
    i) National Environment Management Authority (NEMA) is established by section 7 of the Environmental Management and Coordination Act (EMCA), Cap 347 and has been in operation since 1st July, 2002.
    ii) Prior to enactment of EMCA, Cap 347 environmental legislation was largely sectoral and environmental conservation and management issues were hardly mainstreamed in the sectoral policies, programmes and plans. There was lack of coordinated approach

to environmental management. Remedial measures were inadequate and there were no provisions to prevent or mitigate adverse environmental impacts. Consequently, the state of environment of Kenya continued to deteriorate and social-economic inequalities increased.

iii) EMCA, Cap 347 was enacted to provide for the establishment of an appropriate legal and institutional framework for the management of the environment. EMCA did not repeal existing sectoral legislation and instead sought to coordinate the activities of the various Government Agencies tasked with regulating different sectors of the environment.

Status of Implementation

1) **The Authority should expand the scope of the job advertisement which will enable it to reach more ethnic groups**

Management Response

i) The Authority implements the Government Policy on advertisement of vacant positions. The advertisements are done through MyGov newspaper, published in daily newspapers that are circulated countrywide.

ii) The advertisement for positions advertised in the Finacial Year 2023/24 was placed in *MyGov* Newspaper on Tuesday7th May 2024.

iii) The Advertisement was also shared with the Authority's Regional Directors of Environment (RDEs) and County Directors of Environment (CDEs) in charge of the Authority's eight (8) regions and forty-seven (47) County offices, to circulate in their offices and Networks for eligible candidates to apply.

iv) The advertisement was also posted in the Authority's website and remained open for twenty-one (21) days to afford eligible candidates from any region in Kenya adequate time to apply and encouraged marginalized communities, minorities, women and persons living with disabilities to apply.

Committee Observation

45. The Resolution has been implemented. The Committee notes that this is a continuous process that needs to be improved with time.

2) **NEMA should employ affirmative action measures employment to enhance diversity representation of all the forty-Six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution**

Management Response

46. The Committee was informed that:

i) The Authority had a non-discrimination policy that promotes equality of opportunity in employment. The policy states that the Authority will not discriminate any person or employee on the basis of gender, ethnic, disability, race, age or religion.

ii) During recruitment, candidates are considered not only on the basis of merit, but also on the basis of gender, regional balance and PWD.

iii) Currently, the Authority has twenty-five (25) ethnic groups represented out of a workforce of four hundred and twenty-four (424). The Authority aims at progressively having a representative from all the 46 Kenyan communities despite the fact that some communities do not apply when vacancies are advertised.

iv) In 2023/2024 financial year recruitment, two communities that were not represented i.e. Wayyu and Sakuye came on board and two officers from Samburu and Tharaka Communities were recruited.

Committee Observation

47. The resolution has been partially implemented. The Committee noted that this is a continuous process that needs to be improved with time.

3) NEMA should provide adequate and equal opportunities to appointment, training and advancement at all levels in terms of ethnicity, age, gender and persons living with disabilities (PWDs).

Management Response

48. The Committee was informed that:

i) The Authority has a training policy that recognizes the need for training and development for all its employees and offers training opportunities to its employees in order to equip them with the necessary skills.

ii) In 2023/24 and 2024/25 Financial years, the training budget was scaled down in line with the Government's directive on austerity measures. Training focused on critical areas that build the staff capacity.

iii) Staff members registered with professional bodies were facilitated to attend training to meet the requirements of the Professional Bodies for award of Continuous Personal Development (CPD) points.

iv) County Directors of Environment (CDEs) and senior staff were trained on Senior Management Course at Kenya School of Government (KSG).

v) Development partners sponsored targeted training for technical staff on waste management, extended producer responsibility among others. The officers apply through the websites of sponsoring institutions.

vi) Currently Senior Management has ten (10) ethnic groups represented. Eleven (11) are male and eight (8) are female.

Committee Observation

49. The resolution has been partially implemented. The Committee noted that this is a continuous process that needs to be improved with time.

4) **NEMA should implement initiatives that promote age diversity such as mentoring programs and recruitment strategies aimed at different age groups.**

Management Response

50. The Committee was informed that:

i) NEMA in partnership with the Public Service Commission (PSC) hosts interns who have studied relevant degrees like Environmental Science, Natural Resource Management, Community development, Human Resource Management and many others for one (1) year in order to help the youth who have graduated from universities and other colleges acquire skills in a work place set up. The objective of the program is to create a smooth transition from education and training to employment for youth as this helps overcome work-inexperience gap that could negatively impact on productivity. In the financial year 2024-25 NEMA hosted forty-six (46) PSC interns. The interns are paired with an experienced officer who mentors and coaches for the duration of one year. The Authority also through donor funded projects engages interns who work in those projects for a period of one year. In 2023/2024 and 2024/2025 Financial Years, NEMA had seven (7) interns who were sponsored by Environmental Health and Pollution Management project Kenya (EHPMK) and Athi River Catchment Areas (ARCA) projects.

ii) The Authority recruits fresh graduates for entry level positions and people with experience for senior positions to ensure different age groups are represented in the Authority.

iii) The Authority also offers attachment opportunities to continuing students to enable them graduate after their industrial attachment.

iv) In the Financial Year 2024/25, the Authority offered 391 attachment opportunities to students.

Committee Observation

51. The resolution has been implemented.

5) **The Authority should ensure promotions are based on merit and favouritism or other non-merit factors performance rather than which Can lead to disparities in ethnic and representation.**

Management Response

52. The Authority has a policy on promotions which states that:

i) An employee serving in the common cadre grades will be eligible for promotion to the next grade after serving for a period of three (3) years in one grade and having shown merit and ability as reflected in work performance and results.

ii) All vacancies other than common cadre posts shall be advertised and staff promotions shall be in accordance with the provisions of the Approved NEMA Career Progression Guidelines for staff.

iii) In selecting candidates for competitive promotion, regard will be given to fair competition, performance, experience, and academic qualification.

iv) To address staff stagnation, the Board of Management in 2023 approved promotion of senior most officers in each cadre to fill vacant positions in the staff establishment.
v) The Authority also advertised vacant positions internally and successful candidates appointed on merit.
vi) Eighty-one (81) staff members in both common cadre and higher grades were promoted.

Committee Observation

53. This resolution has been partially implemented. The Committee notes that this is a continuous process that needs to be improved with time.

4.3 Committee on Implementation Observations

54. The Committee observed that: -

1. Staff who identify as Kikuyu in ethnicity dominate the senior management positions at 20.99%. They are followed by: Luhya (13.68%), Luo (12.98%), Kalenji and Kamba (both at 12%) and Kisii at 8%.
2. There are only two members of staff below the age of 25, in its staff comprising a total of 424 employees.
3. NEMA currently has 25 ethnic communities out of the total 46 listed Kenyan communities.
4. In the 2023/2024 financial year, two members of staff drawn from the previously non-represented communities of the Wayyu and Sakuye, and an additional two from the Samburu and Tharaka communities were hired.
5. There is a representation of 37% female staff and 62.97% male staff making the 424 overall staff number.
6. PWDs employed by NEMA number are 13, comprising of 7 male and 6 females.
7. There was no single male PWD who was promoted within the NEMA staffing unit in the last one year.
8. In terms of staff training opportunities, the four (4) people living with disability (PWDs) are female, making an overrepresentation of 100% female PWDs.

4.4 Committee on Implementation Recommendations

55. The Committee recommended that: -

1. NEMA should improve on the staffing ethnic composition to accommodate the remainder of 21 ethnicities in Kenya who are not included.
2. NEMA should ensure more PWDs benefit from not only the employment opportunities, but also staffing promotions and trainings within the organization.
3. NEMA to include more numbers of young staff in the age cohort of 30 years and below for purposes of ensuring continuity and as part of their succession plan.

5.0 REPORT ON RIVATEX EAST AFRICA LIMITED REGARDING THE IMPLEMENTATION STATUS OF THE SECOND REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

5.1 Background

56. Rift Valley Textiles Limited (RIVATEX) was established in 1976 as a joint venture between the Kenyan government represented by the Industrial & Commercial Development Corporation (ICDC) and a consortium of foreign investors. It was jointly commissioned by the then Vice President H.E. Daniel T. Arap Moi and the then West German Chancellor H.E Helmut Kohl. The company was an integrated textile mill with spinning, weaving and wet processing operations. It had installed capacity of 12,168 spindles producing over one million kilograms of yarn and 276 single width shuttle looms producing over ten million meters of fabric per year. These production levels were easily realized in the first ten years of operation.
57. The company operated effectively and profitably until 1990. In the early 1990s the Kenyan government embarked on Structural Adjustment Programmes (SAPs) instituted by the International Monetary Fund (IMF) and the World Bank. The assets of the former RIVATEX, were auctioned off with Moi University being the buyer. Moi University incorporated a new company Rivatex East Africa Limited (REAL) in the year 2007 for training, research, extension and commercial purposes mainly for its School of Textile Engineering as well as other related faculties.
58. Rivatex management appeared before the Committee on National Cohesion and Equal Opportunity which made the following recommendations:
    i) The company should come up with a tenable succession plan to replace staff that exit due to natural attrition. The plan should detail increasing the youth representation at the fund;
    ii) Rivatex should expand the scope at job advertisement which will enable it to reach more ethnic groups;
    iii) Rivatex should employ affirmative action measures in employment to enhance diversity representation of all the 46 ethnic groups in the authority in line with Article 232 of the constitution.
    iv) Rivatex should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and PWDs.
59. The Committee on Implementation wrote to Rivatex on 30th July, 2025 inviting them to apprise it on the status of implementation of the aforementioned recommendations.

5.2 Submission by the Managing Director, Rivatex East Africa Limited

60. CPA Stanley Bett, the Acting Managing Director, Rivatex East Africa Limited appeared before the Committee on Saturday, 9th August, 2025 to apprise it on the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on the second report on employment diversity audit in public institutions. The Acting Managing Director was accompanied by the following officers:
    (i) Mr. Allan Biwott - Ag. Manager, Corporate Affairs
    (ii) Mr. Joseph Keter - Head, Human Resources

Status of Implementation

1) **The company should come up with a tenable succession plan to replace staff that exit due to natural attrition. The plan should detail increasing the youth representation at Rivatex East Africa.**

Management Response:

61. The Committee was informed that:

i) Rivatex recognized that succession planning was vital as it ensures continuity in leadership by avoiding extended and costly vacancies in key positions within various positions in Rivatex East Africa Limited.

ii) The Company recognized that employee separation is inevitable as such the Company needs to be prepared for any eventual permanent change– either planned or unplanned – to ensure the stability and continuity in operations until such a time as a suitable permanent replacement is identified and ensures fairness in the process. The Company has developed a succession management policy aimed at addressing the succession plan.

iii) The Company had currently implemented the succession plan of 30 employees as per the table;

Table 1. Representation of the employees by cadre on Succession plan

Cadre	GENDER	TOTAL NUMBER
All employees	Male	18
	Female	12
	Total	**30**
Senior Management level	Male	2
	Female	2
	Total	**4**
Middle Level	Male	11
	Female	6
	Total	**17**
Low Level	Male	3
	Female	3
	TOTAL	**6**
PWD'S	Male	1
	Female	2

	TOTAL	**3**

Table 2. Representation of the employees by Age on Succession plan

	SENIOR LEVEL	**MIDDLE LEVEL**	**LOWER LEVEL**	**PWDs**
Years	**Number**	**Number**	**Number**	**Number**
30-39	0	10	2	2
40 – 49	2	4	4	1
50 – 59	2	3	0	0
Total	**4**	**17**	**6**	**3**

Committee Observation

62. The resolution has been partially implemented. The Committee notes that this is a continuous process that requires further improvement over time.

2) On recommendation that Rivatex should expand the scope at job advertisement which will enable it to reach more ethnic groups

Management Response:

63. The Committee was informed that in order to attract and retain competent staff, during recruitment exrcises, Rivatex East Africa Limited had advertised in various platforms so as to be able to reach out to many candidates across the country. These platforms included:
    a) Internal notices posted in all REAL offices;
    b) Notices in Newspapers;
    c) REAL's Website;
    d) Official email;
    e) Professional groups and forums;
    f) County notices;
    g) Any other means deemed appropriate.

Committee Observation

64. The resolution has been partially implemented. The Committee notes that this is a continuous process that requires further improvement over time.

3) **On the recommendation that Rivatex should employ affirmative action measures in employment to enhance diversity representation of all the 46 ethnic groups in the authority in line with Article 232 of the Constitution.**

Management Response:

65. The Committee was informed that:

i) Rivatex East Africa Limited (REAL) is mandated to, among others, promote and evaluate the extent to which the values in Articles 10 and 232 of the Constitution are complied with, within the Company. Article 10 calls for respect of human rights, inclusion, social justice and protection of the vulnerable groups. Article 232 demands that the public service must be representative of the diverse Kenyan communities and that adequate and equal opportunity in appointment, training and advancement, at all levels of the public service to men and women, members of all ethnic communities and persons with disabilities.

ii) In order to give effect to the constitutional requirements, Rivatex East Africa Limited found it necessary to develop a policy to manage diversity. The diversity & affirmative action policy establishes strategies for attracting the diverse groups into the Company as well as measures aimed at creating an environment that is conducive and respects diversity. Implementation of this policy requires that all human resource policies, procedures and practices be aligned to the principles of diversity as envisaged in the Constitution.

Committee Observation

The resolution has been partially implemented. However, the Committee noted that the implementation process had been very slow.

4) **On the recommendation that Rivatex should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and PWDs.**

Management Response:

66. The Committee was informed that:

i) The Company recognized the need for training and development of all its employees and offers training opportunities to all employees in order to improve their work performance, continuous upgrading of employees' core competencies, knowledge, skills and attitudes including their ability to assimilate technology to enable them create and seize opportunities for social advancement, economic growth and individual fulfilment.

ii) Selection of trainees was done in accordance with the national values and principles of governance, values and principles of public service, leadership and integrity and the Bill of rights so as cater for all levels of staff in terms of ethnicity, age, gender and Persons with Disabilities as stipulated in Rivatex Human Resource Policies & Procedure Manual as stipulated in the following table:

Table 3. The number employees trained representing their ethnic composition.

		PREVIOUS	CURRENT
	ETHNIC COMMUNITY	**TOTAL NUMBER**	**TOTAL NUMBER**
1	Boran	1	2
2	Chagga	1	1
3	Indian	1	1
4	Kalenjin	72	76
5	Kamba	7	8
6	Kikuyu	12	20
7	Kisii	13	15
8	Luhya	40	43
9	Luo	32	34
10	Maasai	4	8
11	Meru	3	8
12	Pokomo	1	1
13	Rendile	1	1
14	Teso	3	3
15	Turkana	2	2
16	Taita	2	2
17	Sabaot	2	2
18	Mijikenda	1	1
19	Samburu	2	2
	TOTAL	**200**	**230**

Table 4. Current Representation of employees trained by Age

	PREVIOUS		CURRENT	
Years	**Number**	**Percentage**	**Number**	**Percentage**
Below 30	80	40.0	88	38.3
30-39	98	49.0	108	47.0
40 - 49	20	10.0	30	13.0

50 - 59	2	1.0	4	1.7
Total	**200**	**100**	**230**	**100**

Table 5. Gender Representation of employees trained for the past five years

	PREVIOUS		CURRENT	
Gender	**Number**	**Percentage**	**Number**	**Percentage**
Male	87	43.5	102	44.3
Female	113	56.5	128	55.7
TOTAL	**200**	**100**	**230**	**100%**

Table 6. Representation of People Living with Disability trained in the past five years

	PREVIOUS		CURRENT	
Gender	**Total Number**	**Percentage Representation**	**Total Number**	**Percentage Representation**
Male	1	0.2	2	50%
Female	1	0.2	2	50%
Total	**2**	**0.4**	**4**	**100%**

67. The Committee was informed that, the management of Rivatex was guided by the Board of Directors endeavours, to ensure full compliance with all applicable laws regarding enhancing diversity in employment in all cadres and also ensuring compliance with the relevant prevailing laws.

Committee Observation

68. The resolution has been partially implemented. The Committee notes that this is a continuous process.

5.3 Committee on Implementation Observations

69. The Committee observed that: -
    1. That there was a non-equity investor at Rivatex (termed as a strategic partner) who has been onboarded to inject capital at Rivatex.
    2. That according to the management, the investor was in place in an arrangement that is technically a lease.

3. That there was need to pay attention to the ongoing entry of a non-equity investor at Rivatex and the impact of this inclusion on the staff composition.
4. That initially, Rivatex used to receive KES. 80 million from the Exchequer. This amount had since been withdrawn.
5. That Rivatex was still operating below capacity in terms of profitability, staffing and production of textile.
6. That Rivatex is no longer importing textiles as a deliberate effort aimed at promoting local production of cotton.
7. That according to the Management, Rivatex is capable of employing 5,000 staff should it operate at between 80-90% of its capacity.

5.4 Committee on Implementation Recommendations

70. The Committee recommends that within six (6) months upon tabling and adoption of this report: -
    1. Rivatex becomes deliberate in future recruitments by reflecting the face of the country in light of ethnic diversity, and inclusion of youth, PWDs and other minorities.
    2. Rivatex increases its product market competitiveness as a way of not only securing its financial position, but also increasing its capacity to produce more and offer more employment opportunities to locals across Kenya.
    3. Rivatex benchmarks its technologies with other countries that have had success in the textile market such as Turkey so as to attain profitability and sustainability.
    4. That Rivatex fully harnesses its potential and takes an active role in promoting cotton farming in Kenya whose practice had dwindled in the past three decades.

6.0 REPORT ON THE NATIONAL TRANSPORT SAFETY AUTHORITY (NTSA) REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

6.1 Background

71. The Committee on National Cohesion and Equal Opportunity made the following recommendations:
    i) The Authority should expand the scope of the job advertisements which will enable it to reach more ethnic groups.
    ii) The Authority should expand the scope of the job advertisements which will enable it to reach more ethnic groups.
    iii) NTSA should employ affirmative action measures in employment to enhance diversity representation of all the forty- six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution.
    iv) The Authority should ensure promotions are based on merit and performance rather than favouritism or other non-merit factors, which can lead to disparities in ethnic and gender representation.
72. The Committee wrote to the Director General - National Transport Safety Authority on 30th July, 2025 inviting him to apprise it on the status of implementation of recommendations contained in the Report of The Committee on National Cohesion and Equal Opportunity on the Second Report on Employment Diversity Audit in Public Institutions.

6.2 Submission from the Director General - National Transport Safety Authority

73. Dr. Andrew Kiplagat - Director, Road Safety, accompanied by Mr. Jacob Sisey - Director, Corporate Services, NTSA appeared before the Committee on Friday, 8th August, 2025 and apprised the Committee as follows:

Status of Implementation

74. The Committee recommended as follows: -
    1) The Authority should expand the scope of the job advertisements which will enable it to reach more ethnic groups.

Management Response

75. The Committee was informed that: -
    i) The Authority commits to use diverse methods of advertising including use of the newspapers with a wide reach and posting the adverts on the Authority's website and social media pages for all its external adverts.
    ii) The current ethnic composition of the Authority which reflects some overrepresentation of some communities can largely be attributed to historical and structural factors. These include legacy recruitment practices inherited from previous administrations, as well as a historical disparity in access to education and professional opportunities. In many instances, appointments were made through competitive and merit-based processes

which though impartial often drew from a pool of candidates predominantly from regions with higher educational and institutional development.

iii) The Authority acknowledges the importance of ethnic diversity and national cohesion as enshrined in Article 232 of the Constitution and is committed to progressive reforms that ensure equitable representation of all Kenyan communities in future recruitment exercises.

Committee Observation

The resolution is being implemented.

2. **NTSA should employ affirmative action measures in employment to enhance diversity representation of all the forty- six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution.**

Management Response

76. Considering the Committees recommendation for the Authority to employ affirmative action measures in employment to enhance diversity representation, the Authority undertakes the following measures: -

i) Conduct a comprehensive diversity audit of the current ethnic composition of staff across all cadres to identify underrepresented ethnic groups and track progress over time.

ii) Create a clear policy that prioritizes qualified candidates from underrepresented communities during recruitment and promotion.

iii) Set minimum representation targets for communities with low or no presence in the Authority and avoid rigid quotas as part of a broader equity framework.

iv) The Authority shall also advertise vacancies in community specific media to reach potential applicants from the underrepresented communities.

v) And ensure diversity in recruitment and promotion panels to reduce bias and regularly track diversity goals and outcomes.

vi) The Committee was informed that in view of the foregoing; the Authority notes the recommendations of the committee to bridge the disparity in the representation of the 22 ethnic groups. The Authority has made a deliberate effort to promote ethnic representation; to this end, the Authority currently has a representation of 28 ethnic groups, up from the previous 24 ethnic groups represented.

vii) The Authority committed to continuing to bridge the gap in its subsequent recruitments. Further, the Authority has prioritized recruitment of personnel from minority ethnic groups in its recruitment plan for the FY 2025/2026, with a target of an additional 5 groups represented once the current budget constraints and the freeze on employment by the government issues are addressed.

viii) The Authority also face challenges in its establishment and sought approval from the Public Service Commission to guide future recruitment.

Committee Observation

77. The resolution has been partially implemented. The Committee notes that this is a continuous process.

3. **NTSA should provide adequate and equal opportunities for appointment, training, and advancement at all levels in terms of ethnicity, age, gender, and Persons with disabilities (PWDs); and**
4. **The Authority should ensure promotions are based on merit and performance rather than favouritism or other non-merit factors, which can lead to disparities in ethnic and gender representation.**

Management Response

78. The Committee was informed that the Authority has continually promoted diversity in terms of ethnicity, age, gender and PWDs through the following interventions:
    i) Providing opportunities to Persons with Disabilities, following the recommendations the Authority has engaged an additional 4 persons living with disability.
    ii) The current female gender representation in the management stands at 7 translating to 36% from the previous 5, accounting for the 2/3 gender rule in management representation. The Authority has continued to build on this by ensuring equitable gender representation across all levels of employment, including leadership and technical positions. Gender and disability policies and training programs have been strengthened to maintain and improve this balance
    iii) The organisation overall gender representation currently stands at 42% Female and 58% Male from the previous 38.8% and 61.2 % respectively. This is a considerable improvement from the previous scenarios.
    iv) The Authority adopts an inclusive approach in ensuring merit and performance-based appointments and promotions through appointment of ad hoc committees to consider and promote staff and in appointments, objective staff appraisal for all staff, training and development for all staff. The recruitment and promotion policies at the Authority incorporate affirmative action measures that ensure equitable opportunities for all ethnic communities, while upholding meritocracy and competitiveness.
    v) To align with the principles of inclusiveness, equity, and representation as stipulated under Article 232(1)(h) and (i) of the Constitution of Kenya, the Authority has developed and implemented a deliberate diversity and inclusion strategy. This strategy aims at progressively increasing the representation of the underrepresented ethnic groups, particularly in senior management level positions.

Committee Observation

79. The resolution has been implemented. The Committee notes that this is a continuous process that requires further improvement over time.

6.3 Committee on Implementation Observations

80. The Committee observed as follows:

1. That only twenty-four (24) out of the forty – six (46) ethnic groups have been employed in the Authority contrary to the provisions of article 232 (1) (h) and (i) of the Constitution of Kenya.
2. That there is a weakness in equitable regional representation at senior management level where only eight (8) ethnic groups have been represented. These are: Borana, Gabra, Kalenjin, Kenyan Somali, Kikuyu, Luhya, Luo and Meru.
3. The Authority has managed to attain gender parity in its staffing makeup with 42 % of the employees being female and 58 % male.
4. The ratio between staffing ethnic composition and the national average gives a positive variance in favour of two communities: Kikuyu (28.5%) and Kenyan Somali (14.9%) who have a positive variance of 10.5%.
5. The number of persons living with disabilities were ten (10).
6. NTSA's staffing footprint was limited to major urban centers, primarily Nairobi which limited its ability to effectively serve Kenyans drawn from all corners of the country.

6.4 Committee on Implementation Recommendations

81. The Committee made the following recommendations:
    1. The NTSA to be deliberate in future recruitments by reflecting the face of the country in light of ethnic diversity, and inclusion of youth, PWDs and other minorities.
    2. NTSA to increase its staffing footprint across the country as a way of not only increasing access of services to more members of the public, but also providing employment opportunities to locals across Kenya.

7.0 COMMUNICATIONS AUTHORITY OF KENYA REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

7.1 Background

82. The Communications Authority of Kenya was established in 1999 by the Kenya Information and Communications Act (KICA), 1998 with the mandate to regulate the telecoms, postal/courier services and manage frequency spectrum.
83. In its Report, the National Cohesion and Equal Opportunity Committee made the following recommendations on employment diversity audit in public institutions.
    i) Communications Authority should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more Persons with Disabilities (PWDs);
    ii) The Authority should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and Persons with Disabilities (PWDs);
    iii) The Authority should employ affirmative actions and measures towards recruiting all the forty-six (46) communities in Kenya in line with Article 232 of the Constitution; and
    iv) The Authority should expand their scope of the job advertisements which will enable it to reach more ethnic groups.
84. The Committee on Implementation wrote to the Director General – Communications Authority of Kenya on 15th April, 2025 regarding the implementation status of the recommendations of the Report of National Cohesion Committee on Employment Diversity Audit in Public Institutions.

Submission by the Director General – Communications Authority of Kenya

85. Mr. David Mugonyi - Director General, CA appeared before the Committee on 25th April, 2025 to apprise it on the implementation status of the recommendations of the Report of National Cohesion Committee on Employment Diversity Audit in Public Institutions. He was accompanied by:
    1. Mr. Christopher Wambua - Director, Competition Management, Consumer Protection and Corporate Communications
    2. Mr. Leo Boruett - Director, Universal Service Fund
    3. Mr. Dominic Ooko - Ag. Director, Finance & Accounts
    4. Ms. Reginah Kemboi - Director, Human Resource & Administration
    5. Mr. Peter Mwangi - Director, Supply Chain Management
    6. Ms. Lydiah Sitienei - Director, Legal Services and Corporation Secretary
    7. Mr. Paul Kiage - Deputy Director, Universal Service Fund (USF)
    8. Mr. Micah Cheruiyot - Human Resources Specialist
    9. Mr. Philip Kiplagat - Procurement Specialist
    10. Ms. Rahab Juma - Legal Services
    11. Ms. Judith Obure - Senior Accountant

Committee on National Cohesion and Equal Opportunity Recommendations

1. **Communications Authority should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more persons with Disabilities (PWDs)**

Management Response

86. The Committee on Implementation was informed that: -
    i) The Authority had implemented strategies to enhance its compliance with the requirement on diversity of employees. These strategies include advertising job vacancies in newspapers of wide circulation.
    ii) The Authority had been working closely with the National Council for persons with Disabilities (NCPWD) on the project of Radio Frequency Identification System (RFID).
    iii) The Authority had a Memorandum of Understanding (MoU) with the National Council for Persons with Disabilities regarding the recruitment of individuals to participate in the RFID project. In the Financial Year 2024/2025, the Authority have engaged 30 individual PWDs to participate in the Radio Frequency Identification System (RFID) project.

Committee Observation

87. The resolution has been implemented

2. **The Authority should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and persons with Disabilities (PWDs)**

Management Response

88. The Committee was informed that:
    i) the Authority consistently provides adequate and equal opportunities for appointments, training, and advancement at all levels, ensuring inclusivity in terms of ethnicity, age, gender, and persons with disabilities.
    ii) Authority's current year's training program has been inclusive, with all staff participation reflecting the diverse ethnic distribution across the Authority. In the 2024/2025 financial year 85% of the employees have been trained.
    iii) The training policy at the Authority has been incorporated into the new approved HR Policy and it provides training opportunities for all staff regardless of their ethnic affiliation, gender, and people with disabilities.

Committee Observation

89. The resolution has been implemented.

3. **The Authority should employ affirmative action and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution.**

Management Response

90. The Committee was informed that:
    i) The Authority is currently in the process of implementing the FY 2024/2025 newly approved Human Resource Instruments and a revised organizational structure with an expanded Staff Establishment. Affirmative action and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution will be progressively undertaken. This implementation would present a valuable opportunity to further enhance our diverse practices.
    ii) Absorption of staff on short-term engagement into the establishment enhanced national diversity and representation of the face of Kenya, promoting inclusivity and equity in public service.

Committee Observation

91. Implementation is ongoing. The Committee notes that this is a continuous process that needs to be improved with time.

4. **The Authority should expand their scope of the job advertisements, which will enable it to reach more ethnic groups.**

Management Response

92. The Authority implements strategic interventions, including widely advertised recruitment drives. These strategies include advertising job vacancies in My Gov and newspapers of wide circulation, social media platforms, the Authority's website, and through liaison with the National Council for Persons with Disabilities. Affirmative action has also been embedded within the revised Human Resource Instruments (2024/2025).

93. **Comparison of Employment composition in terms of ethnicity, age and gender currently and as of April 2023.**

Table 1(a): Ethnicity

	CURRENT COMPOSITION		COMPOSITION AS AT APRIL 2023			
Ethnicity	**Number**	**%Percentage**	**Number**	**%Percentage**	**Difference in Number**	**Difference in Percentage**
Borana	1	0.26	1	0.4	0	-0.14
Digo	3	0.78	2	0.81	1	-0.03

Embu	10	2.61	6	2.43	4	0.18
Gabra	4	1.04	2	0.81	2	0.23
Kalenjin	74	19.32	48	19.43	26	-0.11
Kamba	31	8.09	19	7.69	12	0.40
Kenyan Arabs	2	0.52	2	0.81	0	-0.29
Kenyan Somali	3	0.78	2	0.81	1	-0.03
Kikuyu	71	18.54	48	19.43	23	-0.89
Kisii	25	6.53	14	5.67	11	0.86
Luhya	72	18.80	46	18.62	26	0.18
Luo	40	10.44	23	9.31	17	1.13
Maasai	11	2.87	7	2.83	4	0.04
Meru	21	5.48	14	5.67	7	-0.19
Mijikenda	2	0.52	1	0.4	1	0.12
Nubian	3	0.78	2	0.81	1	-0.03
Pokomo	1	0.26	1	0.4	0	-0.14
Pokot	1	0.26	2	0.81	-1	-0.55
Samburu	1	0.26	1	0.4	0	-0.14
Taita	5	1.31	5	2.02	0	-0.71
Teso	2	0.52	1	0.4	1	0.12
Total	**383**	**100**	**247**	**100**	**136**	**0.00**

Figure 1(a): Ethnicity as at now.



Table 1(b): Age Composition Currently

Age	Number	%Percentage
50-59	74	19.32
40-49	98	25.59
30-39	183	47.78
20-29	28	7.31
Total	**383**	**100**

Figure 1(b): Age Composition Currently

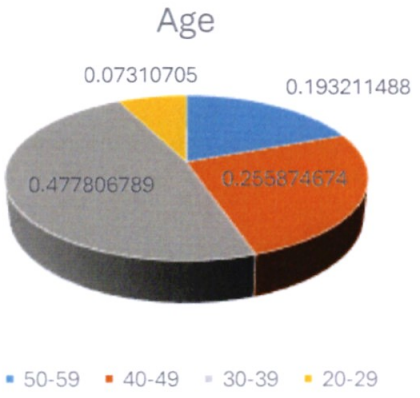
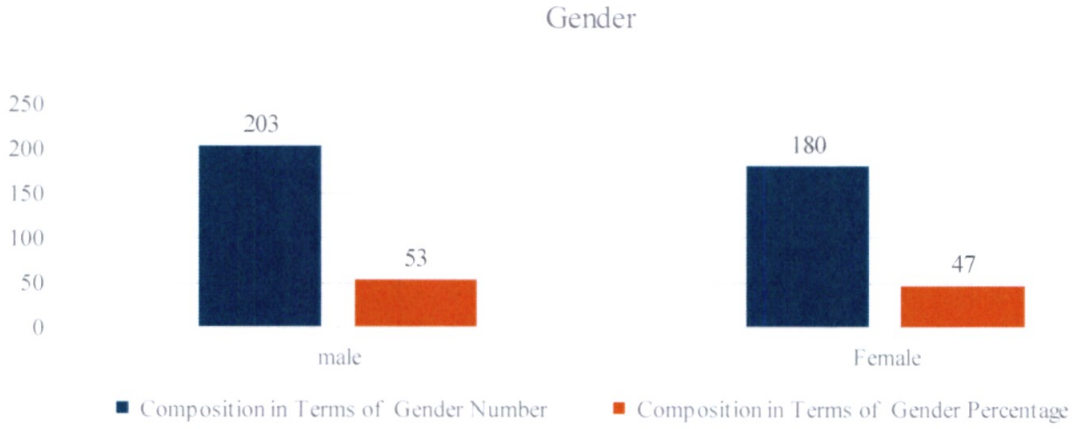


Table 1 (c): Gender Composition Currently

Gender	Number	%Percentage
Male	203	53%
Female	180	47%
Total	**383**	**100**

Figure 1 (c): Gender Composition Currently

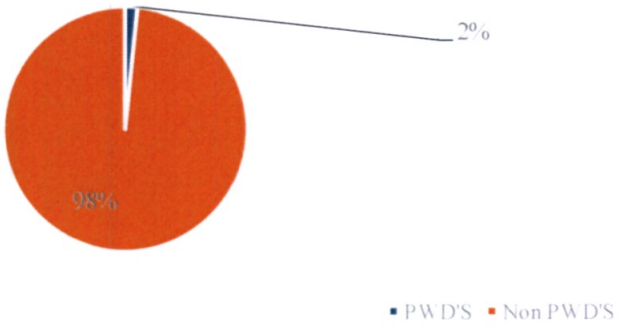


94. **Extent of Compliance with Article 54(2) of the Constitution on composition of persons with disabilities in the institution.**

Table 2 (a): Persons with Disabilities composition currently.

Category	Number	%(Percentage)
PWD'S	7	2%
Non PWD'S	376	98%
Total	383	100%

Figure 2 (b): Composition currently of Persons with Disabilities



95. **Current Composition of employees in senior management level, middle level and lower cadres in terms of ethnicity, age, gender and persons with disabilities.**

(i) Senior Management

96. The Committee was informed that the Authority has 14 staff serving in Senior Management with a female to male ratio of 21: 79 with the composition on ethnic, gender and age represented in Tables 3(a), 3(b) and 3(c) below:-

Table 3(a) Ethnicity

Ethnicity	Number	% (Percentage)
Luhya	2	14.29
Digo	1	7.14
Embu	1	7.14
Kalenjin	4	28.57
Kamba	2	14.29
Kenyan Somali	1	7.14
Kikuyu	1	7.14
Meru	2	14.29
Total	**14**	**100.00**

Figure 3(a) Ethnicity

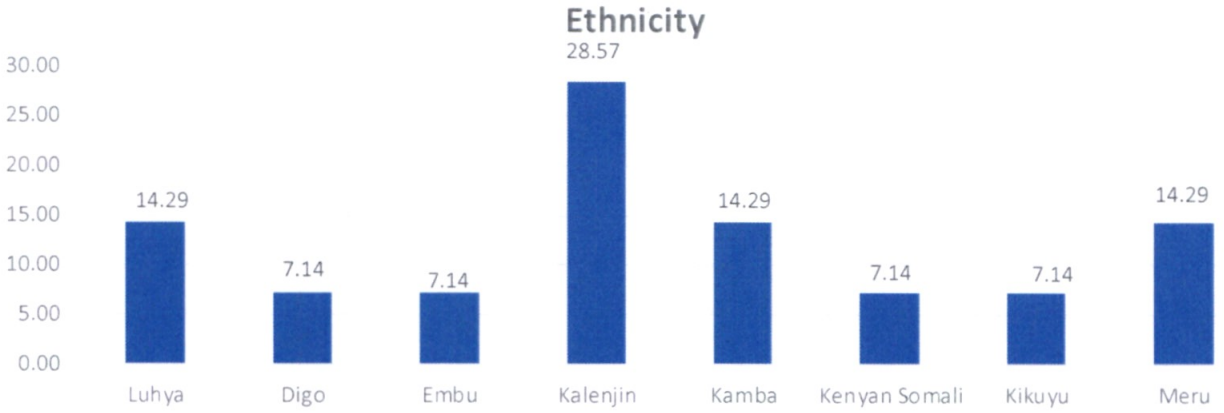


Table 3(b) Gender

Gender	Number	% (Percentage)
Female	3	21.43
Male	11	78.57
Total	**14**	**100.00**

Figure 3(b) Gender

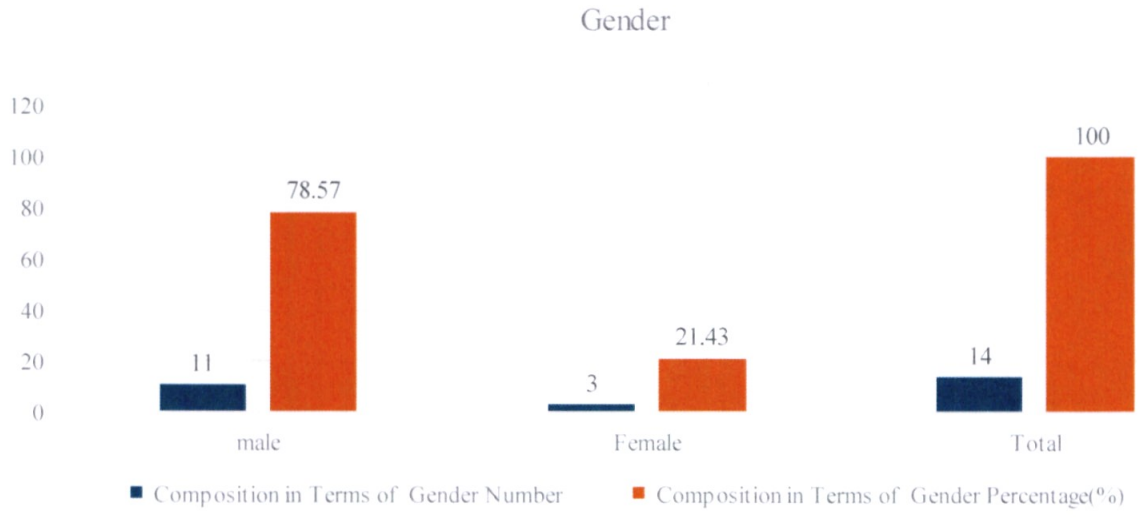
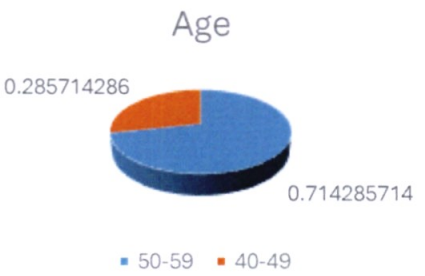


Table 3(c) Age

Age	Number	%
50-59	10	71.43
40-49	4	28.57
Total	14	100

Figure 3(c) Age



ii) Middle Management

97. The Committee was informed that the Authority had 112 staff in Middle Management with a female to male ratio of 47: 53 with the composition on ethnic, gender and age represented in Tables 3(d), 3(e) and 3(f) below:

Table 3 (d) Current Composition on Ethnicity

Ethnicity	Number	% (Percentage)
Borana	1	0.89
Embu	2	1.79
Gabra	1	0.89
Kalenjin	21	18.75
Kamba	7	6.25
Kenyan Arabs	2	1.79
Kenyan Somali	1	0.89
Kikuyu	20	17.86

Kisii	10	8.93
Luhya	19	16.96
Luo	14	12.50
Maasai	1	0.89
Meru	10	8.93
Mijikenda	1	0.89
Pokot	1	0.89
Taita	1	0.89
Total	**112**	100.00

Figure 3 (d) Current Composition on Ethnicity



Table 3 (e) Current Gender Composition for Middle Management

Gender	Number	% (Percentage)
Female	53	47.32
Male	59	52.68
Total	**112**	100

Figure 3 (e) Current Composition on Gender

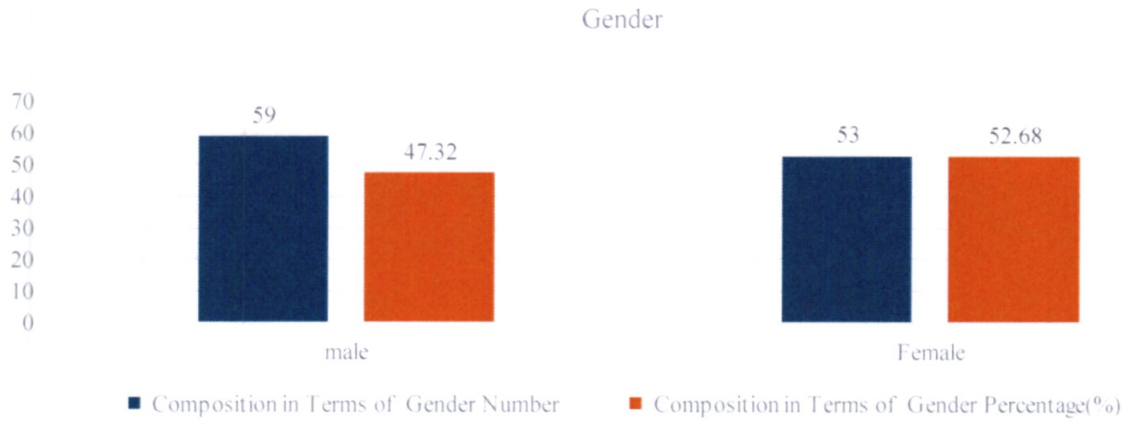
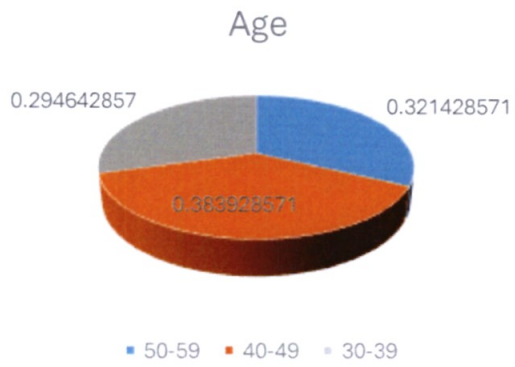


Table 3 (f) Current Composition on Age

Age	Number	% (Percentage)
50-59	36	32.14
40-49	43	38.39
30-39	33	29.46
Total	**112**	100.00

Figure 3 (f) Current Age Composition for Middle Management



ii) Regulatory and Non-Technical Regulatory Staff (Operational Staff).

98. The Authority has 257 Regulatory and Non-technical Regulatory Staff (Operational Staff) with a female to male ratio of 48:52, the various compositions are in Table 3(g), 3(h) and 3(i):

Table 3 (g) Current composition in terms of Ethnicity

Ethnicity	Number	% (Percentage)
Digo	2	0.78
Embu	7	2.72
Gabra	3	1.17
Kalenjin	49	19.07
Kamba	22	8.56
Kenyan Somali	1	0.39
Kikuyu	50	19.46
Kisii	15	5.84
Luhya	51	19.84
Luo	26	10.12
Maasai	10	3.89
Meru	9	3.50
Mijikenda	1	0.39
Nubian	3	1.17
Pokomo	1	0.39
Teso	2	0.78
Samburu	1	0.39
Taita	4	1.56
Total	**257**	**100.00**

Figure 3 (g) Ethnic

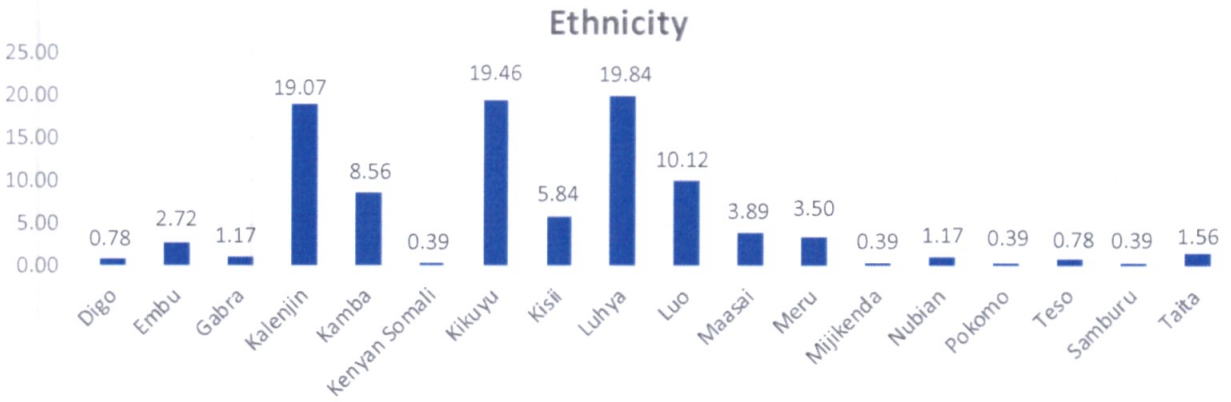


Table 3 (h) Gender

Gender	Number	% (Percentage)
Female	124	48.25
Male	133	51.75
Total	**257**	**100.00**

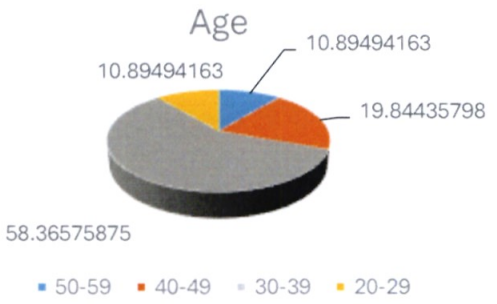
Figure 3 (h) Gender



Table 3 (i) Age

Age	Number	% (Percentage)
50-59	28	10.89
40-49	51	19.84
30-39	150	58.37
20-29	28	10.89
Total	**257**	**100.00**

Figure 3 (i) Age



99. **Training undertaken during the year in terms of gender, ethnic distributions, age and PWDs**

100. The training programs undertaken during the year reflected the country's diverse ethnic composition, ensuring broad representation and inclusivity across all the regions.

Table 4 (a) Training Analysis in terms of ethnicity.

Ethnicity	TOTAL	Trained	Percentage (%)
Borana	1	0	0
Digo	3	2	66.67
Embu	10	9	90.00
Gabra	4	3	75.00

Kalenjin	74	59	79.73
Kamba	31	30	96.77
Kenyan Arabs	2	2	100.00
Kenyan Somali	3	3	100.00
Kikuyu	71	61	85.92
Kisii	25	23	92.00
Luhya	72	64	88.89
Luo	40	29	72.50
Maasai	11	10	90.91
Meru	21	16	76.19
Mijikenda	2	2	100.00
Nubian	3	3	100.00
Pokomo	1	1	100.00
Pokot	1	1	100.00
Samburu	1	1	100.00
Taita	5	3	60.00
Teso	2	2	100.00
TOTAL	**383**	**324**	**84.60**

Table 4 (b) Training Analysis in terms of Gender

Gender	Trained	Percentage (%)	Not Trained	Percentage (%)
Male	173	53.40	30	50.85
Female	151	46.60	29	49.15
TOTAL	**324**	**84.60**	**59**	**15.40**

Figure 4 (b) Training Analysis in terms of Gender

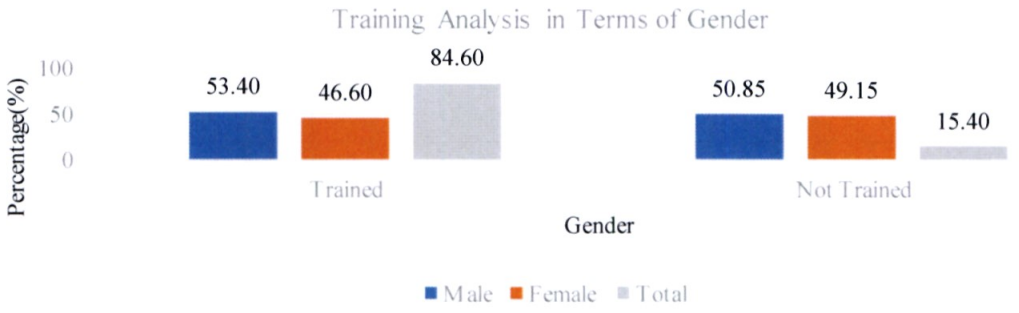


Table 4 (c) Training Analysis in terms of PWDs

PWD	Trained	Percentage (%)	Not Trained	Percentage (%)
Male	2	33.33	1	100.00
Female	4	66.67	0	0.00
TOTAL	**6**	**85.71**	**1**	**14.29**

Figure 4 (c) Training Analysis in terms of PWDs

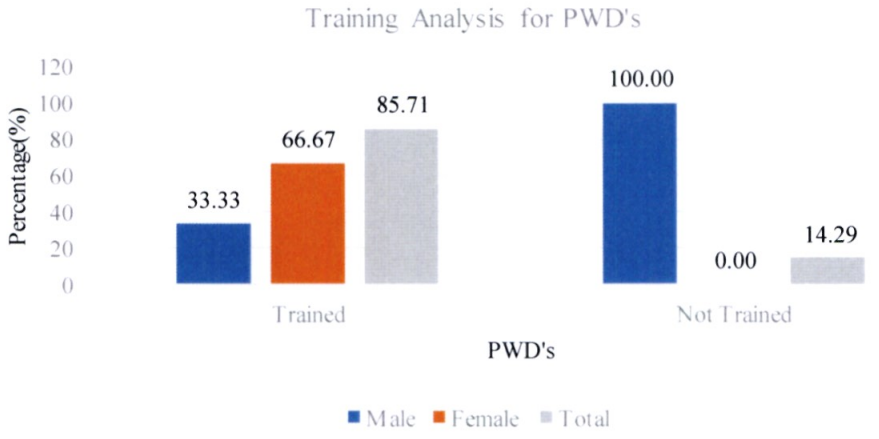
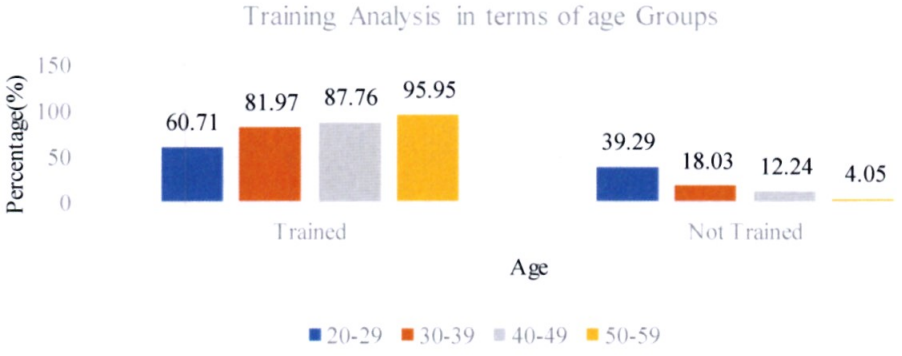


Table 4 (d) Training Analysis in terms of Age

Age	TOTAL	Trained	Percentage (%)	Not Trained	Percentage (%)
20-29	28	17	60.71	11	39.29
30-39	183	150	81.97	33	18.03

40-49	98	86	87.76	12	12.24
50-59	74	71	95.95	3	4.05
TOTAL	**383**	**324**	**84.60**	**59**	**15.40**

Figure 4 (d) Training Analysis in terms of age



Committee Observation

101. Implementation is ongoing. The Committee notes that this is a continuous process that needs to be improved with time.

7.2 Committee on Implementation Observations

102. The Committee observed that:

1. The Authority is dominated by three major communities at the disadvantage of smaller communities
2. There was still limited public awareness both at the corporate level and the public domain concerning the laws that provide guidance on the importance of ethnic balance in employment in public institutions.
3. PWDs remain grossly underrepresented in corporate management positions at the CAK

7.3 Committee on Implementation Recommendations

103. The Committee recommends that:

1. The CAK as an entity domiciled in the capital, Nairobi, should endeavour to present a national outlook in its staffing composition.
2. The CAK should embark on deliberate affirmative action since PWDs remain grossly underrepresented in corporate management positions at the CAK
3. The CAK should adequately create public awareness in the availability of employment opportunities so as to attract suitable candidates representing PWDs, minority communities and the general public to ensure an adequate national outlook is attained in its staff.

8.0 THE THIRD REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS - MOI TEACHING AND REFERRAL HOSPITAL (MTRH)

8.1 Background

104. Moi Teaching and Referral Hospital (MTRH) a Multi-Special International Teaching and Referral Hospital serves as the primary tertiary healthcare provider for the western half of Kenya, parts of Eastern Uganda, South Sudan, North Tanzania and Democratic Republic of Congo covering a population of over 25 million people. It started in 1917 with a bed capacity of sixty (60) catering mainly for the health needs of Africans and later served as a District hospital before attaining referral status through Legal Notice No. 56 of 18th April, 2002 and Legal Notice No. 40 of 1st March, 2021.

105. The Committee National Cohesion and Equal Opportunity recommended that within six (6) months of the adoption of the report:

i) Public institutions that fail to show improvement in recruitment compliance within one year of appearing before the Committee should have their CEOs held accountable. Legal action should be initiated in line with Articles 10, 27, 56 and 232 of the Constitution, the Public Officer Ethics Act, CAP 185B and the Leadership and Integrity Act.

ii) The Public Service Commission (PSC) should prepare regular quarterly reports and annual audits assess how public institutions reflect ethnic diversity, and submit to the National Cohesion and Equal Opportunity Committee for reviewing, tracking progress and ensuring that all Kenyan communities are fairly represented and included in public sector.

iii) The National Council for Persons with Disabilities (NCPWD) should conduct semi-annual audits to evaluate the representation and inclusion of PWDS within public institutions, and present the reports to the National Cohesion and Equal Opportunity Committee for oversight and guidance.

iv) Public institutions need to work closely and proactively with NCPWD, developing effective recruitment strategies and initiatives aimed at achieving full compliance and inclusion of P\WDs across public sectors.

v) The Public Service Commission (PSC) should establish clear, transparent and standardized criteria for employee promotions to eliminate biases favouring dominant communities. This will create an equitable promotion system where all employees regardless of their community background, have equal and genuine opportunities for career advancement based solely on merit and qualifications.

106. The Committee on Implementation wrote to the Chief Executive Officer Moi Teaching and Referral Hospital Dr. Philip Kirwa on 29th August, 2025 to apprise it on the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on the second report on Employment diversity Audit in Public institution.

8.2 Submissions from the Chief Executive Officer - MTRH

107. The Chief Executive Officer, MTRH Dr. Philip Kirwa appeared before the Committee on Tuesday, 9th September, 2025 to apprise it on the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on the second report on Employment diversity Audit in Public institutions. He was accompanied by the following officers:

1.	Dr. Tarus Kipchumba	-	Director, Admin & Finance
2.	Dr. Andrew Wandera	-	Director, Clinical Services
3.	Dr. Jesse Opakas	-	Director, Hemato-Oncology
4.	Dr. Menach Owen	-	Director, Surgical Services
5.	Dr. Beatrice Jakait	-	AMPATH - MTRH
6.	Ms. Ann Chemworsio	-	Director, HR – MTRH

Management Response

108. The Committee was informed that:

i) MTRH had an in-post of three thousand five hundred and thirty-five (3,535) employees.

ii) Out of the forty-six (46) ethnic employees, only twenty-one (21) ethnic groups have been employed in MTRH contrary to the provisions of Article 232 (1)(h) and (i) of the Constitution

iii) Majority of the staff are from one (1) community namely the Kalenjin, at 66.62%

iv) At Senior Management Level, only twelve (12) out of the twenty-one (21) ethnic groups in the Hospital are represented.

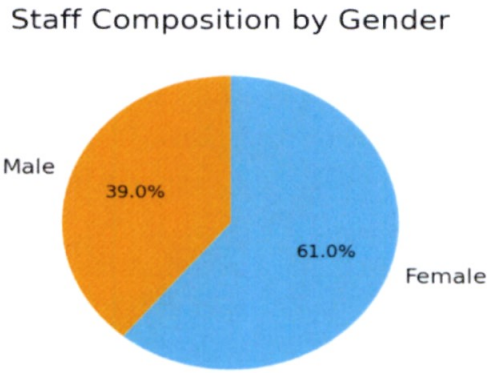
v) The age composition of majority of the staff fall between the age bracket of 41-50 years with one thousand eight hundred and twenty-four (1,824) employees, translating to 51.6%

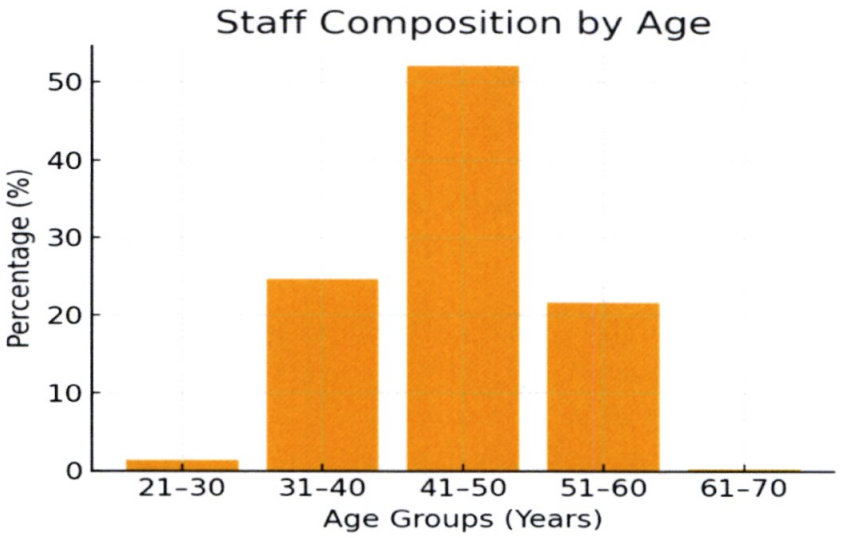
vi) MTRH has one thousand three hundred and seventy-nine (1,379) male staff members and two thousand, one hundred and fifty-six (2,156) female staff members translating to 39% and 61% respectively, achieving the two thirds gender rule

vii) The Hospital has employed one hundred and sixteen (116) staff members who are Persons with Disabilities (PWDs) translating to 3.28% which falls short of the requirements stipulated in Article 52(2) of the Constitution

viii) The ratio between the National population and employment proportion shows the Kalenjin community over-represented with a positive variance of 53.25%

ix) Promotions done in MTRH in the last five (5) years, the Kalenjin community dominated at 59.04% out of the eighty-three (83) employees promoted.





109. The Management of MTRH apprised the Committee of the challenges faced when in promoting diversity. They were as follows;

i) MTRH low cadre jobs formed a bulk of the staffing population due to low salary at the formative stage. As a result, most of the applicants during this time were from the local community

ii) Most of the lower cadre jobs advertisements did not attract applications from diverse ethnic backgrounds due to low salaries and homogeneity.

iii) Some prospective employees from marginalized areas did not take up appointments and when they accepted; they only stayed for a short stint before they resigned their positions

110. The referral hospital has however reported that they have put in place mitigating measures to curb these challenges which include:

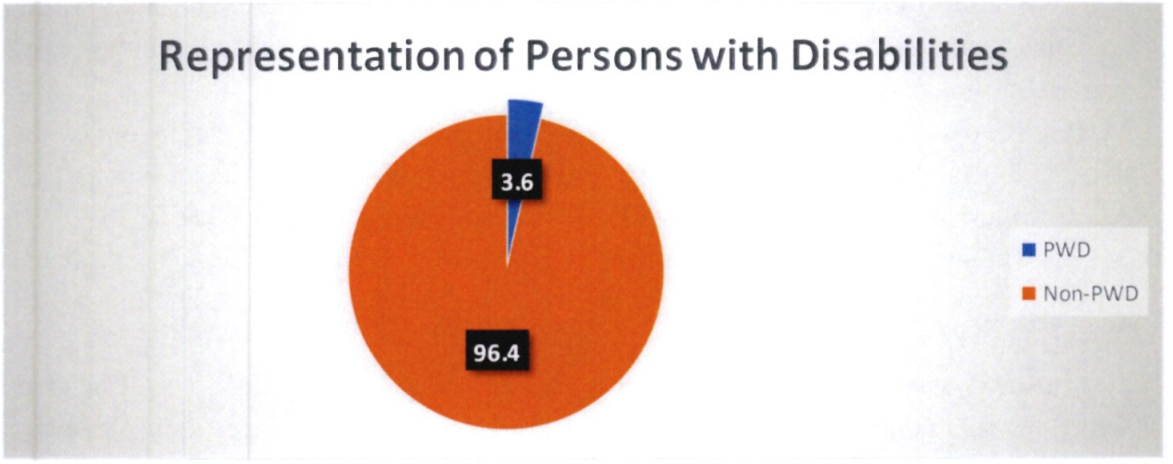
i) No longer engaging casuals,

ii) Security of tenure for employees who upon successful service on six (6) months probationary period are confirmed in appointment

iii) Job vacancies are advertised widely wherever they arise through My Gov, Hospitals website and media platforms.

111. The Committee was informed that MTRH further put in measures in place to enhance work environment for PWDs by:

i) Appointing and putting in place a committee on disability mainstreaming
ii) Procuring six (6) motorized wheelchairs to ease movement for PWDs within and outside the workplace.
iii) Procured guided walking stick for one blind staff member
iv) Procured hearing aids for seven (7) members with hearing impairment.
v) Reserved parking space for PWDs
vi) Provided signages for PWDs on the use of ramps
vii) The Hospital has a total of thirty (30) staff members trained on Sign Language to assist both staff and patients who are PWDs
viii) Corporate Service Delivery Charter in braille
ix) Implementation of the Personal Guide Living With Disability Circular Ref. SRC/TS/DRRPS/3/26 VOL V (88) and SRC/TS/NCPWD/3/18(80) payable as part of remuneration to the PWDs
x) Accelerated promotion for a staff member under PWD
xi) User friendly toilets for PWDs
xii) Facilitation of per diem allowance and transport for PWD staff members going for assessment, certificates renewal and tax exemption certificates
xiii) Training opportunities
xiv) PWDs support in medication after medical cover exhaustion



Committee Observation

112. The Committee noted that the hospital had taken positive steps, such as widely advertising job vacancies, providing security of tenure, and implementing various measures to support employees with disabilities, including procuring mobility aids, providing sign language training, and offering accelerated promotions.
113. The Committee observed that implementation of the recommendation was ongoing.

8.3 The Committee on Implementation Observations

114. The Committee observed that:

1. That female staff outnumber their male counterparts at 60% females compared to 40% males. This is attributed to the nursing cadre being majority of staff and dominated by the female gender as well.
2. The Kalenjin community continues to dominate the workforce at MTRH due to homogeneity.
3. The bulk of staff identifying as Kalenjin is derived from the lower staff cadres although they also form majority of senior staff
4. Female staff are over-represented in the lower cadre level
5. The institution has demonstrated effort in creating ethnic balance by employing staff from minority groups during its recent recruitment
6. Management attributes domination of the Kalenjin community to the local area catchment population which is majorly represented by the Kalenjin
7. MTRH further classifies conditions such as people who have had organ transplants as among those living with disability (PWDs)

8.4 Committee on Implementation Recommendations

115. The Committee recommends that within six (6) months upon tabling and adoption of this report:

1. The hospital should expand its recruitment strategies to attract applicants from a wider range of ethnic backgrounds to address the significant over-representation of the Kalenjin community by setting specific targets for hiring and promotion of underrepresented groups.
2. MTRH should develop a clear strategy to increase the number of employees with disabilities to meet the constitutional requirements. This could include targeted recruitment drives and partnerships with organizations that support PWDs.
3. MTRH should analyse and address the issues related to low-cadre jobs, such as reviewing salary scales or offering additional incentives to attract and retain a more diverse workforce.
4. The hospital should implement measures that ensure greater ethnic diversity at the senior management level by introducing mentorship programs or succession planning that prioritizes diversity.
5. While cognizant of the historical context responsible for the skewed staff composition in favour of one community, MTRH should endeavour to progressively present a staffing representative of the national outlook by factoring in minorities and addressing the issue of ethnic imbalance.

PETITIONS

9.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE PUBLIC PETITION (NO. 70 OF 2019) REGARDING WITHDRAWAL OF HARMFUL PESTICIDES IN THE KENYA MARKET

9.1 Background

116. The Public Petition No. 70 of 2019 regarding the withdrawal of harmful chemicals pesticides in the Kenyan market was presented to the National Assembly on 2nd September 2019 and resubmitted on 5th March ,2020 by the Hon. Gladys Boss MP on behalf of Biodiversity and Biosafety Association of Kenya (BIBA-K), Kenya Organic Agriculture Network (KOAN), Resources Oriented Development Initiatives (RODI Kenya) and Route to Food Initiative (RTFI). The petition was subsequently committed to the Departmental Committee on Health for consideration pursuant to Standing Order 227(1).

117. The petitioners drew the attention of the House on the following: That

i) there had been an increase in the prevalence of chemical pesticides in Kenya, which posed a risk to both to human health and the environment;

ii) the volume of imported insecticides, herbicides and fungicides had more than doubled within four (4) years from 6,400 tons in the year 2015 to 15,600 tons in the 2018 with a growth rate of 144%;

iii) despite the afore-mentioned, there was no data available concerning the use concentration of pesticides in water, soil and food and their related impacts;

iv) there were products on the Kenyan market, which are certainly classified as carcinogenic (24 products), mutagenic (24 products), endocrine disrupter (35 products), neurotoxic (140 products) and many which show clear effects on reproduction toxicity (262 products), many of which have been banned in Europe, United Kingdom and USA;

v) this was worrying because the increase in pesticide use had not been accompanied by the necessary safeguards to control how they are applied;

vi) during the pesticides' registration process in Kenya, mainly the purity and the efficacy of the product is tested. Data on human and environmental health under local conditions are scarcely taken into consideration. The Pest Control Product Act Cap 346 does not state environmental and/or human health as a possible concern during the registration process;

vii) the Kenya Plant Health Inspectorate Service (KEPHIS), had been contravening Section 15 of the Pest Control Product Act, by failing to publish available information on the actual levels of pesticides in food samples collected and putting in place regular monitoring system;

viii) there was no epidemiological health studies related to pesticide exposure on human health and their impact on the environment;

ix) the Pest Control Products Board (PCPB) had not been following the World Health Organization (WHO) and Food and Agriculture Organization (FAO) International Code of Conduct on Pesticide Management; and

x) the matters in respect of which this petition was raised are not pending before any court of law, constitutional or legal body.

Prayers by the Petitioners

118. Pursuant to Standing Order 216, The prayers made were as follows: -

i) For an immediate ban of all products in the Kenyan Market, classified as carcinogenic, mutagenic, endocrine disruptors, neurotoxic and many which show apparent effects on the reproduction toxicity;

ii) The withdrawal of all harmful and toxic pesticides in Kenya's market based on the active ingredients used, that pose serious health risks to Kenyans and develop and implement a strategy to remove such harmful pesticides from the market, recognizing that it could take several years for products to be completely unavailable through local shops and dealers;

iii) That Government establishes and strengthens the monitoring system on the use of pesticides through increased data collection on food samples in the market and the level of pesticides contained;

iv) For an amendment to the Pest Control Products Act to include a list of pesticides that have been withdrawn from the market based on the serious health risks posed to Kenyans, and to make it mandatory for the Pest Control Products Board (PCPB) to assess data on environmental and human health impacts during the registration and re-registration process of products; and

v) Make any other order that it deems fit in the circumstances of this petition.

Proceedings at the Departmental Committee on Health

119. When reviewing the Petition, the Committee listened to input from the Hon. Gladys Boss, MP and representatives from the BIBA-K, KOAN, RODI Kenya and RTFI, KEPHIS and PCPB.

120. The Committee also sought expert views from Dr. Catherine Kunyaga, Senior Lecturer in the Department of Food Science, Nutrition and Technology, The University of Nairobi (UON), Dr. Silke Bollmohr, Environmental Scientist, Prof Raphael Wahome, The University of Nairobi (UON), Agrichemicals Association of Kenya (AKK), Ms. Esther Jepkogei Bett and Mr. Edward Njaibu, conventional farmers from Uasin Gishu and Laikipia counties respectively. The Committee analysed the submissions and tabled its report before the House in October, 2020.

Departmental Committee on Health Observations

121. The Committee made the following Observations from the written and oral Submissions received from engagement with the Petitioners: -

i) According to data on domestic food safety in Kenya, fruits and vegetables sampled in both open-air and Supermarket retail outlets have a higher level of pesticide residues than the set Maximum Residue Levels (MRLs);

ii) The increase in the use of pesticides in Kenya is as a result of the progressive intensification of agricultural production to meet the demands of both local and export markets and invasions of new pests like the Fall Armyworm and Maize Lethal Necrosis disease;

iii) A significant percentage of farmers in Kenya are small scale farmers, and operate within a lax regulatory environment; this makes it hard to regulate the sector;

iv) The levels of knowledge on pesticide use, pesticide hazard control, and safety behaviour are limited due to the fact that the majority of small-scale farmers in Kenya are either uneducated or have limited training in farming;

v) Information and training on the proper use of pesticides and adverse effects of pesticides on human health and the environment often lack within the farming community hence the misuse of these products;

vi) There are cases of increased prevalence of cancer, acute and chronic respiratory diseases, and even mental behavioural and neurological disorders related to agricultural chemical exposure among the farming Communities in Kenya;

vii) The gaps in the existing legislation concerning pesticides have encouraged misuse and abuse of pesticides in Kenya; this has encouraged the use of smuggled, banned, and even obsolete products;

viii) The PCPB has not been effectively discharging its duties as per its mandates as it is yet to be categorized as a State Corporation. It is essential that this categorization is fast-tracked for the Board to attract and retain competent personnel;

ix) The delay in Construction of PCPB residue laboratory denies the Country the essential services such as residue analysis (in food, water, soil, air), inorganic chemical analysis, organic chemical analysis (chemical identity, chemistry), formulation quality analysis, microbial assay, training of younger generation to build capacity and strengthen food control systems; and;

x) There is a lack of information and awareness on the different Acts, policies, and regulations about registration, import, disposal, manufacture, and distribution of pesticides among the pesticide importers, distributors, retailers, and farmers.

Departmental Committee on Health Recommendations

122. In response to the inquiry, the Departmental Committee on Health recommended THAT;

i) That within ninety (90) days of tabling the report, the Ministry of Agriculture and Livestock Development through Pest Control Products Board (PCPB) to immediately establish the regulations on distribution and retailing of pesticides to ensure that only licensed and registered persons operate Agro-vets' outlets in the country within Ninety (90) days of the tabling of this report;

ii) That within ninety (90) days of tabling the report, the Ministry of Agriculture and Livestock Development in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenyan market with a view of banning products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic within ninety (90) days of the tabling of this report;

iii) That within ninety (90) days of tabling the report, the Ministry of Agriculture and Livestock Development in consultation with the Ministry of Health and other relevant agencies including Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) undertake an analysis of harmful and toxic pesticides and recommend their withdrawal from the Kenyan Market as per the relevant laws within ninety (90) days of the tabling of this report;

iv) The National Treasury in financial year 2020/21 should urgently enhance funding to the regulatory agencies such as the Pest Control Products Board (PCPB) and Kenya Plant Health Inspectorate Service (KEPHIS) tasked with regulating and monitoring the use of pesticides in Kenya to increase data collection on the level of pesticides in food products in the market;

v) That the Departmental Committee on Agriculture, Fisheries and Cooperatives initiates amendments to the Pest Control Act, 2013 to make it mandatory for the annual publication of pest control products that have been withdrawn or otherwise banned from the Kenya market by the Pest Control Board (PCPB)

vi) That the Departmental Committee on Agriculture, Fisheries and Cooperatives initiates amendments to the Pest Control Act, 2013 to provide for Pest Control Products Board access data on environmental and human health impacts during the registration and re-registration process of products.

vii) All Agrochemicals companies should ensure proper use of their products through adequate labelling using the widely used national language and take responsibility where harm occurs due to lack of sufficient information; and

viii) The Pest Control Products Board (PCPB)must ensure that products banned in other jurisdictions are not in use in Kenya.

9.2 Submission by the Principal Secretary - State Department for Agriculture

123. The Committee on Implementation wrote to the Principal Secretary - The National Treasury, The National Treasury and Economic Planning; the Principal Secretary - State Department for Agriculture, Ministry of Agriculture and Livestock Development; the Chief Executive Officer/Secretary Pest Control Products Board; and the Managing Director - Kenya Plant Health Inspectorate Service on 27th March, 2025 to apprise it on the implementation status of recommendations contained in the Report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market.

124. Dr. Paul Rono, the Principal Secretary - State Department for Agriculture, appeared before the Committee on 8th April, 2025 to apprise it on the implementation status of recommendations contained in the Report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market. He was accompanied by:

1. Mr. Fredrick Muchiri - Chief Executive Officer, Pest Control Products Board
2. Mr. Barasa Wanyonyi - Registrar, Pest Control Products Board
3. Mr. Eric Kimunguyi - CEO, Agrochemicals Association of Kenya
4. Dr. Paul Ngaruiya - GM-Research & Strategy, Pest Control Products Board

5. Mr. Joash Mutai - Regulation Manager, Agrochemicals Association of Kenya
6. Mr. Bernard Manyara - Pest Control Products Board
7. Mr. Kennedy Ondieki - Director Investments, National Treasury
8. Mr. Evans Obok - Officer, National Treasury and;
9. Mr. Vincent Kipkemoi - Personal Assistant to PS, National Treasury).

The Committee was informed that;

1. **That, within ninety (90) days of tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries through Pest Control Products Board (PCPB) to immediately establish the regulations on distribution and retailing of pesticides to ensure that only licensed and registered persons operate agro-vet outlets in the country.**

Management response:

125. The Ministry had established Pest Control Products (Inspection & Certification) Regulations, 2024 which sets requirements for certification of distributors and retailers. The Regulations were first gazetted on 18th June, 2024 and later on 29th November 2024. Further, they provide the minimum qualifications for persons operating agrovet outlets.

Committee Observation

126. The resolution has been partially implemented. The Committee notes that this is a continuous process that needs to be improved with time.

2. **That, within ninety (90) days of tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenya market with a view of banning products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.**

Management response:

127. The Committee was informed that:
   i) PCPB had been undertaking risk assessment reviews for active ingredients and associated end-use products. No products that are confirmed carcinogenic, mutagenic or reproductive toxicants through studies under normal use, are authorized for use in Kenya.
   ii) Thirty-one (31) active ingredients & their associated end-use products have been reviewed.
   iii) Development of the Highly Hazardous Pesticides (HHPs) Strategy is ongoing in partnership with the East African Community and its Partner States. However, these are considered during registration of products through assessment of risks and any product whose risk cannot be mitigated is denied registration. PCPB Staff have been sensitized on the HHPs Strategy.
   iv) In the last three years, seventy-nine (79) Pest Control Products have been voluntarily withdrawn by applicants for various reasons while 38 pest control products have been withdrawn due to human and environmental health and trade-related concerns.
   v) In the last two years, nine (9) molecules namely: Thiacloprid, Diuron,

Chlorothalonil, Pymetrozine, Procymidone, Acephate, Kasugamycin, Diquat, and Pyridalyl have been evaluated and withdrawn from the Kenyan market.

Committee Observation

128. Implementation is partially done. The Committee notes that this is a continuous process that requires further improvement over time.

3. **That, within ninety (90) days of the tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with the Ministry of Health and other relevant agencies including Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) undertake an analysis of harmful and toxic pesticides and recommend their withdrawal from the Kenyan Market as per the relevant laws**

Management response:

129. The Committee was informed that:

i) PCPB has been undertaking risk assessment reviews for active ingredient and associated end use products.

ii) Thirty-one (31) active ingredients & associated end-use products have been reviewed

Constraints:

a) High Pest & disease pressure and international market requirements that prohibit export of live organisms

b) Lack of epidemiological data to link diseases with occupation on pesticides.

Committee Observation

130. The resolution has not been implemented.

4. **That the National Treasury in the Financial Year 2020/21 should urgently enhance funding of the regulatory agencies such as the Pest Control Products Board (PCPB) and Kenya Plant Health Inspectorate Service (KEPHIS) tasked with regulating and monitoring the use of pesticides in Kenya to increase data collection on the level of pesticides in food products in the market.**

Management response:

131. The Committee was informed that:

i) There has been a general increase in the grant received by PCPB from the National Treasury for the last 5 years ranging from KES. 116.3 million in 2020/2021 to KES. 185.5 million in 2023/24.

ii) In the current Financial Year, the National Treasury has allocated KES. 255 million, and some funds have been used to hire additional staff. This needs to be enhanced to support regulatory work at PCPB.

iii) However, on a low scale PCPB has been monitoring the levels of pesticide residues in the agricultural produce from the domestic market and at the farmgate with sampling in 2019, 2022, 2023, 2024 and the results obtained were within Codex MRLs as expected.

Committee Observation

132. The resolution has been partially implemented.

5. **That the Departmental Committee on Agriculture, Fisheries and Cooperatives to initiate amendments(s) to Pest Control Products Act, 2013 to make it mandatory for the annual publication of pest control products that have been withdrawn or otherwise banned from the Kenyan Market by the Pest Control Products Board (PCPB).**

Management response:

133. PCPB publishes on the PCPB website the following information:
    a) List of withdrawn active ingredients & decisions
    b) List of banned products
    c) List of deregistered products
    d) List of restricted products

134. The PCP Bill was developed by the Ministry of Agriculture and Livestock Development in collaboration with relevant stakeholders. The Bill was forwarded by the Ministry of Agriculture and Livestock Development to Cabinet for consideration. The regulations anchored on the PCP Act Cap 346 of 1982 were recently gazetted in June - November 2024.

Constraints:

135. The PCP Bill is still pending finalization through the Cabinet and parliament.

Committee Observation

136. Implementation is ongoing.

6. **That, the Departmental Committee on Agriculture, Fisheries and Cooperatives to initiate amendments(s) to Pest Control Products Act, to provide for the Pest Control Products Board (PCPB) accesses data on environmental and human health impacts during the registration and re-registration process of the products**

Management response:

137. The Committee was informed that:
    i) PCPB has been accessing technical information on the data package supporting the safety of human health and the environment. This data includes the Chemistry (properties, purity and impurity profiles), Toxicology (short-term and long-term studies), effects on the beneficial organisms (e.g., bees, earthworm, fish, birds), efficacy and residue studies (safety to consumers), fate and behaviour in the environment (mobility and breakdown).
    ii) This has been further elaborated in the new registration regulations gazetted on 6th August 2024, under Kenya Gazette supplement No. 155, Legal Notice No. 130.
    iii) The proposed PCP Bill provides for evaluation of PCPs for safety to human health and the environment prior to registration. It also provides for banning and severe restriction, where there is evidence upon risk assessment that the product poses unacceptable risk to humans and the environment.

Constraints:

a) Inadequate staffing and funding to expedite the review of active ingredients.
b) Lack of epidemiological data from the Ministry of Health.

Committee Observation

138. Implementation is ongoing. The Committee notes that this is a continuous process that needs to be improved with time.

7. That all Agrochemicals companies should ensure proper use of their products through adequate labelling using the widely used national language and take responsibility where harm occurs due to lack of sufficient information

Management response:

139. The Committee was informed that:
    i) The Pest Control Products (Labelling, Advertising & Packaging) Regulations, were gazetted on 29th November 2024. The Regulations require that all pest control products must have a label with adequate information. The labels shall have signal words, precautionary pictograms, hazard symbols and be compliant with the Globally Harmonized System of Classification and Labelling of chemicals (GHS). All labels have to be approved for commercial use.
    ii) All labels to have precautionary statements on physical, health and environment hazards to inform users.
    iii) All commercial labels must be in both English & Kiswahili for ease of interpretation.
    iv) The draft Pest Control Products Bill makes it an offense for a person undertaking any activity that may cause a risk of imminent death or bodily harm to persons, animals and the environment.

Committee Observation

140. The resolution is being implemented

8. That the Pest Control Products Board (PCPB) must ensure that products banned in other jurisdictions are not in use in Kenya.

Management response:

141. The Committee was informed that:
    i) PCPB undertakes evidence and science-based regulatory decisions when evaluating applications for registration of active ingredients and their associated end-use products with special consideration on human health, environmental and/or trade concerns.
    ii) PCPB considers the regulatory decisions from other agencies with reputable review mechanisms in place like the USA-EPA, EU-EFSA, Australia-APVMA etc. and International Conventions like Rotterdam Convention on Prior Informed Consent, Basel Convention on Transboundary Movement of Hazardous Waste, Stockholm Convention on Persistent Organic Pollutants, Montreal Convention on Ozone Depleting Substances among others.
    iii) Whereas Kenya and the rest of the world other than the EU uses a risk-based approach, the EU changed from risk-based approach to a hazard-based criterion that automatically altered the categorization of certain molecules; Many products that are not approved in the EU are approved in the USA, Canada, Australia, India, Japan and many other countries that use risk-based evaluations which take into account not only the hazard properties of a product but also the likelihood of

exposure.

iv) PCPB has adopted international risk assessment tools to facilitate decision making.

v) PCPB is a member of the International Chemical Reviews Committee of the Rotterdam Convention that reviews chemicals under the Multilateral Environmental Agreements (MEAs) on pesticides and participates in decision making at national and international levels.

vi) PCPB is also a member of the Codex Committee on pesticide residues (JMPR) and the EAC Technical Working Group on pesticides.

vii) PCPB is currently piloting an Operator Risk Assessment tool in collaboration with the University of Maryland Eastern Shore, USA and FAO to provide for use scenarios under local conditions for hand held application equipment commonly used in developing countries. This will be upscaled for use in other regions of the world.

Committee Observation

142. Implementation is ongoing. The Committee notes that some products banned in other jurisdictions are still in use in Kenya.

9. **That the Ministry of Agriculture, Livestock, and Fisheries should enhance the laboratory analytical capacity at the Pest Control Products Board (PCPB) by increasing the number of technical personnel through an increase in budgetary allocation, to ensure that adequate evaluation of pest control products is done.**

Management response:

143. The Committee was informed that:

i) Construction of the laboratory block is at 95% completion, at a total estimated cost of KES. 338 million.

ii) Completion of the Laboratory has been slow due to inadequate funding, inadequate analytical equipment and staffing

iii) One new equipment for Residue monitoring has been commissioned.

iv) Four additional staff are assisting in laboratory analysis

v) More equipment required to make the pesticide residue laboratory fully operational.

vi) No funding for equipment from the National Treasury in the financial year 2025/2026.

Constraints:

Inadequate funding to expedite the operationalization of the pesticide residue laboratory and the process of review and analysis of active ingredients and residue.

Committee Observation

144. The Committee observed that implementation of the recommendation is ongoing but requires more funding to fully implement the resolution.

10. **That the Ministry of Agriculture, Livestock and Fisheries should speed up the completion of the Residue Laboratory at the Pest Control Products Board (PCPB) which will support residue analysis (in food, water, soil, air), inorganic chemical analysis, organic chemical analysis (chemical identity, chemistry), formulation**

quality analysis, and microbial assay through additional budgetary allocation and the National Assembly provide appropriate funds for the same in the FY 2020/2021

Management response:

145. The Committee was informed that:
   i) The construction of the laboratory block is complete and the building was handed over by the Contractor to PCPB on 7th September, 2023.
   ii) One new equipment for residue monitoring has been commissioned while another one has been acquired awaiting installation and commissioning. Ongoing procurement process for support equipment.
   iii) Funding is required for equipping the new lab to make the formulation and residue analysis divisions operational
   iv) A draft National Pesticide Residue Monitoring Framework has been developed by PCPB in collaboration with CABI and other stakeholders. The data obtained will be used for regulation of pesticides to reduce risks associated with pesticides, improve trade and safeguard human health and the environment.

Constraints:

Inadequate funding to procure new equipment.

Committee Observation

146. Implementation is ongoing. The Committee notes that procuring new equipment requires more funding to fully implement the recommendation.

11. That within six (6) months of tabling of this report, the Ministry of Health together with the Ministry of Agriculture, Livestock and Fisheries and other relevant research agencies should conduct epidemiological studies in areas where pesticides are widely used in Kenya to determine the level of use of harmful pesticides and disease burden caused. This study shall guide in the formulation of an informed national policy on pesticide management and use.

Management response:

147. The Committee was informed that:
   i) The Pest Control Products Board conducted a baseline survey on pesticide use and exposure of spray service providers in 2023.
   ii) The survey conducted in collaboration with the International Centre for Personal Protective Equipment (ICPPE) at the University of Maryland Eastern Shore, USA.
   iii) The study focused on collecting data on pesticide use by the farmers, in order to inform the PPE to use and develop the operator risk assessment model.
   iv) The survey with selected farmers to best judge the performance of this new garment looked into the frequency of use, conditions (worn under various weather conditions, activities undertaken, area, timing of application, weight of the applicator, age, gender etc. all this culminated in the designing and rolling of the PPE by farmers for farmers.
   v) The PPE was launched in August, 2024 and the campaign is ongoing to sensitize farmers on the availability of the approved PPE.

a) The ICPPE Initiative for a new tool on pesticide operator risk assessment and risk mitigation

   i) Building on the finding that models for hand-held application are currently missing or incomplete, the International Centre for Personal Protective

Equipment (ICPPE) initiative was launched in 2021 and aims at developing a new tool that will include a new model for operator exposure that is more suitable to use scenarios found in countries of Africa, Asia and South America.

ii) In the last 3 years, a multi-stakeholder group of representatives from authorities responsible for pesticide registration, pesticide manufacturing companies and universities has worked hard to address operator safety and build a new model. It has been coordinated by the International Center for PPE (ICPPE) for Operators and Re-entry Worker, located at the University of Maryland Eastern Shore (USA). FAO and WHO have been observers to the whole process development.

iii) Pesticide use survey was also conducted in Nakuru and Nyandarua counties in 2022. The survey showed there is a need for collaboration to train farmers on safe use of pesticides.

iv) A pesticides residues study was also carried out during the same year. Sixty-three (63) samples of Kales, tomatoes and Onions were sampled at farm gate and major markets in Nakuru, Nyandarua & Kajiado counties; only one kale sample exceeded Codex MRL showing a 98.4% compliance level. A recent residue study on kales, tomatoes and onions showed a high level of compliance to Codex MRL.

v) A survey to establish levels of non-conforming products in Kenya was carried out in 2023 in collaboration with Michigan State University and United States Department of Agriculture (USDA).

b) **Lamu survey**

i) There were reports of misuse of pesticides in Lamu county which necessitated monitoring the levels of pesticide residues in watermelons, maize, kales and sesame. The objective was to determine the types and levels of pesticide residues in the selected food commodities, assess the compliance levels against established maximum residue limits (MRLs) as well as identify any potential health risks associated with pesticide residues in the tested produce.

ii) The report indicated compliance levels as follows; Maize (90%), Sesame (36%), Kales (60%) and watermelon (87%). PCPB, in collaboration with the County Government, undertook mitigation measures through capacity building of county extension officers and training of Spray Service Providers (SSP).

Constraints

148. Framework for collection of epidemiological studies requires to be developed. The surveillance data collected should allow for prospective study (which means that a group of people are enrolled and monitored over time to see whether they are more or less likely to develop health problems compared to everyone else) among agricultural workers or those associated with agricultural activities.

Committee Observation

149. Implementation is ongoing. The Committee notes that largescale nationwide surveys require more funding to implement fully.

12. That the Ministry of Agriculture, Livestock, and Fisheries and County Governments should enhance and promote the training of farmers/users on acceptable agricultural practices and use of personal protective gears to mitigate against any adverse health and environmental effects.

Management response:

150. The Committee was informed that:
   i) PCPB enhanced training and awareness creation activities in collaboration with stakeholders e.g., AAK, MOA, HCD. In 2021/2022, 78 awareness activities were carried out; this was enhanced in 2022/23 and 2023/24 to 102 and 121 awareness activities, respectively.
   ii) **To address personal protective gear**, the Pest Control Products Board has partnered with the public (Kenya Bureau of Standards), International (University of Maryland Eastern Shore, USA) and Private (Kenya Garment manufacturers) sectors to develop and operationalize the KS ISO 27065 (protective clothing performance requirements for protective clothing worn by operators applying pesticides and for re-entry workers).
   iii) These certified garments have been tested and approved by the Kenya Bureau of Standards and provide adequate protection when used as intended and under optimal conditions i.e., use of pesticides as per label instruction, use of application equipment in good working conditions. The garments were developed by incorporating farmers' views and launched in August, 2024.

Constraints:

151. Inadequate extension services in the Counties to enhance initiatives and support the sustainable deployment of the tools.

Committee Observation

152. Implementation is ongoing. The Committee notes that inadequate agricultural extension services in the Counties has hindered full implementation of sensitizing farmers on mitigative measures against adverse health and environmental effects of harmful pesticides.

13. That the Ministry of Agriculture, Livestock, and Fisheries together with County Government, in conjunction with other relevant stakeholders, including the media, should immediately undertake public awareness campaigns to sensitize the public on the responsible use of pest control products

Management response

153. The Committee was informed that:
   i) In collaboration with Micro Enterprises Support Programme Trust and Danida, PCPB enhanced awareness creation through talk shows in KASS FM, Inooro FM, Egesa FM, Radio Maisha and Radio Kaya. PCPB has also been partnering with media houses such as Citizen TV and Citizen Radio, NTV to sensitize the public on responsible use of PCPs.
   ii) PCPB and the Agrochemical industry emphasize on training farmers/users on responsible use of pesticides, good agricultural practices and use of personal protective equipment. In 2024, PCPB produced a mini documentary promoting responsible use of pesticides and warning on the dangers of using illegal pesticides.
   iii) The video has been used during many trainings and awareness creation activities around the country as a tool for risk communication.
   iv) In 2023/2024, the following training and awareness creation activities were carried out:
   v) Training and awareness creation/sensitization forums; through:
      a) Agricultural Shows (Kisii, Kisumu, Nakuru, Mombasa, Nyeri),

b) Media engagements (3 Radio & TV - Nairobi & Coast regions),
c) Farmers Field Days/Exhibition (5);
d) Manyatta Stakeholders Forum - held at Kairuri stadium in Embu County,
e) Wambugu Farmers' Expo held at Wambugu ATC - Nyeri County,
f) 2 EAGC Agribusiness Exhibitions (held at KALRO Katumani - Machakos County and KALRO Matuga in Kwale County)
g) Avocado Farmers Field Day held at Eldoret Sports Club - Uasin Gishu County,
h) 2 Training of Farmers Service Centres (held at Rift Valley Resort in Kabarnet - Baringo County and Makueni County),
i) Launch of Stewardship Mashinani for government Agencies & Agro-dealers to participate in the pesticide safe use campaign held at Nuru Palace Hotel - Nakuru County

vi) There is ongoing sensitization campaign of the personal protective clothing: This has been conducted in Kiambu, Narok

vii) Sensitization of the public on obtaining products from approved agrovets, following label instructions and use of spray service providers done on Citizen TV, Day break show 4th September, 2024. The stakeholders were also educated on the role of PCPB and responsible use of Pesticides on KBC, TV in August, 2024 and more recently on KASS FM on 25th March, 2025.

viii) Sensitization on the availability of Poison Information Centre at the Kenya National Hospital, where farmers are encouraged to call in case of suspected poisoning through toll free emergency numbers: 0800720021 or 0800730030. A Podcast and Radio talk show (Radio Citizen- Kiswahili conducted on Tuesday 10th September, 2024 from 9am-10am aired live with questions and answers.

ix) PCPB also developed a communication Policy and Strategy with the support of COLEAD based in the EU. The strategy highlights proposed approaches to enhance communication with stakeholders.

x) PCPB also disseminates information concerning PCPs and guidance on safe use and good agricultural practices through social media

xi) Following concerns over pesticide misuse in Lamu County, PCPB rolled out decisive interventions to safeguard food safety. These included a Subject Matter Specialist Training for Lamu County agricultural Extension staff held in November 2024 at Mpeketoni ATC. This training equipped the extension staff to train farmers on responsible use of pesticides. This was followed by a stockist training the same month.

xii) To further foster responsible use of pesticides PCPB trained Spray Service Providers (SSPs) in Lamu County in February, 2025.

xiii) PCPB carried out a 3-day roadshow in Kirinyaga County on 17th - 19th December, 2024. Messages on responsible use of pesticides such as importance of following label instructions, use of PPE, observance of PHI and dangers of using illegal products were disseminated to farmers.

xiv) Sensitization of the government officers at the border points (Busia, Isibania, Namanga and Oloitoktok) in order to help address the influx of illegal PCPs into the country.

xv) In the lead up to the planting season, PCPB organized a roadshow in Uasin Gishu County on 26th March, 2025. The roadshow publicized the opening of the new North Rift Regional office and disseminated key messages on responsible use of pesticides to farmers in the region.

Committee Observation

154. Implementation is ongoing.

That the Ministry of Agriculture, Livestock, and Fisheries, in collaboration with the Ministry of Education, Science, and Technology, should develop and operationalize a curriculum on pesticides in the education system at all levels.

Management response:

155. PCPB in collaboration with the Kenya Institute of Curriculum Development (KICD)-TVET and relevant stakeholders, developed a curriculum on judicious use of pesticides. This was supported by the Pesticide Management Initiative project funded by the Netherlands government through Wageningen University and Research. KICD- TVET Curriculum Development, Assessment and Certification Council (TVET-CDACC) has certified the following curricula:

a) Competency Based Curriculum for Integrated Pest Management and Judicious Use of Pesticides Level 5 (TVET CDACC, 2019)
b) National Occupational Standards for Integrated Pest Management Level 5 (TVET CDACC, 2019).

Committee Observation

156. Implementation is ongoing.

14. The Ministry of Agriculture, Livestock, and Fisheries and the Ministry of Information Communication and Technology should develop and operationalize an Information System for the collection of data on pesticide use.

Management response:

157. The Committee was informed that:

i) Import and Export control: All imports and exports of pest control products are processed and approved in accordance with the new Pest Control Products (Importation and Exportations) Regulations, 2024. PCPB has integrated the processing of import and export licenses in the Kenya Trade net System and e-citizen platform.
ii) Import/export license applications are submitted online through the Kenya Trade net System-PCPB web portal. Import/export permits are approved for respective consignments and from a known source. This is aimed at ensuring that only products that have undergone the registration process are availed in the Kenyan market. It also prevents the introduction of banned or severely restricted products into the country. Such licenses are granted to registered local agents or their approved distributors.
iii) The list of PCPs registered for various uses is publicly available on the PCPB website for free.
iv) Application for registration of new pest control products and label extensions are submitted to PCPB through the Online Pesticide Registration System (OPRS) developed through support by USDA and the East African Community. Kenya was requested to pilot the system with an aim of upscaling the use in other countries in the region. The Online portal is currently in use.
v) **Constraint:** Estimation on amounts used on individual crops requires funding to collect data from the growers.

Committee Observation

158. Implementation is ongoing. The Committee notes that largescale nationwide surveys require more funding to fully implement data collection drives for more accurate information.

15. That the Ministry of Agriculture, Livestock, and Fisheries and County Government should immediately consider introducing Spray Service standards as the concept would enhance the professional application on pesticides.

Management response:

159. The Committee was informed as follow's

i) **Support of Spray Service Providers:** PCPB and the Agrochemical industry have introduced the concept of Spray Service providers. Under this initiative a group of well-trained service providers will be offering spray services to the farmers. Over 2000 SSP have been trained.

ii) Minimum qualifications for persons operating as spray service providers provided for in the new Pest Control products (Inspection and certification) Regulations of 2024. Certification of Spray Service providers is provided for in the proposed draft PCP bill 2024.

Committee Observation

160. Implementation is ongoing.

16. That the Ministry of Health should offer budgetary and technical support to the Poison Information Centre at Kenyatta National Hospital (KNH). The Centre assists in the management of poisoning cases in the country, provides information to the public on the prevention of poisoning and maintains records that support policy decisions.

Management response:

161. The Committee was informed that:

i) The Poison Information Centre (PIC) is operational and is domiciled at our national referral hospital, Kenyatta National Hospital, with the support of the Agrochemical Industry. Health professionals are on call 24/7.

ii) Inclusion of a Toll-Free Number is a mandatory requirement in the First schedule of the newly gazetted Pest Control products (Labelling, Advertising, and Packaging) Regulations 2024. The Toll-Free number is 0800720021 and 0800730030, available 24 hours.

iii) **Constraints**: There is need to allocate resources to build the PIC to respond and offer feedback to inform decision making.

9.3 Committee on Implementation Observations

162. The Committee observed that:

1. The most important outcome expected by the Committee was a resolution by the Ministry to announce a ban on the listed pesticides but this was not included in the submissions and response.
2. There was no indication by the Ministry on which pesticides had been banned in Kenya

3. Countries that ban agricultural products from Kenya, are ironically among the exporters of the same pesticides into the country.
4. Kenya is literally dumping grounds for harmful pesticide components such as Glyphosate (39 products, considered carcinogens by WHO), and Lambda-cyhalothrin (32 products which are highly toxic to bees/fish and aquatic life).
5. As at the time of the meeting, Kenya had not fully developed laboratory capacity to track and assess the safety of pesticides in the country.

9.4 Committee on Implementation Recommendations

163. The Committee recommended that within six (6) months upon tabling and adoption of this report:

1. The Ministry of Agriculture takes a decisive action that directly addresses the plight of Kenyans affected by pesticides resulting in serious ailments such as cancer.
2. The Ministry of Agriculture and Livestock Development, in collaboration with the Ministry of Education, Science and Technology, to develop and fully operationalize a curriculum on pesticides in the education system at all levels.
3. The Ministry of Agriculture and Livestock Development publishes a monthly/regular report on random tests conducted on food items to assess their consumption suitability.
4. The Ministry of Agriculture and Livestock Development develops a policy for agricultural products traceability through all the stages of production, processing and distribution, from the farm to the consumer.
5. The Pest Control Products Board (PCPB) ensures that products banned in other jurisdictions are not in use in Kenya.
6. As per Resolution No.1 of the report, the Ministry of Agriculture and Livestock Development, in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenya market and ban products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.
7. The Cabinet Secretary, Ministry of Agriculture and Livestock Development to ban all harmful pesticides, currently in circulation in the Kenyan market, that have already been outlawed in other countries.

10.0 REPORT ON CONSIDERATION OF THE PUBLIC PETITION NUMBER (03) OF 2023 REGARDING THE MANAGEMENT OF STANDARD GAUGE RAILWAY (SGR) SERVICES

10.1 Background

121. Summary of Petitioner's Submission (Mr. Amos Nyasani)

i) Since its commissioning in 2017, the SGR has consistently operated at a deficit. Notably, in FY 2019/20, operating costs stood at KES. 18.1 billion against revenues of KES. 13.3 billion, reflecting a structural imbalance that has persisted through 2023. In 2022/23, despite a marginal revenue decline to KES. 16.04 billion from KES. 16.07 in 2021/22, costs remained elevated at KES. 15.88 billion, pointing at long-term sustainability concerns.

ii) The original breakeven projection for 2019 has not materialized. Between 2017 and 2019, cumulative losses exceeded KES. 30 billion, driven largely by high operational and maintenance (O&M) costs, initially contracted to China Road and Bridge Corporation (CRBC) and now partially localized under Kenya Railways (KR).

iii) The project was financed through over KES. 477 billion in Exim Bank of China loans. With an annual debt servicing obligation of ~USD 356 million (approx. KES. 56 billion semi-annually), revenues remain insufficient to support both operating costs and loan repayments, necessitating budgetary support and mid-year fiscal interventions.

iv) By June 2022, KR had taken over 40 of 52 O&M functions. However, high-value activities (e.g., rolling stock maintenance, signalling, and dispatch services) remain under Afristar or OEM control. Afristar still earns USD 63.8 million annually, though this is expected to decline as localization progresses through 2025.

v) Passenger fares had remained unchanged since 2017 (KES. 1,000 for economy, KES. 3,000 for first class), despite rising fuel and input costs. A fare review proposal (to KES. 1,500/3,500) is pending approval. Similarly, haulage rates are under revision to align with operating realities.

vi) Freight volumes have grown steadily from 950,000 tonnes in FY 2017/18 to 6.3 million tonnes in FY 2022/23, translating to a modal share rise from 4% to 26% nationally. Despite this, end-to-end competitiveness remains constrained by last-mile inefficiencies and limited cost advantage relative to road haulage (US$ 768 vs US$ 926 per TEU).

vii) Naivasha ICD operates below optimal levels (30% utilization), despite policy backing. SGR passenger services have moved over 10.4 million people since inception, with six daily round-trips and an average train load of 1,200 passengers.

viii) Amendments to the Miscellaneous Fees and Levies Act, 2016 and Customs Regulations (2020) allowed use of the Railway Development Levy Fund (RDLF) to cover O&M costs, diverting funds from long-term infrastructure investment to recurrent expenditure.

ix) Rental income and ancillary revenues remain negligible, indicating a lack of asset monetization strategy. Leveraging idle KRC land and logistics services could unlock new revenue streams and ease the fiscal burden.

Committee Recommendations

164. The Committee recommended that the Kenya Railways Corporation—

i) Puts appropriate measures in place to ensure it takes over the remaining functions of operations and maintenance of the SGR by December 2025 to reduce operational costs.

ii) Invests in the development of professional capacity of the technical employees to ensure that the subsequent phases of the project are finalized in line with the Medium-Term Plan IV of Vision 2030.

iii) Publishes the quarterly financial reports of the Standard Gauge Railway (SGR) on its official website detailing a breakdown of revenue collections operational costs and sources and the amount of any financial support, to enhance transparency and accountability.

iv) The Committee wrote to the Principal Secretary for Transport and the Managing Director, Kenya Railways on 5th June, 2025 inviting them to a meeting to consider the implementation status of the recommendations of the Public Petition Number (03) of 2023 Regarding the Management of the Standard Gauge Railway (SGR) Services.

10.2 Submission by the Managing Director, Kenya Railways regarding the implementation status

165. Mr. Philip J. Mainga - Managing Director, Kenya Railways appeared before the Committee on 13th June, 2025 to apprise it on the implementation status of the Public Petition Number (03) of 2023 Regarding the Management of the Standard Gauge Railway (SGR) Services. He was accompanied by:

1.	Eng. Philip J. Mainga	-	Managing Director, Kenya Railways Corporation
2.	Mr. Edward Langat	-	Manager, Port Operations.
3.	Mr. Stanley Cheruiyot	-	Manager Business, Kenya Railways
4.	Mr. Erick Njoroge	-	Manager, Operations
5.	Mr. Peter Kamatia	-	Port Operations
6.	Eng. John Mativo	-	Clearing and Import Services; and
7.	Ms. Christine Macharia	-	PA, CEO, Kenya Railways Corporation

166. The Committee was informed as follows on the status of the following recommendations contained in the Report:

1. **Response on appropriate measures in place to ensure the Corporation takes over the remaining functions of operations and maintenance of the SGR by December 2025 to reduce operational costs**

Management Response

167. SGR hand back process started in 2020 with the objective of reducing SGR operational costs, localizing SGR operations, initiating skill transfer and capacity building to local staff. The process began with the handover of loading, offloading and security services to Kenya Railways in 2020. There was further handover of Operations of Passenger Services Stations in March 2021 and fuel management in April 2021. Between June 2022 to December 2024 the Corporation had taken over additional functions in track, signalling, rolling stock and

locomotive maintenance. As at December 2024 Kenya Railways had taken over 48 out of the 52 SGR functions representing 93% of the SGR hand back process with the 4 remaining functions been domiciled within freight management and departure. Therefore, below is a summary of the phased hand over of SGR functions categorized into 5 key functions.

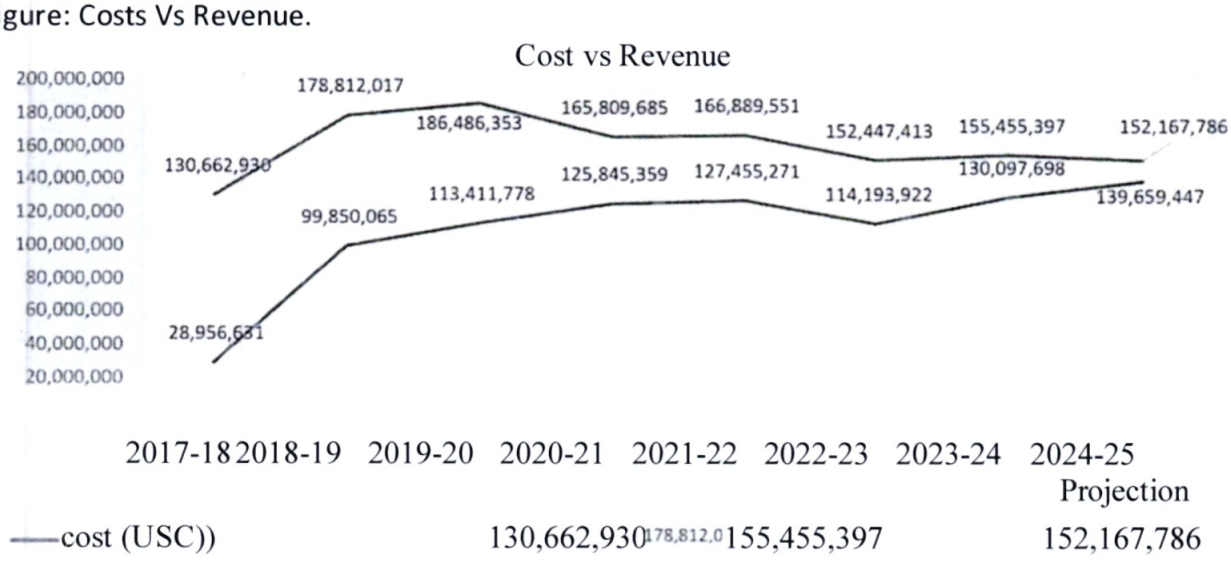
Table 1: Status of SGR Handover Process

S/No.	Category	No. of Functions taken over by KR	No. of functions with the Operator	Handover Status as 31st Dec 2024.
1.	Locomotives	8		100%
2.	Rolling Stock	3		100%
3.	Track	12		100%
4.	Transport	19	4	83%
5.	SECI	6		1000/0
Total		48	4	93%

i. Performance of SGR Operational Costs against Revenues.

With the handover of SGR functions, the Corporation has conducted an analysis on the performance of SGR operational costs and revenues from 2017 to date. The SGR operational costs have stagnated at an average of KES. 18.3billion from FY2017/2018 to FY2023/2024. However, it may be positively noted that revenues have increased at a compounded rate of 33.9% from KES. 2 billion in FY2017/2018 to KES. 16.8 billion in FY2023/2024 due to improved freight and passenger performance. The Corporation further projects earnings of KES. 18 billion in the current financial year as it gears towards a break even as illustrated in the table below.

Figure: Costs Vs Revenue.



——Revenue (USD) 28,956,631 113,411,778125,845,359127,455,271 130,097,698

139,659,4

Axis Title——--Cost (USC)) ——Revenue (USD)

ii. Measures and preparations in place to support a seamless full takeover of SGR operations.

The Corporation has undertaken a risk operational audit on SGR hand over, noted challenges and developed measures towards supporting a seamless handover in December 2025. The table below gives a summary of risks identified and mitigating measures put in place to support full takeover of SGR operations. The measures will support containment of costs especially in technical functions.

Table 2: SGR Handback/ Takeover Risk Management

S/N0.	Risk Description	Mitigation Measures
1	Inability to directly access SGR Original Equipment Manufacturers (OEM)	Implement the Memorandum of Understanding between Kenya Railways and the National Railways Administration of China on local investment in manufacturing of spares. This will reduce the vulnerability of the rail sector to global supply chain disruptions.
2	Inadequate local technical capacity for SGR	Fast-track localization programme and skill transfer from Chinese expatriates Undertake skill gap analysis Work with CRBC to build local capacity
3	Deferred locomotive maintenance	Set up overhaul workshop for undertaking overhaul and periodic maintenance Procure/ stock spares
4	Inability to maintain quality of ser-vice	Allocate adequate budget for SGR O&M Timely replacement, maintenance and repairs of SGR assets & equipment

iii. Other Management interventions.

i) Management has taken various measurements to reduce SGR O&M Costs and ensure smooth handover process including;
ii) Fast tracking the maintenance plan before the final handover dated 31st December 2025.
iii) Undertaking analysis of the tooling equipment required at the workshop for timely procurement
iv) Ensuring the signalling system is robust enough for safe and effective operations.
v) Finalization of the stock take of SGR materials before the handover is completed in December.

Committee Observation

168. Implementation ongoing. The Committee notes that as at the time of the inspection visit, 93% of the functions had been handed over to Kenya Railways Corporation ahead of the December, 2025 deadline.

2. **Response on building technical capacity for SGR Operations Recommendation: Invests in the development of professional capacity of the technical employees to ensure that the subsequent phases of the project are finalized in line with the Medium-Term Plan IV of Vision 2030.**

Management Response

169. There was an observation by the committee on item 4, No. 42, that KRC is in the process of training engineers to take over locomotive and locomotive and rolling stock maintenance and information and communication systems maintenance, which are currently outsourced through Afristar.

170. Similarly, a recommendation on item 43, ii, was made by the committee, requiring that Kenya Railways invests in the development of professional capacity of the technical employees to ensure that the subsequent phases of the project are finalized in line with the Medium-Term Plan (MT P) IV of Vision 2030.

Management Response

171. The report provides an update of Human Capital activities undertaken by the Corporation since the hand-back process begun to date, in table 1. It also gives the projected/planned trainings that will be undertaken by the Corporation for the technical staff who will be involved in SGR Operations.

Table 1: Technical trainings undertaken to support SGR Operations.

No.	Training Course	Department	Location/ Institution	No. of staff trained
	Mechanical, Civil Communication, Signalling, Safety	Operations and ETS	Beijing Jiatong University (BJT)	99
1	Urban Railway Management			1
2	Mainline Driving Course Training	Operations		75
3	Refresher course for CXR	Operations		30
4	Railway Incident Management	Operations		25
5	Safety for overhead Machine Operator	Machine Operators	RTI	100
6	Refresher course on Locomotive Maintenance	Locomotive Maintenance staff		30
7	Refresher course on Machine Handling	Operations		30

	Training			
8	Refresher course on Permanent way Plant & Equipment	Operations-Track machine operators		20
	TOTAL STAFF TRAINED			410

Table 2: Ongoing and Scheduled Technical trainings to support SGR Operations.

No.	Training Course	Department	Location/Institution	No. of staff to be trained
1	Various technical courses	Operations and Engineering & Technical Services Department	Virtual/Guanzou Technical College	50
2	Training on stakeholder engagement and communication in implementation of transport projects	Engineering & Technical Services Department	Naivasha-Nairobi Metropolitan area Transport Authority	5
3	International Environment conference	Engineering & Technical Services Department	Railway Training Institute	4
	TOTAL STAFF TRAINED			59

172. Group training activities are also lined up to be held before the final hand back, including financial planning, and safety and personal awareness for all staff within the SGR corridor.

Committee Observation

173. Implementation is ongoing. The Committee noted that Kenya Railways Corporation had initiated group training activities for staff within the SGR corridor before the final hand back, that incorporate financial planning, and safety.

3. **Recommendation: Publishes the quarterly financial reports of the Standard Gauge Railway (SGR) on its official website detailing a breakdown of revenue collections, operational costs and sources and the amount of any financial support, to enhance transparency and accountability**

Management Response

174. The Committee was informed as follows

i) Kenya Railways affirmed its commitment to transparency and accountability in the management of the Standard Gauge Railway (SGR). In compliance with Section 83(1) of the Public Finance Management (PFM) Act, 2012, the

Corporation has consistently prepared quarterly financial statements, which are reviewed by the Board and submitted to the National Treasury.

ii) Additionally, these reports are uploaded to the Government Integrated Monitoring and Information System (GIMIS) for oversight by the National Treasury. To align fully with the Committee's recommendation and further enhance public transparency, Kenya Railways will take steps to ensure that these quarterly financial reports—detailing revenue collections, operational costs, and any financial support—are also published on the Corporation's official website going forward.

Committee Observation

175. Implementation of the recommendation is ongoing.

4. **Recommendation: Diversifies its services by offering loyalty programmes and special packages for various groups such as students, senior citizens, and frequent travellers.**

Management Response

176. Substantial efforts have been implemented and more initiated to enhance customer experiences on the SGR. Some of them are as listed below:

i) The service introduced a night train in addition to the previously operated express and intercounty trains. This train has received widespread commendation and enhanced the number of travellers on the SGR dedicated special sitting areas and coaches for students. Every holiday season, the SGR provides additional coaches to accommodate school students and their guardians. Arrangements are also made for waiting areas and boarding priority.

ii) The Service recently introduced new coaches that offer variety of classes. In additional to the economy and first-class coaches, the service now offers a premium class in each train with meals served on board, special waiting lounges at each station and priority boarding.

iii) The service has introduced new special economy coaches to accommodate PWDs and senior citizens with special sitting areas and lavatories.

iv) The Corporation also listened to the requests by customers on the economy seating arrangement and provided new coaches with improved seats. The same seats are being implemented in all the other economy coaches progressively.

v) The Corporation has reviewed its conditions of carriage to accommodate additional items that had previously been restricted. Creams, hair sprays and alcoholic beverages that were prohibited will now be tagged and carried on board in a special coach and handed over upon arrival.

vi) Kenya Railways had also reviewed the terms for ticket re-scheduling and cancellation to allow more flexible options. The service will also be enabling ticket upgrade from one class to another.

Committee Observation

177. The resolution has been implemented. The Committee noted that Kenya Railways services are continually offered in a manner that incorporates client needs and preferences alongside standard safety measures and emerging transport industry challenges.

10.3 Committee on Implementation observations

178. The Committee observed as follows:

1. That as at December, 2024, Kenya Railways had taken over 48 out of the 52 SGR functions representing 93% of the SGR hand back process with the 4 remaining functions domiciled within freight management and departure.
2. That SGR operational costs have stagnated at an average of KES. 18.3 billion from FY2017/2018 to FY2023/2024. However, it may be positively noted that revenues have increased at a compounded rate of 33.9% from KES. 2 billion in FY2017/2018 to KES. 16.8 billion in FY2023/2024 due to improved freight and passenger performance.
3. That the Kenya Railways is up to date in payment of the loan advanced to it by the Exim Bank of China (KES. 477 billion) towards the construction of the SGR and will clear the loan in three (3) years' time in 2028.
4. That the security for the loan (an estimated USD 356 million drawing a KES. 56 billion semi-annual repayment) for the SGR project, was revenue from the freight and commuter service and government budgetary support, not other assets such as the Port of Mombasa.
5. That even though the SGR performing at above average, little is known to the general public about its operations. The SGR communications team has failed to effectively communicate about its operations.
6. That the Kenya Railways is in the process of re-introducing a 26-kilometer passenger railway line in Mombasa. This will commence from the Ksh. 4.2 billion Mombasa SGR terminus and provide a city link line to the Mombasa Central Railway Station.
7. The Kenya Railways intends to use an upgraded railway line to ferry passengers from the Madaraka Express, link with all seven SGR stations within Mombasa to access the central business district directly via the refurbished Meter Gauge Railway.

10.4 Committee on Implementation Recommendations

179. The Committee recommends as follows:

1. That even though SGR revenues have increased by 33.9% from KES 2 billion in FY2017/2018 to KES 16.8 billion in FY 2023/2024 due to improved freight and passenger performance, SGR should expand this revenue base through expansion of commuter rail networks. Additionally, SGR can introduce a freight segment for ferrying personal cars at a fee alongside passenger's upcountry to raise more revenue.
2. That the Kenya Railways expedites completion of other pending projects to enhance customer experience and avoid having stalled ventures, benchmark with the developed nations on railway technologies in order to retain its competitiveness in the transport industry in the region.
3. The SGR communications team should be revamped and revitalized to effectively communicate about its operations.

12.0 REPORT ON PUBLIC PETITION NO. 44 OF 2023, ON ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

12.1 Background

180. The Public Petitions Committee of the Thirteenth Parliament (Third Session) considered Public Petition No. 44 of 2023, which sought the enhancement of house allowances for teachers working and residing within Kilifi Municipality. The petition was presented to the National Assembly on August 10, 2023, by Hon. Owen Yaa Baya, MP for Kilifi North.
181. The petitioner requested that the National Assembly, through the Public Petitions Committee, investigate the living conditions of teachers in Kilifi Municipality and recommend that teachers in both secondary and primary schools receive enhanced house allowances, among other prayers.
182. The core issue stemmed from the fact that while the Salaries and Remuneration Commission (SRC) issued a circular on house allowance payments in 2014, Kilifi was only granted Municipality status in 2018, effective March 19, 2019. This meant that when SRC initially categorized municipalities for house allowance purposes, Kilifi was not included as a municipality. Consequently, teachers in Kilifi have been receiving house allowance under "Cluster 4" which is typically for rural areas, despite the higher cost of living in the municipality. An enhancement is typically undertaken every four years.
183. The Public Petitions Committee observed the following;
    i) Kilifi was conferred Municipality status in 2018 via Kenya Gazette Supplement Notice No. 2 dated March 19, 2019.
    ii) At the time the SRC issued its circular on house allowance payments in 2014, Kilifi was a township and was gazetted as a rural area. As a result, teachers in Kilifi have been receiving house allowance under Cluster 4, which requires enhancement as per the four-year review cycle.
    iii) The SRC did not review or provide an advisory on the house allowance payable to teachers in Kilifi town until July 31, 2023, with full harmonization expected by July 1, 2024.
    iv) The Ministry of Public Service, Performance and Delivery Management and SRC are responsible for reviewing salaries and allowances.
    v) There is a need for gradual and full harmonization of allowances for all civil servants, and SRC should ensure compliance by employers.

Based on its observations, the Committee on Petitions recommended the following:

184. **Prayer 1:** That the Committee inquire into the living conditions of teachers working and residing within Kilifi Municipality. The Committee observed that teachers in Kilifi Municipality face significantly higher living costs and rent compared to the monthly allowances they receive, forcing them to seek housing outside the municipality.
185. **Prayer 2:** That teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance. The Committee recommends that the affected teachers submit their request through their employer, the Teachers Service Commission (TSC), to the Salaries and Remuneration Commission (SRC) for

consideration. The Committee noted that SRC is undertaking a progressive harmonization of house allowances under the Third Remuneration and Benefits Cycle for the Teaching Service, with full harmonization by July 1, 2024. SRC has also communicated new rates to TSC for both phases via a letter dated July 31, 2023. Therefore, the Committee recommends that SRC and TSC, in compliance with the above provisions, ensure that teachers working and residing in Kilifi Municipality receive enhanced house allowances, along with arrears, effective July 1, 2023.

186. **Prayer 3:** The Committee recommends that the Ministry of Public Service, Performance and Delivery Management track and provide a status report on the review of hardship areas, which will inform the review of hardship allowances across the country. The Committee further recommends that the Ministry of Public Service, Performance and Delivery Management, in consultation with SRC and other relevant entities, develop strategies to address disparities in public service remuneration within six months from July 1, 2023.
187. The Committee wrote to the Principal Secretary, State Department for Public Service & Human Capital Development; the Acting Chief Executive Officer, Teachers Service Commission; and the Acting Chief Executive Officer, Salaries and Remuneration Commission on 15th July, 2025 regarding implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality.

12.2 Submission by the Principal Secretary, State Department for Public Service & Human Capital Development regarding implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of House Allowances for teachers working and residing within Kilifi Municipality

188. Dr. Jane Imbunya – Principal Secretary State Department for Public Service appeared before the Committee on 29th July, 2025 to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by Mr. Yusuf Ibrahim - Ag. Sec. HRM Policy, Mr. David W.D. Ochiel - Director HRMP, Mr. Isaac Ngige - Parliamentary Liaison Officer and Ms. Gakenia Mwangi-Communications officer.
    i) The Committee was informed that the issue raised by the petitioner falls within the mandate of the Salaries and Remuneration Commission and the Teachers Service Commission as the employer.
    ii) According to the Ministry, House allowance rates applicable to clusters 3 (other former Municipalities) and cluster 4 (Other areas) have been fully harmonized with effect from 1st July, 2024. This means that teachers stationed in Kilifi Municipality are being paid rates in cluster 3 (Other former Municipalities).
    iii) The Committee learnt that the issue on payment of enhanced house allowance for teachers stationed in Kilifi Municipality stands resolved by Salaries and Remuneration Commission and the Teachers Service Commission.

1) On the Status Report on Review of Hardship Areas in the Public Service

189. The Committee was informed that:

i) the Government had over the years identified and designated some regions of the country as hardship areas for purpose of payment of hardship allowance to Public Servants working in those areas.

ii) Designated hardship areas are considered to be comparatively remote with inadequacy in food supply, infrastructure, security, basic social services and amenities. Hardship allowance was introduced in 1969 as an incentive for officers stationed in designated hardship areas.

iii) Article 41 of the Constitution of Kenya provides that every person had a right to fair labour practices which include among others fair remuneration and reasonable working conditions.

iv) Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for payment of hardship allowance for officers stationed in designated hardship areas as an incentive to partially compensate Public Servants working in designated hardship areas.

Committee Observation

190. Implementation is ongoing. The Committee noted that identification and designation of some regions of the country as hardship areas for purpose of payment of hardship allowance to Public Servants is a progressive undertaking that is subject to periodical reviews.

1) On Prayer 3 sought by the Public Petitions Committee as a recommendation to the Ministry: The Committee recommends that the Ministry of Public Service, Human Capital Development and Special Programmes fast tracks and provides the status report on the review of hardship areas which will inform review of hardship allowances across the country.

191. The Committee was informed that:

i) designation of hardship areas was previously undertaken consultatively with the Office of the President, Provincial Administration and Internal Security and the then Directorate of Personnel Management. The designated hardship areas and payment of hardship allowance was to be progressively reviewed as areas became relatively developed and socio-economic conditions improved across the country.

ii) It is noted that over the years, various jurisdictions in the Public Service including the Civil Service, the Teaching Service and the Judiciary have independently reviewed hardship areas using different parameters thereby creating disparities in terms of categorization and rates of payment. It is further noted that the unit of analysis for designated hardship areas are not harmonized and vary across Public Service jurisdictions. For instance, the Civil Service uses the former District boundaries while the Teaching Service under the Teachers Service Commission (TSC) uses Educational Zones for categorization.

iii) Currently, the Civil Service, County Governments and State Corporations have sixteen (16) areas designated as hardship as indicated in the Circular Ref: OP/CAB/1/31A dated

7th December, 2025 (Copy Attached), Teaching Service had forty-four (44) as per the Kenya Gazette - Legal Notice No. 534 of 1997 dated November 11, 1997 while the Judiciary had twenty-one (21) designated hardship areas.

iv) The Committee was informed that the status report on review of designated hardship area in the Public Service was as follows;

192. An Inter-Agency Technical Committee was appointed by the Ministry responsible for Public Service in March 2019. The Committee comprised of representatives from the then Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.

193. The Committee was informed that the Terms of Reference (TORs) for the Inter- Agency Technical Committee were to:

a) Study the current policies and applicable circulars on designated hardship areas and payment of Hardship Allowance in the Civil Service;

b) Undertake a comparative analysis of other existing policies on designated hardship areas and payment of Hardship Allowance in the Public Service and other jurisdictions;

c) Study the issues in petitions presented to the National Assembly on the matter of designated hardship areas and payment of Hardship Allowance to Public Servants;

d) Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding designated hardship areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017 and make recommendations on implementation modalities;

e) Address any other issues incidental to the matter of designated hardship areas and payment of Hardship Allowance;

f) Prepare a Report on the study with recommendations and way forward on categorization of designated hardship areas and payment of Hardship Allowance;

g) Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas. The parameters were: food, water, transport & communication services, social services, climate & terrain, security and poverty index.

h) The Inter-Agency Technical Committee undertook a wide stakeholder engagement in carrying out the study. Some of the stakeholders' engagement by the Committee was face to face interviews with officers from the Ministry of Interior and Co-ordination of National Government, County Directors of Education, Teachers Service Commission (TSC) County Directors, County Statistics Officers, National Drought Management Authority (NDMA), County Governments and Union Representatives. In addition, the Technical Committee undertook the following:

    a. Field work visits to establish the status of the respective areas, reviewed reports from the respective County/Deputy County Commissioners and socio-economic data submitted by the respective County Statistics Officers of the areas visited; and

b. Literature review on poverty indices in the Country from annual Economic Surveys and reports prepared by the Commission on Revenue Allocation and the Equalization Fund.

194. Key findings and recommendations of the report were as follows:

i) There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship', however, upon review they were found not to be 'hardship';

ii) The severity of hardship in the reviewed areas vary from moderate to extreme;

iii) Some of the currently designated hardship areas covered an entire County/Sub-County/Division uniformly. It is however noted that, some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas;

iv) Not all Public officers working in hardship areas are currently paid hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service; and

v) Some areas that were previously designated as hardship and have acquired different status following implementation of the devolved system of governance and improved socio-economic development across the country, have been reviewed and recommended for de-gazettement.

Committee Observation

195. Implementation is ongoing. The Committee noted that identification and designation of some regions of the country as hardship areas for purpose of payment of hardship allowance to Public Servants is a progressive undertaking that is subject to periodical reviews. The Committee was also informed that the report on the Review of the Designated Hardship Areas in the Public Service is currently awaiting Cabinet consideration.

2) **Prayer 3: The Committee further recommends that the Ministry of Public Service, Human Capital Development and Special Programmes in consultation with the Salaries and Remuneration Commission (SRC) and other relevant Agencies harmonizes House Allowances for Public Officers in all areas across the country as a way of addressing disparities that may exist in various sectors of public service within six (6) months from 1st July, 2023.**

Management Response

196. The Committee was informed that Prayer 3 (ii) the harmonization of House Allowances for Public Officers is under the purview of the Salaries and Remuneration Commission (SRC).

Committee Observation

197. Implementation is ongoing.

12.3 Submission by the Acting Chief Executive Officer, Teachers Service Commission (TSC); Regarding implementation Status of Recommendations contained in the Report on Public Petition No. 44 of 2023, on Enhancement of House Allowances for teachers working and residing within Kilifi Municipality

198. Ms. Evaleen Mitei - Acting. CEO/Commission Secretary, TSC Service appeared before the Committee on 29th July, 2025 to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by the following officials: Mr. Gilbert Yego, Dep. Director/ICT & PA to CEO, Mr. Cavin Anyuor-Director Legal, Ms. Mollet Sang-Ag. Director HRM, Mr. Edwin Musundi - Senior Legal Officer and Mr. Njeru Peter Deputy Director Staffing.

199. The Committee was apprised as follows:

2) On the Committee recommendation that the affected teachers submit their copies of draft CBA to SRC through their employer TSC for Consideration.

200. The Committee was informed that:

i) Following the above recommendation and in compliance with the Guidelines for collective bargaining in the public sector, the teachers through their unions presented their proposals to facilitate the CBA 2025-2029 negotiations.

ii) In terms of House Allowance, the teacher unions demanded an increase in House Allowance rates by 30%-50%. However, due to the constrained fiscal space, the Commission negotiated with the teacher unions to retain the House allowance as per the current rates.

iii) Further, parties agreed to retain the current classification where House Allowance is paid based on three categories namely Nairobi, Major Municipalities and other areas.

iv) SRC and TSC to ensure that teachers working and residing in Kilifi Municipality get enhanced house allowances together with their arrears with effect from 1st July 2023

v) As members may recall, the Commission signed an addendum to the CBA 2021-2025 with teacher unions which took effect on 1st July, 2023. The CBA categorized House allowance for teachers into four (4) clusters namely Nairobi, Major Municipalities, Other Municipalities and other areas.

vi) In July, 2024, the House Allowance for cluster 3 and 4 were harmonized. Teachers in Kilifi Municipality were correctly paid their Salary and all Allowances including enhanced House Allowance as per the provisions of the CBA signed in 2023 and the necessary arrears paid; and

vii) copies of sampled pay slips to confirm that the Enhanced House Allowance was correctly paid.

Committee Observation

201. The resolution has been implemented. The Committee noted that by July, 2024, the House Allowance for cluster 3 and 4 had been harmonized.

12.4 Submission by The Acting Chief Executive Officer, Salaries and Remuneration Commission regarding implementation status of recommendations contained in the Report on Public Petition No. 44 Of 2023, on enhancement of House Allowances for teachers working and residing within Kilifi Municipality

202. CPA Margaret Njoka - Acting Commission Secretary/CEO, Salaries and Renumeration Commission (SRC) appeared before the Committee on 29th July, 2025 to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by Ms. Jennifer Gitari from SRC.

203. The Committee was informed that:

1) **On prayer 1: That the Public Petitions Committee inquiries into the living conditions of teachers working and residing within Kilifi Municipality as:**
   i) The teachers working and living within Kilifi Municipality allegedly feel discriminated against as they are not paid a commensurate allowance as those residing in major towns; and
   ii) The teachers were experiencing high cost of living; the cost of rental houses and basic commodities compared to the monthly allowances they were paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they taught.

Committee Observation

204. Implementation is ongoing. The Committee noted that as at July, 2024, the House Allowance for cluster 3 and 4 had been harmonized.

2) **The Committee recommended that the affected teachers to submit their copies of the draft CBA to SRC through their employer TSC for consideration.**
   i) The Committee was informed that the affected teachers have not submitted a request to SRC through TSC for consideration as recommended by the Public Petitions Committee.
   ii) **Status of Implementation:** The Committee learnt that; as submitted to the Public Petitions Committee, SRC harmonized House Allowance for cluster 3 (other former municipalities) and cluster 4 (all other areas) with effect from 1st July, 2024 under the 3rd remuneration and benefits review Kilifi cycle. Consequently, Municipality now falls under cluster 3, and the new rates were adopted in cluster 2.

Committee Observation

205. Implementation is ongoing. The Committee noted that as at July, 2024, the House Allowance for cluster 3 and 4 had been harmonized.

3) **On Prayer 2: That teachers in both Primary Schools within Municipality are facilitated to receive enhanced house allowance. The committee noted that;**
   i) SRC was undertaking progressive harmonization of House Allowances under the Third Remuneration and Benefits Cycle for the Teaching Service for the FY2021 /2022 - 2024/2025 which had been actualized with effect from 1st July, 2023 and would be fully harmonized by 1st July, 2024; and

ii) Consequently, SRC communicated the new rates to TSC for both phases vide a letter dated 31st July, 2023 to negotiate with teachers' Trade Unions on the Collective Bargaining Agreements for teachers.

Committee Observation

206. Implementation is ongoing. The Committee noted that SRC was undertaking progressive harmonization of House Allowances under the Third Remuneration and Benefits Cycle for the Teaching Service for the FY2021 /2022 - 2024/2025.

4) The Committee recommended that SRC and TSC in compliance with the above provision, ensures that teachers working and residing in Kilifi Municipality get enhanced house allowances together with arrears with effect from 1st July, 2023.

i) **Status of Implementation:** SRC vide letter Ref. No: SRC/TS/24/5 (96) dated 31st July, 2023 (copy attached) advised TSC on the reviewed house allowance rates for cluster 4 for the Teaching Service. The enhanced house allowance rates were adopted in the 2021-2025 CBAS for Teachers.

ii) **On Prayer 3:** The Committee makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

iii) **Status of Implementation:** Under the 3rd remuneration and cycle, SRC benefits review reviewed house allowance rates for cluster 4 with effect from 1st July, 2023 and consequently harmonized the rates for cluster 4 (all other areas) with those of cluster 3 (other former municipalities) with effect from 1st July. Further, SRC will be undertaking progressive harmonization of House Allowance and will consider a review of the allowance for the entire public service in the current 4th remuneration and benefits review cycle (FY 2025/26FY2029/30) taking into account the principles under Article 230 (5) of the Constitution.

Committee Observation

207. Implementation is ongoing. The Committee noted that the Salaries and Remuneration Commission was undertaking progressive harmonization of House Allowances and would consider a review of the allowance for the entire public service in the current 4th Remuneration and Benefits Review Cycle (FY 2025/26–FY 2029/30).

12.5 Committee on Implementation Observations

208. The Committee Observed as follows:

1. The Salaries and Renumeration Commission (SRC), Ministry of Public Service and Teachers Service Commission (TSC) had undertaken considerable efforts in implementing the recommendations of the report.
2. Although SRC and TSC had partially harmonized the House Allowance, Kilifi was put in cluster 3 and not cluster 2 with municipalities such as Malindi.
3. Petitioners still felt teachers in Kilifi were not fairly classified compared with municipalities of equal standing.
4. TSC was still paying hardship allowance based on Legal Notice 534 of 1997; which had been overtaken by events.

5. There was still a feeling of unfairness amongst teachers especially on hardship allowance since many teachers opted to coalesce around urban centers in the hardship areas.

12.6 Committee on Implementation Recommendations

209. The Committee recommends that within six (6) months upon tabling and adoption of this report: -

1. The Teachers Service Commission and the Salaries and Remuneration Commission harmonizes allowances as elucidated in the petition by Kilifi teachers and make it representative of the entire country;
2. Ensure that harmonization of allowances amongst teachers should not result in the withdrawal of other allowances such as hardship allowance as evidenced in past exercises; and
3. TSC, SRC and the Ministry of Public Service to harmonize the allowances and submit a progress report to the Committee within sixty (60) days of adoption of this report.

13.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS ON ITS CONSIDERATION OF A PUBLIC PETITION FOR THE RESETTLEMENT OF ENOOSUPUKIA EVICTEES

13.1Background

210. Honourable Speaker conveyed a Public Petition on Wednesday 2nd April, 2014 in accordance with Standing Order 225(2) on behalf of the victims of the Enoosupukia eviction. The evictees were forcefully removed from their farms in Narok County between 1992 and 1993 where they had settled and constructed public facilities such as schools and Churches in Enoosupukia after buying land from Maasai's and Dorobo's between 1960 and 1965.

211. The petition focused on the 7000 registered Enoosupukia evictees who were displaced after violence erupted in the early 80' and 90' and their efforts in seeking resettlement from various government agencies. The petitioners, in their prayer, requested that Parliament conduct an investigation on the matter with a view to assist them in obtaining suitable land for resettlement and to secure compensation for the suffering endured in the last twenty (20) years.

212. Pursuant to Standing Order 216, the Departmental Committee on Lands in fulfilling its mandate considered the petition and made appropriate recommendations with respect to the prayers sought in the petitions. In considering the petition, the Departmental Committee on Lands held four Committee sittings and received submissions from among others the Petitioners, the Ministry of Devolution & Planning and the Ministry of Lands, Housing & Urban Development.

Departmental Committee on Lands Findings

213. The Committee made the following findings from submissions received from the various stakeholders: -

1. The Enoosupukia Internally Displaced Persons (IDPs) have been suffering for the last 20 years since they were evicted from their Land in the years 1992 and 1993;
2. The Enoosupukia Evictees victims have not been properly profiled nor registered and operate as individual groups and only the Internally Displaced Persons (IDPs) of the Post-Election Violence of 2007/2008 were profiled and are being resettled;
3. The Enoosupukia Evictees have previously sought assistance from the government but have not been resettled and there has been no land identified for their resettlement.
4.

Departmental Committee on Lands Recommendations

214. In response to the inquiry, the Departmental Committee on Lands recommended that: -

i) The Ministry for Devolution and Planning should within 100 Days operationalize the National Humanitarian Fund Advisory Board for it to implement its Mandate;

ii) The National Land Commission through the Task force on Historical Injustices expedites the process of formulating the Bill on Historical Injustices for consideration by Parliament as it would help address Historical Land injustices; and

iii) The Ministry for Devolution and Planning should profile and register the Enoosupukia Evictees with a view to support them in rebuilding their lives.

215. The Committee on Implementation wrote to the State Department of Devolution, the State Department for Interior and National Administration, the State Department for Lands and Physical Planning and the National lands Commission on 26th February, 2024 regarding the implementation status of recommendations contained in the Report of the Departmental Committee on Lands Regarding the Petition for the resettlement of Enoosupukia Evictees.

Submissions by the Principal Secretary, State Department for Devolution regarding implementation of recommendations contained in the Report of the Departmental Committee on Lands on its consideration of a Public Petition for the Resettlement of Enoosupukia Evictees

216. Mr. Alfonzo Munyali Acting Secretary, Devolution appeared before the Committee on Tuesday, 12th March, 2024 submitted the following in response to the implementation status of the recommendations contained in the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Enoosupukia Evictees:

217. **With regard to the Report on recommendation No.1 where the Ministry of Devolution and Planning was required to operationalize the National Humanitarian Fund Advisory Board within 100 days in order for it to implement its mandate, the Committee was informed that: -**

218. The Committee was informed that; "The prevention, protection and assistance to internally displaced persons and affected communities act, 2012" was gazetted on 4th January, 2013 through Kenya Gazette Supplement No. 220 (Acts No. 56). The Act became effective on 18th January, 2013.

219. Following the enactment of the Act, the following has been done to operationalize it: -
    i) The Chairman of the National Consultative Coordination Committee (NCCC) Mr. Adan Wachu was appointed by H.E. The President on 19th February, 2014 and was subsequently gazetted on 28th February, 2014 vide Gazette Notice No. 1361;
    ii) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons was gazetted by the Cabinet Secretary on 3rd October, 2014 vide Gazette Notice No. 6853;
    iii) The Secretariat to the NCCC was constituted by the Principal Secretary state department for devolution and office space allocated to them in 2014;
    iv) The Committee effectively took over from where the previous National Humanitarian Fund Advisory Board left and held several planning meetings, met and visited some IDPs groups and commenced implementation of planned activities.

With regard to the Report on recommendation No. 3 where the Ministry of Devolution and Planning was required to profile and register the Enoosupukia evictees with a view to support them in rebuilding their lives.

220. The Committee was informed that: -
    i) The formation of the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons as the official, impartial and humanitarian focal body on all matters relating to internal displacement heralded a new focus on the way IDPs matters could be dealt with. Apart from finalizing on the programmes earmarked for

the already profiled IDPs, the Committee was expected to consider all the unprofiled groups and individuals including the Enoosupukia victims.

ii) NCCC in collaboration with deputy county commissioner in Naivasha conducted consultative meetings on profiling Enoosupukia Evictees between 4th-8th April, 2016 in the Deputy County Commissioner's office Naivasha.

iii) The meeting involved members from the two groups representing the Enoosupukia IDPs who had gathered in the hall to know their fate in terms of Government's assistance.

iv) The meeting was in response to the directive from the National Assembly after the Enoosupukia leadership petitioned the National Assembly which then instructed the NCCC to profile them.

v) Mr. Peter Kenneth Kamau and Mr. Gatune both claimed chairmanship of Enoosupukia evictees and therefore presented two different lists each claiming to be correct list of Enoosupukia evictees.

vi) The two conflicting parties were tasked to sit and consolidate their lists into one agreeable genuine list and then resubmit to NCCC for consideration and before the same could be submitted, the NCCC was transferred from the state department for devolution to the state department for interior with all the records.

vii) Further progress reports on profiling of Enoosupukia evictees can be retrieved from the State Department for Interior which has the custody of all records and documents relating the NCCC on internally displaced persons.

13.2 Committee Observations

221. The Committee observed that:

1. The file with the names of internally displaced persons presented to the Ministry of Devolution had two sets of names. This caused a delay in resolving the matter, but later, when the two lists had been reconciled, the matter had been moved from the then Ministry of Devolution to the Ministry of Interior and National Administration.
2. The matter under consideration had been moved to the ambit of Special Programmes under the Ministry of East African Community and Arid and Semi-Arid Lands (ASALs).
3. The issue of Enoosupukia evictees had been domiciled in the State Department for Devolution between the years 2014-2016.
4. The State Department of Devolution did not provide documentary evidence showing attempts at contacting and reconciling their responses with the Ministry of Interior and National Administration.

13.2 Submissions by the Principal Secretary, State Department for Interior and National Administration regarding implementation of recommendations contained in the Report of the Departmental Committee on Lands on its consideration of a Public Petition for the Resettlement of Enoosupukia Evictees

222. Dr. Raymond Omollo, PhD, Principal Secretary, State Department for Interior and National Administration through a written submission dated 19th June, 2025 provided the following information regarding implementation of recommendations contained in the Report of the

Departmental Committee on Lands on its consideration of a Public Petition for the Resettlement of Enoosupukia Evictees

Status of Implementation

223. The Committee was informed that, on 2nd April, 2014, the Deputy Speaker of the National Assembly, Honourable Dr. Joyce Laboso, conveyed a petition pursuant to Standing Order 225 (2) by the Enoosupukia evictees. They were evicted from their farms in Narok County between 1992 and 1993 and had not been resettled.
224. The petitioners requested the government to investigate the matter with a view to compensating and getting them alternative land for resettlement. The Departmental Committee on Land recommended the following:
    i) The Ministry for Devolution and Planning should within 100 days operationalize the National Humanitarian Fund Advisory Board for it to implement its mandate;
    ii) The National Land Commission through the Taskforce on Historical Land Injustices should expedite the process of formulating the Bill on historical Injustices for consideration by Parliament as it would help address historical land injustices;
    iii) The Ministry of Devolution and Planning should profile and register the Enoosupukia evictees with a view to supporting them in rebuilding their lives.

Non-existence of National Humanitarian Fund Advisory Board

225. The Committee was made aware that the National Humanitarian Fund Advisory Board is no longer in existence. The Advisory Board was established under rule 6(1) of the Government Financial Management (Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence) Regulations, 2008 as per Legal Notice No. 11 contained in Kenya Gazette Supplement No. 6 of 30th January, 2008).
226. The Board was domiciled in the Ministry of Special Programmes. Its membership comprised:
    a) The Permanent Secretary for the Ministry for the time being responsible for special programmes;
    b) The Permanent Secretary for the Ministry for the time being responsible for Finance;
    c) The Permanent Secretary for the time being responsible for Lands; and
    d) Six other persons appointed by the President, one of whom was to be the chairperson.

227. The Board was to report to the Minister for Special Programmes and was to advise the Minister on the effective operations of the Humanitarian Fund. The object of the Fund was to provide ex gratia funding for:
    a) the resettlement of persons displaced as a result of post-2007 election violence;
    b) the replacement of basic household effects destroyed as a result of post-2007 election violence;
    c) enabling the victims of the post-2007 election violence re-start their basic livelihood; and
    d) the reconstruction of basic housing, rehabilitation of community utilities and institutions destroyed as a result of post-2007 election violence.
228. With the enactment of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act (IDP Act) in 2012, the Advisory Board became otiose.

under section 12 of the Act, a Committee known as the National Consultative Coordination Committee on Internally Displaced Persons was formed and effectively replaced the Advisory Board. Among its functions are to offer assistance to Internally Displaced Persons (IDPs) and to oversee the management and use of the Humanitarian Fund established under section 14 of the IDP Act.

229. This Fund replaced the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Violence established under section 6(1) of the Government Financial Management (Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence) Regulations, 2008.
230. The National Humanitarian Fund Advisory Board having been replaced with the National Consultative Coordination Committee on Internally Displaced Persons and its funds transferred to the latter, the Board cannot be operationalized.

Committee Observation

231. The House resolution has not been implemented.

Status of the Bill on historical injustices by the National Land Commission

232. The Committee was informed that the National Land Commission is better placed to deal with the issue.

Status of the recommendation on profiling and registration of Enoosupukia evictees by the Ministry of Devolution and planning

233. Under section 13(1) of the IDP Act, one of the functions of the National Consultative Coordination Committee on Internally Displaced Persons is to register IDPs. The Committee is not in existence at present having served its term.
234. However, the Committee, if constituted, will not be able to profile and register Enoosupukia evictees because the IDP Act does not act retrospectively. It was enacted in 2012 while the acts complained of occurred, more than three decades ago, between 1992 and 1993, hence removing them from the purview of the IDP Act.

Committee Observation

235. The House resolution has not been implemented. The Committee notes that as per the submissions, the claim falls outside the purview of the IDPs Act.

13.3 Committee on Implementation observations

The Committee made the following observations:

1. The National Consultative Coordination Committee on Internally Displaced Persons is not in existence at present having served its term.
2. The IDP Act (enacted in 2012) while the displacement at Enoosupukia occurred, more than three decades ago, between 1992 and 1993, hence removing them from the purview of the IDP Act – which does not act retrospectively.

13.4 Committee on Implementation recommendation

236. While it is unlikely for the IDPs to be paid as per the existing legal framework, the Ministry of Interior and National Administration should endeavour to institute measures that bring closure to the victims of displacement at Enoosupukia.

14.0 REPORT OF THE PUBLIC PETITIONS COMMITTEE ON PUBLIC PETITION NO. 6 OF 2022 BY THE HON. (DR.) JAMES NYIKAL, REGARDING COMPENSATION FOR NYANZA-WESTERN KENYA CAUCUS OF INTERNALLY DISPLACED PERSONS

14.1 Background

237. The Committee was informed that the Public Petitions Committee in its report on Public Petition No. 6 of 2022 by the Hon. (Dr.) James Nyikal, regarding compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons dated July 27, 2023, recommended the following;

    a) The Ministry of Interior and National Administration fast track the process of addressing the plight of Nyanza-Western Caucus of IDPs with a view of compensating all the genuine and deserving IDPs in the said caucus in the Financial Year 2024/2025.

    b) The Cabinet Secretary for the Ministry of Interior and National Administration must fully comply with national values and principle of governance as provided for in Article 10 of the Constitution, in particular Clause (2) (b) on human dignity, equity, social justice, inclusiveness, non-discrimination, and perception of the marginalized.

    c) The Government should recognize all categories of IDPs including reviewing upwards the amount of money paid to the integrated IDPs.

238. The Committee was informed that the recommendations by the Committee fall under the mandate of the Ministry of Interior and National Administration. Therefore, they are best placed to give a status update.

14.2 Submission by the State Department of Devolution

239. Mr. Jackson Mwangi-Deputy Director, Legal, Mr. Charles Muthuri-Assistant Director, Parliamentary Liaison and Mr. John Mokomoni -Assistant Director, Devolution Collaboration & Partnerships appeared before the Committee on Thursday, 24th April, 2025 to apprise it on the implementation status of recommendations contained in the Report of the Public Petitions Committee on Public Petition No. 6 of 2022 by the Hon. (Dr.) James Nyikal, regarding compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons.

240. The Committee was informed via letter Ref: MDP/DD/ADM/II/18.VOL.I(26) that the State Department for Devolution had appeared before the Committee on 28th March, 2024 and issued its submissions on the matters regarding IDPs. Since then, the status had not changed.

241. The Ministry of Devolution and Planning, through the State Department for Devolution at one time handled the issue of Internally Displaced Persons in the country as the follows:

    i) Established the National Consultative Coordination Committee on IDPs (NCCC) on 19th November, 2014 to operationalize the **"Prevention, Protection and Assistance to Internally Displaced Persons (IDPs) and Affected Communities Act, 2012"** and the Committee started operations in April, 2015.

    ii) The resettlement of Internally Displaced Persons (IDPs) was handled by the State Department for Devolution, in the then Ministry of Devolution and Planning, between 2014 and May 2016 when the committee **(NCCC)** was moved to the Ministry of interior and coordination of national government.

iii) During the period November 2014 to May 2016 the following are the resettlement activities which took place. The activity targeted those IDPs in Camps country wide and not specifically from any region.

Programme/Item	**No. of beneficiary Households**	**Total Cost (KES.)**	**Remarks**
Cash payment (Phase 1 – KES.. 400,000 per Household)	8,409	3,363,600,000.00	This was a resettlement programme where the affected people were given KES. 400,000.00 in lieu of land.
Repatriation of Kenyan IDPs from Uganda	643	30,150,000.00	This programme catered for those IDPs who agreed to voluntarily return from Uganda. Families were given between KES. 100,000.00 and KES. 150,000.00 for families of between 1-3 members and over 3 members in a family respectively. This was over and above what they received from other agencies e.g UNHCR, Red Cross, etc.
Cash payment (Phase 2 – KES.. 200,000 per Household & Cash payment (Phase 3 – KES.. 200,000 per Household))	5,857 5,261	1,171,400,000.00 1,052,200,000.00	An amount of KES. 200,000.00 was given to IDPs who were established to be living in camps. The reduction from KES. 400,000.00 to KES. 200,000.00 was to allow accommodation of increased number of victims due to the widened mandate of the IDP Act, 2012 and also due to budgetary constraints.

iv) When the National Consultative Coordination Committee on IDPs (NCCC) was established, it became the focal point for internally displaced persons in the county. Through Executive Order No. 1 of May, 2016, the committee was placed under the Ministry of Interior and Coordination of National Government. Therefore, all the activities and records relating to internally displaced persons in the country were moved to the Ministry of Interior.

v) That a total of 19,178 IDPs from Nyanza region were paid KES. 10,000 and KES. 25,000 through the respective District Commissioners as follows:

District	Number of House Holds of IDPs
Borabu	1076
Gucha	939
Kisii	96
Kisii Central	3605
Kisii South	1332
Kisumu East	68
Manga	739
Masaba	1714
Migori	760
Nyamira	3261
Nyamira North	868
Nyando	1643
Rachuonyo	1471
Rongo	529
Siaya	1087

vi) That a total of 26,047 integrated IDPs households from Nyanza-Western region were paid KES. 50,000/= through commercial banks as follows:

County	Number of House Holds of IDPs
Bungoma	3576
Busia	249
Homabay	349
Kakamega	1931
Kisii	7161
Kisumu	1052
Migori	1637
Nyamira	9049
Siaya	701
Vihiga	342

242. With regard to the Report on recommendation No. (iii) where the Government was required to recognize all categories for IDPs including reviewing upwards the amount of money paid to the integrated IDPs as follows:
243. That an amount of KES. 200,000.00 was given to IDPs who were established to be living in camps. The reduction from the early payment of KES. 400,000.00 to KES. 200,000.00 was to allow accommodation of increased number of victims due to the widened mandate of the IDP Act, 2012 and also due to budgetary constraints. This also applied to integrated IDPs who were paid KES. 50,000 each.
244. The Committee recommendations can be adequately responded to by the State Department for Interior where the NCCC was lastly domiciled where all the records on IDPs are kept.

Committee observations

245. The Ministry of Lands is not free of the culpability of its members in fraudulent land transactions.

14.2 Submissions from State Department for Internal Security and National Administration

246. Dr. Raymond Omollo, PhD, Principal Secretary, State Department for Interior and National Administration through a written submission dated 19th June, 2025 provided the following information regarding implementation of recommendations contained in the Report of the Public Petitions Committee on Public Petition No. 6 of 2022 by the Hon. (Dr.) James Nyikal, regarding Compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons.

Status of the implementation of the recommendations of the Report of the Public Petitions Committee on Public Petition No. 6 of 2022 by the Hon. (Dr.) James Nyikal, regarding Compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons

247. The Committee was informed that the petition for Nyanza and Western IDPs was presented to the House by Member for Seme Constituency, Hon. (Dr.) James Nyikal. He asserted that after the post-election violence, the government compensated IDPs who were in designated camps with KES. 400,000.00 while others received land. However, IDPs from Nyanza and Western, under the Operation Rudi Nyumbani programme received sums of less than KES. 50,000.00. This was to facilitate their movement from the areas of conflict to their homes.
248. The petitioners prayed for expeditious interrogation of the issues in the petition and compensation. The Committee recommended as follows:
    a) The Ministry of Interior and National Administration to expedite the process of addressing the plight of Nyanza-Western Caucus of IDPs with a view of compensating all the genuine and deserving IDPs.
    b) The Cabinet Secretary for the Ministry of Interior and National Administration to comply with national values and principles of governance as provided for in Article 10 of the Constitution as relating to human dignity, equity, social justice, inclusiveness and non-discrimination; and
    c) The government should recognize all categories of IDPs including reviewing upwards the amount of money paid to the integrated IDPs.

249. The Committee was informed that in the aftermath of the post-election violence 2007-2008, the government expended enormous efforts and resources in order to ameliorate the unfortunate situation that IDPs faced. Throughout the country, 663,921 individuals comprising 245,416 households were profiled, vetted and verified as IDPs. About 350,000 of this sought refuge in 118 camps while 313,921 were integrated among various communities in the country.
250. The IDPs were faced with different challenges and therefore the said 245,416 households were grouped into several categories as follows:
    a) IDPs who voluntarily agreed to return to their farms/homes through the Rudi Nyumbani Operation. These were 70,000 households comprising 350,000 individuals. They were paid KES. 10,000.00 and a few were paid KES. 25,000.00 for construction of their burnt houses.
    b) IDPs who were settled in land bought by the government and those who received cash payment in the sum of KES. 400,000.00 in lieu of land. The beneficiaries under this programme were 8,754.
    c) IDPs who were repatriated from Uganda to Kenya. Their number was 643.
251. The vetting of IDPs was done by vetting committees at the then District level and by the Kenya National Bureau of Statistics who developed the forms to be used in the exercise. The State Department of Devolution, Directorate of Special Programmes kept a list of profiled, vetted and verified IDPs.
252. The government made the decision to compensate IDPs who were registered on or before 31st December, 2008 and who appeared in its database.
253. The payments to IDPs were made on ex gratia basis depending on the circumstances of each IDP. The formula applied was reasonable.

Committee Observation

254. Not implemented. The Committee notes that as per the submission, the Government had decided to compensate IDPs who were registered on or before 31st December, 2008 and who appeared in its database.

14.3 Committee on Implementation observations

1. The National Consultative Coordination Committee on Internally Displaced Persons is not in existence at present having served its term.
2. The IDP Act (enacted in 2012) while the displacement occurred in 2007/2008 hence removing them from the purview of the IDP Act – which does not act retrospectively.

14.4 Committee on Implementation recommendations

255. While it is unlikely for the IDPs to be paid as per the existing legal framework, the Ministry of Interior and National Administration to institute measures that bring closure to the victims of displacement in 2007/2008 post-election violence who were never compensated.

15.0 STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS THE DEPARTMENTAL COMMITTEE ON LANDS REPORT ON ITS CONSIDERATION ON THE RESETTLEMENT OF NTIRIMITI SUBUIGA SQUATTERS ON LAND PARCELS NUMBER 2806-3 SUBUIGA BOSNIA AND 2822-3 NTIRIMITI SETTLEMENT SCHEME

15.1 Background

256. In 2015, the National Assembly received a petition with a view of resettling families of the squatters, then approximated at 215 in number. The petitioners' prayers were;
   i) For the inquiry into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government.
   ii) An acknowledgment of the petitioners' rights to the land they occupy, asserting that they have a legitimate expectation of ownership based on historical occupancy and government assurances regarding their settlement;
   iii) A call for the government and relevant authorities to facilitate the resettlement of the squatters on specific parcels of land that were previously surrendered for their benefit;
   iv) Protection from eviction and any actions that may undermine their claims to the land;
   v) The petitioners are asking for damages due to violations of their property rights, which they argue have resulted from unlawful actions by private parties and government inaction regarding their claims.

257. Consequently, the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme made the following recommendations:

a) As per the first prayer: "Inquiries into the circumstances under which squatters were unjustifiably evicted from the land, which they had been allocated by the Government."

258. The Committee recommends that:
   i) The settlement of squatters on LR. 2822 is unattainable as the parcel does not exist.
   ii) The Directorate of Criminal Investigation Department should investigate the settlement of 215 squatters on Ntimiriti Settlement Scheme and the alleged payment of KES. 9,000 by each family.

(b) As per the second prayer.' " Intervenes in the matter of the Ntimiriti-Subuiga Squatters, with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them."

The prayer is declined on the grounds that LR No. 2806/3 is gazetted Wildlife corridor hence resettlement of squatters on the land will lead to human wildlife conflict.

iv). The National Land Commission should look into the status of parcel no. 976212 measuring approximately 600 acres with a view of settling the squatters on that land.

259. On 8th November, 2024 the Committee wrote to the Principal Secretary - State Department for Lands and Physical Planning, Ministry of Lands, Public Works, Housing & Urban

Development; the Chief Executive Officer - National Lands Commission, and the Director – Directorate of Criminal Investigations; inviting them to apprise it on the implementation status of the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme.

15.2 Submissions by the Principal Secretary, State Department for Interior and National Administration

260. Dr. Raymond Omollo, PhD, Principal Secretary, State Department for Interior and National Administration through a written submission dated 19th June, 2025 provided the following information regarding implementation of recommendations contained in the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme.

261. In 1991, residents from Kibirichia, Ntimiriti, and Ntumburi encroached on the area of Subuiga Bosnia (LR No. 2806/3 and not LR. No 2803/3), claiming to have been allocated the mentioned parcel by Lands officials of the then-ruling party, KANU, through the Meru District Commissioner. However, no official documents were issued on the matter. In the same year, the parcel was gazetted as a Game Corridor vide Gazette Notice No. 3452 of 30th July,1991. In 1998, the squatters were evicted from the land, by the then Provincial Administration after two people were trampled on by an elephant while guarding their farm. The evicted persons formed a group comprising of 215 members, led by their Chairman Joseph Mugambi. The group has presented their grievances to various Government institutions since then, seeking for an amicable solution but in vain. The following are the findings on the said land parcels: -

a) LR.No.2806/3 measuring approximately 723 acres, is a public land owned by the State Department for Livestock and located at Lewa Wildlife Conservancy. It is used as a wildlife corridor at Lewa Conservancy that connects the upland forest of Mt. Kenya and the lower elevation rangelands to the North. It is a migration route of elephants to Samburu National Reserve and is frequented by other endangered species such as rhinos.
b) Ntimiriti Settlement Scheme was established in 1982 and registered in 1983 when the Settlement Fund Trustees bought land (LR. No.9762/1 of approximately 2369 acres) and two other parcels (LR.No. 2811/1 and LR. No. 2810 of approximately 894 and 4589 acres respectively) totaling to 7852 acres. The scheme is fully occupied and owners possess title deeds.
c) There are no records to indicate that parcel No.2822/3 existed.
d) Further records indicate that in 1959, LR.No. 2822 was combined with parcel LR.No.4634 and other public lands to form parcel LR.No.9762 of approximately 8561 acres.
e) LR No. 2806/3 Subuiga Bosnia is a gazetted wildlife corridor hence resettlement of the squatters on the land will lead to human wildlife conflict.
f) Most of the said squatters returned home, after they were evicted from LR. No. 2806/3 Subuiga Bosnia in 1998, since they were from the surrounding areas. Few of

the squatters were allocated plots at Subuiga market while others have since been living in temporary houses by the roadside along the boundary of land parcel 2806/3.

262. The matter on land settlement by the squatters on Ntimiriti Settlement Scheme as well the allegations on the families paying KES. 9,000 each is being handled by the Directorate of Criminal Investigations Headquarters, Land Fraud Unit. The matter is at the final stage of forwarding the file to the Office of the Director of Public Prosecution.

Committee Observation

263. Not implemented. The Committee notes that as per the submission, there are no records to indicate that parcel No.2822/3 existed. Further records indicate that in 1959, LR.No. 2822 was combined with parcel LR.No.4634 and other public lands to form parcel LR.No.9762 of approximately 8561 acres. LR No. 2806/3 Subuiga Bosnia is a gazetted wildlife corridor hence resettlement of the squatters on the land will lead to human wildlife conflict. Most of the said squatters returned home, after they were evicted from LR. No. 2806/3 Subuiga Bosnia in 1998, since they were from the surrounding areas.

15.3 Submission by the Directorate of Criminal Investigations regarding the Report of the Departmental Committee on Lands on its consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme

264. The Director - Directorate of Criminal Investigations via letter Ref: DCI/IB/SEC/2/8/13/VOL.II/162 dated 13th November, 2024 responded as follows:

a) As per the first prayer: - "Inquiries into the circumstances under which squatters were unjustifiably evicted from the land which they had been allocated by the Government"

265. The Committee recommended that:

i) The Settlement of squatters on LR 2822 is unattainable as the parcel does not exist.

ii) The Directorate of Criminal Investigations Department should investigate the settlement of 215 squatters on Ntimiriti Settlement Scheme and the alleged payment of KES.9,000/- by each family.

b) As per the second Prayer: "Intervenes in the matter of Ntimiriti-Subuiga Squatters with a view of having the two hundred and fifteen (215) homeless families, currently living in deplorable and inhuman conditions, settled on part of land parcel No. 2806/3 that had initially been allocated to them."

c) The prayer is declined on the grounds that LR No. 2806/3 is gazetted wildlife corridor hence settlement of squatters on the land will lead to human wildlife conflict.

d) The National Land Commission should look into the Status of parcel No. 9762/2 measuring approximately 600 acres with a view of settling the squatters on that land.

In Response to Above Recommendations the Director, Directorate of Criminal Investigations responded as follows: -

266. The Director, Directorate of Criminal Investigations instituted investigations into the matter and established the following: -

Summary of Evidence

i) A visit was made to Subuiga area where the squatters were residing.

ii) Statements were recorded from the following individuals.
   a) Chairman Joseph Mugambi and the Secretary Ruth who represented the 215 squatters who had presented the petition to Parliament that around 25 squatters who have been settled on plot 882 with settlement Fund transfer and among them who paid the KES.9,000/=
   b) Former DO Timau
   c) Current District Adjudication Officer
   d) Former District Adjudication officer Mr. James Kamau
   e) Former District Surveyor Alexander Muriuki
   f) Two former junior officers who were working with the district
   g) Adjudication office who at one time handled the said KES.9, 000/ = cash.

i). The following documents were obtained:
   a) Copies of receipts from squatters settled on plot 882- SFT Land inscribed Subuiga Squatters Settlement Survey and demarcation exercise.
   b) Copies of official receipts of payment from the office of District Adjudication Office
   c) Copies of Letter of Allotment
   d) List of 215 members/squatters who were evicted from the Wildlife Corridor LR. 2803/3
   e) Survey Map for plot 882 - Mutation Form that was used to sub-divide plot 882

Findings

267. After getting the documents and oral evidence from witnesses, analysis was done with the following findings: -
   i) It was established that indeed squatters who were to be settled on plot 882 in Subuiga area were 125 and five public Utilities and not 215
   ii) That the land measured 50 acres
   iii) That the squatters are the ones who proposed to cater for funds for the survey work as they wanted it done immediately and urgently
   iv) That not all the squatters paid the KES.9,000/-.
   v) That the said money was used to hire private surveyor for the survey exercise
   vi) That the squatters are not complaining that they paid the money for the demarcation but that they were allocated small parcels of land (1/8 of acre) and they expected 2 acres or more and that they should be considered afresh together with the 215 squatters who had petitioned Parliament in case there was a bigger land elsewhere.
   vii) It has been established that the 215 members/squatters are pursuing the National Land Commission as advised by the Parliamentary Committee.
   viii) It has been established that there is no way the squatters would have got more than an eighth of an acre because there were only 50 acres and public utility which were necessary took 25 acres; a half of what was available.

Conclusion

268. The squatter's allegations were unfounded and hence do not merit for further action.

Committee Observation

269. Not implemented. The Committee notes that as per the submission, the squatters' claims did not merit for further action

15.4 Committee on Implementation Observations

270. The Committee made the following observations:

1. It was impractical for squatters to have got more than an eighth of an acre as they had envisioned since there were only 50 acres and public utility which were necessary took 25 acres; a half of what was available.
2. The settlement of squatters on LR. 2822 is unattainable as the parcel does not exist.
3. Most of the said squatters evicted from LR. No. 2806/3 Subuiga Bosnia in 1998, returned home, after they were since they were from the surrounding areas.

15.5 Committee on Implementation Recommendations

271. Having considered submissions from the Ministry of Interior and National Administration as well as the Directorate of Criminal Investigations, the Committee concurs with the recommendations of the Departmental Committee on Lands on its Report on the consideration of a public petition for the resettlement of Ntimiriti Subuiga Squatters on Land Parcels Numbers 2803-3 Subuiga Bosnia and 2822-2 Ntimiriti Settlement Scheme.

16.0 HIGHER EDUCATION LOANS BOARD REGARDING THE IMPLEMENTATION STATUS OF THE 21ST REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS –HIGHER EDUCATION LOANS BOARD (HELB)

16.1 Background

Audit Issue: Students Loans: FY 2012 /13 - 2014/15 Accounts

272. The Committee heard that, as disclosed in note 4 to the financial statements, matured loans to students, loan interest and user charges as at 30 June 2015 totalled to KES 29,163,926,490 out of which an amount of KES 3,293,818,387 was recovered during the year, leaving a balance of KES 25,859,862,592. Further, a sum of KES 53,120,661 representing refunds has been added back to raise the outstanding debt to KES 25,912,983,253.
273. When the provision for bad and doubtful debts of KES 1,299,361,105 is taken into account, the outstanding matured loans stood at KES 24,613,622,148 as at 30 June 2015. Also, no aging analysis was availed for audit review to determine the status of old loans. Although the Board has indicated that it has put measures in place to recover the outstanding loan and that there has been an increment in the loan amount recovered during the year compared to the previous year, the amount recovered still appear inadequate when compared to the total nurtured portfolio.
274. In the circumstances, it has not been possible to ascertain the accuracy and recoverability of the matured loans amounting to KES 24,613,622,148 as at 30 June, 2015.

Committee Recommendations

i) The CEO of the Board undertakes a loan analysis exercise including age analysis for each of the loans and recommends the necessary measures to recover the outstanding loans.

ii) The Board further needs to put measures in place to recover funds from graduates who work in the diaspora by working closely with the Ministry of Foreign Affairs and Department of Immigration in order to enforce repayment of loans.

iii) The Board pursues its beneficiaries who are employed in the informal sector such as jua kali and private business in order to increase funding of the revolving funds to the ever-increasing number of needy students.

16.2 Submission by the Chief Executive Officer, Higher Education Loans Board

275. Mr. Geoffrey Monari, Chief Executive Officer, Higher Education Loans Board appeared before the Committee on Saturday 9th August, 2025 to apprise it on the implementation status of the 21st Report of the Public Investments Committee on Audited financial statements for State Corporations –Higher Education Loans Board (HELB). He was accompanied by the following officers:

(i) Mr. Kevin Lidoroh - Deputy Director, Finance
(ii) Mr. William Mbala - Manager, Marketing & Innovation
(iii) Mr. Seth Murithi - Accountant
(iv) Mr. Calvins Bob Odhiambo -Enterprise Data & Document Management

The Committee was apprised as follows:

Status of Implementation

1. **FY2012/2013– 2014/2015 Accounts - Outstanding Matured Student Loans**
   i) The CEO of the Board undertakes a loan analysis exercise including age analysis for each of the loans and recommends the necessary measures to recover the outstanding loans.
   ii) The Board further needs to put measures in place to recover funds from graduates who work in the diaspora by working closely with the Ministry of Foreign Affairs and Department of Immigration in order to enforce repayment of loans.
   iii) The Board pursues its beneficiaries who are employed in the informal sector such as jua kali and private business in order to increase funding of the revolving funds to the ever-increasing number of needy students.

276. **Regarding the progress made towards the reduction of the total matured loan portfolio owed by students amounting to KES 24,613,622,148 (with the exclusion of the provision for bad and doubtful debts of KES 1,299,361,105) as at 30th June 2015.**

Management Response

277. The Committee was informed that the loan recovery strategies put in place towards reduction of the total matured loan portfolio owed include but is not limited to the following:
   i) Incentivized Recovery offers: 80% penalty waivers as per the Credit Policy.
   ii) Strengthen strategic partnerships for recovery via:
      a) Optimal utilization of KRA data obtained from online integration
      b) Implementation of the partnership with OAG through the signed MoU.
      c) Online Integration with other strategic partners for real-time data access.
   iii) Revamping of the informal sector loan recoveries through:
      a) Online connection with CRBs for real time data updates.
      b) Optimal tap into the free-market economy and online businesses that provide short-term services or asset-sharing.
      c) Periodic Bulk SMS reminders to loanees.
      d) Increased dialogue with loanees to pay affordable amounts through social media platforms and physical location visits
   iv) Widen the loan repayment catchment area through:
      a) Engaging PSC & TSC so that interns engaged can commence their loan repayments.
      b) Targeting Board of Management (BoM) Teachers. Contacting all the public schools (over 12,000 Schools).
   v) Collaboration with County Governments on business licenses for informal sector recoveries
   vi) Data Sharing Agreements.

a) Map out & sign data sharing agreement with strategic partners on sponsorships and other engagements. This complies with the HELB Act and the Data Protection Act (2019).
b) CRB - To integrate with the 3 Bureaus in Kenya for real-time data access

vii) Legislate data sharing with other Government Agencies
a) iTax - Already in place. To utilize optimally.
b) NHIF, NTSA, Kenya Power, Registrar of Persons, NITA.
c) OAG for Public Sector Compliance

viii) Leverage on technology for enhanced collections. Enhance Digital Platforms and reduce physical contact with loanees through:
a) Employer Portal - Optimal utilization to promote employer compliance to Disclose, Deduct and Discharge (3Ds). 100% utilization of the employer portal.
b) Debt Collectors' Portal- Enhanced optimal management by Debt Collectors to increase efficiency in debt Collectors' Management.
c) CRB Portals to enhance efficiency in Management of data to CRBs.
d) Loanee Self Service Portal - Widen the services range in the portal.

ix) Use Debt Recovery Analytics: Apply analytics that brings out both the probability of recovery and the expected monetary amount to be recovered.

x) Use of external debt collection agencies both locally and in the diaspora to skip trace and net defaulters. Up to date, the Board has signed MOUs with eleven (11) external debt collection agencies to support in the recovery of long outstanding loans. Internally, a Debt Recovery Unit (DRU) has also been set up to handle these hardcore accounts. Since 2013/2014, a total of Kshs.3.3 billion has been collected through Debt Collection Agencies.

xi) Inclusion of HELB compliance certificate as part of fulfilment of Chapter 6 of the constitution of Kenya on Leadership and Integrity. This has led to a big number of defaulters who seek employment in Counties and National government to repay their loans.

xii) Enforced the requirements of the HELB Act Cap 213A (S.15 (2) and (S.17 (1) which spell out the obligations of the loanees and the employers respectively. This has enhanced compliance on loan recovery.

xiii) Making Debt Recovery Easier for clients.
a) Auto Generation of outstanding loan notifications.
b) A customer-sensitive multi-channel contact strategy by investing in data analytics, Artificial Intelligence (AI) and automation.
c) Enhanced Self-Service Capabilities to reduce operating costs.

Committee Observation

278. Implementation is ongoing. The Committee notes that recovery of loans is a continuous process that requires innovation to maximize recoveries.

2. **On evidence of efforts and progress made towards recovery of funds from graduates who work in the diaspora in conjunction with Ministry of Foreign Affairs and Department of Immigration in order to enforce repayment of loans.**

Management Response

279. The Committee was informed that the loan recovery strategies put in place towards repayment of HELB loans by beneficiaries in the diaspora include but is not limited to the following:
    i) Partnership agreements with diaspora communities for loan recovery purposes.
    ii) Participation in diaspora homecoming conventions & investment conferences
    iii) Periodic online diaspora engagement forums & sensitization.
    iv) Champion the review and strengthening of the legal framework governing the recovery of loans from beneficiaries in the diaspora.
    v) Collaboration with the State Department on the Diaspora (Ministry of Foreign Affairs) and State Department of Immigration on establishing a diaspora contact database through Kenyan embassies and consulates.
    vi) Leverage digital platforms to reach out to beneficiaries in the diaspora.

Committee Observation

280. Implementation is ongoing. The Committee notes that recovery of loans is a continuous process that requires innovation to maximize recoveries.

3. **On steps initiated by CEO of the Board in undertaking loan analysis exercise including age analysis for each of the loans and recommend the necessary measures to recover the outstanding loans.**

Management Response

281. The Committee was informed that the loan analysis exercise has been undertaken as follows;
    i) Constitution of a standing data committee to manage student loans data including loan portfolio analysis.
    ii) Initiated segmentation of borrower profile by classification of local/diaspora, employed/self-employed/unemployed, academic institution, completion of course and funding cycle.
    iii) The exercise to analyse the loans disbursed were done and the repayment made for the cohorts (years) 1995/1996 to 2009/2010.
    iv) For the measures put in place to recover the outstanding loans have been covered in roman i and ii above.

Committee Observation

282. Implementation done.

2. Status of HELB Funds Held in Various Privately-Owned Banks

i) The Ethics & Anti-Corruption Commission investigates the conduct of the Board's Chief Executive Officer for contravening Treasury Circular No. 10 of 1992 which

directed that State Corporations invest surplus funds in Treasury bills and bonds and recommend prosecution by the Director of Public Prosecutions for abuse of office contrary to and Public Officer Ethics Act, 2003.

ii) The Board's CEO ensures that the Board complies with Treasury Circular No. 10 of 1992, which directed that State Corporations invest surplus funds in Treasury bills and bonds.

4. **On the status of the surplus fund that HELB invested in short term placement at Jamii Bora Bank (as at 31st July, 2016, HELB had KES 200,000,000.00 on short term placement at Jamii Bora Bank) without approval of the National Treasury.**

Management Response

283. The Committee was informed that the short- term placement of KES. 200M (Two hundred Million only) held at Jamii Bora Bank as of 31st July, 2016 was retired and Principal plus interest earned received in the HELB Student Loans Account in October 2016 as per attached Bank statement. The funds were utilized to finance students.

Committee Observation

284. The House resolution has been implemented.

5. **On the status of surplus funds invested on short term basis at Jamii Bora Bank and NIC Bank without the approval of the National Treasury and contrary to Treasury Circular No. 10 of 1992, which directed that State Corporation invest surplus funds in treasury bills and bonds and not in commercial banks.**

Management Response

285. The Committee was informed as follows: -

i) that no funds were invested in NIC Bank.

ii) No more funds were placed in Jamii Bora Bank after the KES. 200M that was placed in July 2016 and retired in October 2016

iii) The National Treasury Circular No. DGIPE/P/100 was issued 2nd May, 2017.

iv) HELB adhered to this circular. This can be verified from Audited Financial Statements as at 30th June, 2017 to date.

Committee Observation

286. The House resolution has been implemented.

6. **On the status of the Ethics & Anti- Corruption Commission investigation into the conduct of the Board's Chief Executive Officer for contravening Treasury Circular No. 10 of 1992 which directed that State Corporations invest surplus funds in Treasury bills and bonds and recommend prosecution by the director of Public Prosecutions for abuse of Office contrary to and Public Officer Ethics Act, 2003**

Management Response

287. The Committee was informed that at the time of the meeting, the Ethics & Anti- Corruption Commission had not concluded conducting the investigation.

Committee Observation

288. Implementation is ongoing.

3. LAND: FY 2012/2013 - 2014/2015 ACCOUNTS

i) The Board expedites conclusion of the court case pending before the Environment and Land Court in Nairobi.

ii) The CEO ensures that the Board continues to pursue resolution of the issue of ownership of the land so as to develop it to host the HELB headquarters.

iii) The Cabinet Secretary, Ministry of Education, Science & Technology takes up the matter and pursues it with his counterpart in the Ministry of Transport and Infrastructure with a view to amicably settling the matter.

7. Regarding measures taken by the Board to expedite conclusion of the court case pending before the Environment and Land Court in Nairobi.

Management Response

289. The Committee was informed that the title Deed of the land is in the name of HELB which has been paying land rent and rates for over twenty (20) years. The Kenya Railways Staff Retirement Benefits Scheme (Pension Scheme) claims that the land belongs to the scheme because the same was ceded to the Pension Scheme in the year 2006 by the Kenya Railways Corporation. HELB purchased the land in the year 2000, hence by the time of ceding, HELB was already the legal owner. The Pension Scheme moved to court to challenge the ownership and obtained an injunction.

290. Judgement was entered against HELB on 6th February, 2024. The title held by HELB was declared invalid. It was found to be defective on account of being illegal and irregular as due process was not followed before allocating the land to the third party who sold to HELB. The Court found that the land was reserved for use by Kenya Railways in 1986.

291. The case was appealed and is ongoing in the court of appeal.

FY	**2014/ 2015**	**2015/ 2016**	**2016/ 2017**	**2017/ 2018**	**2018/ 2019**	**2019/ 2020**	**2020/ 2021**	**2021/ 2022**	**2022/ 2023**	**2023/ 2024**
AMOUNT (KES.) B	1.01	1.19	1.24	1.47	1.47	1.38	1.08	1.58	0.994	0.883

Committee Observation

292. Implementation ongoing. The Committee notes that recovery of the land in question was doubtful, though HELB intended to appeal.

16.3 Committee on Implementation Observations

293. The Committee made the following observations: -

1. That HELB lost a land case on 6th February 2024, yet it was still hopeful of a successful appeal while the matter might have been a case of not conducting due diligence before purchase. The Committee was doubtful of the recoverability of funds lost during the purchase of the said piece of land.

2. That the Court established that the title deed for the land held by HELB was invalid. It was found to be defective on account of being illegal and irregular as due process was not followed before allocating the land to the third party who sold to HELB.
3. That collections for owed student loans from loanees employed in the informal sector by HELB had reached a peak of KES. 1.58 billion in 2021/2022 but had since declined to KES. 0.8 billion in 2023/2024 financial years.
4. That HELB did not produce evidence of knowing the exact number of defaulters whose loans date back to the 1970s.
5. That HELD has loaned a total of KES. 117 billion to 1.7 million Kenyans since 1974.
6. That currently 460,000 beneficiaries are repaying their student loans.
7. That loan beneficiaries typically start repaying their loans five years after completion of their studies—underscoring the increasing issue of unavailability of formal job opportunities in the country.
8. That apart from the informal sector, jobs for loan beneficiaries have increasingly moved to online platforms.
9. That the diaspora population remains an important population segment that needs to be harnessed for loan recoveries.

16.3 Committee on Implementation Recommendations

294. The Committee recommended that within six (6) months upon tabling and adoption of this report:
    1. HELB should liaise with the Immigration Department and respective embassies to institute ways and measures of tracking and documenting Kenyan immigrant beneficiaries of the loans as a way of making loan recoveries more efficient.
    2. HELB should invest in technology and collaborate with relevant authorities such as Kenya Revenue Authority and commercial banks as a way of ensuring loan repayment collections are made from beneficiaries earning through online platforms.
    3. HELB should launch public awareness campaigns with the general members of the public about their loan offers and also incorporate contacts of parents of students in tertiary institutions of learning so as to make them aware of their student loan status and modes of repayment to ensure responsible utilization of the funds.
    4. The Ethics & Anti-Corruption Commission should conclude investigations into the conduct of the Board's Chief Executive Officer for contravening Treasury Circular No. 10 of 1992 which directed that State Corporations invest surplus funds in Treasury bills and bonds and recommend prosecution by the director of Public Prosecutions for abuse of Office contrary to and Public Officer Ethics Act, 2003.

17.0 IMPLEMENTATION STATUS OF CHEMUSUSU DAM WATER SUPPLY AND DISTRIBUTION SCHEME FOLLOWING RECOMMENDATIONS OF THE REPORT BY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATIONAL RESOURCES

17.1 Background

295. The water source for this service provision scheme is the Chemususu Dam, completed in 2021 with funding from the Government of Kenya. The dam comprises a rockfill structure with a capacity of 11.2 million cubic meters, a spillway measuring 35 meters in width, and a catchment area covering 6,000 hectares of the Chemususu Forest.
296. The Tinet and Chemusu Rivers drain into the dam. Additionally, the dam features a submerged intake tower with a designed abstraction volume of 35,000 cubic meters per day and supports the operation of an existing treatment plant with a capacity of 6,000 cubic meters per day.
297. The Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216(5)(a) embarked on an inquiry into the status of dams in Kenya. This was necessitated by the fact that there were resources annually allocated for the construction of dams and there was need to establish how these resources had been utilized.

Findings of the Report of the Departmental Committee on Environment and Natural Resources on the inquiry into the status of dams in Kenya by the Ministry of Water, Sanitation & Irrigation

298. The Departmental Committee on Environment and Natural Resources made the following observations:
    i) Chemususu Dam Water Supply Project was fully funded by the GOK. Its commencement date was 1st June, 2016 and the expected completion date was 30th June, 2020. The cost of the project was Ksh 3.5billion, inclusive of supervision.
    ii) The dam was completed in the year 2014 but it took five years to have the last mile connectivity initiated.
    iii) However, at the time of the inspection visit by the Committee, phase II of the Chemususu Dam project for the last mile connectivity was progressing well.
    iv) The last mile connectivity for Chemususu Dam Project required wayleave from the Kenya Forest Service and the Kenya National Highway Authority for laying of water pipes. There were however challenges in securing the wayleaves from the said agencies.
    v) There were still challenges being experienced in the Resettlement Action Plan for the last mile connectivity which were likely to delay the completion of the project.

Committee Recommendations

299. The Ministry of Water, Sanitation and Irrigation through the Rift Valley Water Works Development Agency should:
    i) Fast-track the completion of phase II of the Chemususu Dam project for the last mile connectivity. This would ensure the dam water was utilized for its intended purposes.
    ii) urgently engage in discussions on acquisition of wayleave from the Kenya National Highway Authority for laying of water pipes intended for last mile connectivity.

iii) engage relevant stakeholders on conclusively addressing resettlement of PAPs to ensure smooth implementation of last mile connectivity to avoid further delays in the completion of the project.

300. The Committee on Implementation wrote to the Principal Secretary - State Department for Water and Sanitation, Ministry of Water, Sanitation and Irrigation on 25th August, 2025 inviting him to a meeting to apprise it on the implementation status of recommendations of the Report of the Departmental Committee on Environment and Natural Resources on the inquiry into the status of dams in Kenya by the Ministry of Water, Sanitation & Irrigation regarding Chemususu Dam.

17.2 Submission by the Management of Central Rift Water Works Development Authority

301. Eng. Joseph Salee – the Acting General Manager - Infrastructure Development appeared before the Committee on 9th September, 2025 to apprise it on the implementation status of the Report of the Departmental Committee on Environment and Natural Resources on the inquiry into the status of dams in Kenya. He was accompanied by the following officers:
   (i) Eng. Kutol Cherutich - Project Engineer CRWWDA
   (ii) Mr. Carlos Cheluget - Manager – Corporate Comms.

302. The Committee was informed as follows regarding the status of Chemususu Dam in Baringo County:
   i) Under phase II of construction works, a new conventional water treatment plant of a capacity of 28,500CM/day was installed and this thus increased the water production from 6000m3 to a combined production of 35,000CM/day.
   ii) 235km of pipelines of varying diameters DN50-DN500 together with 21 storage tanks, 17 water kiosks and 276km of pipeline under last mile connectivity were operational.
   iii) The target area of supply includes; Eldama Ravine Constituency, (Perka Ward, Koibatek Ward and section Lembus Kwen Ward) Baringo County, Rongai Constituency (Visio, Soin and Menengai Wards) Nakuru County Mogotio Constituency (mogotio Ward, Section Emining and Kisanana Wards) Baringo County
   iv) Water Supply Scheme is expected to serve about 300,000 people and livestock in Eldama Ravine and parts of Mogotio and Rongai Constituencies.
   v) The dam will increase water supply connectivity from 2,000 connections to a total number of 6,456 which is an equivalent to 17,600 households or 38,736 people
   vi) There will be increased water supply service time from 4hours per day to 24 hours per day leading to increased revenue by the WSP, contributing to direct and indirect employment and stirring of growth by SMEs (Water bottling Vendors)
   vii) The Chemususu Water Supply and Distribution Development Project was also meant to serve Rongai Town, Kampi ya Moto, Kabarak, Ol-Rongai Menengai and Mosonik through rehabilitation of the existing DN300 DI pipeline. However, hydraulic analysis of the pipeline revealed that the existing pipeline could not deliver the required volumes of these areas. A new pipeline has been designed from Sogonin junction to Menengai tanks in Nakuru to serve these areas. The total cost of the proposed pipeline being KES. 2.5 billion

viii) There was a presidential directive for extension of the Chemususu Water Supply to serve Kipkitur in Mogotio Constituency and Majani Mingi in Rongai Constituency. The estimated cost of KES. 403,213,206.31 for the expansion was submitted to the Ministry for Planning and Budget Allocation.

ix) The main project component is still outstanding due to funding, although the tanks and pipelines along the route are complete and awaiting the construction of the pipeline (Kadutura Tank-1000CM, Visoi Tank-250CM Rongai Elevated Steel Tank-250CM, Kabarak Tank-1000CM, Ol-Rongai Tank-500CM).

Committee Observation

303. Implementation is ongoing. The Committee notes that though a technical committee certified Phase II as complete, emerging developments such as a Presidential Directive for expansion, and the rehabilitation of the DN300 DI pipeline meant the completion was still pending.

17.3 Committee on Implementation observations

304. The Committee made the following observations from the site visit and meeting with the management of the Central Rift Water Works Development Authority:

1. The dam site is fenced off from the rest of the forest with chain link wire and dam has a water treatment area that serves to purify the water of magnesium and iron sediments.
2. The dam serves an estimated 300,000 people downstream.
3. Over 90% of the water supply relies on gravity with the remaining percentage pumped to serve residents living upstream.
4. There are 21 water storage tanks and 17 water kiosks downstream of the project.
5. The dams serve Eldama Ravine Constituency, Rongai Constituency and Mogotio Constituency. Once all phases are complete, it is expected to boost livestock and irrigation farming in the covered areas.
6. The dam itself cost approximately KES. 5 billion to construct.
7. The dam has been supplied with trout fish under the care of a community-based organization (CBO).
8. Additionally, a water bottling facility (Delta Bottling – in Eldama Ravine Town) has been set up to be among the SMEs generated from the project.
9. There were gaps regarding the resources expended in Phase II on the rehabilitation of the old line where the initial expenditure of KES 200 million had been spent but an additional KES. 2.5 billion was needed. It was discovered the old line was unserviceable due to vandalism and a new pipeline was required.

17.5 Committee on Implementation recommendations

305. The Committee recommended that within six (6) months upon tabling and adoption of this report: -

1. The Ministry of Water, Sanitation and Irrigation in conjunction with the National Treasury should ensure that all pending works attributable to Phase II of the project

should be resourced and completed as the project is noble and worthy of replication across Kenya.

2. The Ministry of Water, Sanitation and Irrigation should ensure it also harnesses the resources necessary and honours a presidential directive for extension of the Chemususu Water Supply to serve Kipkitur in Mogotio Constituency and Majani Mingi in Rongai Constituency alongside other communities downstream.

18.0 THE 24TH REPORT OF PIC ON AUDITED FINANCIAL STATEMENTS FY 2014/2015 TO 2019/2020 - STATUS OF COMPLETION OF THE REHABILITATION AND REPAIR OF ELDORET-ZIWA KACHIBORA-KACHIBORA-ELDORET-KABENES ROAD BY KENYA RURAL ROADS AUTHORITY

18.1 Background

Audit issue: Delayed project delivery

306. The latest progress report for 30 June 2015 shows that amount certified was KES. 816,513,847.63 against an initial contract sum of KES. 1,435,212,465. This represents a progress of about 57% of the initial contract sum achieved despite the lapse of contract period. The contractor therefore delayed in project delivery hence the need for the Authority to invoke clause 47.1 of conditions of contract on liquidated damages recovery against the contractor.

Audit issue: scaling down of works

307. Evidence available indicated that the works were repackaged as follows:
    i) Eldoret - Kabenes 24KM- KES. 974,301,651.34
    ii) Kabenes-Kachibora 31 KM- KES. 1,313,914,382
    iii) Moi's Bridge - Kachibora 20 KM - KES. 536,046,915
308. The first section was to be completed under the current contract. This was repackaged as addendum No. 2 which was approved by CTC on 12th September 201 4. The second portion was subjected to open tender and awarded to MIS China International Cooperation on 19 June 2015 at a contract sum of KES. 1,313,914,382.5. The third section is to be implemented through the low volume seal programme later.
309. Repackaging the initial scope of works into 3 sections above may result into increase of the expenditure. It was however noted that the first two sections had their pavement structures reviewed to incorporate a Dense Bitumen Macadam (DBM) base layer instead of the earlier specified cement stabilized gravel layer due to the observed increase in axle load arising from logging trucks.

Committee Observations

310. The committee observed the following:
    i) Due diligence and procurement processes at KERRA was still a challenge.
    ii) Most of the contracts commenced at KERRA end up terminated. It should be noted that most of the terminated contractors are local indicating either capacity issues or want of supervision.
    iii) The Committee notes with concern on award of contracts to contractors who have no capacity. They end up being terminated and reassigned.

Committee Recommendations

311. The committee made the following recommendations:
    i) The management of KERRA should always adhere to the procurement laws whenever procuring and implementing projects
    ii) The KERRA should restructure the identification process of contractors by building capacity in its department that does due diligence on contractors.

312. The Committee on Implementation wrote to the Principal Secretary, for Roads, Ministry of Roads and Transport on 29th August, 2025 regarding the implementation of recommendations contained in the 24th PIC Report on audited Financial Statements for State corporations regarding the rehabilitation and repair of Eldoret-Ziwa Kabichora-Kachibora-Eldoret-Kabenes road by KERRA.

18.2 Submission by the Principal Secretary, for Roads, Ministry of Roads and Transport

313. Eng. Joseph Mbugua Principal Secretary, Roads, appeared before the Committee on Implementation on 9th September, 2025 regarding implementation of recommendations contained in the 24th PIC Report on audited Financial Statements for State corporations regarding the rehabilitation and repair of Eldoret-Ziwa Kabichora-Kachibora-Eldoret-Kabenes road by Kenya Rural Roads Authority. He was accompanied by the following officers;

(i) Eng. Jackson Magondu-Director General, Kenya Rural Roads Authority (KERRA)
(ii) Eng. M.K Chelang'a - Regional Director KeRRA, North Rift
(iii)Eng. Macharia Tumu - Technical Advisor, KeRRA
(iv)Ms. Ann Ikenye - Communications/Liaison State Department for Roads

Management Response on the Implementation Status

314. **On delayed project delivery**, the Committee was informed that as correctly noted by the auditor, the contractor delayed on the project and was subject to surcharge on liquidated damages. However, at that time the contractor had pending EOT's under evaluation and therefore liquidated damages could not be contractually recovered at the time. The contract was however terminated via letter KeRRA/06/1A/RWC/007/9255 dated 4th September 2019 and the outstanding works re-scoped and retendered.

Committee Observation

315. Implementation done. The Committee notes that the contractor was terminated and the pending works retendered.

316. **On the issue of scaling down works**, the Management responded that as per procedure for maintenance projects, The Authority procured the works as Holding Maintenance to slow down the rate at which the road was deteriorating. However, due to time lapse, The Authority engaged the Chief Engineer Material to carry out a pavement evaluation to inform on the optimum intervention to be undertaken. Based on the Pavement evaluation report, the scope of works was repackaged and appraised as observed by the Auditor into three sections:

a) Eldoret - Kabenes 24KM- KES. 974,301,651
b) Kabenes-Kachibora 3 1 KM- KES. 1,064,762,0 19
c) Moi's Bridge - Kachibora 20 KM- KES.53 6,046,915 280

i) The original contract under Eldoret-Kabenes was terminated via letter ref KeRRA/06/1A/RWC /007/9255 dated 4th September 2019 after the contractor failed to perform and the outstanding works re-scoped and currently under procurement.
ii) The second section: Kabenes-Kachibora -31 Km was procured and has been completed and taken over by employer.

iii) The third section: Moi s bridge - Kachibora- was procured under contract No RWC 357-Moi's Bridge -Kachibora & Tugoin-Kapsigilai Road is substantially complete awaiting Inspection.

Committee Observation

317. Implementation ongoing. The Committee notes that the contract for the Eldoret-Kabenes was terminated and currently under tendering while the remaining two sections (Kabenes-Kachibora and Kachibora-Tugoin) were complete.

18.3 Committee on Implementation Observations

318. The Committee on Implementation made the following observations:
    1. The bitumen road extends from Eldoret City in Uasin Gishu County to Kachibora in Trans-Nzoia County.
    2. The 75-kilometre road is distributed as follows:
        a) Eldoret-Kabenes 24km
        b) Kebenes-Kachibora 31km
        c) Moi's Bridge-Kachibora 20km
    3. The construction estimated cost was pegged on an initial sum of KES. 1,435,212,465.
    4. The road had been resurfaced once after initial construction and was in general good condition
    5. The road has evidence of wear and tear especially the shoulder.
    6. The road was completed in 2019

18.4 Committee on Implementation Recommendations

319. The Committee on Implementation made the following recommendations that upon tabling and adoption of this report:
    1. The Ministry of Roads and Transport should ensure that Eldoret-Ziwa Kachibora and Kachibora-Eldoret-Kabenes road by Kenya Rural Roads Authority Road is properly maintained especially the shoulders which showed evidence of wear and tear; and
    2. The Ministry of Roads and Transport should ensure that the section of the Eldoret-Ziwa Kachibora and Kachibora-Eldoret-Kabenes road by Kenya Rural Roads Authority Road cutting across Eldoret City is improved to incorporate zebra crossings, foot bridges and pedestrian walkways as well as beautification to match the City's status.

19.0 THE REPORT BY THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING ON THE INQUIRY INTO THE USE OF THE STANDARD GAUGE RAILWAY

19.1Background

320. The Hon. Abdulswamad Sherrif Nassir, MP pursuant to Standing Order 43 raised a matter on the floor of the House concerning a government directive to the public to have all containerized cargo and local import destined for Nairobi and the hinterland to be transported through the Standard Gauge Railway (SGR). The Honourable Member of Parliament sought to attain a statement on the latest statistics on the cost of usage of the SGR and its exclusive users. In addition, a statement on the directive to have all containerized cargo for local market and transit cargo to the hinterland be transported through the Standard Gauge Railway (SGR) to the Naivasha Inland Container Depot (NICD).
321. Pursuant to the provisions of Standing Order 43 read together with Standing Order 44 the Hon. Speaker committed to the Departmental Committee on Transport, Public Works and Housing not only to offer a statement but to conduct a comprehensive inquiry on the said matter to: establish reasons why the Cabinet Secretary made a pronouncement of the order in the absence of a legal/gazette notice and to direct the halting and reversal of the proposed notice on cargo transportation pending further consultation with all relevant stakeholders.

Departmental Committee on Transport, Public Works, And Housing Findings

322. The Committee made the following findings from submissions received: -
    i) The Standard Gauge Railway (SGR) project is one Kenya's Vision 2030 flagship projects with the aim to increase cargo throughout the Port of Mombasa through enhanced efficiency in evacuation of cargo and container handling;
    ii) The Ministry of Transport, Public Works, Urban Development and Housing in its submission stated that the main reason for issuing the directive on transit cargo was to contain the spread of COVID-19;
    iii) Marketing and Promotion to clients on the use of the SGR and the Inland Container Depots (ICDs) should be enhanced. The ICDs are fully dependent on rail services for transportation of cargo to and from the Port of Mombasa thus Kenya Railways and Kenya Ports Authority (KPA) must involve shippers to get their buy in to use of the Rail freight and the depots services competitively;
    iv) The efficiency, predictability and costs remain the focus of service delivery to ensure SGR service to remain the choice for shippers. Government should allow multimodal transport concept to thrive while providing enabling environment for competitive yet efficient services for sustainable economic growth;
    v) Transporters must be enticed to provide reliable and competitive last mile connectivity. Forcing railage goes against competition act and the spirit of the liberalized Market economy;
    vi) The Kenya Railways Corporation and the SGR Freight Service operator must view themselves as organizations providing transport services like any other transport

company and must therefore be ready and able to offer competitive services like other transporters in the market;

vii) Forced railage is against the International Maritime Laws and World Trade Organization Treaties that allow cargo owners to choose the mode of transport that is competitive in their view. The forced railage has not only increased the cost of doing business because of the high cost of transporting cargo but has also threatened Kenya's position as the regional logistics hub;

viii) Freight is payable by Kenya Ports Authority (KPA) customers (shippers) and KPA have no legal power to compel its customers to use the railway services that will be provided by Kenya Railway Corporation (KRC). Customers may wish to use other means of transport; and

ix) Stakeholders lauded SGR for some positive impacts on Socio-economic welfare that include: Increased throughput; Service closer to customers; Decongesting Mombasa city; increased safety and security of transit cargo: tourism promotion; and environmental protection. On the other hand, negative impacts include: Road truckers collective redundancies; Closure of trucking businesses; impact on warehousing business: Contraction of roadside businesses that have seen many towns mushrooming along the northern transport corridor: relocation or closure of Container Freight Stations: Job Losses (Loaders, Drivers. Mechanics, Shop/Hotel attendants); Increase in crime rate and social ills; and drop in Mombasa County revenue among others.

Report by The Departmental Committee on Transport, Public Works & Housing Recommendations

323. The Report by The Departmental Committee on Transport, Public Works & Housing on the Inquiry into the use of The Standard Gauge Railway had recommended as follows:

i) That; Importers should have freedom of choice on the mode of transport to haul their goods from the port to the final destination without restrictions from any government agency;

ii) That; measures should be put in place for the full utilization of Kenya Railway assets where income accrued from all idle KRC land and assets should be channeled to the Railway Development Fund to assist in raising revenue for payment of the SGR loan;

iii) That; as a revenue raising measure, the Government should consider adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR. Importers who choose to haul their goods using the SGR can pay a preferential RDL of 1.5% of the value of goods. Conversely, importers who choose to use road transport will attract an additional surcharge of 0.3% of the value of goods imported (up to a maximum of US$ 138). The rate of surcharge can be subject to review by the relevant stakeholders including (but not limited to) the CS Transport. Importers, CFS, Transporters and Kenya National Chamber of Commerce-

iv) That; to encourage use of the SGR, increase competitiveness in the sector and promote stopover economy along the railway line, the Government should set up an open, non-discriminatory policy that allows private investors to provide rail transport services through private trains and locomotives. This will be in line with international practice

as is the case in the UK and more recently, India where private companies have been licensed to provide rail services.

v) That; for purposes of last-mile connectivity, the Government should allow private investors to extend the railway line to their respective yards at their own cost;

vi) The government should initiate the process of re-negotiating the loan terms of the SGR with the lender due to the prevailing economic distress occasioned by the effects of Covid -19, the global pandemic that has affected the World economic growth; and

vii) The re-negotiation of the current Operations agreement by planning to reduce the operation costs by at least 50% be initiated by the Government.

324. The Committee wrote to the on 5th June, 2025 inviting the Principal Secretary for Transport and the Managing Director, Kenya Railways to a meeting to consider the implementation status of the recommendations of the Report.

19.2 Submissions by the Managing Director, Kenya Railways regarding the implementation status

325. Mr. Philip J. Mainga - Managing Director, Kenya Railways appeared before the Committee on 13th June, 2025 to apprise it on the implementation status of the Report by the Departmental Committee on Transport, Public Works & Housing on the inquiry into the use of the Standard Gauge Railway. He was accompanied by Ms. Christine Macharia – Kenya Railways, Mr. Stanley Cheruiyot - Manager, Business KR, Mr. Erick Njoroge - Manager, Operations, Mr. Peter Kamatia - Port Operations, Eng. Mativo - Clearing and Import Services and Mr. Edward Langat - Port Operations.

326. The Committee was informed as follows on the status of the following recommendations contained in the Report:

2) That; Importers should have freedom of choice on the mode of transport to haul their goods from the port to the final destination without restrictions from any government agency;

Management Response

327. The Committee was informed that:

i) That the Kenya Railways Corporation (KRC), in collaboration with key government agencies including the Kenya Ports Authority (KPA) and the Kenya Revenue Authority (KRA), affirmed that the nomination of the Standard Gauge Railway (SGR) as a mode of transport was based on the principle of free choice by importers.

ii) That in line with the government's commitment to a liberalized and client-driven logistics framework, all government agencies within the cargo clearance and transport chain have implemented systems that uphold and facilitate the autonomy of cargo owners in determining their preferred mode and point of clearance. Specifically:

a) **At the port of Mombasa**: Integrated Customs Management System (iCMS) and the Port Community System (PCS) provide importers with the option to nominate rail or road transport at the time of manifest submission or cargo declaration.

b) **Kenya Railways** interfaces with these platforms to receive nominations for SGR only upon explicit instruction from the importer or their appointed clearing agent.

c) **KRA** ensures that the clearance process, whether at the port, Container Freight Stations (CFSs), or Inland Container Depots (CDs), is based solely on the declared choice of the importer, without any form of compulsion or default assignment to SGR.

iii) This integrated framework reflects a deliberate policy to respect market dynamics and customer preference. In practice, cargo can be nominated for clearance at any licensed facility—be it at the Port of Mombasa, a designated CFS, or inland facilities such as the Nairobi or Naivasha ICDs—based entirely on importer instructions.

iv) The ongoing role of government agencies has therefore been to facilitate seamless options, not impose mandatory logistics decisions. Continuous engagements with stakeholders, including the Kenya International Freight and Warehousing Association (KIFWA) and Shippers Council of Eastern Africa (SCEA), have reinforced this position.

v) The Committee was also informed that, while the Government continues to promote rail as an efficient and environmentally sustainable option, the freedom of importers to determine their preferred logistics chain—between road and rail—remains fully preserved and actively supported by all agencies involved.

Committee Observation

328. Implementation is ongoing.

3) That; measures should be put in place for the full utilization of Kenya Railway assets where income accrued from all idle KRC land and assets should be channelled to the Railway Development Fund to assist in raising revenue for payment of the SGR loan;

Management Response

329. The Committee was informed that:

i) The Committee was informed that the ministry appreciated the Committee's recommendation regarding the strategic utilization of idle and underutilized railway assets to support the financial sustainability of the Standard Gauge Railway (SGR). While the proposal to channel all income from such assets into the Railway Development Fund (RDF) is well-intentioned, it is important to provide a nuanced view of the operational realities and current fiscal dependencies of the Corporation.

ii) The Committee was told that Kenya Railways landed assets have been instrumental in subsidizing the Corporation's passenger rail services, including the MGR inter-county trains, as well as the Nairobi Commuter Rail (NCR). These services fall under the Government's Public Service Obligation (PSO) framework and are provided at below-cost tariffs in order to ensure affordability and social equity.

iii) Revenue from property leases and licenses is often used to offset the operating deficits of these essential but commercially constrained services. Directing all property income exclusively to the RDF would undermine this delicate financial balancing and potentially jeopardize public access to affordable mobility options, particularly in urban areas.

iv) The Committee was also informed that, many of the landed assets targeted for commercialization are encumbered or subject to provision for operational requirements, ongoing legal claims or regularization processes, which affect the predictability and stability of their revenue contribution.

v) Additionally, a portion of these assets is being strategically reserved for railway-linked development projects under the Railway City initiative, inland dry ports, transit-oriented developments (TODs), and Logistics Hubs. These developments are aligned with the Corporation's long-term plan to create integrated logistics and mobility hubs that drive both direct and indirect value for the national economy.

vi) The Committee was also told that, asset monetization for purposes of supporting the RDF should be structured within a sustainable asset management framework that accounts for:

   a) Reinvestment needs to upgrade railway facilities, stations, and maintenance yards,
   b) Operational continuity in delivering both freight and passenger services, and the need to preserve core strategic land holdings for future rail expansion.

vii) However, the government does recognize the imperative to support the SGR loan repayment strategy. In that context, the ministry is developing collaborative frameworks with the National Treasury to ensure alignment between railway asset revenue and sovereign debt obligations, while preserving the operational and developmental capacity of the Corporation.

viii) The Committee was informed that while maximizing returns from railway assets was important, a blanket reallocation of all income to the RDF was neither operationally viable nor financially optimal. A calibrated and transparent approach that balances debt obligations with service delivery mandates and long-term infrastructure growth would yield the most sustainable outcomes for the sector.

Committee Observation

330. Implementation is ongoing.

4) **That; as a revenue raising measure, the Government should consider adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR. Importers who choose to haul their goods using the SGR can pay a preferential RDL of 1.5% of the value of goods. Conversely, importers who choose to use road transport will attract an additional surcharge of 0.3% of the value of goods imported (up to a maximum of US$ 138). The rate of surcharge can be subject to review by the relevant stakeholders including (but not limited to) the CS Transport. Importers, CFS, Transporters and Kenya National Chamber of Commerce-**

Management Response

331. The Committee was informed that:

i) The Committee was informed that the proposal to introduce a differentiated Railway Development Levy (RDL) that offers a preferential rate for importers utilizing the SGR, while imposing a marginal surcharge for those opting for road haulage, is well-aligned with broader policy objectives of promoting modal shift to rail, environmental sustainability, and long-term infrastructure cost recover. However, several critical considerations must be considered before implementing such a structure:

ii) **Policy Alignment and Fairness** - The Committee was informed that the proposed adjustment introduces a quasi-incentive structure—rewarding use of the SGR while mildly disincentivizing road transport. This approach aligns with the government's strategic objective of reducing road congestion, limiting axle load-related highway damage, and cutting transport emissions. However, the RDL was originally conceived as a universal infrastructure levy applicable to all imports, regardless of the mode of inland transport. Any departure from this principle must be carefully weighed to ensure it does not distort trade flows or disadvantage particular importer segments (e.g. small-scale traders or those based closer to the coast who may not benefit from SGR services).

iii) **Commercial Considerations and Importer Behavior** - The Committee was made aware that from a commercial standpoint, the competitiveness of SGR is not solely a function of price—it also hinges on reliability, end-to-end connectivity, and terminal efficiency. Therefore, while a preferential RDL of 1.5% may be financially attractive, it is unlikely to result in significant modal shift unless accompanied by continuous service improvements. Similarly, the proposed surcharge of 0.3% for road users (capped at US$138) must be carefully calibrated to avoid perceptions of penalizing free choice (an issue raised under 1 above), particularly in a liberalized logistics market.

iv) **Implementation Complexity and Compliance Risk** - The Committee was informed that operationalizing a differentiated levy required robust systems integration between KRA, KPA, and Kenya Railways, to track and verify the actual mode of inland transport used before applying RDL adjustments. Without reliable verification mechanisms, there is a risk of false declarations or system gaming, leading to revenue leakage or administrative burdens. Moreover, modalities for reclaiming or adjusting RDL payments post-clearance (if mode use changes) would need to be clarified in advance.

v) **Stakeholder Engagement and Transition Planning** - The Committee was told that Kenya Railways agreed that any proposed RDL adjustment should be subject to extensive consultation with key stakeholders—including importers, logistics service providers, the Kenya National Chamber of Commerce, and regional trade blocs. Such engagement is critical to ensure that the measure does not inadvertently create cross-border friction (especially with landlocked

neighbors), raise constitutional questions, or trigger resistance from the private sector.

Committee Observation

332. Implementation is ongoing. The Committee notes that adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR requires continuous engagement with stakeholders such as importers who choose to haul their goods using the SGR on the best approach to determine the fairest chargeable rates.

5) **That; to encourage use of the SGR, increase competitiveness in the sector and promote stopover economy along the railway line, the Government should set up an open, non-discriminatory policy that allows private investors to provide rail transport services through private trains and locomotives. This will be in line with international practice as is the case in the UK and more recently, India where private companies have been licensed to provide rail services.**

Management Response

333. The Committee was informed that:

i) The Committee was informed that the government supports the Committee's recommendation to open the rail sector to private operators and is pleased to report that this policy direction is already embedded in the Railway Bill 2024, currently under parliamentary review. The Bill provides for:
   a) Separation of roles, with Kenya Railways as infrastructure owner, and a proposed Railway Regulatory Authority responsible for licensing, safety, and economic oversight.
   b) Open access to the rail network, enabling private companies to operate freight and passenger trains, build private rail links, and invest in rolling stock.
   c) A framework aligned with international practice (e.g. UK and India) and Kenya's PPP success in highways, ensuring fair, non-discriminatory access.

ii) Public consultations on the Bill were completed in 2024. Enactment is expected in 2025, after which the government will develop:
   a) Licensing and safety regulations,
   b) Transparent rules for track access and fees,
   c) Pilot programs to onboard private freight operators.

iii) This reform will stimulate competition, increase rail usage, and support the "stopover economy" along SGR and MGR corridors. Kenya Railways remains fully committed to operationalizing this framework in collaboration with the Ministry and stakeholders.

Committee Observation

334. Implementation is ongoing. The Committee notes that finalizing and enactment of the Bill as well as its operationalization in a continuous process.

6) **That; for purposes of last-mile connectivity, the Government should allow private investors to extend the railway line to their respective yards at their own cost•**

Management Response

335. The Committee was informed that:

i) The Committee was informed that the Ministry through Kenya Railways supported the Committee's recommendation to allow private investors to extend rail infrastructure to their facilities at their own cost. This model is not only commercially viable but also essential for improving first- and last-mile connectivity, enhancing operational efficiency, and decongesting the road network. The Corporation has already operationalized this approach under the existing framework, with notable success stories on the Railway network, including:
   a) Bulk stream Limited, which operates a private siding at Nairobi SGR Terminus for handling clinker and bulk cargo;
   b) Devki Group, with active rail-linked operations serving its Athi River and Samburu steel plants, enabling high-volume inbound and outbound logistics by rail on the MGR
   c) Auto parts East Africa Limited, which is setting up a dedicated siding for import shipments at the port, demonstrating the viability of integrating private yards with public rail infrastructure.

ii) These examples underscore the potential of private sidings to optimize logistics flows, reduce handling costs, and grow rail freight volumes. Kenya Railways facilitates such developments through:
   a) Technical evaluation and approvals for siding designs,
   b) Access agreements and operational integration with signaling and safety protocols,
   c) Ongoing support during construction, commissioning, and scheduling of trains to and from private terminals.

iii) To scale this model, the Corporation is finalizing a standardized framework for private siding investment, which will include:
   a) Clear application procedures and technical specifications,
   b) Guidelines on safety, interoperability, and network access,
   c) Defined roles for cost recovery, operations, and maintenance.

Committee Observation

336. Implementation ongoing. The Committee notes that the Kenya Railways remains open to ideas and proposals from private investors who have shown interest to extend the railway line to their respective yards at their own cost.

7) **That; on Clearance of Cargo, importers should have the freedom to nominate a licensed Container Freight Service (CFS) company of their choice to clear their goods;**

Management Response

337. The Committee was informed that:

i) The Committee was informed that the government supported the Committee's position that importers should retain the freedom to nominate a licensed Container Freight Station (CFS) of their choice for cargo clearance. This principle aligns with the liberalized logistics environment and ensures that supply chain decisions remain customer-driven.

ii) Currently, KPA, KRA, and KRC have integrated systems that enable importers to freely nominate the location and mode of clearance, whether at the Port of Mombasa, a CFS, or an Inland Container Depot (ICD) served by rail. Importers make this nomination during manifest submission or cargo declaration—there is no mandatory assignment to rail or specific clearance points.

iii) The Committee was told that this flexibility enhanced service competitiveness, encourages operational efficiency among CFS providers, and ensures that importers select the most cost-effective and convenient solution for their cargo. Kenya Railways remains committed to supporting a multimodal, customer-centric freight ecosystem in which rail is chosen for its value proposition—not by directive.

Committee Observation

338. Implementation is ongoing. The Committee notes that the Kenya Railways remains open to ideas and proposals on the freedom for importers to nominate a licensed Container Freight Station (CFS) of their choice for cargo clearance.

8) The government should initiate the process of re-negotiating the loan terms of the SGR with the lender due to the prevailing economic distress occasioned by the effects of Covid -19, the global pandemic that has affected the World economic growth.

Management Response

339. The Committee was informed that:

i) The Committee learnt that the Covid period had led to decline in economic growth after the World Health Organization (WHO) declared it in March 2020, impacting businesses including SGR services where the SGR passenger travel had been discontinued at some point with only essential travel required after sometime. The movement of sea cargo had also been gravely affected with limited production of export goods and staffing at the Ports.

ii) The Committee also learnt that it was not practicable to re-negotiate the SGR loan at the time due to the restrictions in movement especially to China at the height of the pandemic where flights had been banned at some point with only essential travel being considered after the opening up of the skies.

iii) However, once there were scientific advancement leading to possible vaccines, the business resumed gradually to normalcy after November 2020 when various economies opened up their business and borders including Kenya. This turn of events due to the isolated Covid -19 situation and return to normalcy did not precipitate to the negotiations.

iv) The Committee was informed that KR is however, re-negotiating the terms of the On-Lent loan with the National Treasury in order to ensure that it is aligned to the revenue collection and asset economic useful life.

Committee Observation

340. Implementation is ongoing. The Committee notes that the Kenya Railways SGR loan negotiations are underway.

9) The re-negotiation of the current Operations agreement by planning to reduce the operation costs by at least 50% be initiated by the Government.

Management Response

341. The Committee was informed that:

i) The Committee learnt that the initial operations and maintenance contract (0& M) was implemented signed on 31st May, 2017 when the SGR operations commenced. KR has implemented the above recommendations by engaging the SGR operator in several negotiations with the aim of reducing the operations and by taking over the SGR functions. Below is a table showing the respective negotiations;

Table 1: negotiations with the SGR operator

Item	Description	Date
Initial Contract	Signed in June 2017	1st June 2017
Novation Agreement signed	Transfer of rights & Obligation from CRBC to	1st January 2020
1st Negotiation	FC reduced by USD 37.9m	1st Jul 2020
2nd Negotiation	FC reduced by USD 9.2m Phase I and USD	1st Jul 2021
Revised Contract	Change of cost under Fixed, Variable and Technical Services	1st June 2022

ii) The negotiations have led to the reduction of costs as the operations have grown in terms of the volumes of cargo hauled and passenger numbers moved as illustrated below.

iii) Notable is the cargo volumes and passenger numbers have been on a growth trajectory while operating costs have been decreasing.

NB. The dip in passengers over FY 2019/20 and FY 2020/21 is during the Covid pandemic.

Table 3: A Trend Analysis on the Operating costs per Cost Function since SGR Inception

Financial Year	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Category of Cost Function	USD	USD	USD	USD	USD	USD	USD

Transport	38,258,861	81,163,520	88,416,950	66,970,031	61,757,093	45,117,989	31,517,972
Locomotives	23,256,212	24,786,212	24,744,212	35,748,148	42,178,655		
Rolling Stock		18,892,509		17,794,226	16,315,395	19,227,260	19,586,307
SECI	19,774,197	19,774,197	19,774,197	21,691,749	21,136,705	7,199,198	
Track		19,902,172	19,902,172	14,770,554	14,762,749	9,856,307	
Contingent	2,812,659	2,812,659	2,812,659				
Admin Cost	8,866,520	11,480,747	11,835,783	8,522,713	7,786,091	10,080,999	
Staff Cost				312,264	2,952,864	4,609,637	4,336,435
Total	130,662,930	178,812,017	186,486,353	165,809,685	166,889,551	152,447,413	155,455,397
SGR Passenger Numbers	1,394,327	1,659,731	1,117,578	1,244,277	2,358,227	2,525,680	2,607,921
SGR Cargo Volume	950,936	4,009,703	4,112,858	5,145,677	5,666,375	6,295,255	6,397,562

NB; Costs are denoted in USD to eliminate foreign exchange fluctuations that may obscure the effect of real change in costs.

iv) From the above analysis, the overall costs have been decreasing as KR takes over the costs as per the functions above. For the functions that costs are increasing, this is due to costs being variable in nature i.e. fuel costs which depend on the pump prices.

Committee Observation

342. Implementation ongoing. The Committee notes that the Kenya Railways SGR operational cost reduction is underway.

19.2 Committee on Implementation Observations

343. The Committee on Implementation made the following observations regarding the responses and site visit:

1. Most of the cargo handled by the Kenya Railways (SGR and MGR) arrives at the Port of Mombasa by ship.
2. Some of the storage facilities at the Port used by the Kenya Railways are still built using asbestos material that has been banned worldwide owing to the health hazards the material poses to the general public.
3. Kenya Railways still uses the old colonial Meter Gauge Railway (MGR) alongside the SGR although the SGR has capacity to handle heavy loads.
4. The typical route that cargo takes is by SGR from Mombasa to Nairobi and Naivasha, then from Naivasha to Western Kenya, the cargo is transported through Meter Gauge Railway

5. Currently, the largest load of cargo comprises of fertilizer (100,000 tones as at the time of the site visit to the Port Cargo Storage) and steel (one roll is estimated to weigh 22 tones)
6. According to Kenya Railways management, the Port of Mombasa using the SGR still handles more cargo freight services than both the Port at Dar Es Salaam and the Ethiopian Railway system.
7. SGR is not yet operating at its optimal capacity of 18 trains per day, but is currently running 11-14 trains for both cargo and passengers. On the other hand, neighboring countries with Standard Gauge Railways, which are operating at a much lower rate of an average of 2 runs per day.

19.3 Committee on Implementation Recommendations

344. The Committee on Implementation recommended as follows:

1. That Kenya Railways engages private yards with public rail infrastructure to optimize on the investment of building and sustaining the SGR systems for the maximum benefit of the public investment.
2. The Kenya Railways should explore extending the SGR beyond Naivasha, due to the high demand for the current Medium Gauge Railway (MGR) service among passengers traveling to North Rift and Western Kenya.
3. Greater innovation and technology should be incorporated in the monitoring of inbound and outbound cargo to enhance the capacity of Kenya Railway to handle more cargo and passenger freight services to avoid delays and handle the growing population of Kenya which will also be reflected in the cargo being handled.
4. Kenya Railways through the Ministry of Transport to expedite the process of allowing private investors to provide rail transport services through private trains and locomotives. This will align with international best practices as is the case in the UK and, India where private companies have been licensed to provide rail services to spur economic growth.
5. The Ministry of Transport to expedite adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR. Importers using the SGR can pay a preferential RDL of 1.5% of the value of goods. Conversely, importers who choose to use road transport will attract an additional surcharge of 0.3% of the value of goods imported (up to a maximum of US$ 138). This will open up greater SGR use and reduce pressure on the road network.
6. Kenya Railways to upgrade some of the storage facilities at the Port built using asbestos material that has been banned worldwide owing to the health hazards the material poses to the general public.

20.0 STATUS OF THE IMPLEMENTATION OF THE FINDINGS CONTAINED IN THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON MOI TEACHING AND REFERRAL HOSPITAL (MTRH) -ELDORET

20.1Background

345. Moi Teaching and Referral Hospital (MTRH) collaborates with both local and international stakeholders to enhance healthcare delivery, training, and research. The Key partnerships include Moi University and Indiana University through the Academic Model Providing Access to Healthcare (AMPATH), which integrates clinical care, research, and training across Western Kenya and the East African region.

346. The hospital also works closely with the Ministry of Health, County Governments, and donor organizations to implement its Five-Year Strategic Plan (2023–2028), aligned with Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA). This includes flagship projects such as:

i) The Julie Anne Perry Paediatric Oncology Hospital (partnership with Shoe4Africa Foundation) with a capacity of 155 beds that is fully dedicated to the treatment, care and management of paediatric oncology cases

ii) The Harry J. Dyer Paediatric Burns Hospital (supported by the Sidekick Foundation), a two-storey facility with 26 beds, including 6 Intensive Care Unit (ICU) beds, tater space and rehabilitation facilities exclusively for the management of paediatric burns, the first in the region that enables comprehensive care ranging from acute burns management to reconstructive surgery and long-term rehabilitation.

iii) Expansion of MTRH College of Medicine through Public-Private Partnership (PPP) with Crisil Risk and Infrastructure Solutions Ltd. This will strengthen the hospital's role as a regional hub for training healthcare professionals, contributing to the Vision 2030's human capital development pillar, and supporting Kenya's long-term goal of achieving adequate healthcare work force rations.

iv) Completion of Private Wing II Outpatient Block that will expand access to quality private healthcare services, reduce congestion in general outpatient clinics and generate internally raised revenues to support MTRH's sustainability, improve patient experience, and enhance access to modern outpatient diagnostic and treatment facilities.

v) Construction of Private Wing 2 Inpatient Block by Barbola contractors that took over the site on 18th August for a period of 12 months at a cost of KES. 274,710,446. This will be a 222-bed 5-storeyed facility to accommodate paediatrics and child health, reproductive health, surgical services and internal medicine. This project will offer a competitive alternative to medical tourism outside Kenya and complements the outpatient block in the provision of specialized healthcare services.

vi) The AMPATH collaboration for communicable and non-communicable disease management.

vii) County-level benchmarking programs, Telemedicine and Telepathology collaborations.

viii) The Departmental Committee on Health, in its 2019 report on the status of national referral hospitals, recommended increased capital and recurrent budgetary allocations to Moi Teaching and Referral Hospital (MTRH) to strengthen its multi-specialty

healthcare capacity. The Committee also directed harmonization of taxation and work permit issues for expatriates and fast-tracking of agreements supporting the AMPATH Plus programme, the Chief Executive Officer of MTRH Dr. Philip Kirwa, appeared before the Committee and presented that the following;

Committee Recommendations and Implementation Status

Recommendation	Expected Action	MTRH Response / Implementation Status
Increase capital budget allocation to KES. 500 million per annum to cater for: • 1.5 Tesla MRI machine – KES. 200M • Laundry/Kitchen Boilers and other equipment; KES. 250M • Catheterization Lab for Heart Diseases; KES. 50M	Ministry of Health to allocate at least KES. 500M per year beginning FY 2019/2020.	Allocation increased to Kshs. 451M (FY 2019/20) and KES. 924M (FY 2020/21). Funds were used to acquire a LINAC Accelerator, ICU equipment, Oxygen Generating Plants, Children's Hospital equipment, and COVID-19 response tools. However, allocations have since declined; KES. 51M (FY 2024/25) and nil in FY 2025/26.
Allocate more funds to address KES. 1.624,480,000 personnel emoluments deficit as per the signed CBA and KES. 444,6597,999 arrears that is KES.350,639,441 for June 2016 and KES. 93,958,558 for June 2018 salary grants not disbursed	Ministry of Health & Treasury to release funds for salary arrears and meet full Personnel Emoluments (PE).	Some improvement between 2018/19 and 2020/21, but KES. 444M in arrears remains unpaid. Due to budget cuts, MTRH currently faces KES. 1.8B unpaid payroll obligations and a KES. 3.4B PE shortfall in FY 2025/26. Staff morale is affected.
Address double taxation and delays in issuance of work permits for expatriate AMPATH partners.	Ministries of Health, Treasury, Foreign Affairs, and Immigration to harmonize policies within 3 months.	MTRH continues to engage relevant ministries through AMPATH coordination structures. However, no formal resolution of double taxation or work permit delays is reported.
The Ministry of Health, Treasury, Ministry of	Ministry of Health and National Treasury to finalize	Collaboration with Indiana University and USAID

Foreign Affairs and the Department of Immigration to harmonize issues of double taxation and work permit delays for expatriates working with MTRH Fast-track Kenya and the US Government agreement on AMPATH Plus funding.	agreement within six months.	continues under AMPATH. The hospital notes ongoing engagement for finalization of funding framework under AMPATH Plus.

347. The Committee was informed that Moi Teaching and Referral Hospital (MTRH) continues to uphold a culture of accountability and results-driven management through systematic monitoring of Key Performance Indicators (KPIs) with a consistent excellent performance contracting grade ranking among the top institutions within the Ministry of Health. This achievement reflects the hospital's commitment to service excellence, efficient resource utilization, and innovation in healthcare delivery. The below table was presented as MTRH's targets indicators and achievements for the Financial Year 2024/25 demonstrating progress made and areas of focus for continuous improvement.

No	Performance Indicator	Unit	Annual Target	Cumulative Achievement	% Performance
1	External Beam Radiotherapy	No	12,265	21,482	175%
2	Brachytherapy Sessions	No	154	319	207%
3	Chemotherapy Services Increased	No	18,004	20.175	112%
4	Kidney (Renal) Transplants Undertaken	No	11	13	118%
5	Children Haemodialysis Increased	No	1,400	1,763	126%
6	Minimally Invasive Surgeries Increased	No	2,050	2,545	124%
7	Open Heart Surgeries Undertaken	No	36	45	125%
8	Plastic Surgeries Increased	No	330	357	108%
9	Maxillofacial Surgeries Undertaken	No	115	171	149%
10	Spine Surgeries Conducted	No	178	235	132%
11	Cardiothoracic Surgeries Conducted	No	550	569	103%

348. Other Key Achievements by the Moi Teaching and Referral Hospital's were stated as follows;

i) Kenya's First Renal Artery Bypass Surgery (grafting a blood vessel either from the patient or a synthetic graft to bypass the blocked renal artery, thereby restoring normal blood flow to the kidneys).

ii) Kenya's First Coronary Angiogram (a minimally invasive imaging procedure that uses contrast dye and X-ray technology to visualize coronary arteries).

iii) Moi Teaching and Referral Hospital's Nephrology Department increased the number of Hemodiafiltration (HDF) machines for better purification of kidneys during dialysis. MTRH has the capacity to conduct 20 HDF procedures at a go via its 5008s Cordiax & the 6008 CARE system machines to both paediatric and adult patients.

iv) MTRH conducted its first Stereotactic Radiosurgery (SRS) using the Varian True Beam platform on a 51-year-old female patient, MW, who had brain metastases with remarkable improvement. This is a procedure that uses non-invasive tumour-destroying radiation to treat cancers throughout the body, as it minimizes exposure to the surrounding healthy tissue.

v) Building the capacity of County Human Resources for Health through Exchange Programmes to improve service delivery. County Governments visit MTRH to benchmark best practices on Clinical and Corporate Governance.

349. Implementation of collegiate programmes for highly specialized courses to bridge the gap for highly specialized staff. This comprises:

No	Programme	Numbers
1	College of Surgeons of East, Central and Southern Africa (COSECSA): Neurosurgery (8), Orthopaedic Surgery (5), General Surgery (4) & Paediatric Surgery (7); MSC (7)	31
2	College of Ophthalmology of Eastern, Central and Southern Africa (COECSA)	7
3	College of Anaesthesiologists of East, Central and Southern Africa (CANESCA	6
4	College of Pathologists of Central Eastern & Southern Africa (COPECSA)	2
5	East Central Southern Africa College of Physicians (ECSACOP)	9
6	Maternal-Fetal Medicine	1
7	Paediatric Oncology & Haemato-Oncology	1
		56

vi) Implementation of Telemedicine and Telepathology - bringing medical care virtually to the Counties through Tumour Board Meetings & Diagnostic Support Services, as well as joint morbidity/mortality reviews.

vii) Implementation of an Enterprise Resource Planning System (Electronic Medical Records System, Human Resources, Procurement, Asset Management, Financial Management, Internal Audit). A system developed internally.

350. However, the Committee was also informed of persistent challenges that MTRH still faces such as;

i) Declining capital funding (from KES. 924M in FY 2020/21 to KES. 51M in FY 2024/25 and nil in FY 2025/26).

ii) Staffing shortages with a 1:34 doctor-patient ratio in emergencies vs WHO 1:20; and 1:20 nurse-patient ratio in surgical wards vs standard 1:5.

iii) PE deficit of KES. 3.4B (FY 2025/26) and KES. 1.8B unpaid payroll obligations.

iv) Equipment obsolescence and costly maintenance contracts.

v) Pending inter-ministerial action on expatriate taxation and AMPATH agreement.

Committee Observation

351. The House resolution has not been implemented. The Committee noted that thought MTRH had expressed willingness to partner with donors and other stakeholders who support programmes such harmonization on issues of double taxation and work permit delays for expatriates working with MTRH, funding remained a major obstacle. The Committee observed that this had affected programmes such as the Kenya and the US Government agreement on AMPATH Plus funding.

20.2 Committee on Implementation Observations

352. The Committee on Implementation made the following observations regarding Moi Teaching and Referral Hospital:

1. The entire facility has a bed capacity of 1,420 hospital beds serving approximately 3,000 patients on outpatient basis per day;
2. The facility handles majority of cancer cases in the Oncology Unit from East and Central Africa which ranges from 40-60 patients per day; The hospital also has a Cardiology Unit;
3. Medical insurance is a challenge to most patients, in regards to SHA usage: previously, the NHIF cover used to incorporate the principal contributor and spouse. However, SHA only covers an individual. Each household will only benefit from one surgery a year;
4. The MTRH is undergoing a fiscal crisis that is likely to impact on service delivery.
5. In the FY 2019/20, MTRH allocation was enhanced to KES. 451 million and KES. 924 million in the FY 2020/21. MTRH was able to acquire critical assets such as: LINAC Accelerator for Radiotherapy, Bunker No. 1, ICU Equipment, 2 x 1,000LPM Oxygen Generating Plant, Equipping of the Children's Hospital and Intervention Equipment for response to the COVID-19 Pandemic.
6. MTRH has faced declining capital funds, with FY 2024/25 having an allocation of KES. 51 million and NIL allocation in the FY 2025/26;
7. MTRH appreciates the additional funding recommendations from the National Assembly's Departmental Committee on Health for personnel emoluments, Kshs. 444 million grant arrears had not been disbursed;

8. The hospital was facing a KES. 1.2 billion funding deficit in the Financial Year under review (FY 2024/25);
9. MTRH had accrued unpaid payroll obligations amounting to KES. 1.8 billion as of June 30, 2025, which has negatively affected staff morale.
10. The hospital could face a repeat of the industrial unrest it experienced in 2024 should the financial situation not improve.

20.3 Committee on Implementation Recommendations

353. The Committee on Implementation made the following recommendations regarding Moi Teaching and Referral Hospital:
    1. The Ministry of Health should, in the FY 2026/2027, increase capital budget allocation to MTRH to at least KES. 500 million per annum to cater for various needs of multi-Specialty healthcare. For FY 2019/2020, these amounts will cater for 1.5 Tesla MRI machine (KES. 200 million); Equipping of Laundry/Kitchen Boilers and other equipment (KES. 250 million) and Catheterization Laboratory for Heart Diseases (KES. 50 million).
    2. In addition, more funds should be allocated in the FY 2026/2027 to cater for the Hospital's current deficit of KES. 1,624,480,000 required to fully cover Personnel Emoluments as per the signed CBA, and expedite allocation of arrears of KES.444,597,999 (being KES. 350,639, 441 for June 2016 salaries and grants disbursed by The National Treasury & Planning to Ministry of Health and not received by MTRH and KES. 93,958,558 balances of Grants for salaries for June 2018 not disbursed by The National Treasury.
    3. The Ministry of Health, Treasury, Ministry of Foreign Affairs and the Department of Immigration to harmonize issues of double taxation and delay in issuance of work permits for expatriate partners working with MTRH, within three months of adoption of this report.
    4. The Ministry of Health and the National Treasury to fast track the signing of the agreement between Kenya - US Government on funds meant for AMPATH Plus programme, and finalized within six months.

21.0 IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON A MOTION SPONSORED BY THE MEMBER FOR KIRINYAGA COUNTY, THE HON. JANE MAINA, MP, RESOLVING THAT THE STATE DEPARTMENT FOR BASIC EDUCATION INTRODUCES COMPREHENSIVE HEALTH, WELLNESS AND SEX EDUCATION IN THE CURRICULUM AS A CORE SUBJECT IN SCHOOLS

21.1 Background

354. On 9th August 2023, Hon. Jane Maina, MP for Kirinyaga, moved a Motion in the National Assembly urging the State Department for Basic Education to introduce Comprehensive Health, Wellness and Sex Education (CHWSE) as a core subject in the school curriculum.
355. The purpose and rationale of the Motion is that adolescent health training is inadequate and fragmented, leaving young people with limited access to accurate information on;
    i) Sexual and reproductive health,
    ii) STIs/HIV prevention, and
    iii) Related wellness topics.
356. Introducing a structured subject would help reduce STIs and teenage pregnancy and improve attendance and retention.

Recommendations

357. The Motion resolves that the National Government, through the State Department for Basic Education, should:
    i) Introduce comprehensive health, wellness, and sex education as a core subject in the school curriculum.
    ii) Ensure the content is developed in conjunction with curriculum developers and other relevant stakeholders to ensure it is culturally sensitive and age-appropriate.
    iii) Include topics such as mental health, self-esteem, healthy relationships, consent, and protection from abuse as part of the broader wellness education.
    iv) Empower children with knowledge about their legal rights in the event of abuse or exploitation.

Conclusion

358. This Motion highlights a pressing need to strengthen health, wellness, and sexuality education in Kenya's schools to promote informed, healthy, and empowered youth. The debate has revealed deep social and cultural divides, which the committee must consider when making recommendations on the motion's implementation.
359. The Committee on Implementation wrote on to the Cabinet Secretary Ministry of Education on 5th August, 2025 to apprise it on the implementation status of the Motion sponsored by the Member for Kirinyaga County, the Hon. Jane Maina, MP, resolving that the State Department for Basic Education introduces comprehensive health, wellness and sex education in the curriculum as a core subject in schools.

21.2 Submission from the Cabinet Secretary - Ministry of Education

360. Mr. Julius Migos Ogamba, EBS the Cabinet Secretary, Ministry of education appeared before the Committee on 19th, August, 2025 to apprise it on the implementation status of the resolution of the House on a Motion sponsored by the Member for Kirinyaga County,

the Hon. Jane Maina, MP, resolving that the State Department for Basic Education introduces comprehensive health, wellness and sex education in the curriculum as a core subject in schools. He was accompanied by Dr. Jacqueline Onyango - Senior Deputy Director, Basic Education Curriculum Development, Mr. Batholomew Lumbasi - Ag. DG Policy and Partnership, MoE and Mr. Joshua Wabwile - Legal Counsel Ministry of Education

361. The Committee was informed as follows regarding the introduction of comprehensive health, wellness and sex education in the curriculum as a core subject in schools.;
    i) Matters of human sexuality and sexual health can be complex, particularly among children and adolescents who are still in the early stages of understanding and forming their sense of self. Without clear guidance, age-appropriate education, and supportive environments, many young learners struggle with confusion, emotional distress, and vulnerability related to their developing sexual identity.
    ii) It is for this reason that the Ministry shared the premise of the motion by the Honorable Jane Maina, M.P., on the need to address pressing health problems faced by young persons, including on poor sexual and reproductive health. Through the Kenya Institute of Curriculum Development (KICD), we have taken measures to ensure that age-appropriate education on contemporary matters is integrated into the curriculum.
    iii) As part of its mandate under the KICD Act, 2013, KICD works to ensure that the national curriculum remains responsive to societal needs by identifying and integrating salient societal concerns - referred to as Pertinent and Contemporary Issues (PCIs) into the curriculum and curriculum support;
    iv) PCIs are societal issues that significantly influence learners' psychosocial well-being, access to and retention in education, academic completion, and ultimately their ability to thrive in the workplace and society. These issues are addressed through deliberate curriculum design intended to equip learners with knowledge, values, and psychosocial competencies required to navigate real-life challenges and contribute meaningfully to national development.
    v) As part of Kenya's ongoing curriculum reform, the Basic Education Curriculum Framework, 2017, classifies PCIs into broad categories including: Citizenship, Health-Related Issues, Life Skills, Moral and Human Sexuality Education, Socio-Economic Issues. Among these, Human Sexuality Education has emerged as a critical area requiring deliberate intervention through the curriculum.
    vi) Human sexuality was identified as a priority PCI through the 2016 National Needs Assessment Survey conducted to guide the CBC reform. The survey revealed alarming trends: early sexual debut, rising HIV/STI infection rates, adolescent pregnancies, early marriages, and increased school dropout rates. These patterns highlighted a gap in young people's ability to understand and manage their sexuality within appropriate developmental, cultural, and religious frameworks. Adverse negative effects of these issues have contributed to the weakening of Family and social fabric as well as the youth failing to attain their full academic, career and economic potentials.

vii) Following the findings and recommendations from the Needs Assessment Survey, other relevant studies and presentations by stakeholders, Human Sexuality is being addressed as a pertinent issue in all the dimensions of the curriculum. The Ministry, through KICD, has developed matrices on human sexuality and corresponding values and life skills that have been providing guidance on the content to be mainstreamed in the curriculum to ensure the content covered at each grade is developmentally, morally and culturally relevant and appropriate. The spiral approach is employed to ensure that the content and complexity of the concepts increase as learner's progress from one grade to another.

viii) Religious organizations such as the National Council of Churches of Kenya, the Supreme Council of Kenya Muslims, the Kenya Conference of Catholic Bishops and the Hindu Council as well as other stakeholders are involved in the curriculum development process. Human sexuality, like other PCIs, is incorporated in the learning areas (subjects) with more emphasis given during the learning experiences. The designs have a component on PCIs. However, we are also aware that the social environment and interaction at school and home also influence learner's moral and character development.

ix) The concepts on Human Sexuality education content and the requisite skills are based on two perspectives namely developmental and psychosocial perspective. Developmental Perspective: Equips learners with age-appropriate knowledge, values, and competencies that empower them to make informed, healthy decisions about their sexuality. Psychosocial Perspective: Focuses on building self- awareness, self-esteem, assertiveness, and decision-making skills -critical psychosocial competencies that enable learners to navigate peer pressure and societal expectations.

x) KICD, on behalf of the Ministry of Education, ensures that books that are evaluated and approved for use in learning institutions contain content that is in tandem with the specifications given in the curriculum designs. The criteria indicate clearly that any material that promotes unethical practice should be disqualified. For transparency, all evaluation criteria and curriculum design references are publicly available via the KICD website, and the Institute remains open to dialogue and continuous improvement.

xi) Human sexuality, while personal and sensitive, is also a matter of national concern involving identity, morality, and social well-being. While the Constitution, recognizes parents as the primary moral guides, the education system-together with religious and civil society institutions-plays a complementary role.

xii) Human Sexuality Education within Competency-Based Education is structured not merely as sex education, but as a broader developmental framework that supports Learners in understanding, accepting, and appreciating their sexual identity. It promotes values such as abstinence, self-respect, and protection from risky behavior.

Committee Observation

362. The House resolution has not been implemented. The Committee notes that sex education only appears as an auxiliary component is the school curriculum rather than a core subject as proposed by the Motion.

21.3 Committee on Implementation Observations

363. The Committee on Implementation made the following observations regarding the introduction of comprehensive health, wellness and sex education in the curriculum as a core subject in schools:
    1. That the Ministry responses were general on the subject matter in the entire education system. It should have been specific on which grades or classes or subjects that sex education has been included.
    2. The Ministry was implementing sex education using an age-appropriate model
    3. That the Ministry was structuring the sex education content through Pertinent Contemporary Issues (PCIs) approach
    4. That the Ministry has packaged sex education in various subjects (integrated science, home science, agriculture and languages)
    5. That sex education has been incorporated in the curriculum through mentorship programmes, guidance and counselling.

21.4 Committee on Implementation Recommendations

364. The Committee on Implementation made the following recommendations regarding the introduction of comprehensive health, wellness and sex education in the curriculum as a core subject in schools. That within six (6) months upon tabling and adoption of this report:
    1. The Ministry of Education should be able to quantify the efficacy of sex education through enumerated outcomes such as reduced number of sex abuse, HIV/STI rates and resolved cases (criminal or disciplinary) amongst students, teachers and members of the public.
    2. The Ministry of Education embarks on obtaining public feedback (public awareness and public participation) in order to obtain proper engagement with stakeholders.
    3. That the Ministry of Education provides data sex education outcomes such as reduced number of sex abuse, HIV/STI rates and resolved cases.

22.0 IMPLEMENTATION STATUS OF A MOTION SPONSORED BY THE MEMBER FOR KILOME CONSTITUENCY, THE HON. THADDEUS NZAMBIA, MP, RESOLVING THAT THE MINISTRY OF LABOUR AND SOCIAL PROTECTION UNDERTAKES CONTINUOUS AND TIMELY REGISTRATION OF ELDERLY PERSONS UNDER THE OLDER PERSONS CASH TRANSFER PROGRAMME

22.1 Background

365. Hon. Thaddeus Nzambia, Member of Parliament for Kilome, brought a Motion in March 2023, requesting the Ministry of Labour and Social Protection to carry out continuous and timely registration of the elderly under the Older Persons Cash Transfer Programme (OPCTP).
366. The Motion emphasized the need for sustained registration at the sub-county level, i.e., by chiefs' offices, to retain all persons above 65 years under the program. He recommended timely replacement of deceased beneficiaries and promoted collaboration between the constituency office staff and sub-county officers in identification and registration of qualifying seniors.
367. The Motion aligns with the constitutional mandate under Article 43 and Article 57 of the Kenyan Constitution that obligates the state to provide social protection and care for vulnerable populations, including older persons. There are interventions being implemented towards attainment of the Sustainable Development Goals 1 and 2; "End poverty in all its forms everywhere" and "Ensure Healthy Lives and Promote Well-being for all at all Ages." respectively.
368. Older Persons Cash Transfer Programme (OPCTP) is a part of the Inua Jamii initiative, a Kenyan social protection program that was initiated as a pilot program in 2007. It initially targeted only 300 beneficiaries but was later expanded to a universal program for all older persons above 70 years in 2017. OPCTP has over 833,129 beneficiaries' receiving a monthly allowance of KES 2,000 through bank accounts or mobile banking (M-Pesa). The Government of Kenya (GoK) has over time implemented numerous social protection interventions aimed at improving the livelihood of its citizens. Despite these efforts, a substantial population remains exposed to poverty owing to various vulnerabilities. Evidence shows that the poor cannot cope with economic, social, natural and covariate shocks without consistent support. In this regard, the Government is implementing cash transfer programmes targeting poor and vulnerable groups through the State Department for Protection and Senior Citizen's Affairs under the Ministry of Labour and Social Protection.
369. There are interventions being implemented towards attainment of the Sustainable development goals 1 and 2 of "End poverty in all its forms everywhere" and "Ensure Healthy Lives and Promote Well-being for all at all Ages."
370. In December 2020 the SAU was upgraded to the Directorate of Social Assistance (DSA) to coordinate implementation of the three programmes at the National Level. The Ministry has also introduced complementary programmes such as the Nutrition Improvement through Cash and Health Education (NICHE), the Economic Inclusion Programme (EIP), Universal Child benefit (UCB) and *Mwangaza Mashinani* which enhance the quality of the cash transfer programmes.

Objectives of the Motion;

371. The Motion set to attain the following in the effort to streamline and expedite the registration of elderly citizens for the OPCT programme by:
   i) Ensuring eligible elderly individuals receive their benefits without unnecessary delays.
   ii) Reduce gaps in implementation
   iii) Provide timely financial support to cushion them from economic hardships.
   iv) Reduce extreme poverty among elderly citizens.
   v) Improve access to basic needs (food, healthcare, shelter).
   vi) Enhance dignity and social inclusion for senior citizens
   vii) Continuous registration and not just occasional exercises.
   viii) Timely processing to reduce delays.
   ix) Better sensitization to ensure all eligible elderly are enrolled.
   x) Accountability in fund disbursement.
   xi) Improving the efficiency of registration processes.
   xii) Expanding the program's coverage.
   xiii) Addressing grievances from elderly persons who are not receiving benefits.
372. The Committee wrote to the Principal Secretary State Department for Social Protection and Senior Citizen Affairs Ministry of Labour and Social Protection on 27th March, 2025 regarding the implementation status of a Motion sponsored by the Member for Kilome Constituency, the Hon. Thaddeus Nzambia, MP, resolving that the Ministry of Labour and Social Protection undertakes continuous and timely registration of elderly persons under the Older Persons Cash Transfer Programme.

22.2 Submission from the Principal Secretary - State Department for Social Protection and Senior Citizen Affairs - Ministry of Labour and Social Protection

373. Mr. Mogosi Joseph Motari, CBS the PS- State Department for Social Protection and Senior Citizen Affairs - Ministry of Labour and Social Protection, appeared before the Committee on April 15th, 2025 to apprise it on the implementation status of a motion sponsored by the Member for Kilome Constituency, the Hon. Thaddeus Nzambia, MP, resolving that the Ministry of Labour and Social Protection undertakes continuous and timely registration of elderly persons under the Older Persons Cash Transfer Programme.

374. He was accompanied by: Mr. Shem Nyakuti – Secretary. Children Services, State Department for Social Protection, Mr. Moses Kamau - Director, Social Assistance, State Department for Social Protection, Ms. Mercy Kigo, Mr. Francis Khamala, Mr. Mwambi Mongare, and Ms. Judy Opiko.

375. The Committee was informed that;
   i) The Older Persons Cash Transfer Programme (OPCT) was initiated in 2007 on pilot basis targeting 300 households across the then Thika, Nyando, and Busia districts. It began as a household targeted program for the poor and vulnerable older persons aged 65.

ii) This program has since 2018, transitioned into an individual benefit to older persons aged 70 years and above, following a presidential directive that transformed the programme from a targeted household-based programme into a universal individual benefit.

iii) The revised criteria stipulated that beneficiaries must be Kenyan citizens aged 70 years and above, possess a valid Kenyan National Identification Card, have a caregiver with a valid Kenyan National ID, and have resided in a specific location for at least a year. Priority is given to those not receiving any pension.

iv) The Committee also heard that, during the Kenya Social Protection Conference in April 2023 H.E. The President committed to increasing coverage on Inua Jamii programmes from 1,233, 129 to 2.5 million in phases.

v) A mass registration of potential beneficiaries was conducted from September 2023 that led to increase of Older Persons Cash Transfer Programme beneficiaries from 833,129 to 1,251,721 beneficiaries countrywide.

vi) The Committee was informed that over the years; the Government has made efforts to enhance the programme's efficiency and reach. This includes;

   a) Transitioning from bimonthly payments to monthly and predictable payments.

   b) Migration to mobile money payments via E-Citizen in January 2024, with the aim of creating a cost-effective and efficient system with greater government control over fund flow. Through this platform, beneficiaries' funds are held in e-wallets, and convenience to beneficiaries is provided during cash out either through an Mpesa agent or directly transfer funds to their registered mobile numbers using the USSD code *222#.

vii) Further, the Committee learnt that the Older Persons Cash Transfer Programme has had a profound impact on the lives of many elderly individuals, enabling them to meet their basic needs and improve their quality of life. Beneficiaries have reported using the funds to purchase food, pay for assistance with household needs, and invest in livestock for additional income.

viii) Despite its successes, the programme has faced challenges, including inadequate funding to support more deserving cases, and to undertake continuous programme monitoring and sensitization on the changes in the programme especially the transition to mobile money payment.

ix) The programme requires additional resources to on-board those deserving older persons and continuously sensitize beneficiaries on the new payment model and continuous monitoring to improve on service delivery.

Committee Observation

376. Implementation is ongoing. The Committee noted that the Ministry of Labour and Social Protection was yet to fully harmonize data on the elderly and streamline the cash transfer service as proposed by the Motion.

22.3 Committee on Implementation Observations

377. The Committee on Implementation made the following recommendation regarding cash transfers for the elderly in Kenya:
    1. That the cash transfer for the elderly starts at age 70 and not 65 years which is discriminatory since available data shows Kenya's life expectancy is 66.8 years.
    2. In 2023, the number of beneficiaries rose from **833,129 to 1,251,721.**
    3. There exists a challenge in funding since the most recent supplementary budget estimate proposal was not approved by Parliament.
    4. That Treasury has initiated budget cuts that have negatively affected full implementation of the programme.
    5. That only Identity Cards are the requisite document for enrolment to the programme.
    6. That the last registration for the elderly was done in 2023.

22.4 Committee on Implementation Recommendations

378. The Committee recommends that henceforth, the State Department for Social Protection should initiate continuous registration and updating of its database for the elderly.

23.0 IMPLEMENTATION STATUS OF A MOTION SPONSORED BY THE MEMBER FOR NYALI CONSTITUENCY, THE HON. MOHAMED ALI, HSC, MP, RESOLVING THAT THE GOVERNMENT IMMEDIATELY BANS DISCUSSION, PUBLICATION AND DISTRIBUTION OF INFORMATION PROMOTING SAME-SEX RELATIONSHIPS IN THE COUNTRY

23.1 Background

379. The Constitution of Kenya in the preamble recognises the ultimate authority of God as the source of objective moral laws, and Article 119 of the Constitution allows every person to petition Parliament to consider any within its authority, including among other issues the protection of family life as a whole.

380. The Motion sponsored by the Member for Nyali Constituency, the Hon. Mohamed Ali, HSC, MP, resolving that the Government immediately bans discussion, publication and distribution of information promoting same-sex relationships in the country and sets strategies to control such content in accordance with Article 45(2) of the Constitution and Section 162 of the Penal Code to protect society, especially children and young people, from being exposed to the wrong tendencies of love and same-sex relations.
381. The Motion approved by the House on Wednesday, 12th April, 2023 states that over the past decade, Lesbians, Gays Bisexuals, Transgender and Queer (LGBTQ) community members and representatives have consistently made efforts to challenge in various courts, laws that prohibit homosexuality and other acts deemed unnatural.
382. The Motion further states that infiltration of LGBTQ agenda in books and study material through subtle depiction of same gender relationships within the Kenyan and International curricular is a matter of concern.
383. The backdrop of this Motion was that representatives and community members claim that their rights and freedoms have been infringed upon due to discrimination based on sexual orientation and gender identity.
384. The Committee wrote to the Principal Secretary State Department for Social Protection and Senior Citizen Affairs Ministry of Labour and Social Protection, and the Principal Secretary State Department for Broadcasting and Telecommunications - Ministry of Information, Communication and the Digital Economy on 26th September, 2024 regarding the implementation status of a Motion Sponsored by the Member for Nyali Constituency, The Hon. Mohamed Ali, HSC, MP, resolving that the Government Immediately Bans Discussion, Publication and Distribution of Information Promoting Same-Sex Relationships in the country.

23.2 Submissions by the Principal Secretary, State Department for Social Protection - Ministry of Labour and Social Protection

385. Mr. Mogosi J. Motari, MBS, PS - State Department for Social Protection and Senior Citizen Affairs appeared before the Committee on 22nd October, 2024 regarding the implementation status of the Motion. He was accompanied by the following officers:
    (i) Mr. Shem Akoto – Secretary Children Services
    (ii) Mr. Sydney Acheya – Deputy Director, Children Services
    (iii) Ms. Brenda Odiemo – State Counsel

(iv) Mr. Francis Khamala – Communications Officer

386. The Committee was informed as follows regarding Bans Discussion, Publication and Distribution of Information Promoting Same-Sex Relationships in the country:

i) The Ministry of Labour and Social Protection takes cognizance of the concerns raised by the Member of Parliament for Nyali, Hon. Mohamed Ali, HSC to this National Assembly Committee on Implementation. As is common knowledge, the Ministry of Labour and Social Protection has served to develop policies, programmes and systems for the protection of the children of Kenya from all forms of violence and harmful practices that may infringe on their survival and holistic development.

ii) The Ministry had initiated key programmes aimed at eliminating the influx of same sex relationships.

iii) Cognisant that same sex relationships are prohibited by the law; both the Constitution of Kenya, 2010 and the Children Act (Cap 141) Laws of Kenya, which seek to protect all children from all forms of abuse. From these mandates, the Ministry had undertaken the following strategies in combating all forms of child abuse, inclusive of same sex relationships:

Strategies put in place

1) **Implementation of the Children Act (Cap 141).**

387. The Children Act (Cap 141) came into effect on 26th July 2022. It gives effect to Article 53 of the Constitution and makes provision for: children rights; parental responsibility; alternative care of children, including guardianship, foster care placement and adoption; makes provision for care and protection of children and children in conflict with the law; makes provision for, and regulate the administration of children services.

388. Section 22 of this Act spells what entails the protection of children from abuse and states that:

"(1) No person shall subject a child to—

(a) psychological abuse; or

(b) child abuse.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding two million shillings, or to both.

(3) Without prejudice to the generality of subsection (1), any person who, through any electronic system, network, or other communication technology—

(a) proposes or solicits to meet a child for the purpose of engaging in sexual activities contrary to the provisions of the Sexual Offences Act (No. 3 of 2006);

(b) transmits or causes to be transmitted any obscene material, or otherwise makes such material accessible to children; or

(c) in any other way, subjects a child to online abuse, harassment or exploitation, whether through social networks, playing online games

or by use of mobile phones or other electronic devices, commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two million shillings, or to both.

(4) The reference in subsection (3)(c) to online abuse includes cyber bullying, grooming and solicitation, cyber enticement, cyber harassment and cyber stalking."

389. In the implementation of the Children Act, the Cabinet Secretary is mandated to develop Regulations to enable implementation of particular key areas, while the Judiciary is mandated to develop rules. The process of developing rules is complete, while that of developing regulations and guidelines is in progress.

2) **Implementation of National Prevention and Response Plan on Violence Against Children (VAC), 2019-2023**

390. The National Prevention and Response Plan on Violence Against Children aims to accelerate evidence-based multi-sectoral actions to address violence against children (VAC). It aimed to reduce prevalence by 40%. The key components of the plan include family support, education and life skills, addressing cultural norms related to violence and improving services of the affected children. Presently, the Ministry is preparing to review this plan and develop a new plan of action for the next implementation period.

3) **Implementation of National Plan of Action to Tackle Online Child Sexual Exploitation and Abuse (OCSEA) 2022–2026**

391. This is a plan that describes the capabilities needed for effective prevention and response to Online Child Sexual Exploitation and Abuse (OCSEA). It ensures that:

a) The knowledge and skills of children, parents/caregivers, teachers, community leaders and other duty bearers with respect to the adoption of protective online measures and behaviours is enhanced;
b) Technical, institutional and human resource capacities are strengthened across key sectors (Government, civil society, and industry) at national and county levels to prevent, identify and respond to Online Child Sexual Exploitation and Abuse and systems are in place to support this;
c) Online Child Sexual Exploitation and Abuse cases are reported and prosecuted and quality support and services are provided to victims and witnesses; and
d) An available, expanded and improved evidence base on OCSEA is in place to inform policies, strategies and programmes, track progress and document lessons learned.

4) **Strengthening of Families and Communities**

392. The State Department for Social Protection and Senior Citizen Affairs under the Directorate of Social Assistance implements the Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Programme which is designed to encourage fostering and retention of orphans and vulnerable children within their families and communities. Additionally, the programme seeks to promote the human capital development of these children. The immediate objectives include strengthening households' capacities to care for the children

by providing regular cash support, which can lead to improved educational and health outcomes for the orphans and vulnerable children. The programme was able to pay 1,739,919 beneficiary households on the September 2024 payroll.

393. Similarly, the Nutrition Improvement through Cash and Health Education (NICHE) Kenya Programme is a government initiative that aims to enhancing the nutritional status of vulnerable populations in Kenya. This program focuses on providing financial support and health education to the improve dietary practices and overall health outcomes.
394. By combining cash transfers with comprehensive health education, the programme addresses both the immediate financial barriers to accessing nutritious food and the knowledge gaps related to health and nutrition. It targets pregnant and lactating women, as well as young children, to ensure early and sustained nutritional improvements. Through this dual approach, the programme aims to reduce malnutrition and its associated health risks in vulnerable communities, thereby preventing child abuse practices that may be associated with poverty, and even sexual exploitation. The programme was able to pay **22,217** beneficiary households on the September 2024 payroll.

5) Implementation of Positive Parenting Training Programme

395. The Ministry seeks to build and sustain a positive parenting culture and infrastructure that enables families across the country to be loving, nurturing, respectful, supportive and violence-free, and to promote the equal wellbeing and development of all family members. Children who grow up in such an environment will be empowered to contribute effectively to the overall development of the nation. As such, a positive approach to parenting is considered an investment in the future of Kenyan society.

6) Child Protection Information Management System (CPIMS)

396. The Child Protection Information Management System is a significant initiative aimed at safeguarding children developed by the Directorate of Children Services (DCS). It provides accurate, timely, and consistent data for evidence-based programming on child protection issues at the national level. This is an application that enhances the existing system, allowing for the capture, reporting, documentation, and monitoring of cases related to violence against children.
397. The system is available across the country at the level of county children offices, sub-county children offices, statutory children institutions, and charitable children institutions in all 47 counties. Through this management system, my Ministry maintains up-to-date records and data, supporting its mandate in managing children services.
398. The State Department for Social Protection has officers stationed in offices covering all sub-counties countrywide to handle all child protection issues.

Committee Observation

399. Implementation is ongoing. The Committee noted that though rules had been developed, formulation of regulations and guidelines has not been completed.

23.3 Submissions by the Principal Secretary, State Department for Broadcasting and Telecommunications (SDBT) - The Ministry of Information, Communication and the Digital Economy

400. Prof. Edward Kisiang'ani, PhD, CBS, Principal Secretary - State Department for Broadcasting and Telecommunications appeared before the Committee to apprise it on the implementation status of the Motion. He was accompanied by the following officers:

(i) Mr. David Mugonyi	–	Director General, Communications Authority
(ii) Mr. Waweru Kimani	–	Director, Administration SDBT
(iii)Mr. Chris Maina	–	Dep. Chief State Counsel, SDBT

401. The Committee was informed that the Ministry had sought to provide a detailed clarification on the measures that have been implemented by the two regulatory bodies; the Communications Authority of Kenya and the Media Council of Kenya in line with the above resolution.

Implementation of regulatory instruments:

I. Media Council of Kenya - Media Council Act No.46 Of 2013

402. The Media Council of Kenya is established pursuant to Section 5 of the Media Council Act, No. 46 of 2013. to set media standards and regulate and monitor compliance with those standards. As a regulatory body, the MCK relies on the Act and the Code of Conduct for the practice of Journalism contained in schedule II therein to regulate ethical conduct of the Media. The relevant provisions are detailed here below: -

	SECTION	PROVISION	MCK PROPOSED AMENDMENT
	Section (2) of the MCK Act -	Definitions **code of conduct"** means the code of conduct for journalists and media enterprises provided under section 45 and set out in the Second Schedule; **journalism"** means the collecting, writing, editing and presenting of news or news articles in newspapers and magazines, radio and television broadcasts, in the internet or any other manner as may be prescribed **media enterprise"** means an organization whose business involves the collection, processing and dissemination of news or news articles, **or in** entertainment and education through the media;	Include "media practitioners" as persons subject to the code. This will ensure that all persons who disseminate content on media platforms are held to account and must adhere to the ethical standards prescribed in the Code of Conduct.
			the definition of "Journalism" be amended by inserting the word "dissemination" immediately after the word "writing" so as to make the definition more comprehensive
			The is a proposal to define "media practitioner" Means any person being an employee of a media enterprise, engages in the writing, editing or dissemination of news, content or information to the public, through print media, broadcast, the internet or any other person recognized as such by the Council. This will ensure all persons who disseminate content to the public via media enterprise platforms are regulated.
	Section 45	The journalists and media enterprises shall keep and maintain professional and ethical standards and shall, at all times, comply with the code of conduct set out in the Second Schedule.	Reword section to include media practitioner's, other media standards and the Code of Conduct. This is to ensure persons subject to the Act are bound by the ethical standards prescribed by the regulator.

	Section 46	Accreditation of journalists (1) The Council shall consider and approve applications by foreign journalists for accreditation to practice in Kenya and may charge such fees as the Cabinet Secretary in consultation with the Council, may by notice in the Gazette prescribe. (2) The accreditation shall be valid for a renewable period of twelve months. (3) In considering an application for accreditation of a foreign journalist in Kenya, the Council shall ensure that such accreditation does not prejudice the employment opportunities of qualified and registered local journalists or other media practitioners	Amend to capture media practitioners and remove focus on foreign journalists as all journalist will be accredited whether foreign or local The section should be amended to apply to all persons engaging in the practice of journalism in Kenya. In addition, media practitioners who disseminate media content on media enterprises platforms need to be accredited. This will ensure that those who release information to the public are bound by the code of conduct.
	CODE OF CONDUCT FOR THE PRACTICE OF JOURNALISM		
		The current title limits code to journalists. Code will also apply to media practitioners/enterprises	The Code be renamed to the Code of conduct for Media Practice in Kenya so as to make it more comprehensive.
	14.Privacy	(1) The public's right to know shall be weighed against the privacy rights of people in the news. (2) Journalists shall stick to the issues	
	19. Protection of children	(1) Children shall not be identified in cases concerning sexual offences, whether as victims, witnesses or defendant. Except in matters of public interest, for example, cases of child abuse or abandonment, journalists shall not normally interview or photograph children on subjects involving their personal welfare in the absence, or without the consent, of a parent or other adult who is responsible for the children.	Children must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest. Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life

		(2) Children shall not be approached or photographed while at school and other formal institutions without the permission of school authorities. (3) In adhering to this principle, a journalist shall always take into account specific cases of children in difficult circumstances.	
	23.Acts of violence	(2) Newspapers shall not allow their columns to be used for writings which tend to encourage or glorify social evils, warlike activities, ethnic, racial or religious hostilities.	Delete the term "social evils and provide clarity by directly referencing the prohibited conduct 2)A person subject to this Act shall not allow their **platform to** be used for publications or broadcasts which tend to encourage or glorify, **any conduct prohibited by the Constitution or any other written law,** warlike activities, ethnic, racial or religious hostilities.
	24. Editor's responsibilities 25. Advertisements	24.Editor's responsibilities (1) The editor shall assume the responsibility for all content, including advertisements, published in a newspaper. (2) If responsibility is disclaimed, this shall be explicitly stated beforehand. 25.Advertisements (1) The editor shall not allow any advertisement which is contrary to any aspect of this Code of Conduct. (2) The editor shall be guided by the advertiser's code of conduct issued under this Act.	The editor shall assume responsibility for all content, including advertisements, published. If responsibility is disclaimed, such disclaimer shall be explicitly stated beforehand. The Editor shall be held responsible for all content on their platform with no option for disclaiming liability The editor shall not permit any advertisement that **contravenes any provision of this Code of Conduct**. The editor shall be guided by the advertiser's code of conduct issued pursuant to this Act.

II. Kenya Information and Communications Act Cap 411a

403. Communications Authority of Kenya is established under this Act and is responsible for licensing and regulating postal, information and communication services; facilitating the development of the information and communications sector including; broadcasting, cybersecurity, multimedia, telecommunications, electronic commerce, postal and courier services.

404. The responsibilities of the Communications Authority of Kenya include;

a) Licensing all systems and services in the communications industry, including; telecommunications, postal, courier and broadcasting.
b) Managing the country's frequency spectrum and numbering resources.
c) Facilitating the development and management of a national cyber security framework.
d) Facilitating the development of e-commerce.
e) Type approving and accepting communications equipment meant for use in the country.
f) Protecting consumer rights within the communications environment.
g) Managing competition within the sector to ensure a level playing ground for all players.
h) Regulating retail and wholesale tariffs for communications services.
i) Managing the universal access fund to facilitate access to communications services by all in Kenya.
j) Monitoring the activities of licensees to enforce compliance with the licence terms and conditions as well as the law.

405. The Kenya Information and Communications Act Cap 411a empowers the Cabinet Secretary to issue regulations for the implementation of the Act.

III. Kenya Information and Communications (Broadcasting) Regulations, 2009

406. The Kenya Information and Communications (Broadcasting) Regulations, 2009 is to provide regulations and guidelines for the broadcasting industry in Kenya. These regulations cover various aspects of broadcasting, including licensing requirements, obligations of broadcasters, content standards, complaints handling procedures, and transitional provisions for the transition from analogue to digital television broadcasting.
407. The regulations aim to ensure that broadcasting services in Kenya reflect the national identity, needs, and aspirations of Kenyans, and are delivered using efficient and effective technologies. The Regulations also aim to promote diversity, fairness, and accountability in the broadcasting industry.
408. The Regulations also provide for a detailed complaint-handling mechanism against any broadcaster within stipulated timelines.

IV. Kenya Information and Communications (Consumer Protection) Regulations 2010

409. The Kenya Information and Communications (Consumer Protection) Regulations 2010 aim to safeguard consumers' rights in the telecommunications sector. In complying with the license conditions, licensees are expected to educate their consumers about their rights and responsibilities. These Regulations play a crucial role in ensuring fair and transparent practices in the telecommunications sector in Kenya, aiming to protect consumers from practices that are exploited and promote a friendly market environment.
410. The Authority is also empowered to issue guidelines that guide broadcasting entities and ensure compliance with licensing conditions as set out below:

a. *Kenya Information and Communications Act (KICA) Section 46I - Responsibilities of broadcasters*

i) This specific section of the Act sets out the requirements that all Broadcasters licensed by the Authority are expected to comply with, these requirements include:
   a) Responsible programming – Broadcasters must provide programming that is responsible and responsive, catering to the diverse needs and sensitivities of the various sections of the Kenyan community
   b) Kenyan Identity - Broadcasters are expected to ensure that programs developed maintain a sense of Kenyan identity
   c) Good Taste and Decency – Broadcasters must observe standards of good taste and decency in their content
   d) Accurate and Impartial News - News and information should be gathered and presented accurately and impartially.
   e) Alternative Views on Controversial Issues - When discussing controversial or contentious public interest issues, Broadcasters should make reasonable efforts to present alternative points of view either in the same program or in other programs within the current interest period.
   f) Right to Privacy - The right to privacy of individuals must be respected.
   g) Respect for Copyright - Broadcasters must respect copyright and neighbouring rights for any work or material used.
   h) Program Log - A log or machine-readable record of programming must be kept for one year after the date of broadcasting.
   i) Advertisements - Advertisements should not be deceptive or offensive in content, tone, or treatment.
   j) Non-Derogatory Content - Broadcasters must ensure that no derogatory remarks based on ethnicity, race, creed, colour, or sex are broadcast.

ii) These responsibilities aim to ensure that broadcasters uphold high standards of content quality, ethics, and fairness while serving the informational, educational, and entertainment needs of the public. The provisions are crucial for maintaining a balanced and responsible media environment that contributes positively to societal cohesion and development.

iii) The Authority ensures compliance with the provisions outlined above, particularly regarding broadcasters' responsibilities, through several key mechanisms and activities as outlined below:
   a) Licensing and Regulatory Frameworks – The Authority issues licenses to broadcasters, outlining specific obligations and conditions relating to programming standards content and compliance with regulatory requirements. Secondly, license renewal and issuance are contingent upon broadcasters meeting these regulatory standards, including adherence to the provisions of the Act
   b) Monitoring and Surveillance - The Authority conducts regular monitoring and surveillance of broadcasters' content to ensure compliance with regulatory standards. Monitoring may include reviewing broadcasted programs, advertisements, and other content to verify adherence to programming standards, accuracy in news reporting, and respect for ethical guidelines.

c) Compliance Audits and Inspections – The Authority performs compliance audits and inspections of broadcasters to assess their adherence to regulatory requirements. Inspections may involve on-site visits to broadcasting facilities, review of program logs and examination of technical equipment to verify compliance with licensing conditions and broadcasting standards.
d) Enforcement Actions – In case of non-compliance or a breach of the regulatory and license conditions on the part of the broadcaster, the Authority may take enforcement action against the non-compliant broadcaster. The enforcement action may include, issuing warnings, fines or penalties depending on the severity of the violation and its impact on public interest on consumer rights.
e) Guidance and advisory services – The Authority provides guidance and advisory services to broadcasters on regulatory compliance and best practices. This includes
f) disseminating regulatory updates, conducting workshops and issuing guidelines to clarify broadcasters' responsibilities and expectations.
g) Consumer Complaints Handling – The Authority also manages a mechanism for receiving and addressing consumer complaints related to broadcasting content. Complaints concerning breaches of programming standards or ethical guidelines are investigated and appropriate actions are taken to resolve and ensure compliance.
h) Collaboration with Stakeholders - The Authority collaborates with industry stakeholders, including broadcasters, industry associations, consumer advocacy groups, and other regulatory bodies such as the Media Council of Kenya to promote compliance on the part of the Broadcasters and address sector-specific challenges.

b. Programming Code 2023

411. The Authority is also charged with the responsibility of developing a programming code to set standards for the time and manner of programmes to be broadcast. The code ensures that broadcasters in Kenya provide responsible and responsive programming that caters to the various needs and susceptibilities of different sections of the Kenyan community.
412. The Code applies to all broadcasters and their programmes and services, and it is the responsibility of broadcasters to ensure that their programmes comply fully with the Code.
413. The Code also applies to all programme and non-programme matters, including advertisements, infomercials, programme promotions, and station identifications.
414. Additionally, the Code provides guidelines and regulations for broadcasters in Kenya regarding various aspects of their operations, including elections and referendums, religious programs, occultism and superstition, advertisements, gaming and competitions, accessibility to broadcasting services, complaints handling, online broadcast or streaming service providers, and compliance with the Code. Programme Code is available on the Authority's website:

c. Consumer Protection Guidelines and Customer Care Standards 2022

415. The Authority also issues the Consumer Protection Guidelines and Consumer Care Standards, 2022. The purpose of the Consumer Protection Guidelines is to clarify expectations for licensed service providers, including broadcasters promote best practices, inform consumers, resolve disputes, protect consumer rights, promote a safer online

environment, establish complaint handling procedures, ensure fair treatment and satisfaction, and regulate the discontinuation of licensed services in the communication services industry in Kenya.

d. Child Online Protection Programme

416. The Authority is also spearheading the Child Online Protection programme, one of the Authority's consumer empowerment programmes that leverages on a multi-stakeholder approach towards ensuring that children have a safer internet experience. The program promotes; safe use of the internet, appropriate online behaviours, the avoidance of online vices, and the protection of the children's online identity and reputation.
417. The Authority also incorporate various 'call to action' initiatives which would serve as messages to the children and youth of Kenya. This ' call-to-action includes, among others:
    a) Reporting online predators and perpetrators to relevant child protection authorities
    b) Avoiding intimate engagements with strangers online
    c) Avoiding inappropriate online content/material
    d) Being courteous to people online
    e) Taking great care when sharing information online
    f) Checking and verifying your privacy settings
    g) Knowing how and where to report inappropriate content
    h) Keeping your passwords safe
    i) Never meeting anyone in person you've only met online
    j) If you see anything online that you don't like or you find upsetting, tell someone you trust.

Committee Observation

418. The resolution has not been implemeted. The Committee noted that though collectively, there were laws governing publication and discussion of same sex relations in the Kenyan media and online spaces, the submissions indicated there was no ban in place.

23.4 Committee on Implementation Observations

419. The Committee made the following observations regarding the Motion banning the publication and discussion of same sex relations in Kenya:
    1. That even though the Motion was specifically aimed at same-sex relations, the responses provided have been very broad. It is still difficult to define "Kenyan Identity" from the context of the responses provided in line with same sex issues.
    2. There was no direct linkage between providing cash transfers to parents and the ability to protect children and young people from the publication and promotion of same sex relations.
    3. The responses provided have been majorly on child protection and the welfare of children as explained by the two ministries and state departments yet the Motion was specific on the protection of young people.
    4. While the State Department of Broadcasting has been categorical in their approach towards regulating local media, their capacity at taming live coverage in local media coverage has been less than satisfactory.

5. There is still a gap in addressing same sex relation issues over social media and its adverse effects on young people especially platforms like Tik Tok that have received a ban in several countries. Kenya is yet to declare a clear stance on the matter.

23.5 Committee on Implementation Recommendations

The Committee recommended that henceforth:

1. The Ministry of Information, Communication and the Digital Economy, and the Ministry of Labour and Social Protection endeavour to keep themselves abreast with information on global trends on addressing same sex relations, regulation of social media and other online platforms and taking a clear stand on publication, promotion and broadcast of same sex relations media content.
2. The Ministry of Information, Communication and the Digital Economy, and the Ministry of Labour and Social Protection spearhead development of a comprehensive sex education framework to prepare children and young adults to deal with such matters.
3. The Kenyan Parliament should consider making legislative interventions to enhance enforcement of the law in relation to same sex relations, while curtailing the proliferation of the same sex agenda in the country.

24.0 REPORT ON THE IMPLEMENTATION STATUS OF A MOTION ON THE ASSESSMENT OF PUBLIC HEALTH RISKS POSED BY CONTINUED USE OF LANG'ATA CEMETERY

24.1 Background

420. A Motion on Public Health Concerns at Lang'ata Cemetery was presented to the National Assembly by the Hon. Phelix Odiwuor, MP and passed on 8th March 2023 pursuant to Standing Order 47. The National Assembly approved the Motion resolving that the National Government through the Ministry of Health, immediately conducts an assessment of the public health risks posed by the continued use of the Lang'ata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders including the Nairobi City County Government, to identify suitable alternative burial sites.
421. Lang'ata Cemetery, located in Nairobi, Kenya, cemetery was established in1958 when City Park cemetery became full. It was created by the colonial government to address the need for a burial site as Nairobi expanded. The total acreage of the cemetery is estimated to be 117 acres although some quarters put the estimate at 150 acres. It is considered to the one of the largest public cemeteries in East and Central Africa.
422. Though no verifiable data is available for scrutiny and establishment of exact figures of bodies buried in the cemetery for the past 65 years of its existence, Lang'ata Cemetery began experiencing significant overcrowding in the late 1990s and early 2000s. By the early 2010s, it was widely recognized that the cemetery was nearing its full capacity.

Possible Health and Environmental Impacts of overcrowding of the Cemetery

423. The overcrowding at the Lang'ata Cemetery in Nairobi poses the potential of leading to the following issues:
    i) **Contamination of water sources**: There are concerns about groundwater pollution from the cemetery, particularly in areas where graves located upstream, especially the water table in the case of wells. Surface runoff can also carry debris from improperly covered graves or those that have been exhumed by animals such as dogs or wild animals, and pose health hazards such as waterborne illness.

    ii) **Desecration of graveyards**: This creates a scenario where bodies are buried on top of previous burial sites (reburials). It is not clear how many reburials have occurred but some sections of the cemetery with temporary graves are estimated to have witnessed two to three cycles or layers of reburials. This creates a cultural and historical dilemma where families of the dead cannot locate the resting places of their loved ones a few months after interment. There is also a legal challenge in the case where a court of law has ordered exhumation for legal reasons.

    iii) **Waste management challenges**: overcrowding of the Lang'ata Cemetery has rendered maintenance of the grounds a difficult undertaking due to lack of space to properly maintain and dispose of any waste emanating from the procedures undertaken during burial rites. This has resulted in the bushy environment that characterizes portions of the cemetery land.

iv) **Public safety and insecurity**: The overcrowding of the cemetery has created breeding grounds for criminal activity as the vast lands provide hideouts for muggers and thieves who plunder the graves for scrap metal as other waylay passers-by and mourners for valuables, especially in the evenings or when the cemetery is deserted.

v) **Pest infestation**: Crowding and poor hygienic standards are breeding grounds for pests such as rodents, and in some cases, wild animals such as wild dogs and hyenas find the cemetery a perfect habitation, raising possibility for pest-borne diseases such as plague and hantavirus.

Mitigation Measures Undertaken

424. In an effort to combat issues of insecurity and trespass at the cemetery, in 2010 the then Nairobi City Council embarked on the construction of a perimeter wall at a cost of KES. 24 million. This effort encountered protracted delays at that time leading to the creation of open trenches where a security wall was supposed to exist.
425. In 2010, attempts by City Hall to purchase a 120-acre piece of land in Mavoko to remedy the already full Lang'ata Cemetery issue failed due to procurement irregularities and the discovery that the land was unsuitable for use as burial grounds. The land, identified as parcel L.R No. 14759/2, was intended for a public cemetery, but the procurement process was allegedly manipulated for corrupt gains. The Report on the procurement of Cemetery Land by the City Council of Nairobi outlined how land valued at KES. 24 million at the time, was bought for KES. 283 million; the seller receiving KES. 110 million and the bulk of the remaining money shared by 17 individuals from the then Ministry of Local Government and City Hall.
426. Lang'ata Cemetery remains open despite being declared full more than two decades ago. The shallow burials and double allocation of burial sites continues to torment families of the dead. Moreover, the presence of the cemetery close to the Nairobi National Park continues to attract wild animals and pose security and health perils to the residents of neighbouring estates.
427. The Committee wrote to the Principal Secretary - State Department for Public Health and Professional Standards, Ministry of Health on 26th March, 2025 regarding the implementation status of the resolutions of a Motion sponsored by the Member for Lang'ata Constituency the Hon. Phelix Odiwuor, MP that the National Government through the Ministry of Health to urgently conduct an assessment of the public health risks posed by the continued use of Lang'ata Cemetery, and to institute mitigatory measures in collaboration with other stakeholders.

24.2 Submission by the Principal Secretary - State Department for Public Health and Professional Standards, Ministry of Health

428. Ms. Mary Muthoni, the Principal Secretary - State Department for Public Health and Professional Standards, Ministry of Health appeared before the Committee on 8th April, 2025 to apprise it on the implementation status of the Motion. She was accompanied by the following officers:

(i) Mr. Lolem Lokolwe	-	Ass. Director of Public Health, Ministry of Health
(ii) Mr. Mawira Mungania	-	Communications and Admin. Ministry of Health
(iii) Mr. Benjamin Murkomen	-	Chief Public Health officer, Ministry of Health
(iv) Ms. Anita Kiptum	-	Communications/Liaison, Ministry of Health

429. The Committee was informed that the Ministry of Health received communication from the National Assembly (NA) vide letter Ref no NA/DLP/TBO/RES.022/13TH /2023 dated 31st August 2023 on public health concerns at Langata Cemetery. The recommendation to conduct the assessment emanated from a motion brought to the National Assembly by the Langata Constituency Member of Parliament, Hon. Phelix Odiwuor on the public health risks posed by the continuous use of Langata cemetery. The concerns as raised by the Member of Parliament included:

i) An ongoing public outcry regarding the neglect of Langata public cemetery, which was declared full close to two decades ago;
ii) Concerned that the matter has been left unaddressed and poses a significant health risk to the public;
iii) Concerned that the situation has led to overcrowding and double-allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby National Park; and
iv) The issue has caused untold anguish, pain and suffering to the bereaved families, and psychological torment to the neighbouring community;

430. The Member of Parliament requests to the National Assembly was to urge the national Government through the Ministry of Health, to;

i) urgently conduct an assessment of the public health risks posed by the continued use of the Langata Cemetery,
ii) Institute mitigatory measures, and
iii) Collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

431. In order to undertake the assessment a team was constituted and its terms of reference for the team were;

i) Carry out assessment of Langata Cemetery to confirm whether its full as claimed by the general public
ii) Evaluate the public health risks posed by the continuous use of Langata Cemetery pursuant to public health act section (118r) Cap 242 laws of Kenya,
iii) Advise the Principal Secretary of the mitigation measures to be put in place to address the risks posed by the continuous use of Langata Cemetery
iv) Identify suitable alternative land for use as a cemetery

The task Force Team

i) John K. Ndungu	-	Deputy Director, Public Health - Chairperson
ii) Gamaliel Omondi	-	Principal Public Health Officer - Member
iii) Bosco Lolem	-	Principal Public Health Officer - Member
iv) Janet Mule	-	Principal Public Health Officer - Member
v) Rosalia M. Kalani	-	Principal Public Health Officer - member
vi) Tom Nyakaba	-	Chief officer, public health (CCN) co-opted member
vii) David Wanjohi	-	Morgue superintendent (CCN) – co-opted member

432. During preliminaries, a meeting was held to set up terms of reference of the team and plan for the assignment ahead of them. Later a field visit to Langata Cemetery was undertaken on 31st October 2023.
433. The visit was undertaken in collaboration with the City County team led by the Chief officer for Public Health, (Annex 3) and the purpose of the visit was to help the team get first hand insights on the Cemetery and also gather preliminary site assessment information in order to facilitate the team develop the site assessment report, collection of detailed risk information and advice on the suitable corrective measures required in order to inform decisions as requested by the National Assembly.

The Policy & Legal Context

434. The Kenya Constitution Article 42 provides for the right of every person to a clean and healthy environment; with Article 69 obligating the State to ensure sustainable utilization of the environment and natural resources including land. In addition, Article 43(1)(a) of our Constitution guarantees the right to the highest attainable standard of health, which is the state of complete physical, mental, social and emotional wellbeing, and not merely the absence of disease. To implement the provisions of the Constitution including the management of cemeteries, funeral parlours and crematoria, the Ministry of health formulated the National Health Policy 2014 – 2030 and enacted the Health Act No. 21 of 2017 as well as relevant provisions of the long-standing Public Health Act Cap 242.
435. Provisions relating to management of the dead and their final resting places have been given prominence in the Health Policy, which explicitly list it as a county health function. The Public Health Act, provides for the legal provisions on matters cemeteries, funeral parlours and crematoria management in part XIII sections 144 to 150 of the Act. Section 145 of the Act authorizes the Cabinet Secretary ('the Minster') to publish in the gazette all cemeteries in use and such other cemeteries as may be authorized in Kenya. This means any cemetery in Kenya not gazetted by the Ministry is illegally being used.
436. In the City County of Nairobi before the new constitution came into force, the Public Health Act and Rules 26 of the Act on establishment and gazettement of cemeteries, funeral parlours and crematoria were adequate. However, with the new dispensation, the County was to formulate comprehensive public health and sanitation legislations or health act, which as at now is not in place. This would have been the critical pieces of legislations that would have given foundation to all aspects health as laid down in part 2 of the Fourth Schedule of the Constitution.

437. While noting that the City County is yet to adequately legislate on health matters, it is worth to note that there are key pieces of legislation that still give the County the legal standpoint to manage cemeteries, funeral parlours and crematoria as required by the Constitution backed by the National Public Health Act cap 242 laws of Kenya. City County laws such as; The Nairobi City County Finance Act, 2013, which increased burial fees by up to 50 % and reduced cremation charges at the same proportion as part of measures to ease pressure on Nairobi's cemeteries due mainly to inadequate land. Other similar legislations are on land planning such as Nairobi City Regularization of Development Act, 2015.
438. City County of Nairobi draft County Integrated Development Plan (2023 – 2027), county health department envisages the expansion of the existing coroner facilities including crematoria and the establishment of an effective framework for identification and disposal of uncollected bodies. The Health Department has prioritized in the draft County Integrated Development Plan to upgrade coroner services at City Mortuary into a modern funeral parlour and install modern crematoria in Kariokor and Langata at a consolidated cost of KES. 3B among other health transport, logistics and equipment budget. Additionally, the County Environment Department also has laid down strategies to improve and maintain Langata cemetery through retrofitting, landscaping and maintenance at an estimated budget of KES. 580M. These strategies are geared towards addressing the urgent need to improve the current situation in Langata cemetery whereby, the County has proposed to utilize 86% of the budget in year 1 of the CIDP. The master plan to expand and modernize cemetery services in Nairobi, is in line with the CIDP.
439. In Kenya many ethnic groups and religions have a common traditional practice for handling bodies, e.g. washing before burial. Therefore, it is important that the County plans to modernize the existing practice of burial rather than invest the migration to crematoria since managing dead bodies in safe and dignified manner in Kenya from religious and traditional standpoint is an important part of widely respected and accepted rituals during interment. Respecting the tradition of the dead and the living members of the family while ensuring the prevention of transmission of infectious agents during and after the final rites of the deceased is an important part of ensuring dignified and safe burial in cemeteries and private burial places. More cautions are even required for people whose lives have been claimed by suspected or confirmed highly infectious diseases, and so a times are not buried by their families but by specialized healthcare teams wearing necessary personal protective equipment (PPE) while taking appropriate precautions based on best available guidelines from the World Health Organization (WHO).

Methods for Information Gathering

440. Information was gathered by both field work and use of desk top review as well as direct consultation or over phone with a number of City County contact persons. Methods used to gather information included: Field visits, Observation, key informant interviews through telephone conversations and unstructured direct interviews with graveside workers

Description of the Assessment Site

Nairobi City County

Background Information

441. Langata Cemetery is located in Nairobi, which is the capital and largest city in Kenya. The city was founded in 1899 by colonial authorities in British East Africa, as a rail depot on the Uganda - Kenya Railway. The town quickly grew to replace Mombasa as the capital of Kenya in 1907. Nairobi received City status in1950, when the Nairobi Municipality as it was known then became a City by the Royal Charter of Incorporation.
442. After independence in 1963, Nairobi continued to be the Kenyan Capital. In its young age, the growth of Nairobi was propelled by its central position between Mombasa and Kampala, and being preferred as an ideal residential zone due to its network of rivers and favourable weather. The strategic location still plays a significant role currently, rendering Nairobi City County an attractive destination for trade, tourism, residence and other social activities. Its attractive physical, social and economic features provide promising opportunities for socio-economic development for all.
443. Nairobi is situated in the Southern Central part of Kenya. It is 140 Kilometres (87 miles) south of the Equator. It is adjacent to the eastern edge of the Rift Valley, and to the west of the city, are The Ngong Hills. Mount Kenya is northwards from Nairobi, and Mount Kilimanjaro is towards the south-east. The city is one of the 47 Counties and borders Kiambu County to the North and West, Kajiado to the South and Machakos to the East. The County has a total area of 696.1 Km2. The Nairobi National Park, the only park in a city occupies 117km2 or 16.8% of the city's total area. The city is located between longitudes 36o 45' East and latitudes 1 o 18' South. It lies at an altitude of 1,798 metres above sea level.
444. Based on the 2019 Kenya National and Housing Census, the City recorded 4,397,073 people as with 2,192,452 (49.9%) males, 2,204,376 (50.1%) females and 245 (0.006%) intersex. The county had 1,506,888 households and an average household size of 2.9 spread in 11 administrative Sub Counties.
445. Langata Sub County is where Langata Cemetery is situated. The city politically, and electorally, is sub divided into 17 constituencies and 85 wards. Langata Constituency is one of the 17 constituencies.

Physical Environment and Natural Conditions Baseline Information

Physical and Topographic Features

446. Nairobi City sits in a gently rolling and divided by steep valleys towards both ends of its borders. To the north, there is the Karura Forest which is characterized by steep sided valleys. The Karen-Langata area is characterized by plains surrounded by Nairobi National Park on the east and Ngong Forest on the south. Several streams with steep-sided valleys covered with vegetation are a dominant landscape feature of the County. The main rivers in the County are Nairobi River, Ngong River and Kabuthi River. These rivers are highly polluted by effluence from open sewers and industrial waste. Nairobi dam, which is along the Ngong River, and Jamhuri Dam are the main water reservoirs in the County.
447. The main types of soils are black cotton and red soils, which is the kind of soil typical of Langata Cemetery that form patches in different parts of the County. There are three forests

in the County, namely Ngong Forest to the south, Karura Forest to the north and the Nairobi Arboretum. The three forests have a total coverage of 23.19 Km2.

Climatic Conditions

448. The city is close to the equator hence minimal seasons differences and the timing of sunrise and sunset varies little throughout the year. Under the Köppen climate classification, Nairobi has a subtropical highland climate (Cwb). At 1,795 metres (5,889 ft) above sea level, evenings may be cool, especially in the June/July season, when the temperature can drop to 9 °C (48 °F). The sunniest and warmest part of the year is from December to March, when temperatures average in the mid-twenties Celsius during the day. The mean maximum temperature for this period is 24 °C (75 °F). Actual temperature ranges from a low of 10 degrees to a high of 29 degrees Centigrade. It has a bi-modal rainfall pattern. The long rains season falls between March and May with a mean rainfall of 899 millimetres (mm) while the short rains season falls between October and December with a mean rainfall of 638 mm. The mean annual rainfall is 786.5 mm.

Ecological Conditions

449. The County is predominantly a terrestrial habitat that supports a diverse web of biodiversity and ecosystems. It is home to about 100 species of mammals, 527 bird species and a variety of plant species. Although it is endowed with some permanent rivers, the aquatic ecosystems are largely choked by the effects of pollution from different sources. Currently, efforts are underway to ensure a sustainable clean Nairobi River Basin.

Langata Cemetery

450. Langata Cemetery is one of the public cemeteries in Nairobi City County. It was established in 1956 as a permanent graveyard. The temporary grave burials started in 1967 after Mbagathi Road cemetery was declared full. The Langata cemetery was noted during the field visit that its size is 117-acres (Fig 1), It is in Langata Sub County, Mugumoini Ward along the busy Langata Road, and registered as an asset of the City County in the group of 'Others' with no acreage indicated. It is a public utility cemetery established during the period of integration of the two Nairobi's, that was the then rail way Depot and the Nairobi town, where the move was famously referred as "Towards Integration of the Two Nairobi's, 1945-1963' (6).

451. The Cemetery (Fig 2) holds tens of thousands of people who have died in Kenya since independence as their final resting place. Approximate number of burials as at time of assessment based on available records is 57,063.

Other cemeteries in Nairobi and their burial numbers as December 2023

Name of the Cemetery	Size in Acres	Date of first burial	No. of graves
City Park	5	1943	2317
Forest Road	8	1818	4195

South Land (Reserved for Italian soldiers)	3	1900	783
Commonwealth	12	1941	2052
Langata	117	1958	57063

(All the public cemeteries in Nairobi are full but community cemeteries are not)

452. Langata Cemetery was designated and gazetted as a public cemetery by the colonial administration. Public Health Act cap 242 Sec. 145 declared authorized cemeteries now being used as such, and such other cemeteries as may be authorized by the Minister, to be deemed authorized cemeteries. [L.N. 187/1956, Sch., L.N. 172/1960, Sch.]
453. The City Council declared the Langata Cemetery full in 2005, but documentary evidence to support that couldn't be accessed. As a result of this, the county since then has been practicing double burials in temporary sections of the cemetery. The number of burials undertaken weekly from various sources as at 2017 were around 30 per week.

Public Health Risks/ Current situation of the Site

De-gazettement of the cemetery

454. While some of the contacts from the Nairobi City County weren't sure when was the cemetery declared full, some indicated 10 years ago. Reserved lands like road reserves, parking areas and pathways also got filled in 2005 and recycling of temporary graves started then. The former Nairobi city council is said to have declared Langata cemetery full, though the law does not recognize the town clerk as the authorized officer to give such declarations and the documents to support that declarations couldn't be availed. The Public Health Act cap 242 laws of Kenya give powers to Cabinet Secretary in charge of health to make such pronouncement though none has ever been issued.

Cemetery Utility

455. During the field visit, the contacts interviewed noted that there is around 3 acres of land still untouched within the Cemetery, mainly because of it being rocky and has murram. Immediate neighbouring the rocky section of the cemetery are upcoming developments, which some of the contacts noted that they have seen them come, and are sure the remaining rocky section will soon be full with constructions if situation do not change. It was noted that most of the development neighbouring the northern section of the cemetery was part of the grabbed section of the cemetery. It was however, not possible during the field visit to ascertain the size of land grabbed.
456. The county is setting up offices in the said land such as ward representative office, social hall and kiosks among others compounding the already grave situation of land use.

Ownership

457. The representative of the City County, (Chief Officer for public health) affirmed that the cemetery is a county government property and the county has all the requisite land ownership documents but they weren't shared out with the Ministry of Health.

Administration of Cemetery

458. The Cemetery is administered through the City County department of Health under the public health section but the governor is said to have directed the department of environment to do enhancement of the aesthetics and its functionality in the said land. It is managed by the Superintendent of Funerals or nowadays referred to as the City Coroner Services based at the City Mortuary. All funerals in Nairobi are booked with the city superintendent of Funerals at City mortuary. It's the same point where all other bodies from health facilities in Nairobi including from Kenyatta National Hospital (KNH), Mama Lucy Kibaki, Kenyatta University Teaching and Referral & Research Hospital (KUTRRH) are booked for burial in Nairobi. The link with the Sub County Public health office in management of the said cemetery whose jurisdiction Langata cemetery falls wasn't clear. However, the presence of other county political representatives, like the personal assistant to the area member of county assembly, showed that the facility must have some public interests that require further inquiries of other important stakeholders like the area member of county assembly, the member of parliament, neighbours, administrators, users, religious representatives among other interests' groups.
459. Burials at the Langata cemetery are conducted daily during week days (between 8 am to 5 pm). In order for one to get permission to bury a loved one, confirmation of the kind of grave he or she wishes her/his loved one to be interred in is agreed upon. In Langata Cemetery, all kinds of interment exist, which can either be burial or cremation.
460. For burial, one can either book a permanent grave or a temporary one. For temporary grave you undertake what they call grave opening and bury up to 3 bodies in one grave. There is also mass burial for unclaimed and overstayed bodies and the cemetery management acknowledged that during such burials, bodies get filled up in the grave and foul smell attract wild animals because they are not supervised by a public health officer as legally required. Fees for each type of burial, processions, grave preparation and real burial are prescribed by the City County Finance Act of 2013 (8). Mass burials are conducted ones awhile by the City County, and the latest had 166 bodies buried and happens after the tedious process of legalizing through the courts that the unclaimed bodies are truly without next of kin.
461. There are no legal provisions in any of our national statues which allow grave opening, double or triple burial in one grave but the county government of Nairobi has been applying the city county finance act 2023 to allow such acts.

Security

462. The cemetery has no fence to offer safety and security. The fencing that was seemingly in place was found to be torn apart and so the site was just open. It was observed that the cemetery all along its entire borders is not safe and not properly secure. Due to this, there is open risk of the site being a ground for scavenging animals foraging for grass and herbs or wild animals wondering for any unproperly buried remains of human beings or even risk of shallowly dug grave being open by burrowing animals like the warthogs' digging grounds for tubers food. Maasai cattle occasionally graze in the cemetery land and also wild animals like hyenas, warthogs and others have been seen in a number of occasions

within the cemetery land. It was noted that there are two neighbouring land areas, which are possible residency of such animals, the Nairobi National Park and Animal orphanage situated to the South of the cemetery across Langata road and the Kenya Forest to the North of the cemetery. The wild animals' access to the cemetery possibly through the culverts along Langata road, or they cross the busy road to the cemetery occasionally during the evenings and nights, when it is calm and silent.

463. Because of its open nature, there is risk of bodies or body parts being dumped by certain unscrupulous individuals noting the desperation people go into in Nairobi. Such open unsecured ground may also be potential site to illegally dump medical waste, which may include infected wipes, infected blood, sharps or cultures from medical laboratories.

Public legal redress on use of the cemetery

464. When the team inquired on any complaints received, the Nairobi city county team noted that there has not been any complaint including any litigation or any form of documented complaint to the office. They however noted that the cemetery users have encountered once a while cases of peddlers snatching phones among other small thievery, mainly because the cemetery is a neighbour to Kibra and Langata Kijiji, so proximal to idlers.

Health and Environment

(a) Mental health

465. During the visit, the team was able to see the unmarked graves, which present some difficult situations psychologically, because the team were practically in a number of occasions standing on top of unmarked temporary graves. This practice from a mental and psychological point of view is completely unacceptable.

466. This practice sends very strong social and emotional sentiments, if one takes himself or herself into the minds and thoughts of families struggling to bury one of their own.

467. Notwithstanding the above, the Nairobi City County Finance Act approved the levying of families to double burry, though such fees charged to mentally depressed families for a temporary grave are unconstitutional and are not supported by the Public Health Act cap 242 laws of Kenya or any other law.

468. Social stigma associated with burials is very strong in many Kenyan communities even greater if families do not pay last respects to their deceased members in an environment that is dignified, safe and conducive and mentally soothing. This leaves long-term negative social impact of high significance on affected families.

(b) Spread of infectious diseases

469. The process being practiced in Langata cemetery can be a significant source of spread of infectious diseases especially if the death occurred due to viral or spore forming microorganisms. Wild animals and dogs if they come in contact with such human remains

and later get contact with the human beings living within the close proximity to this cemetery would infect them with infectious diseases. Further, if the storm water surface run off from this cemetery find its way to the water bodies down steams during the rainwater pollution would occur.

(c) Environmental pollution

470. Shallow burials of the dead human remain are a significant environmental pollution directly affecting the soil and underground water, due to the leachate (necro slurry) because it carries several pollutants, from organic ions (e.g. sulfates) to inorganic ions (e.g. As, Fe, Cu, Cs. Pb, etc.), bacteria, and viruses (e.g. Escherichia coli, Enterobacter, Klebsiella, Citrobacter, Streptococcus faecalis, Clostridium perfringens, Clostridium. The cemetery management did confirm to have buried 166 bodies in the recent past which is claimed to have got filled up the graves that had been prepared.
471. During the visit, huge crowds of people were witnessed attending burials ceremonies, which at times takes a lot of time as long as funeral is being conducted within the cemetery. This while being another income generating activity for the city county, requires to be well managed. This is so because of increased waste production within the cemetery. this place has been turned to an indiscriminate dumping or an open waste burning area among other negative environmental and illegal practices.
472. This among others gives the impression of the negative impacts caused by the cemetery, which may also include accidents and incidents like risk of fire because of practice of open burning of waste leading to rise in pollution and contamination of surrounding soil, air and water.

Negative publicity

473. The cemetery has received negative publicity in terms of the it environmental, health and safety concerns. Some of this information are in the public domain, with a number of them documented in the media or others voiced through the political leadership like the recent case that the current area Member of Parliament presented as a motion to the National Assembly.
474. This among other public information gives the impression of the negative impacts caused by the cemetery, which may also include accidents and incidents like risk of fire because of practice of open burning of waste. These give rise to pollution and contamination of surrounding soil, air and water.

Recommendations

De-gazettement of the cemetery

475. The cabinet secretary in charge of health to immediately notify the general public through a Kenya Gazette that Langata cemetery and any other cemetery in Kenya that is currently full and the same shall be closed accordingly, and whosoever, after the said specified time, buries anybody or the remains of anybody in the said cemeteries or burial ground be guilty of an offence and liable for the prescribed penalties. Ministry of Health to de gazette the said cemetery and City County of Nairobi to acquire new land for cemetery. The national

assembly to facilitate them seek for additional land from Kenya Forest Service which is adjacent to this cemetery.

476. A request for extension into the Ngong forest which neighbours the cemetery is said to have been made but no official documentation was availed to the committee.

Ownership

477. The City County of Nairobi be compelled by the parliament to obtain all the necessary ownership document for the said land (s) among other public utilities/cemeteries they hold on trust to the general public. This is because none of the ownership documents was shared with the assessment team.

478. The city county of Nairobi to reclaim the 3 – 5 acres grabbed land where Royal Park Estate has been built and also prioritize reclaiming the old cemetery land along Mbagathi road for re use of the same purpose considering it was closed over 57 years ago.

Public Legal Redress on use of the Cemetery

479. Nairobi city county, which okayed the grave opening, double or triple burial in one grave practice, to carry out legal justification of the practice and sensitization of the communities prior to the rollout and its importance in the face of the current realities to lessen the stigma.

480. The government also to embark on a campaign to sensitize and encourage people on the need to adopt alternatives to burial. A ban should also be placed on grave reservation as well as permanent graves because Urban land is scarce and getting more expensive every day as we acknowledge that it is indeed the government duty to enhance the best use for our urban land.

Cemetery Utility

481. City county of Nairobi - department of health to take charge of the said cemetery and any other cemetery in the city as mandated by the constitution and refrain from setting up other utilities at the grave site such as the office of ward representative, social hall, food kiosks because of the psychological effects subjected to the office users and service seekers. The waste management be professionally practiced to avoid accidents and incidents such as of fire because open burning of waste results to environmental pollution and contamination of surrounding soil, air and water.

482. The operation hours of these cemeteries be communicated to the general public and the same be effectively enforced.

Health and Environment

483. To abate the current situation and avoid future risks to public health and environment integrity, there is urgent need for the City County Government of Nairobi through the department health services to immediately stop shallow grave burials. The county government, prevent and mitigate the continued undue harm to people mental health and the risk of polluting the environment as a result of the scavenging by domestic and wild animals within the cemetery. The need to urgently come up with modalities on how to prioritize investment to manage the dead in Nairobi using modern technology be an urgent priority at the county. This requires more hands to immediately implement and operationalize.

484. In the meantime, Nairobi City County to ensure all burials taking place in that cemetery comply with the public health legal requirements governing such practices to avoid infectious disease spread, social stigma and pollution of the environment. Professionalism to be put into practice in this cemetery in management dead and of waste produced therein.
485. Compliance to minimum health and safety requirements, which include the requirement to make it a safe and dignified work place, provision of personal protective equipment, adequate changing rooms, adequately placed hand washing stations and toilets be provided to the teams working at the symmetries.
486. Deployment of public health personnel (s) as the in charge of the cemeteries and work closely with the mortuary administrator in their management to ensure the legal burial processes are complied with.

Security

487. The Nairobi City County to immediately provide security fence at this cemetery and all other cemeteries sites to keep off unwarranted personnel, animals and prevent further encroachment to such sites.
488. Security personnel be deployed on a 24-hour service to provide security in this cemetery and in all city cemeteries to monitor the movements taking place therein for remedial actions.

Legislation

489. Graves are dug to a depth of six feet to prevent the body being disturbed by burrowing animals and considering there are no legal provisions in any of our national statues which prescribe grave opening, double or triple burial in one grave. Ministry of Health is asked to formulate regulations under Public Health Act cap 242 laws of Kenya of the minimum depths human remains should be buried irrespective of the cultural/religious backgrounds.
490. The National Assembly to pass the Environmental Health and Sanitation Bill in order to provide more legal provisions with regard to the management of cemeteries and crematoria in Kenya.

Conclusion

491. This assessment points out the appropriate mitigation, management, and monitoring and evaluation measures of this cemetery. Early identification of possible development impacts to the environment and human populations enhances and promotes environmental sustainability as anthropogenic factors are balanced with natural environmental needs.
492. It also provides the reference point to undertake other assessments in order to generate appropriate mitigation measures for the existing and anticipated negative environmental and social impacts of Langata Cemetery.
493. Lastly, parliament to facilitate the city county of Nairobi to decongest its cemeteries by directing and all 47 counties through legislation to set aside adequate land for burial purposes in their respective counties. Relatives residing in Nairobi can be advised to access other counties cemeteries and Cabinet Secretary of Health to gazette such land accordingly.

Committee Observation

494. Implementation ongoing. The Committee notes that this is a complex process that will only be finalized with the opening of a new designated public cemetery replacing the Langata Cemetery.

24.3 Committee on Implementation Observations

495. The Committee on Implementation made the following observations regarding the status of Langata Cemetery:
    1. The Principal Secretary – State Depart for Public Health and Professional Standards agreed with the mover of the Motion and the gravity of matters raised
    2. Even though the Senate oversighted county functions, the matters raised concerning Lang'ata Cemetery were cross-cutting from the National to County level
    3. Lang'ata Cemetery has been full for over twenty years and the matter should be deemed as urgent.
    4. Currently, all cemeteries in Nairobi as per the submissions received are full, apart from community cemeteries.

24.4 Committee on Implementation Recommendations

496. The Committee recommends that within six (6) months upon tabling and adoption of this report: -
    1. The National Government through the Ministry of Health, if necessary, compels the county (of Nairobi) to provide clear alternative public burial grounds to address the Lang'ata cemetery issue.
    2. The National Government through the Ministry of Health involve other stakeholders such as the Ministry of Lands and the County Government of Nairobi in unravelling the details around alleged grabbed land and documentation of land supposedly hived off from the Langata Cemetery; and
    3. The Ministry of Health reports back to the House highlights the progress made by the county government concerning the implementation of the Motion regarding Lang'ata cemetery.

25.0 REPORT REGARDING THE IMPLEMENTATION STATUS OF THE MOTION SPONSORED BY THE MEMBER FOR LIKONI CONSTITUENCY HON. MISHI JUMA MBOKO, MP RESOLVING THAT THE GOVERNMENT THROUGH THE MINISTRY OF EDUCATION ESTABLISHES A SPECIAL NEEDS UNIT IN EVERY PRIMARY AND SECONDARY SCHOOL

25.1 Background

497. The Motion sponsored by Hon. Mishi Juma Mboko, Member for Likoni Constituency, seeks to compel the Government, through the Ministry of Education, to establish dedicated Special Needs Education (SNE) units in every primary and secondary school countrywide. This initiative is aimed at guaranteeing that learners with disabilities and special educational needs have timely and proximate access to inclusive and equitable education within their communities.

Rationale

498. Children with disabilities and special learning needs frequently encounter exclusion from mainstream education due to the lack of appropriate infrastructure, specialized teachers, and adaptive learning resources in regular schools. This exclusion results in significant challenges such as long travel distances to access education, delayed enrolment, and high dropout rates. The creation of SNE units in all basic education institutions is therefore necessary to address these barriers and promote an inclusive learning environment.

Objectives of the Motion

i) To ensure that learners with special needs have access to quality education within inclusive and supportive settings.
ii) To promote early identification, intervention, and continuous support for learners with disabilities.
iii) To foster integration between learners with and without special needs, thereby reducing stigma and discrimination.
iv) To strengthen the capacity of teachers and school administrators to manage diverse learning needs through specialized training.

Legal and Constitutional Framework

499. This Motion finds strong support within Kenya's constitutional and legislative framework, underscoring the Government's statutory and moral obligation to uphold the rights of children to inclusive education, including:
    i) Article 53 of the Constitution of Kenya guarantees every child the right to free and compulsory basic education. It further emphasizes that every child's best interests should guide all decisions affecting them and mandates the provision of appropriate support to children with disabilities.
    ii) The Children Act, 2022 reinforces these rights by ensuring protection and promotion of children's rights to education and mandates affirmative measures to facilitate access to education for children with disabilities.

iii) The Basic Education Act, 2013 operationalizes constitutional guarantees by providing for inclusive education, requiring the establishment of special and integrated schools or units and provision of necessary infrastructure and educational resources.

Recommendations to the Ministry of Education

500. The Motion urges the Ministry of Education to:

i) Develop and implement a phased plan to establish SNE units in all public primary and secondary schools nationwide.

ii) Recruit and train specialized educators and support staff proficient in special needs education.

iii) Allocate adequate funding for the necessary infrastructural modifications, adaptive teaching aids, and assistive technologies.

iv) Collaborate with the National Council for Persons with Disabilities (NCPWD) and other relevant stakeholders to ensure adherence to accessibility and inclusivity standards.

501. The Committee wrote to the Cabinet Secretary – Ministry of Education, on 26th, October, 2025 inviting him to apprise it on the implementation status of the Motion.

25.2 Submission by the Cabinet Secretary – Ministry of Education

502. Mr. Julius Migos Ogamba, EBS – the Cabinet Secretary, Ministry of Education appeared before the Committee on 6th November, 2025 to apprise it on the implementation status of the Motion sponsored by the Member for Likoni Constituency Hon. Mishi Juma Mboko, MP resolving that the Government through the Ministry of Education establishes a special needs unit in every primary and secondary school. He was accompanied by the following officers:

(i) Mr. Hassan A. Duale	- Head of Directorate, Junior Secondary School, MOE
(ii) Mr. Abdi Moulid	- Director, Special Needs Education, MOE
(iii)Mr. Joshua Wabwire	- Legal Counsel, Ministry of Education

503. The Committee was informed that: -

i) The Motion by Hon. Mishi Mboko is premised on the need to fulfill the requirements of Article 53(1) (b) and 54 of the Constitution by establishing a special needs unit in every primary and secondary school. Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education. Article 54(1)(b) of the Constitution stipulates that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.

ii) In addition to the domestic legal framework, Kenya has ratified the United Nations Convention in the Rights of Persons with Disabilities, 2006. The Ministry had also made commitments to implement the Sustainable Development Goals and, during the Global Disability Summit (2018), to deliver inclusive education.

iii) In line with the foregoing, the Ministry had developed policies and established institutions to increase access to education by learners and trainees with special needs and disabilities, as urged in Hon. Mboko's motion.

iv) The main policy on special needs education in Kenya is the Sector Policy for Learners and Trainees with Disability, 2018. This policy document is informed by key provisions of the Constitution, as already articulated. The policy defines inclusive education as an approach where learners and trainees with disabilities are provided with appropriate educational interventions within regular institutions of learning with reasonable accommodations and support to enhance their safe participation. The essence of the policy is that learners with disabilities are only integrated in regular schools if there is adequate support and an accessible environment that will enable their learning. Where such integration is not feasible, the leaners are admitted to special needs institutions.

v) This approach is in line with Section 44(2) of the Basic Education Act, 2013, which requires the Cabinet Secretary to provide special needs education in special schools, or in early childhood, primary and secondary schools suitable to the needs of a pupil requiring special education.

vi) According to the World Health Organization, the prevalence of disability in any society is estimated at between 11% and 15%, except where there is a health issue. The Ministry works to establish special needs education units based on ascertainable need and the prevalence of a disability, in conjunction with communities and other stakeholders. Currently, the number of special needs education institutions is as follows:

No	**Category**	**No. of SNE Schools**	**No. of Regular Schools**
1	Special schools	390	
2	Integrated schools	1049	
3	Special units	1545	
		2984	**23,826**
4	SNE Junior School	193	
5	SNE pre-vocational schools	164	
		357	**20,630**
6	Special secondary schools	35	
7	Integrated secondary schools	13	
		48	**9,540**

	TOTALS	**3389**	**53,996**

vii) There are 23,826 primary schools in the country, out of which 2,984 are special needs education primary/integrated schools and units. This represents 12.5%. There are 20,630 junior schools in the country, out of which 357 are special needs education, prevocational schools and integrated units. This is 1.7% representation.

viii) There are 9,540 secondary schools in the country, out of which 48 are special needs education schools and integrated units, representing a 0.5%.

ix) Notably, that transition rates of learners with special needs and disabilities do not align equally with those of regular learners due to the disability challenges during early years of growth and development. The Ministry also implements both age-based and stage-based curriculum to support learners with special needs. Age-based curriculum applies to learners who proceed to the next level depending on their age. Those with severe disabilities proceed on the stage-based curriculum. They only proceed to the next stage after they master certain skills and capacities. The stages are foundational, intermediate, pre-vocational and vocational stages.

x) In view of the limited budgetary allocation, it is currently not tenable to establish a special needs education unit in every primary, junior and secondary school in the country. However, we continue to work to ensure that existing schools are adequately supported in terms of resources and personnel to cater for learners with special needs.

Committee Observation

504. Implementation is ongoing. The Committee notes that this is a continuous process that needs resourcing, and more data amalgamation to be fully implemented.

25.3 Committee on Implementation Observations

505. The Committee observed as follows regarding establishment of a special needs' education unit in every primary, junior and secondary school:

1. In view of the current economic situation in the country, is not tenable to establish a special needs education unit in every primary, junior and secondary school in the country.
2. The current functional model for special needs education in Kenya relies on integration. Out of the 23,826 primary schools in the country, 2,984 are special needs education primary/integrated. Out of 9,540 secondary schools in the country, only 48 are integrated.
3. The Ministry of Education can only estimate the exact number of special needs teachers since all data on teacher ratio and recruitment is under the ambit of the Teachers Service Commission.
4. That as at the time of the meeting, the main policy on special needs education in Kenya was the Sector Policy for Learners and Trainees with Disability, 2018, which outlines

operationalization of inclusive education for learners with special needs, recognition of special needs and teacher training in inclusive education methodology.

5. Additionally, the Committee noted that the contents and resolutions of the Motion by Hon. Mishi Mboko, M.P were being addressed by the Persons with Disabilities Act, 2025 which replaces the old act and provides a comprehensive legal framework for disability rights. This new law, signed by President in May 2025, guarantees rights in areas such as education, employment, healthcare, political participation, and access to public spaces.

25.4 Committee on Implementation Recommendations

506. The Committee recommends that within six (6) months upon tabling and adoption of this report:

1. The Ministry of Education fully operationalizes the Sector Policy for Learners and Trainees with Disability, 2018, which outlines parameters of inclusive education for learners with special needs, recognize special needs and teacher training in inclusive education methodology.
2. The Ministry of Education fully implements aspects of the Persons with Disabilities Act, 2025 regarding special needs education in Kenya, including resourcing, staffing and mapping out areas of concern around special needs, such as numbers of children living with, and types of disability in the Kenyan populations.

26.0 REPORT REGARDING THE IMPLEMENTATION STATUS OF THE MOTION SPONSORED BY THE MEMBER FOR MBEERE NORTH CONSTITUENCY, THE HON. GEOFFREY RUKU, MP THAT THE MINISTRY OF EDUCATION DEVELOPS A COMPREHENSIVE POLICY ON JUNIOR SECONDARY SCHOOLS (JSS) AND AN IMPLEMENTATION FRAMEWORK FOR THE COMPETENCY BASED CURRICULUM AT JSS LEVEL

26.1Background

507. The Kenya Vision 2030 envisioned progressive establishment of more schools, expansion and rehabilitation of existing ones in order to improve access to education. In Kenya, specifically, the 8-4-4 system was introduced in 1985, but over time, it became apparent that the system had noticeable faults and one of the main problems with the system was that it was very theoretical and with emphasis on passing examination rather than developing practical skills. It is against this background that the Government of Kenya introduced the CBC under the 2-6-3-3 system in 2017.
508. The CBC approach to education aims at providing students with practical skills and the knowledge that they can apply in the real-world situation. It is designed to focus on developing competence of leaners in a broad sense than just theoretical knowledge. The system also aims at equipping learners with skills, knowledge, attitude and values that are relevant to the 21st Century.
509. The new CBC specifically focuses on seven fundamental competencies namely:
    i) Communication and co-operation
    ii) Creativity and imagination
    iii) Critical thinking and problem solving
    iv) Digital literacy
    v) Citizenship
    vi) Learning to learn
    vii) Self-efficacy.
510. The Motion sought various interventions: -
    i) Urgently develop a comprehensive Junior Secondary Schools Policy in order to regularize and anchor the guidelines under the Basic Education Act, 2012 to ensure that Junior Secondary Schools are established and operated in every primary school.
    ii) Develop a clear implementation framework for the competency-based curriculum (CBC) at junior secondary school (JSS) level and provide for a funding plan for successful implementation of the curriculum.

Legal Framework

511. The Education Act of 2012 in Kenya serves as a comprehensive framework for the management and regulation of education in the country. The Act aims to provide free and compulsory basic education for all children in Kenya, in line with Article 53(b) of the Kenyan Constitution.
512. The key provisions for the Act include right to Education which guarantees every child the right to free and compulsory basic education. It also prohibits discrimination against children based on disability, ensuring access to education for all, including marginalized groups.

513. Education Act establishes structures such as Boards of Governors for schools to enhance local governance and accountability. Through this Act, the roles of the Ministry of Education in promoting educational standards and managing resources is clearly outlined.
514. Quality Assurance is mandatory in the establishment of an Education Standards and Quality Assurance Council to oversee educational quality. This requires schools to adhere to prescribed standards for infrastructure, teaching materials, and staffing.
515. The Education Act 2012 provides for the creation of special schools for children with disabilities, ensuring they receive appropriate education tailored to their needs.
516. The Act empowers the Minister of Education to issue regulations governing various aspects of education, including curriculum development and teacher qualifications. It also introduces penalties for parents who fail to ensure their children attend school, reinforcing the compulsory nature of basic education.
517. The Committee wrote to the Cabinet Secretary – Ministry of Education, on 26th, October, 2025 inviting him to apprise it on the implementation status of the Motion.

26.2 Submission by the Cabinet Secretary – Ministry of Education

518. Mr. Julius Migos Ogamba, EBS – the Cabinet Secretary, Ministry of Education appeared before the Committee on 6th November, 2025 to apprise it on the implementation status of a Motion sponsored by the Member for Mbeere North Constituency, the Hon. Geoffrey Ruku, MP that the Ministry of Education develops a comprehensive policy on Junior Secondary Schools (JSS) and an implementation framework for the Competency Based curriculum at JSS level.
519. He was accompanied by the following officers:
    (i) Mr. Hassan A. Duale - Head of Directorate, Junior Secondary School, MOE
    (ii) Mr. Abdi Moulid - Director, Special Needs Education, MOE
    (iii) Mr. Joshua Wabwire - Legal Counsel, Ministry of Education

520. The Committee was informed that the Motion proposed that the Ministry: -
    a) Urgently develops a comprehensive Junior School Policy in order to regularize and anchor the Junior School Guidelines under the Basic Education Act, 2013 to ensure that Junior Schools are established and operated in every primary school.
    b) Develops a clear implementation framework for the Competency-Based Curriculum at Junior School level and to provide for a funding plan for successful implementation of the curriculum.

    i) The Motion raised the concern, among others, that basing Junior Schools in **selected primary schools** will render classroom facilities in other schools redundant and cause learners to travel longer distances to access Junior School.
    ii) In September, 2022, His Excellency the President established the Presidential Working Party on Education Reform to undertake a comprehensive review of the education sector and to make recommendations for reform.

iii) The Working Party undertook its work and submitted a report titled: **Transforming Education, Training and Research for Sustainable Development in Kenya** on 1st August, 2023. The Report makes critical recommendations regarding the implementation of Competency-Based Education, including Junior School.

iv) With regard to Junior Schools, the Report made recommendations on the domicile of Junior School in existing primary schools. The psycho-social considerations in settling Junior School learners in primary schools were that these learners would fit in more easily with their peers. There were also cost considerations. It was noted that it would be more cost-effective in terms of infrastructure, to domicile Junior School in primary schools because Standard 7 and 8 classrooms would be unoccupied. These have been put to use by learners joining Grade 7 and Grade 8.

v) The learning areas for Junior School were rationalized and the assessment framework was defined. It was recommended, in particular, that the Kenya Primary School Education Assessment at Grade 6 will be a formative assessment for monitoring the level of progress by learners as they transition to Junior School (starting at Grade 7).

vi) The report also set the rate of capitation for Junior School at **KES. 15,043** per learner per year.

vii) A draft Sessional Paper that comprehensively captures all the policy recommendations in the report by the Presidential Working Party on Education Reform, including on Junior School has been finalized.

viii) The draft Sessional Paper was subjected to stakeholder participation on 1st March, 2024 and to public participation from 28th February, 2024 to 15th March, 2024. It is now being reviewed by the National Treasury and the Office of the Attorney-General. Thereafter, we will submit it to Cabinet for adoption before presentation to Parliament for consideration and approval. The Ministry of Education targets to have the Sessional Paper submitted to Parliament before end of the year 2025.

ix) In the interim period, as the Ministry finalizes the comprehensive framework, it is implementing the Junior School programme on the basis of existing frameworks that include the following:

a) The Sessional Paper No. 1 of 2019, titled "*A Policy Framework for Reforming Education and Training for Sustainable Development in Kenya.*" This Sessional Paper, which was considered and approved by the National Assembly, outlines the reform roadmap for the implementation of the Competency-Based Education structure of 2-6-3-3-3 structure, with 2 years in Early Learning; 6 years in Primary School; **3 years in Junior School**; 3 years in Senior School and 3 years in tertiary education and training.

b) The Basic Education Curriculum Framework, 2019, which sets out the context of curriculum reforms in basic education, including the overarching missions,

the organization of basic education, core competencies to be achieved in basic education, the learning areas and general learning outcomes.

c) The National Education Sector Strategic Plan 2023-2027 which provides for the various levels of learning under the Competency-Based Education system.
d) The Guidelines for Implementation of Junior School (2024), which provide for the framework of implementing Junior School within existing primary schools in line with the recommendation by the Presidential Working Party on Education Reform. The Guidelines cover, among other areas, transition arrangements from Primary to Junior School; curriculum design, including core competencies, learning areas, pertinent and contemporary issues, values and assessment rubrics; and recruitment and capacity building for school leaders and teachers so they can implement CBE effectively. The Guidelines also address infrastructure, resources and materials as part of supporting the rollout.

x) the Ministry continues to approve the establishment and operationalization of new Junior Schools after necessary assessment and approval by County Education Boards. Key factors are that schools meet minimum requirements such as learners' population, proximity to other schools, availability of infrastructure, and overall readiness of the institution to host Junior School learners. Schools with less than 45 learners are designated as potential feeder schools to ensure optimal utilization of resources.

xi) In terms of funding and ensuring that Junior Schools were resourced as, the Ministry noted as follows:

a) Over the course of the last school year (2024), the Government constructed a total of 23,000 classrooms to accommodate Grade 9 learners in Junior School, at the start of 2025. The construction was undertaken directly by schools through their Boards of Management. The Ministry disbursed resources to support the construction in four phases: Phase 1 was for 3,500 classrooms; Phase 2 was for 7,500 classrooms; Phase 3 was for 2,500 classrooms and Phase 4 was for 4,788 classrooms. The other classrooms (4,712) were constructed through the National Government Constituency Development Fund, making a total of 23,000 classrooms.

b) Recruitment of Additional Teachers: The Government provides annual budgetary allocations to recruit teachers in response to the national staffing gaps. Over the last two Financial Years, the Government has employed a total of 76,000 teachers. Out of these, 68,550 teachers were deployed to Junior Schools across the country. In this Financial Year, provision has been made for the employment of 24,000 teachers to be deployed to Junior Schools.

xii) In addition to these targeted interventions, we also provide capitation to Junior School learners. The **approved rate** of capitation is **KES. 15,042** per learner per year, in line with the recommendation by the Presidential Working Party on Education Reform. Since the introduction of Junior School, funding has been provided as follows:

S/NO	FINANCIAL YEAR	BUDGET	REMARKS
1	2022-23	19,147,181,690	Junior Secondary Schools were in operation from January 2023, which coincided with the third quarter of 2022/2023 financial year. Full year budget was therefore provided from 2023/2024 Financial Year.
2	2023-24	32,649,763,447	
3	2024-25	30,660,000,000	
4	2025-26	28,918,400,000	

Committee Observation

521. Implementation is ongoing. The Committee noted that this is a continuous process requiring further resource allocation and finalization of legal frameworks.

26.3 Committee on Implementation Observations

522. The Committee on Implementation made the following observations regarding the motion on Junior Secondary Schools:
    1. That the Ministry of Education is processing a Bill to be brought to Parliament to specifically address Junior Secondary School, education in Kenya.
    2. That there is a shortfall of KES. 20 billion needed for sufficient implementation of Junior Secondary Education in Kenya.
    3. That out of 76,000 teachers hired in Kenya in the 2023-2024, approximately 68,000 were posted to junior secondary schools. An additional 24,000 teachers to be hired in December 2025 will be distributed to fill up gaps in junior secondary schools.
    4. That recruitment of teachers will give priority to Board of Management teachers to cure the imbalance in staffing distribution in Kenya.

26.4 Committee on Implementation Recommendations

523. The Committee recommended that within six months of tabling and adoption of this report:
    1. The Cabinet Secretary- Ministry of Education expedites processing of a Bill to be brought to Parliament to specifically address Junior Secondary School education in Kenya.
    2. The Cabinet Secretaries: Ministry of Education, the National Treasury; and the Attorney General fast-track processing of a draft Sessional Paper that comprehensively captures all the policy recommendations in the report by the Presidential Working Party on Education Reform, including on Junior School to be presented before Parliament for consideration and approval.

3. The Cabinet Secretary- Ministry of Education liaises with the Cabinet Secretary- National Treasury is addressing the KES. 20 billion shortfall needed for sufficient implementation of Junior Secondary Education in Kenya.
4. The Cabinet Secretary - Ministry of Education in conjunction with the Chief Executive Officer – Teachers Service Commission collaborate in sharing data with the goal of addressing staffing and other resourcing imbalances in the education sector such as giving priority to Board of Management teachers to cure the imbalance in teacher distribution in Kenya.
5. That the Ministry of Education issues circulars on the exact school fees across schools to curb illegal levies and funds demanded from parents by schools.
6. That the Ministry of Education develops an online portal where members of the public and all education stakeholders can confirm in real-time when capitation funds have been disbursed, how much and to which schools.
7. That the Ministry of Education formulates a policy that permits comingling of funds and resources from various sources to enable seamless pooling of resources towards funding schools and developing infrastructure such as laboratories and classrooms.

27.0 REPORT ON THE KENYA RAILWAYS CORPORATION REGARDING THE REPORT ON PUBLIC PETITION NO. 50 OF 2023 REGARDING DELAYED PAYMENT OF PENSION BY KENYA RAILWAYS CORPORATION BY THE HON. (DR.) CHARLES ONCHOKE, MP.

27.1 Background

524. The Public petition No. 50 of 2023 regarding delayed payment of pension by Kenya Railways Corporation was presented by the Hon. (Dr.) Charles Onchoke, MP, Member for Bonchari Constituency on 17th August 2023 on behalf of Mr. Benson Asiago Moncheo.
525. The Petitioner stated that Mr. Benson Mocheo had worked for Kenya Railways Corporation for seventeen (17) years from 8th January 1968 to 30th April 1985 as a station manager on permanent and pensionable terms.
526. In 1984, the University of Nairobi (UON) advertised the position of assistant accountants, which Mr. Benson Asiago Mocheo successfully applied and transferred his service in 1985 after being cleared and released by KRC. Consequently, he worked for UON for twenty-two (22) years until his retirement in 2006.
527. The University of Nairobi and Kenya Railways Corporation had severally agreed that the KRC would pay Mr. Benson Mocheo's pension for the seventeen years of service at the Corporation. Despite the agreement, the University of Nairobi paid Mr. Mocheo's Pension for the period worked, but the Kenya Railways Corporation had not paid his dues.
528. Mr. Mocheo sought redress in Court twice without success as the Courts deemed the matter time barred. The Kenya Railway Corporation further alleged that-
    i) The University of Nairobi ought to have paid his pension for both the twenty-two years and seventeen years.
    ii) Mr. Mocheo had refused to accept a pension payment of KES. 527.20 per month expended by the Corporation
    iii) Mr. Mocheo had refused to pick a pension cheque issued in 2007 by the Corporation; and
    iv) Mr. Mocheo had refused to fill all the census forms.
529. Contrary to the allegations by Kenya Railways Corporation, Mr. Mocheo claimed to have been filing the census forms every year and was not aware of any cheque made in 2007. Further, the KES. 527.20 per month offered by the Corporation was lower than his rightful entitlement of KES. 9,002.45 as calculated using his last salary in the year 2006.
530. In considering the petition, the Public Petitions Committee received submissions from the Petitioner, the Kenya Railways Corporation and the University of Nairobi. Thereafter, the Committee tabled its report before the House on 20th November, 2024.

The Public Petitions Committee Observations

531. Upon hearings from the petitioner, the University of Nairobi and the Kenya Railways Corporation, the Committee observed that; -
    i). The Kenya Railways Corporation's delay in processing Mr. Mocheo's pension for seventeen (17) years of service, by failing to remit his pension to the University of Nairobi or promptly complete the necessary processing, violated Mr. Mocheo's rights under section 5 and 6 of the Pensions Act (Cap. 189).
    ii). The KES. 527.20 per month offered by the Corporation was unreasonable as calculated using his last salary in the year 2006.

iii). The Kenya Railway Corporation failed to transfer Mr. Mocheo's pension benefits for the seventeen years of service to the University despite the request made by the University.

The Public Petitions Committee Recommendations

532. Pursuant to the provisions of the Standing Order 227 and in response to the prayer sought, the Committee recommends that: -

i). The Kenya Railways Corporation promptly and adequately pay the pension owed to Mr. Benson Asiago Mocheo for his seventeen (17) years of service within thirty (30) days of tabling the report.

ii). On the prayer that the Committee recommends action be taken on all those involved in the continued violation of Mr. Benson Asiago Mocheo's rights to fair administrative action as provided under the Constitution of Kenya 2010 and the Fair Administrative Act No. 4 of 2016, The Committee notes that the primary issue raised in the Petition pertains to the delayed payment of pension, attributed to the Corporation. Therefore, the Committee recommends that the Corporation initiates administrative procedures to identify and deal with the any negligence or fault by the officers responsible for processing the pension.

iii). The Kenya Railways Corporation fast-tracks any other pending pension payment owed to its former employees.

533. The Committee on Implementation wrote to the Principal Secretary, State Department of Transport and the Managing Director, Kenya Railways regarding the implementation status of the Report on Public Petition No. 50 Of 2023 Regarding Delayed Payment of Pension by Kenya Railways Corporation by the Hon. (Dr.) Charles Onchoke, MP.

27.2 Submission by the Managing Director, Kenya Railways

534. Mr. Philip J. Mainga, EBS - Managing Director – Kenya Railways Corporation appeared before the Committee to apprise it on the implementation status of the Report on Public Petition No. 50 Of 2023 Regarding Delayed Payment of Pension by Kenya Railways Corporation by the Hon. (Dr.) Charles Onchoke, MP. He was accompanied by the following officers:

i). Mr. Christopher Tialal - General Manager of Corporate Services
ii). Mr. John Maina - Manager, Planning, Design and Environment
iii). Ms. Victoria Mulwa - Legal Services Manager KRC
iv). Ms. Jacqueline Mmbogah - Sponsor Nominated Trustee on the Board of Trustees for the Kenya Railways Staff Retirement Benefits Scheme

535. The Committee was informed that as per the recommendations of the report: -

536. That Kenya Railways confirms paying Mr. Mocheo his pension due and the accrued pension arrears from May, 2010 to 30th April, 2025 which amounted to ksh, 622,969.79 along with his pension for the month of May, 2025. This amount was paid through his bank account held at Equity Bank, Kisii branch.

27.3 Committee Observation

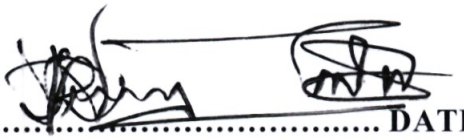
The House resolution had been implemented.

GENERAL OBSERVATIONS

537. In consideration of the implementation status of House Resolutions pursuant to its mandate under Standing Order 209 of the National Assembly Standing Orders, the Committee made the following general observations, that: -
538. Majority of the House Resolutions require financial obligations for adequate implementation to be carried out by the Executive arm of government. There is need for appropriation of funds to ensure House Resolutions are implemented as directed. There was inadequate budget allocated to the ministries, departments and agencies to implement most of the recommendations;
539. Most of the House resolutions did not have accompanying requisite budgets making it difficult for Ministries, Departments and Agencies (MDAs) to implement them;
540. There is need for committee recommendations to be specific, measurable, achievable, relevant and time-bound (SMART) so as to enable effective implementation, follow-up, accountability and taking responsibility.

GENERAL RECOMMENDATIONS

541. Further to the specific recommendations of the Committee in these reports, the Committee on Implementation recommends that the respective House committees and the House should consider the financial implications of resolutions before committing them and facilitate allocation of adequate funds to the implementing agencies.
542. Government Agencies and Departments tasked with implementing House Resolutions should endeavor to incorporate resolutions in their work plans and deliver the same within the stipulated timeframe, failure to which sanctions should be imposed against the responsible officials.
543. The National Treasury should ensure appropriation of funds for the implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefits. Further, The National Assembly should allocate sufficient funds to the implementing agencies for effective implementation of reports passed by the House and adequate oversight of entities under their ambit.
544. State Corporations should prioritize acquiring title deeds for all parcels of land to avert loss of these assets to grabbers.
545. The Ethics and Anti-Corruption Commission (EACC) should take note of all recommendations directed to it and provide a status report within 60 days of the adoption of this report.

SIGNED..... **DATE**.....3-12-2025.....

HON. RAPHAEL BITTA SAUTI WANJALA, MP
CHAIRPERSON, COMMITTEE ON IMPLEMENTATION

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY - FOURTH SESSION (2025)

COMMITTEE ON IMPLEMENTATION
Adoption Schedule

FIFTH REPORT ON THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

We, the undersigned Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted today, Friday, 28th November, 2025, and do hereby affix our signatures to this **FIFTH REPORT ON THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE** to affirm our approval and confirm its accuracy, validity, and authenticity: -

NO.	NAME	SIGNATURE
1.	The Hon. Raphael Bitta Sauti Wanjala, CBS, MP – **Chairperson**	
2.	The Hon. Rose Museo Mumo, CBS, MP – **Vice Chairperson**	
3.	The Hon. Mohamed Ali Mohamed, CBS, MP	
4.	The Hon. Mark Samuel Muriithi Mwenje, MP	
5.	The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP	
6.	The Hon. Johnson Manya Naicca, CBS, MP	
7.	The Hon. Elijah Memusi Kanchory, MP	
8.	The Hon. Hilary Arap Kosgei, MP	
9.	The Hon. Nicholas Ng'ikor Nixon Ngikilong, MP	
10.	The Hon. Charles Gumini Gimose, MP	
11.	The Hon. Siyoi Lillian, MP	

12.	The Hon. Abdul Ebrahim Haro, MP	
13.	The Hon. Cynthia Jepkosgei Muge, MP	
14.	The Hon. Julius Taitumu M'Anaiba, MP	
15.	The Hon. Hamisi Kakuta Maimai, MP	
16.	The Hon. Chepkwony Charity Kathambi, MP	
17.	The Hon. Zamzam Mohamed Chimba, MP	
18.	The Hon. Rael Chepkemoi Kasiwai, MP	
19.	The Hon. Chege Njuguna, MP	
20.	The Hon. Kitilai Ole Ntutu, MP	
21	The Hon. Komingoi Kibet Kirui, MP	

MINUTES

MINUTES OF THE 13TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 25TH APRIL, 2025 AT PAVILION CONFERENCE ROOM, THE HILTON GARDEN INN HOTEL, MACHAKOS COUNTY AT 12:00 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
3. The Hon. Mark Samuel Muriithi Mwenje, M.P
4. The Hon. Johnson Manya Naicca, CBS, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Lillian Siyoi, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Hamisi Kakuta Maimai, M.P
10. The Hon. Abdul Ebrahim Haro, M.P
11. The Hon. Rael Chepkemoi Kasiwai, M.P
12. The Hon. Stanley Muiruri Muthama, M.P
13. The Hon. Kitilai Ole Ntutu, M.P
14. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
5. The Hon. Cynthia Jepkosgei Muge, M.P
6. The Hon. Zamzam Mohamed Chimba, M.P
7. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Ms. Cate Mukunyi	-	Sergent At Arms
5.	Ms. Mercy Ondego	-	Researcher
6.	Mr. James Macharia	-	Media Officer

ANTI-COUNTERFEIT AUTHORITY (ACA)

1.	Dr. Robi Njoroge	-	Executive Director, ACA
2.	Rephar Kitavi	-	Director, Corporate Services
3.	Ms. Agnes Kupa	-	Principal Human Resources Officer
4.	Mr. Mukofu Naylor	-	Dep. Director, Legal
5.	Mr. Lindsay Kipkemoi	-	Dep. Director, Enforcement
6.	Mr. Mogeni Ongera	-	Dep. Director, Finance, ACA

MIN. NO.NA/DAA & GPC/COI/2025/064: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past midday followed by a word of prayer by The Hon. Julius Taitumu M'Anaiba, MP. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Charles Gumini Gimose, M.P and seconded by The Hon. Abdul Ebrahim Haro, M.P

The Committee noted that the Cabinet Secretary for Labour and Social Protection and the Principal Secretary were not present. The National Cohesion and Integration Commission (NCIC) officials were also not present.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Cabinet Secretary, Ministry of Investment, Trade and Industry and the Executive Director/CEO, Anti-Counterfeits Authority to consider the Implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the first report on Employment diversity Audit in Public Institutions.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/065: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous meetings was postponed to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/066: MEETING WITH THE CABINET SECRETARY, MINISTRY OF INVESTMENT, TRADE AND INDUSTRY AND THE EXECUTIVE DIRECTOR/CEO, ANTI-COUNTERFEITS AUTHORITY TO CONSIDER THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

Dr. Robi Njoroge, Executive Director, ACA appeared before the Committee to apprise it on the implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the first report on Employment diversity Audit in Public Institutions. He was accompanied by Ms. Rephar Kitavi - Director, Corporate Services, Ms. Agnes Kupa - Principal Human Resources Officer, Mr. Mukofu Naylor - Deputy Director, Legal, Mr. Lindsay Kipkemoi - Deputy Director, Enforcement and Mr. Mogeni Ongera - Deputy Director, Finance.

The Committee was informed that:

Action on Committee observations and recommendations

1. **Only Sixteen (1 6) out of the forty-six (46) ethnic groups have been employed in ACA contrary to the provisions of Article 232 (1) (h) and (i) of the Constitution. At senior management level, only nine (9) ethnic groups are represented namely; Kikuyu, Kalenjin, Kamba, Mijikenda, Somali, Kisi, Turkana, Luo and Luhya.**

The Committee was informed that the Authority has carried out two (2) recruitments in 2023 and 2024 which led to an increase in the number of ethnic groups from sixteen (16) to nineteen (19) with

the additional ethnic groups being Tharaka, Teso and Maasai. At Senior management level, the representation of ethnic groups remains at nine (9) ethnic groups.

2. **Majority of the employees at the Authority are from four (4) communities namely; Kikuyu at 18.1%, Luo at 13.3%, Kalenjin at 11.4% and Kamba at 11.4%**

The Committee was informed that the representation at the Authority has increased from four (4) communities to eight (8) namely: Kikuyu at 15.3%, Luo at 14%, Kalenjin at 14%, Kamba at 11%, Luhya at 8%, Kisi at 8%, Somali at 7.6% and Mijikenda at 5%.

3. **The Authority has a youth representation of 60% showing it has accorded employment opportunities to the youth in line with article 55 (C) of the Constitution.**

The Committee was informed that the Authority remains compliant with Article 55 (C) of the Constitution with a current youth representation of 55%

4. **The Authority has seventy (73) male staff and thirty-two (32) female staff translating to 69.52% and 30.48% respectively, achieving the required two-thirds gender rule;**

The Committee was told that the Authority had complied with the required two-thirds gender rule with eighty-three (83) male staff and thirty-five (35) female staff translating to 70% and 30% respectively.

5. **ACA has not complied with Article 54(2) on the 5% threshold of Persons with Disabilities (PWDs) employment since it is at 0.9%**

The Committee learnt that the Authority still remained non-compliant with Article 54(2) on the 5% threshold of Persons with Disabilities (PWDs) employment. In the last two recruitments carried out in 2023 and 2024, the Authority shared the last two recruitment adverts with the National Council for Persons with Disabilities. However, did not get suitable candidates for the positions advertised.

6. **The Authority has only three (3) female staff members out of eleven (11) in the composition at Senior Management Level;**

The Committee learnt that the Authority had five (5) female staff members out of fourteen (14) in the composition at Senior Management Level. This meets the a third (1/3) gender rule.

7. **Before the passage of the 2010 Constitution, the Authority had only ten (10) ethnic groups with the Kalenjin community dominating at 35.2%. ACA has since increased the number of ethnic groups to sixteen (16) reducing the representation of Kalenjin to 11.4%**

The Committee was informed that Authority had since increased the ethnic groups to nineteen (19), however the representation of Kalenjin increased to 14%.

8. **In the ratio between National population and employment proportion, the Kisii community is overrepresented with a positive variance of 2.92%.**

The Committee learnt that the ratio between National population and employment proportion, the Luo community is currently overrepresented with a positive variance of 6%. However, the Authority told the Committee that it would strive to increase the representation of other communities in future recruitments.

9. **ACA should expand the scope of the job advertisements which will enable it to reach more ethnic groups.**

The Committee was told that the Authority had placed the job advertisements in a widely circulated newspaper through MyGov and its social media platforms for a period of twenty-one (21) days. Further the Authority had encouraged application of the job positions both in hard and soft copy. As a result, the Authority received a total of two thousand eight hundred and seventy-three (2,873) applications in 2024 and three thousand four hundred and thirty-eight (3,438) applications in 2023.

10. **The Authority should work closely with the National Council for Persons with Disabilities (NCPWD) on job advertisements in order to reach more Persons with Disabilities (PWDs);**

The Committee was informed that the Authority was in continuous engagement with the National Council for Persons with Disabilities (NCPWD) in terms of placements of interns through Public Service Commission and on job advertisements.

11. **ACA should employ affirmative action measures in employment to enhance diversity representation of all the forty-six (46) ethnic group in the Authority in line with Article 232 of the Constitution;**

The Authority informed the Committee that affirmative action was used during the shortlisting and interviewing processes leading to an increase in the number of ethnic groups from sixteen (16) to nineteen (19) with the additional ethnic groups being Tharaka, Teso and Maasai.

12. ACA should provide adequate and equal opportunities for appointment, training and advancement at all levels of ethnicity, age, gender and Persons with Disabilities (PWDs).

The Committee was told that the Authority had provided equal opportunities for appointment, training and promotions at all levels of ethnicity, age, gender and Persons with Disabilities (PWDs) as shown in the tables below:

SNo	Name	Designation	Age	Ethnicity	Gender
1.	Henry Omusundi Maina	Deputy Director Research and Policy	51	Luhya	Male
2.	Chepng'etich Nelly	Deputy Director Planning and Quality Assurance	43	Kalenjin	Female
3.	James Mwangi	Deputy Director Finance and Accounts	51	Kisii	Male
4.	Mogeni Ongera	Deputy Director Finance and Accounts	51	Kisii	Male
5.	Ndungu Bryan Ngunjiri	Driver	33	Kikuyu	Male
6.	Abikar Abdi Mohamed	Principal Inspector	38	Somali	Male
7.	Onyango Beatrice Apiyo	Principal Supply Chain Management Officer	35	Luo	Female
8.	Ndunda Damaris Ndinda	ACA inspector	42	Kamba	Female
9.	Erupe Godfrey Napas	Supply Chain Management Officer	30	Turkana	Male
10.	Odhiambo George Otieno	ACA inspector	30	Luo	Male
11.	Mwaro Dennis Amenya	Driver	36	Kisii	Male
12.	Hussein Agole	ACA inspector	31	Gabra	Male
13.	Mwangangi Sheila Nzila	Finance and account	38	Kamba	Female
14.	Juma Tony Wekesa	ACA inspector	31	Luhya	Male
15.	Omanyala Sherry Andanje	Human Recourse Management officer	33	Luhya	Female
16.	Salaon Virginia Naitareu	Senior supply Chain Management Officer	33	Masai	Female
17.	Ngeera Julius Muchui	Senior Driver	33	Meru	Male
18.	Wabuko Jacklyne Adhiambo	Public Communications officer	37	Luhya	Female

19.	Ombane Bonface Nyang'au	ACA inspector	29	Kisii	Male
20.	Nyokabi Vyonna Njenga	ACA inspector	26	Kikuyu	Female
21.	Mohamud Hamza Abdirahman	Driver	25	Somali	Male
22.	Grace Mwaka Mgaza	ACA inspector	26	Mijikenda	Female
23.	Manasseh Pyeko Cherpka	ACA inspector	30	Kalenjin	Male
24.	Patrobas Ogweno Owino	Driver	40	Luo	Male
25.	Serem Edwin	Driver	39	Kalenjin	Male
26.	Tobias Obiki Ketere	Driver	34	Luo	Male
27.	George Nyabao Nyakundi	Driver	42	Kisii	Male
28.	Matilda Ayieko	Legal Officer	33	Luhya	Female
29.	Mbae Kelvin	Legal officer	33	Kikuyu	Male
30.	Jully Diana Adhiambo	Principal Legal Officer	36	Luo	Female

Staff on promotion for the FY 2023/24

		Staff on promotion for the FY 2023/24						
Sno	**Name**	**Pf No**	**Grade**	**Higher Grade**	**Date of the promotion**	**Ethnicity**	**Pwd**	**Gender**
1	Norman Lotunale Pkiror	201006048	ACA9	ACA8	1st April 2023	Kalenjin	None	
2	Fridah Kendi	201006047	ACA9	ACA8	1st April 2023	Meru	None	Female
3	Eric Ko ei Tanui	201006052	ACA9	ACA8	1st April 2023	Kalenjin	None	
4	Cicil Ndus a	201510110	ACAIO	ACA9	1st April 2023	Kamba	None	Female
S	Rose Kiema Mbula	201509098	ACA9	ACA8	1st April 2023	Kamba	None	Female
6	Rosema Khan	201509099	ACA9	ACA8	1st April 2023	Kikuyu	None	Female
7	Emmanuel Too	215111113		ACA8	1st April 2023	Kalenjin	None	Male
8	Philoson Buya	201902147	ACA9	ACA8	1st April 2023	Pokomo	None	Male
9	Susan N awira Gitere	201902142	ACA6	ACAS	1st April 2023	Kikuyu	None	Female
10	Esther Nanjala Mayoka	201902181	ACA6	ACAS	1st May 2023	Luhya	None	Female
11	Faith W. N•oro e	201006035	ACA6	ACAS	1st May 2023	Kikuyu	None	Female
12	Samuel kan ua kahe	201006037	ACA6	ACAS	1st May 2023	Kikuyu	None	
13	Annie Obiero	201006020	ACAS		1st May 2023	Luo	None	Female
14	Katherine Namachi Khaoya	201006039	ACA6	ACA 5	1st June 2023	Luhya	None	Female

15	Florence Chepkorir	201006050	ACA9	ACA8	1st June 2023	Kalenjin	None	Female
16	Rachael Neema Mutisia	201902155	ACA6	ACAS	1st May 2023	Kamba	None	Female
17	Abdi Dube	201902174	ACA6	ACAS	1st Ma 2023	Somali	None	Male
18	Collins Okoth	201902152	ACA6	ACAS	1st May 2023	Luo	None	Male
19	Abdikadir Yussuf Maalim	201602120	ACA6	ACAS	1st Ma 2023	Somali	None	Male

13. Further, the Committee was informed that the Anti-Counterfeit Authority acknowledged the observations and recommendations of the Committee on National Cohesion and Equal opportunity. While the Authority had made notable progress such as maintaining youth representation at 55% and achieving the two-thirds gender rule, it recognizes the need for further action to enhance diversity and inclusivity within its workforce. Currently, only nineteen (19) out of the forty-six (46) ethnic groups are represented, and there is underrepresentation of Persons with Disabilities at 0.9%, below the constitutional threshold of 5%.
14. The Authority informed the Committee that it was committed to expanding the scope of job advertisements, collaborating with the National Council for Persons with Disabilities, and implementing affirmative action measures to ensure equitable representation across all ethnicities, genders, ages, and abilities.

Committee observations

1. That ACA had arrived late for the meeting without the company of the Cabinet Secretary or Principal Secretary from the Ministry of Trade and Industrialization who had been invited
2. That ACA still placed PWDs on the same pedestal with the rest of the population thus disadvantaging them.
3. In some cases, the positive variance of representation in employment of some community members increased, thus negating efforts at attaining regional balance and equity in public employment.
4. ACA as currently constituted is understaffed at 46% of its targeted workforce. It is supposed to have at least 250 staff.
5. That there is a moratorium by Treasury barring state entities from hiring new staff. This has negatively impacted on recruitment at the entity.

Committee Resolutions

The Committee has given the Anti-counterfeit Authority six months to comply with the recommendations contained in the report concerning statutes governing cohesion in Kenya.

MIN. NO.NA/DAA & GPC/COI/2025/067: ANY OTHER BUSINESS

There was no other business.

MIN. NO.NA/DAA & GPC/COI/2025/068: ADJOURNMENT

There being no other business, the meeting was adjourned at 2:10 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....

MINUTES OF THE 40TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY 8TH AUGUST, 2025 AT THE KAHAWA CONFERENCE ROOM, TRADEMARK SUITES, KIAMBU COUNTY, AT 2:30 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, MP-**Chairperson**
2. The Hon Mark Samuel Muriithi Mwenje, MP
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Johnson Manya Naicca, CBS, MP
5. The Hon. Elijah Memusi Kanchory, MP
6. The Hon. Hilary Arap Kosgei, MP
7. The Hon. Charles Gumini Gimose, MP
8. The Hon. Siyoi Lilian, MP
9. The Hon. Abdul Ebrahim Haro, MP
10. The Hon. Julius Taitumu M'Anaiba, MP
11. The Hon. Rael Chepkemoi Kasiwai, MP
12. The Hon. Chege Njuguna, MP
13. The Hon. Komingoi Kibet Kirui, MP

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, MP-**Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, MP
3. The Hon. Nicholas Ng'ikor Nixon Ngikilong, MP
4. The Hon. Cynthia Jepkesgoi Muge, MP
5. The Hon. Hamisi Kakuta Maiami, MP
6. The Hon. Stanley Muiruri Muthama, MP
7. The Hon. Zamzam Mohamed Chimba
8. The Hon. Kitilai Ole Ntutu, MP

NATIONAL ASSEMBLY SECRETARIAT

1.	Ms. Lucy Kimathi	-	Principal Clerk Ass. I/HOD
2.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
3.	Mr. Mark Namaswa	-	Clerk Assistant II
4.	Mr. James Macharia	-	Media Officer
5.	Ms. Juliet Minayo	-	Office Assistant
6.	Mr. Collins Namulen	-	Fiscal Analyst
7.	Ms. Shamsa Ahmed	-	Researcher
8.	Mr. Raphael Mghendi	-	Intern

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY - NEMA

1.	Mr. David Ongare	-	Ag. DG - NEMA
2.	Mr. Kennedy Ochuka	-	Director, Corporate Services, NEMA
3.	Ms. Esther W. Chege	-	Human Resources Director NEMA

MIN.NO.NA/DAA&GPC/COI/2025/214: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past two O'clock followed by a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Charles Gumini Gimose, MP and seconded by The Hon. Julius Taitumu M'Anaiba, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: **Meeting with the Director General, National Environment Management Authority regarding the implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the Second Report on Employment diversity Audit in Public Institutions – National Environment Management Authority (NEMA).**
3. Any Other Business

MIN.NO.NA/DAA&GPC/COI/2025/215: **SUBMISSION BY THE DIRECTOR GENERAL, NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS – NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)**

The Committee was informed through letter Ref: NEM/7/7VOL.VIII that the Director General Dr. Mamo B. Mamo was out of the country attending the UN Conference on legally binding instruments on plastic pollution in Geneva, Switzerland. He had nominated Mr. David Ongare – the Ag. Director General, NEMA to represent him.

Mr. Ongare appeared before the Committee to apprise it on the implementation status of the Report of the Committee on National Cohesion and Equal Opportunity on the Second Report on Employment diversity Audit in Public Institutions – National Environment Management Authority (NEMA). He was accompanied by Mr. Kennedy Ochuka - Director, Corporate Services and Ms. Esther W. Chege - Human Resources Director.

The Committee was informed that:

i) National Environment Management Authority (NEMA) is established by section 7 of the Environmental Management and Coordination Act (EMCA), Cap 347 and has been in operation since 1t July, 2002. Prior to enactment of EMCA, Cap 347 environmental legislation was largely sectoral and environmental conservation and management issues were
ii) hardly mainstreamed in the sectoral policies, programmes and plans. There was lack of coordinated approach to environmental management. Remedial measures were inadequate and there were no provisions to prevent or mitigate adverse environmental impacts. Consequently, the state of environment of Kenya continued to deteriorate and social-economic inequalities increased.
iii) EMCA, Cap 347 was enacted to provide for the establishment of an appropriate legal and institutional framework for the management of the environment. EMCA did not repeal existing sectoral legislation and instead sought to coordinate the activities of

the various Government Agencies tasked with regulating different sectors of the environment.

MIN.NO.NA/DAA&GPC/COI/2025/216: STATUS OF IMPLEMENTATION

1. **The Authority should expand the scope of the job advertisement which will enable it to reach more ethnic groups**

Management Response

i) The Authority implements the Government Policy on advertisement of vacant positions. The advertisements are done through MyGov newspaper, published in daily newspapers that are circulated countrywide. Annex I is a circular from government on centralization of public sector advertising.
ii) The advertisement for positions advertised in the 2023/2024 financial year was placed in MyGov Newspaper on Tuesday7th May 2024. (See Annex II).
iii) The Advertisement was also shared with the Authority's Regional Directors of Environment (RDEs) and County Directors of Environment (CDEs) in charge of the Authority's eight (8) regions and forty-seven (47) County offices, to circulate in their offices and Networks for eligible candidates to apply. (See Annex III).
iv) The advertisement was also posted in the Authority's website and remained open for twenty-one (21) days to afford eligible candidates from any region in Kenya adequate time to apply and encouraged marginalized communities, minorities, women and persons living with disabilities to apply.

2. **NEMA should employ affirmative action measures employment to enhance diversity representation of all the forty-Six (46) ethnic groups in the Authority, in line with Article 232 of the Constitution**

Management Response

The Committee was informed that:

i) The Authority has a non-discrimination policy that promotes equality of opportunity in employment. The policy states that the Authority will not discriminate any person or employee on the basis of gender, ethnic, disability, race, age or religion (See Annex IV)
ii) During recruitment, candidates are considered not only on the basis of merit, but also on the basis of gender, regional balance and PWD.
iii) Currently, the Authority has twenty-five (25) ethnic groups represented out of a workforce of four hundred and twenty-four (424). The Authority aims at progressively having a representative from all the 46 Kenyan communities despite the fact that some communities do not apply when vacancies are advertised.
iv) In 2023/2024 financial year recruitment two communities that were not represented i.e. Wayyu and Sakuye came on board and two officers from Samburu and Tharaka Communities were recruited.

3. **NEMA should provide adequate and equal opportunities to appointment, training and advancement at all levels in terms of ethnicity, age, gender and persons living with disabilities (PWDs).**

The Committee was informed that:

i) The Authority has a training policy that states that "The Authority recognizes the need for training and development for all its employees and will offer training opportunities to its employees in order to equip them with the necessary skills."

ii) In 2023/2024 and 2024/2025 financial years, the training budget was Scaled down in line with the Government's directive on austerity measures. Training focused on critical areas that build the staff capacity.
iii) Staff members registered with professional bodies were facilitated to attend training to meet the requirements of the Professional Bodies for award of Continuous Personal Development (CPD) points.
iv) County Directors of Environment (CDEs) and senior staff were trained on Senior Management Course at Kenya School of Government (KSG).
v) Development partners sponsored targeted training for technical staff on waste management, extended producer responsibility among others. The officers apply through the websites of sponsoring institutions. The analysis on staff trained in terms of gender, age, ethnicity and PWDs is attached as Annex VI.
vi) Currently Senior Management has ten (10) ethnic groups represented. Eleven (11) are male and eight (8) are female. Annex VII is the list of Senior Management staff.

4. NEMA should implement initiatives that promote age diversity such as mentoring programs and recruitment strategies aimed at different age groups.

The Committee was informed that:

i) NEMA in partnership with the Public Service Commission (PSC) hosts interns who have studied relevant degrees like Environmental Science, Natural Resource Management, Community development, Human Resource Management and many others for one (1) year in order to help the youth who have graduated from universities and other colleges acquire skills in a work place set up. The objective of the program is to create a smooth transition from education and training to employment for youth as this helps overcome work-inexperience gap that could negatively impact on productivity. In the financial year 2024-25 NEMA hosted forty-six (46) PSC interns. The interns are paired with an experienced officer who mentors and coaches for the duration of one year.
ii) The Authority also through donor funded projects engages interns who work in those projects for a period of one year. In 2023/2024 and 2024/2025 financial year NEMA had seven (7) interns who were sponsored by Environmental Health and Pollution Management project Kenya (EHPMK) and Athi River Catchment Areas (ARCA) projects. (Annex VII)
iii) The Authority also recruits fresh graduates for entry level positions and people with experience for senior positions to ensure different age groups are represented in the Authority. The age profile for those recruited in 2023/2024 FY is attached as Annex IX
iv) The Authority also offers attachment opportunities to continuing students to enable them graduate after their industrial attachment.
v) In the financial year 2024/2025, the Authority offered 391 attachment opportunities to students.

5. The Authority should ensure promotions are based on merit and favouritism or other non-merit factors performance rather than which Can lead to disparities in ethnic and representation.

The Authority has a policy on promotions which states that:

i) An employee serving in the common cadre grades will be eligible for promotion to the next grade after serving for a period of three (3) years in one grade and having shown merit and ability as reflected in work performance and results.
ii) All vacancies other than common cadre posts shall be advertised and staff promotions shall be in accordance with the provisions of the Approved NEMA Career Progression Guidelines for staff.

iii) In selecting candidates for competitive promotion, regard will be given to fair competition, performance, experience, and academic qualification.
iv) To address staff stagnation, the Board of Management in 2023 approved promotion of senior most officers in each cadre to fill vacant positions in the staff establishment.
v) The Authority also advertised vacant positions internally and successful candidates appointed on merit.
vi) The analysis on the promotions in 2023/2024 and 2024/2025 financial years in terms of gender, age, ethnicity and PWD is attached as Annex XI. Eighty-one (81) staff members in both common cadre and higher grades were promoted.

Committee on Implementation Observations

1. Staff who identify as Kikuyu in ethnicity dominate the senior management positions at 20.99%. They are followed by: Luhya (13.68%), Luo (12.98%), Kalenji and Kamba (both at 12%) and Kisii at 8%.
2. There are only two members of staff below the age of 25, in its staff comprising a total of 424 employees.
3. NEMA currently has 25 ethnic communities out of the total 46 listed Kenyan communities.
4. In the 2023/2024 financial year, two members of staff drawn from the previously non-represented communities of the Wayyu and Sakuye, and an additional two from the Samburu and Tharaka communities were hired.
5. There is a representation of 37% female staff and 62.97% male staff making the 424 overall staff number.
6. PWDs employed by NEMA number 13, comprising of 7 male and 6 females.
7. There was no single male PWD who was promoted within the NEMA staffing unit in the last one year.
8. In terms of staff training opportunities, the four (4) people living with disability (PWDs) are female, making an overrepresentation of 100% female PWDs.

Committee on Implementation Resolutions

1. NEMA should improve on the staffing ethnic composition to accommodate the remainder of 21 ethnicities in Kenya who are not included.
2. More PWDs need to benefit from not only the employment opportunities, but also staffing promotions and trainings within the organization.
3. NEMA should include more numbers of young staff in the age cohort of 30 years and below for purposes of ensuring continuity and as part of their succession plan.

MIN.NO.NA/DAA&GPC/COI/2025/217: ANY OTHER BUSINESS

No other business arose.

MIN.NO.NA/DAA&GPC/COI/2025/218: ADJOURNMENT

There being no other business, the meeting was adjourned at 3:25 p.m.

Signed.....

HON. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 16/9/25

MINUTES OF THE 43RD SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY 9TH AUGUST, 2025 AT THE KAHAWA CONFERENCE ROOM, TRADEMARK SUITES, KIAMBU COUNTY, AT 12:30 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, MP-**Chairperson**
2. The Hon Mark Samuel Muriithi Mwenje, MP
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Johnson Manya Naicca, CBS, MP
5. The Hon. Elijah Memusi Kanchory, MP
6. The Hon. Hilary Arap Kosgei, MP
7. The Hon. Charles Gumini Gimose, MP
8. The Hon. Siyoi Lilian, MP
9. The Hon. Abdul Ebrahim Haro, MP
10. The Hon. Julius Taitumu M'Anaiba, MP
11. The Hon. Rael Chepkemoi Kasiwai, MP
12. The Hon. Chege Njuguna, MP
13. The Hon. Komingoi Kibet Kirui, MP

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, MP-**Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, MP
3. The Hon. Nicholas Ng'ikor Nixon Ngikilong, MP
4. The Hon. Cynthia Jepkesgoi Muge, MP
5. The Hon. Hamisi Kakuta Maiami, MP
6. The Hon. Stanley Muiruri Muthama, MP
7. The Hon. Zamzam Mohamed Chimba
8. The Hon. Kitilai Ole Ntutu, MP

NATIONAL ASSEMBLY SECRETARIAT

1.	Ms. Lucy Kimathi	-	Principal Clerk Ass. I/HOD
2.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
3.	Mr. Mark Namaswa	-	Clerk Assistant II
4.	Mr. James Macharia	-	Media Officer
5.	Ms. Juliet Minayo	-	Office Assistant
6.	Mr. Collins Namulen	-	Fiscal Analyst
7.	Ms. Shamsa Ahmed	-	Researcher
8.	Mr. Raphael Mghendi	-	Intern

RIVATEX EAST AFRICA LIMITED

1.	CPA Stanley Bett	-	Ag. Managing Director
2.	Mr. Allan Biwott	-	Ag. Manager, Corporate Affairs
3.	Mr. Joseph Keter	-	Head, Human Resources

MIN.NO.NA/DAA&GPC/COI/2025/227: PRELIMINARIES

The Chairperson called the meeting to order at half past twelve O'clock followed by a word of prayer from The Hon Mark Samuel Muriithi Mwenje, MP. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Siyoi Lilian, MP.

AGENDA

1. Preliminaries
    i) Prayers

ii) Introductions
iii) Adoption of the Agenda

2. Substantive Agenda: **Meeting with the Managing Director General, Rivatex East Africa Limited regarding the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on the second report on Employment diversity Audit in Public Institutions.**
3. Any Other Business

MIN.NO.NA/DAA&GPC/COI/2025/228: **SUBMISSION BY THE MANAGING DIRECTOR, RIVATEX EAST AFRICA LIMITED REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

CPA Stanley Bett the Acting Managing Director, Rivatex East Africa Limited appeared before the Committee to apprise it on the implementation status of the report of the Committee on National Cohesion and Equal Opportunity on the second report on Employment diversity Audit in Public Institutions He was accompanied by the following officers: Mr. Allan Biwott - Ag. Manager, Corporate Affairs and Mr. Joseph Keter, Head, Human Resources. The Committee was informed as follows:-

1. **The company should come up with a tenable succession plan to replace staff that exit due to natural attrition. The plan should detail increasing the youth representation at the fund.**

Management Response:

i) Rivatex recognized that Succession Planning was a vital practice aimed at ensuring that a succession plan is established to provide continuity in leadership by avoiding extended and costly vacancies in key positions and within the various positions within Rivatex East Africa Limited.
ii) The Company recognized that employee separation is inevitable as such the Company needs to be prepared for any eventual permanent change– either planned or unplanned – to ensure the stability and continuity in operations until such a time as a suitable permanent replacement is identified and ensures fairness in the process. The Company has developed a succession management policy aimed at addressing the succession plan.
iii) The Company had currently implemented the succession plan of 30 employees as per the table;

Table 21a. Representation of the employees by cadre on Succession plan

Cadre	GENDER	TOTAL NUMBER
All employees	Male	18
	Female	12
	Total	**30**
Senior Management level	Male	2
	Female	2
	Total	**4**

Middle Level	Male	11
	Female	6
	Total	**17**
Low Level	Male	3
	Female	3
	TOTAL	**6**
PWD'S	Male	1
	Female	2
	TOTAL	**3**

Table 21b. Representation of the employees by Age on Succession plan

	SENIOR LEVEL	MIDDLE LEVEL	LOWER LEVEL	PWDs
Years	**Number**	**Number**	**Number**	**Number**
30-39	0	10	2	2
40 – 49	2	4	4	1
50 – 59	2	3	0	0
Total	**4**	**17**	**6**	**3**

2. **On recommendation that Rivatex should expand the scope at job advertisement which will enable it to reach more ethnic groups**

Management Response:

The Committee was informed that in order to attract and retain competent staff, Rivatex East Africa limited during recruitment advertised in various platforms so as to be able to reach out to many candidates across the country. These platforms included:

a) Internal notices posted in all REAL offices;
b) Notices in Newspapers;
c) REAL's Website;
d) Official email;
e) Professional groups and forums;
f) County notices;
g) Any other means deemed appropriate.

3. **On the recommendation that Rivatex should employ affirmative action measures in employment to enhance diversity representation of all the 46 ethnic groups in the authority in line with article 232 of the constitution.**

Management Response:

The Committee was informed that:

i) Rivatex Ease valuate the extent to which the values in Rivatex East Africa Limited (REAL) is mandated to, among others, promote and les 10 and 232 of the Constitution are complied within the Company. Article 10 calls for respect of human rights, inclusion, social justice and protection of the vulnerable groups. Article 232 demands that the public service must be representative of the diverse Kenyan communities and that adequate and equal opportunity in appointment, training and advancement, at all levels of the public service to men and women, members of all ethnic communities and persons with disabilities.
ii) In order to give effect to the constitutional requirements, Rivatex East Africa Limited found it necessary to develop a policy to manage diversity. The diversity & affirmative action policy establishes strategies for attracting the diverse groups into the Company as well as measures aimed at creating an environment that is conducive and respects

diversity. Implementation of this policy requires that all human resource policies, procedures and practices be aligned to the principles of diversity as envisaged in the Constitution.

4. **On the recommendation that Rivatex should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and PWDs.**

Management Response:
The Committee was informed that:

i) The Company recognized the need for training and development of all its employees and offers training opportunities to all employees in order to improve their work performance, continuous upgrading of employees' core competencies, knowledge, skills and attitudes including their ability to assimilate technology to enable them create and seize opportunities for social advancement, economic growth and individual fulfilment.

ii) Selection of trainees was done in accordance with the national values and principles of governance, values and principles of public service, leadership and integrity and the Bill of rights so as cater for all levels of staff in terms of ethnicity, age, gender and Persons with Disabilities as stipulated in Rivatex Human Resource Policies & Procedure Manual as stipulated in the following table:

Table 22a. The number employees trained representing their ethnic composition.

		PREVIOUS	CURRENT
	ETHNIC COMMUNITY	TOTAL NUMBER	TOTAL NUMBER
1	Boran	1	2
2	Chagga	1	1
3	Indian	1	1
4	Kalenjin	72	76
5	Kamba	7	8
6	Kikuyu	12	20
7	Kisii	13	15
8	Luhya	40	43
9	Luo	32	34
10	Maasai	4	8
11	Meru	3	8
12	Pokomo	1	1
13	Rendile	1	1
14	Teso	3	3
15	Turkana	2	2
16	Taita	2	2
17	Sabaot	2	2
18	Mijikenda	1	1
19	Samburu	2	2
	TOTAL	**200**	**230**

Table 21b. Current Representation of employees trained by Age

	PREVIOUS		CURRENT	
Years	Number	Percentage	Number	Percentage
Below 30	80	40.0	88	38.3
30-39	98	49.0	108	47.0

40 - 49	20	10.0	30	13.0
50 - 59	2	1.0	4	1.7
Total	**200**	**100**	**230**	**100**

Table 21c. Gender Representation of employees trained for the past five years

	PREVIOUS		CURRENT	
Gender	Number	Percentage	Number	Percentage
Male	87	43.5	102	44.3
Female	113	56.5	128	55.7
TOTAL	**200**	**100**	**230**	**100%**

Table 21d. Representation of People Living with Disability trained in the past five years

	PREVIOUS		CURRENT	
Gender	Total Number	Percentage Representation	Total Number	Percentage Representation
Male	1	0.2	2	50%
Female	1	0.2	2	50%
Total	**2**	**0.4**	**4**	**100%**

iii) The Committee was informed that, the management of Rivatex was guided by the Board of Directors endeavors to ensure full compliance with all applicable laws regarding enhancing diversity in employment in all cadres and also ensuring compliance with the relevant prevailing laws.

Committee on Implementation Observations

1. That there was a non-equity investor at Rivatex (termed as a strategic partner) who has been onboarded to inject capital at Rivatex.
2. That according to the management, the investor was in place in an arrangement that is technically a lease.
3. That there was need to pay attention to the ongoing entry of a non-equity investor at Rivatex and the impact of this inclusion on the staff composition
4. That initially, Rivatex used to receive Kshs. 80 million from the Exchequer, this amount has since been withdrawn.
5. That Rivatex was still operating below capacity in terms of profitability, staffing, and production of textile.
6. That Rivatex is no longer importing textiles as a deliberate effort aimed at promoting local production of cotton.
7. That according to the Management, Rivatex is capable of employing 5,000 staff should it operate at between 80-90% of its capacity.

Committee on Implementation Resolutions

1. Rivatex to be deliberate in future recruitments by reflecting the face of the country in light of ethnic diversity, and inclusion of youth, PWDs and other minorities.
2. Rivatex to increase its product market competitiveness as a way of not only securing its financial position, but also increasing its capacity to produce more and offer more employment opportunities to locals across Kenya.
3. Rivatex to benchmark its technologies with other countries that have had success in the textile market such as Turkey so as to attain profitability and sustainability.
4. That Rivatex fully harness its potential and take an active role in promoting cotton farming in Kenya whose practice had dwindled in the past three decades.

MIN.NO.NA/DAA&GPC/COI/2025/229: ANY OTHER BUSINESS

No other business arose.

MIN.NO.NA/DAA&GPC/COI/2025/230: ADJOURNMENT

There being no other business, the meeting was adjourned at 01:44 p.m.

Signed.....

HON. Raphael Bitta Sauti Wanjala, CBS, M.P
(CHAIRPERSON)

Date.....16/9/25.....

MINUTES OF THE 16TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 25TH APRIL, 2025 AT THE PAVILION CONFERENCE ROOM, HILTON GARDEN INN HOTEL, MACHAKOS COUNTY AT 2:30 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
3. The Hon. Mark Samuel Muriithi Mwenje, M.P
4. The Hon. Johnson Manya Naicca, CBS, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Lillian Siyoi, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Hamisi Kakuta Maimai, M.P
10. The Hon. Abdul Ebrahim Haro, M.P
11. The Hon. Rael Chepkemoi Kasiwai, M.P
12. The Hon. Stanley Muiruri Muthama, M.P
13. The Hon. Kitilai Ole Ntutu, M.P
14. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
5. The Hon. Cynthia Jepkosgei Muge, M.P
6. The Hon. Zamzam Mohamed Chimba, M.P
7. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Ms. Cate Mukunyi	-	Sergeant at Arms
5.	Ms. Mercy Ondego	-	Researcher
6.	Mr. James Macharia	-	Media Officer

COMMUNICATIONS AUTHORITY (CA)

1.	Mr. David Mugonyi	-	Director General, CA
2.	Mr. Christopher Wambua	-	Director, Competition Management, Consumer Protection and Corporate Communications CA
3.	Mr. Leo Boruett	-	Director, Universal Service Fund CA
4.	Mr. Dominic Ooko	-	Ag. Director, Finance & Accounts CA
5.	Ms. Reginah Kemboi	-	Director, Human Resource & Administration CA
6.	Mr. Peter Mwangi	-	Director, Supply Chain Management CA
7.	Ms. Lydiah Sitienei	-	Director, Legal Services and Corporation Secretary
8.	Mr. Micah Cheruiyot	-	Human Resources Specialist CA
9.	Mr. Philip Kiplagat	-	Procurement Specialist CA
10.	Ms. Rahab Juma	-	Legal Services CA
11.	Ms. Judith Obure	-	Senior Accountant CA
12.	Mr. Paul Kiage	-	Deputy Director of the Universal Service Fund (USF) CA

13. Ms. Rebecca Kabugu - Office of the Director-General CA
14. Mr. Derrick Mugalo - Communications Officer CA
15. Ms. Judith Obure - Senior Accountant CA

MIN. NO.NA/DAA & GPC/COI/2025/082: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past midday followed by a word of prayer by Hon. Abdul Ebrahim Haro, M.P

The agenda of the meeting was adopted as hereunder. The Committee noted that the Cabinet Secretary for Labour, or the Principal Secretary were not present. The National Cohesion and Integration Commission (NCIC) officials were also not present.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Meeting with the Cabinet Secretary, Ministry of Information, Communication and the Digital Economy and the CEO, Communications Authority of Kenya to consider the Implementation status of the following reports:
   i). 23rd Reports of the Public Investment Committee on audited financial statements of state corporations.
   ii). The 5th Report of the Special Funds Account Committee (SFAC) on the status of the Universal Service Fund
   iii). Report of the Committee on National Cohesion and Equal Opportunity on the first report on Employment diversity Audit in Public Institutions.
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/083: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous meetings was postponed to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/084: MEETING WITH THE CABINET SECRETARY, MINISTRY OF INFORMATION COMMUNICATION AND THE DIGITAL ECONOMY AND THE CEO, COMMUNICATIONS AUTHORITY OF KENYA TO CONSIDER THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON THE FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

Committee Recommendations

1. **Communications Authority should work closely with National Council for Persons with Disabilities (NCPWD) and share their job advertisements in order to reach more persons with Disabilities (PWDs)**

Action the Authority has implemented in each of the recommendations

The Committee was informed that:-

The Authority had implemented strategies to enhance its compliance with the requirement on diversity of employees. These strategies include advertising job vacancies in newspapers of wide circulation.

The Authority had been working closely with the National Council for persons with Disabilities (NCPWD) on the project of Radio Frequency Identification System (RFID).

The Authority had a Memorandum of Understanding (MoU) with the National Council for Persons with Disabilities regarding the recruitment of individuals to participate in the RFID project. In the Financial Year 2024/2025, the Authority have engaged 30 individual PWDs to participate in the Radio Frequency Identification System (RFID) project.

2. **The Authority should provide adequate and equal opportunities for appointment, training and advancement at all levels in terms of ethnicity, age, gender and persons with Disabilities (PWDs)**

Action the Authority has implemented in each of the recommendations

The Committee was informed that:

i. the Authority consistently provides adequate and equal opportunities for appointments, training, and advancement at all levels, ensuring inclusivity in terms of ethnicity, age, gender, and persons with disabilities.
ii. Authority's current year's training program has been inclusive, with all staff participation reflecting the diverse ethnic distribution across the Authority. In the 2024/2025 financial year 85% of the employees have been trained.
iii. The training policy at the Authority has been incorporated into the new approved HR Policy and it provides training opportunities for all staff regardless of their ethnic affiliation, gender, and people with disabilities.

3. **The Authority should employ affirmative action and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution.**

Action the Authority has implemented in each of the recommendations

The Committee was informed that:

i. The Authority is currently in the process of implementing the FY 2024/2025 newly approved Human Resource Instruments and a revised organizational structure with an expanded Staff Establishment. Affirmative action and measures towards recruiting all the forty-six (46) in line with Article 232 of the Constitution will be progressively undertaken. This implementation would present a valuable opportunity to further enhance our diverse practices.
ii. Absorption of staff on short-term engagement into the establishment enhanced national diversity and representation of the face of Kenya, promoting inclusivity and equity in public service.

4. **The Authority should expand their scope of the job advertisements, which will enable it to reach more ethnic groups.**

Action the Authority has implemented in each of the recommendations

The Committee was informed that:

The Authority implements strategic interventions, including widely advertised recruitment drives. These strategies include advertising job vacancies in My Gov and newspapers of wide circulation, social media platforms, the Authority's website, and through liaison with the

National Council for Persons with Disabilities. Affirmative action has also been embedded within the revised Human Resource Instruments (2024/2025).

1. **Employment Diversity at the Authority**

The Committee was informed that employment diversity at the Authority was follows:

1. **Comparison of Employment composition in terms of ethnicity, age and gender currently and as of April 2023.**

Table 1(a): Ethnicity

	CURRENT COMPOSITION		COMPOSITION AS AT APRIL 2023			
Ethnicity	**Number**	**%Percentage**	**Number**	**%Percentage**	**Difference in Number**	**Difference in Percentage**
Borana	1	0.26	1	0.4	0	-0.14
Digo	3	0.78	2	0.81	1	-0.03
Embu	10	2.61	6	2.43	4	0.18
Gabra	4	1.04	2	0.81	2	0.23
Kalenjin	74	19.32	48	19.43	26	-0.11
Kamba	31	8.09	19	7.69	12	0.40
Kenyan Arabs	2	0.52	2	0.81	0	-0.29
Kenyan Somali	3	0.78	2	0.81	1	-0.03
Kikuyu	71	18.54	48	19.43	23	-0.89
Kisii	25	6.53	14	5.67	11	0.86
Luhya	72	18.80	46	18.62	26	0.18
Luo	40	10.44	23	9.31	17	1.13
Maasai	11	2.87	7	2.83	4	0.04
Meru	21	5.48	14	5.67	7	-0.19
Mijikenda	2	0.52	1	0.4	1	0.12
Nubian	3	0.78	2	0.81	1	-0.03
Pokomo	1	0.26	1	0.4	0	-0.14
Pokot	1	0.26	2	0.81	-1	-0.55
Samburu	1	0.26	1	0.4	0	-0.14
Taita	5	1.31	5	2.02	0	-0.71

Teso	2	0.52	1	0.4	1	0.12
Total	**383**	**100**	**247**	**100**	**136**	**0.00**

Figure 1(a): Ethnicity as at now.

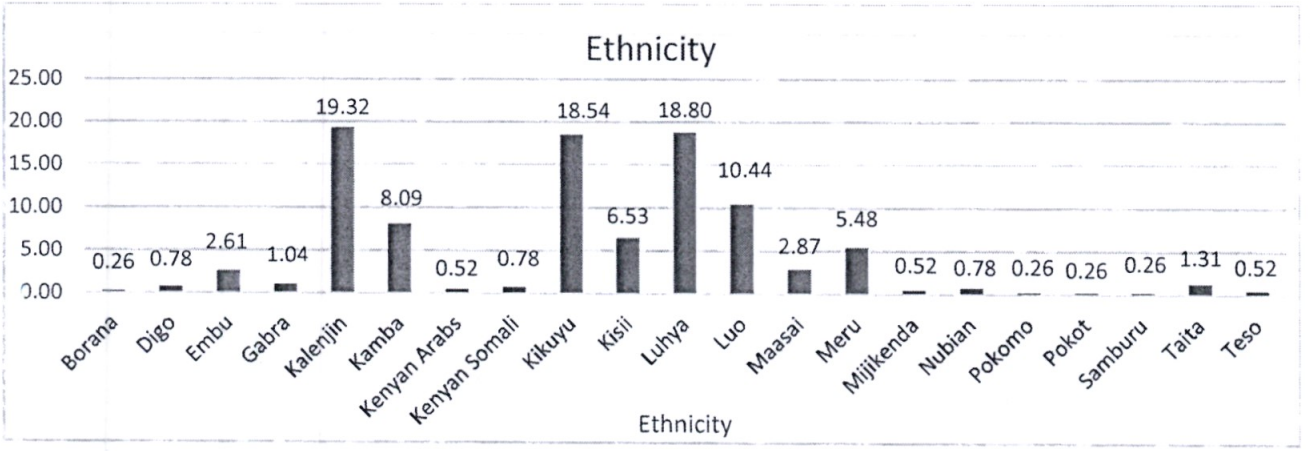


Table 1(b): Age Composition Currently

Age	Number	%Percentage
50-59	74	19.32
40-49	98	25.59
30-39	183	47.78
20-29	28	7.31
Total	**383**	**100**

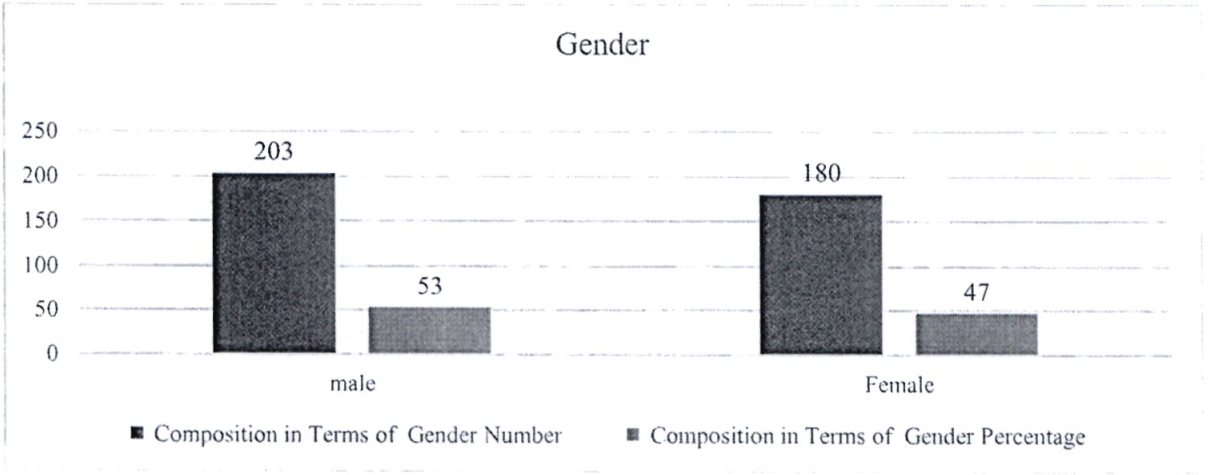
Figure 1(b): Age Composition Currently



Table 1 (c): Gender Composition Currently

Gender	Number	%Percentage
Male	203	53%
Female	180	47%
Total	**383**	**100**

Figure 1 (c): Gender Composition Currently

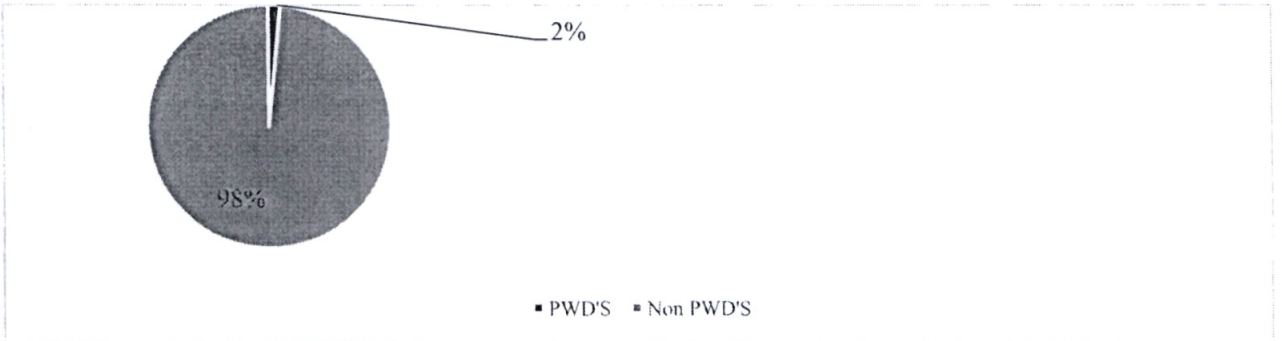


2. **Extend of Compliance with Article 54(2) of the Constitution on composition of persons with disabilities in the institution.**

Table 2 (a): Persons with Disabilities composition currently.

Category	Number	%(Percentage)
PWD'S	7	2%
Non PWD'S	376	98%
Total	383	100%

Figure 2 (b): Composition currently of Persons with Disabilities



3. **Current Composition of employees in senior management level, middle level and lower cadres in terms of ethnicity, age, gender and persons with disabilities.**

(i) Senior Management

The Committee was informed that the Authority 14 staff in Senior Management with a female to male ratio of 21: 79 with the composition on ethnic, gender and age represented in Tables 3(a), 3(b) and 3(c) below:-

Table 3(a) Ethnicity

Ethnicity	Number	% (Percentage)
Luhya	2	14.29
Digo	1	7.14
Embu	1	7.14
Kalenjin	4	28.57
Kamba	2	14.29
Kenyan Somali	1	7.14
Kikuyu	1	7.14
Meru	2	14.29
Total	**14**	**100.00**

Figure 3(a) Ethnicity

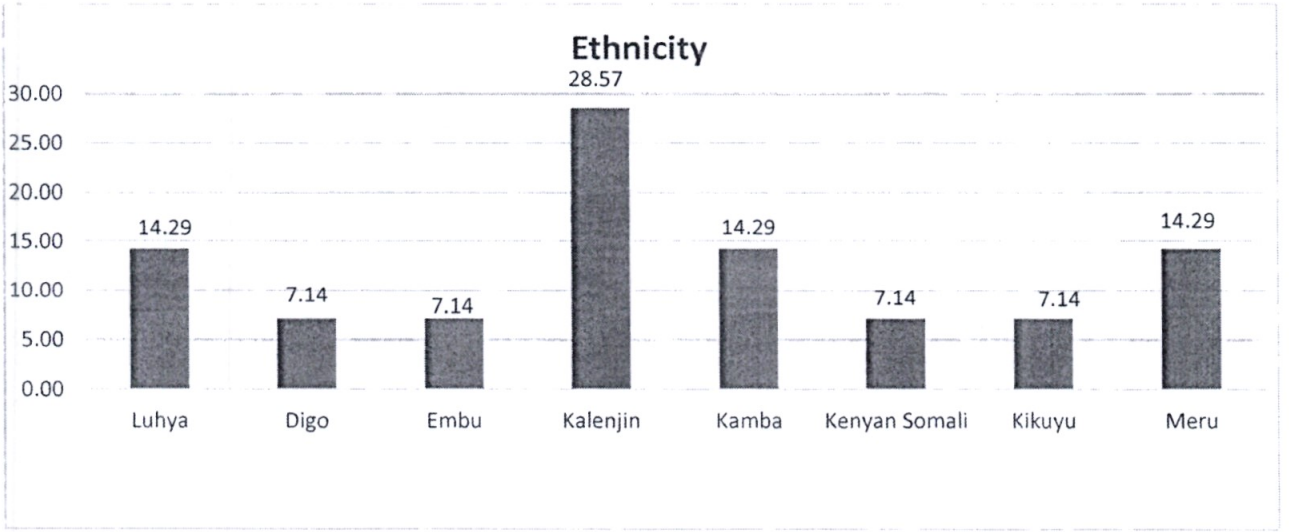


Table 3(b) Gender

Gender	Number	% (Percentage)
Female	3	21.43
Male	11	78.57
Total	**14**	**100.00**

Figure 3(b) Gender

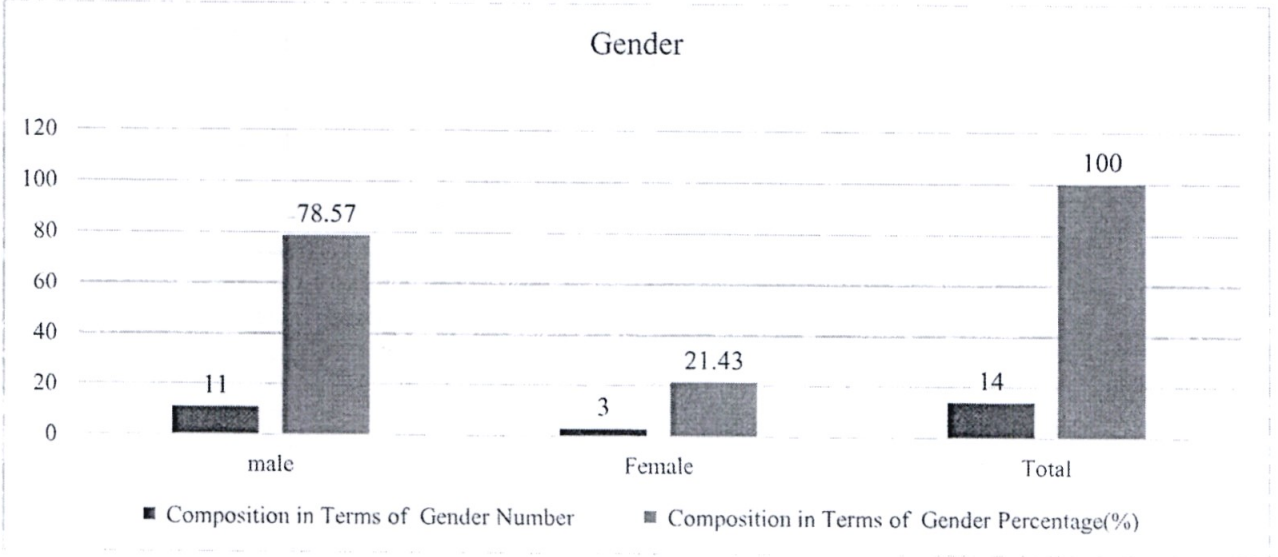
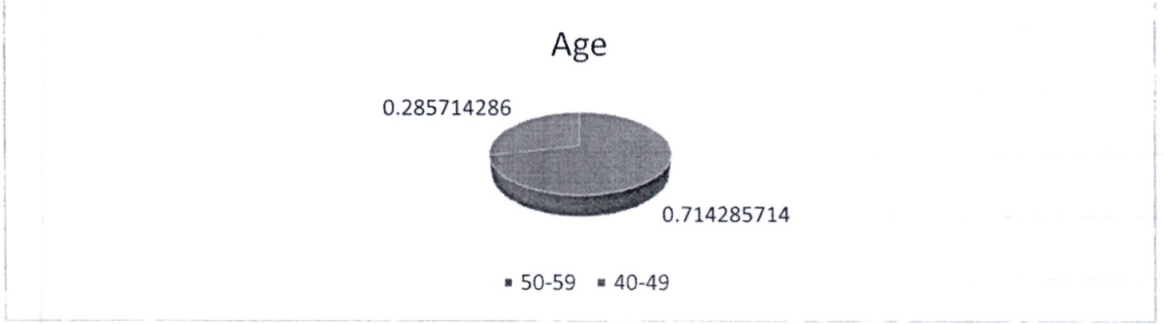


Table 3(c) Age

Age	Number	%
50-59	10	71.43
40-49	4	28.57
Total	14	100

Figure 3(c) Age



ii) Middle Management

The Committee was informed that the Authority had 112 staff in Middle Management with a female to male ratio of 47: 53 with the composition on ethnic, gender and age represented in Tables 3(d), 3(e) and 3(f) below:

Table 3 (d) Current Composition on Ethnicity

Ethnicity	Number	% (Percentage)
Borana	1	0.89
Embu	2	1.79
Gabra	1	0.89
Kalenjin	21	18.75
Kamba	7	6.25
Kenyan Arabs	2	1.79
Kenyan Somali	1	0.89
Kikuyu	20	17.86
Kisii	10	8.93
Luhya	19	16.96
Luo	14	12.50
Maasai	1	0.89
Meru	10	8.93
Mijikenda	1	0.89
Pokot	1	0.89
Taita	1	0.89

Total	**112**	100.00

Figure 3 (d) Current Composition on Ethnicity

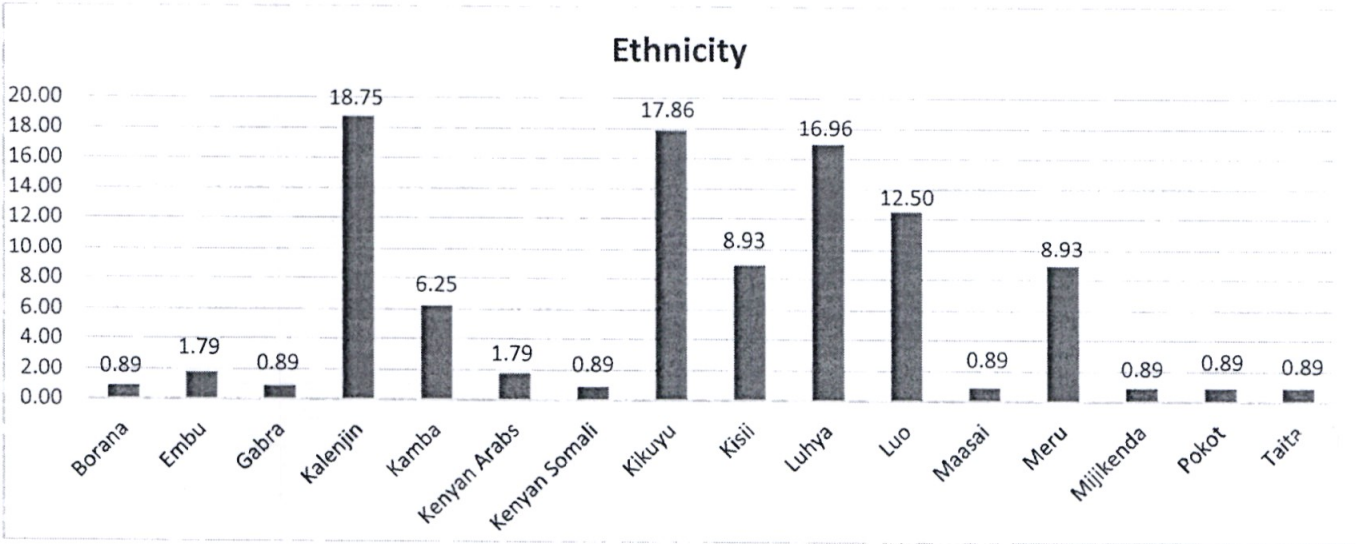


Table 3 (e) Current Gender Composition for Middle Management

Gender	Number	% (Percentage)
Female	53	47.32
Male	59	52.68
Total	**112**	100

Figure 3 (e) Current Composition on Gender

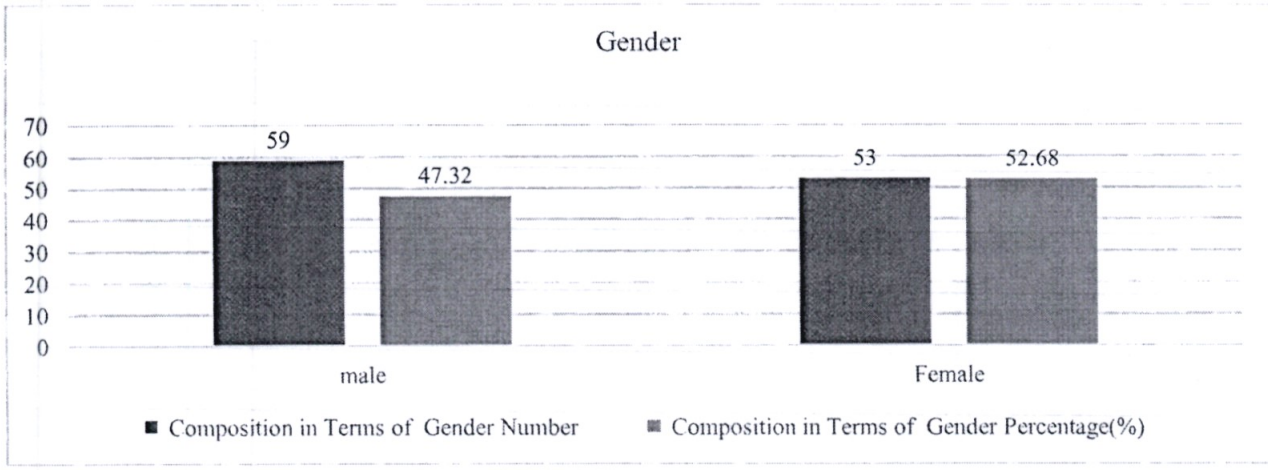


Table 3 (f) Current Composition on Age

Age	Number	% (Percentage)
50-59	36	32.14
40-49	43	38.39
30-39	33	29.46
Total	**112**	100.00

Figure 3 (f) Current Age Composition for Middle Management



ii) Regulatory and Non-Technical Regulatory Staff (Operational Staff).

The Authority has 257 Regulatory and Non-technical Regulatory Staff (Operational Staff) with a female to male ratio of 48:52, the various compositions are in Table 3(g), 3(h) and 3(i):

Table 3 (g) Current composition in terms of Ethnicity

Ethnicity	Number	% (Percentage)

Digo	2	0.78
Embu	7	2.72
Gabra	3	1.17
Kalenjin	49	19.07
Kamba	22	8.56
Kenyan Somali	1	0.39
Kikuyu	50	19.46
Kisii	15	5.84
Luhya	51	19.84
Luo	26	10.12
Maasai	10	3.89
Meru	9	3.50
Mijikenda	1	0.39
Nubian	3	1.17
Pokomo	1	0.39
Teso	2	0.78
Samburu	1	0.39
Taita	4	1.56
Total	**257**	**100.00**

Figure 3 (g) Ethnic

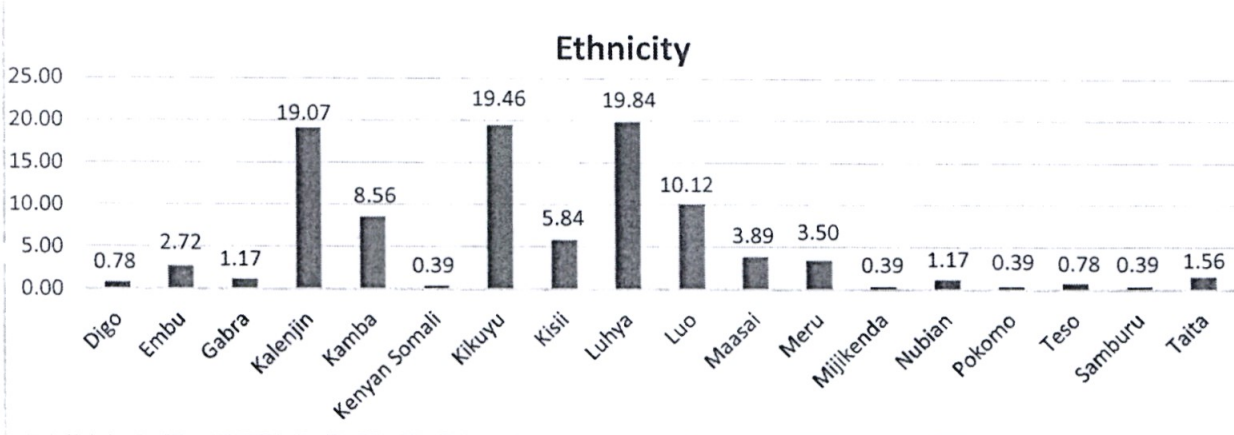


Table 3 (h) Gender

Gender	Number	% (Percentage)

Female	124	48.25
Male	133	51.75
Total	**257**	**100.00**

Figure 3 (h) Gender

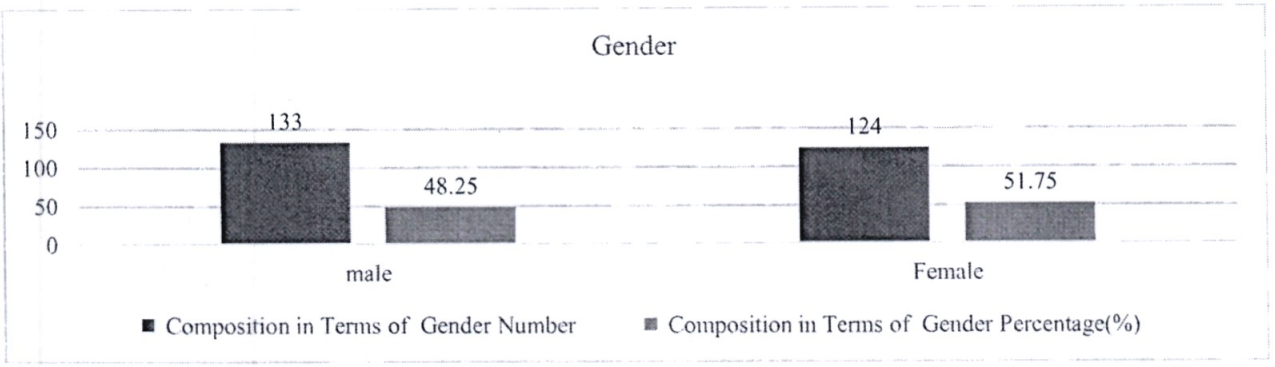
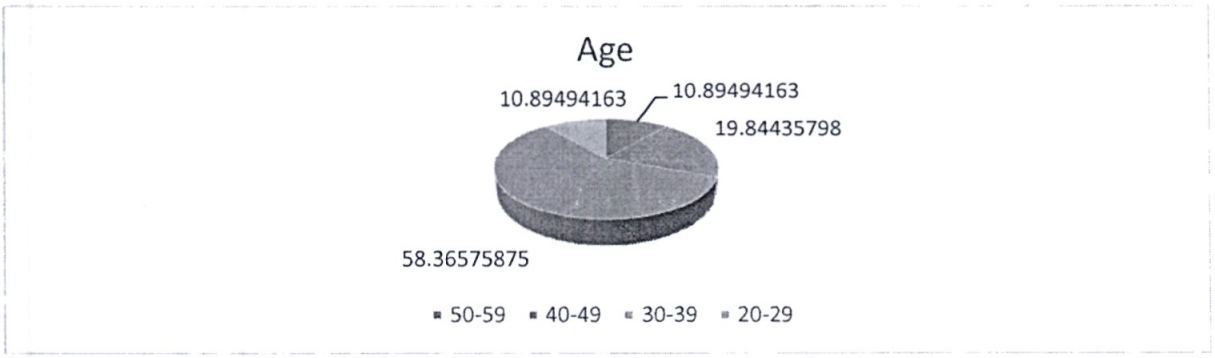


Table 3 (i) Age

Age	Number	% (Percentage)
50-59	28	10.89
40-49	51	19.84
30-39	150	58.37
20-29	28	10.89
Total	**257**	**100.00**

Figure 3 (i) Age



4. Training undertaken during the year in terms of gender, ethnic distributions, age and PWDs

The training programs undertaken during the year reflected the country's diverse ethnic composition, ensuring broad representation and inclusivity across all the regions.

Table 4 (a) Training Analysis in terms of ethnicity.

Ethnicity	TOTAL	Trained	Percentage (%)
Borana	1	0	0
Digo	3	2	66.67
Embu	10	9	90.00
Gabra	4	3	75.00
Kalenjin	74	59	79.73
Kamba	31	30	96.77
Kenyan Arabs	2	2	100.00
Kenyan Somali	3	3	100.00
Kikuyu	71	61	85.92
Kisii	25	23	92.00
Luhya	72	64	88.89
Luo	40	29	72.50
Maasai	11	10	90.91
Meru	21	16	76.19
Mijikenda	2	2	100.00
Nubian	3	3	100.00
Pokomo	1	1	100.00
Pokot	1	1	100.00
Samburu	1	1	100.00
Taita	5	3	60.00
Teso	2	2	100.00
TOTAL	**383**	**324**	**84.60**

Table 4 (b) Training Analysis in terms of Gender

Gender	Trained	Percentage (%)	Not Trained	Percentage (%)
Male	173	53.40	30	50.85
Female	151	46.60	29	49.15
TOTAL	**324**	**84.60**	**59**	**15.40**

Figure 4 (b) Training Analysis in terms of Gender

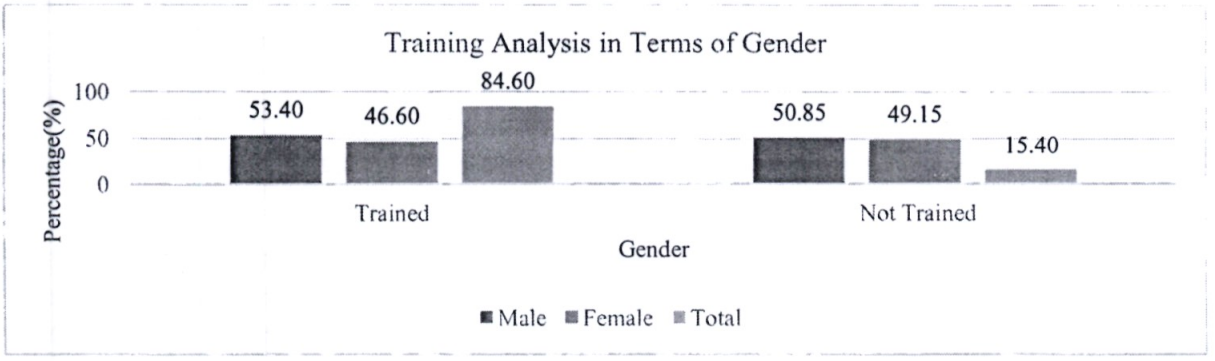


Table 4 (c) Training Analysis in terms of PWDs

PWD	Trained	Percentage (%)	Not Trained	Percentage (%)
Male	2	33.33	1	100.00
Female	4	66.67	0	0.00
TOTAL	**6**	**85.71**	**1**	**14.29**

Figure 4 (c) Training Analysis in terms of PWDs

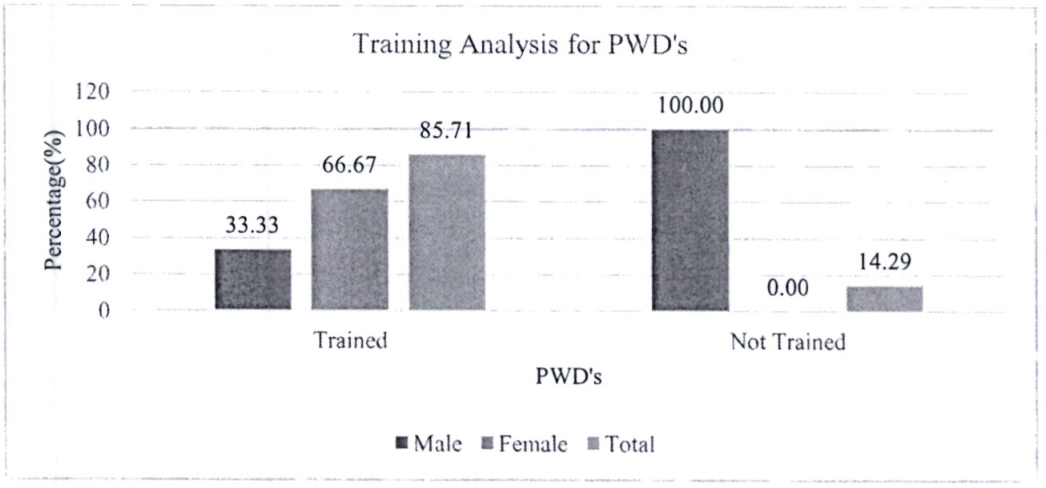
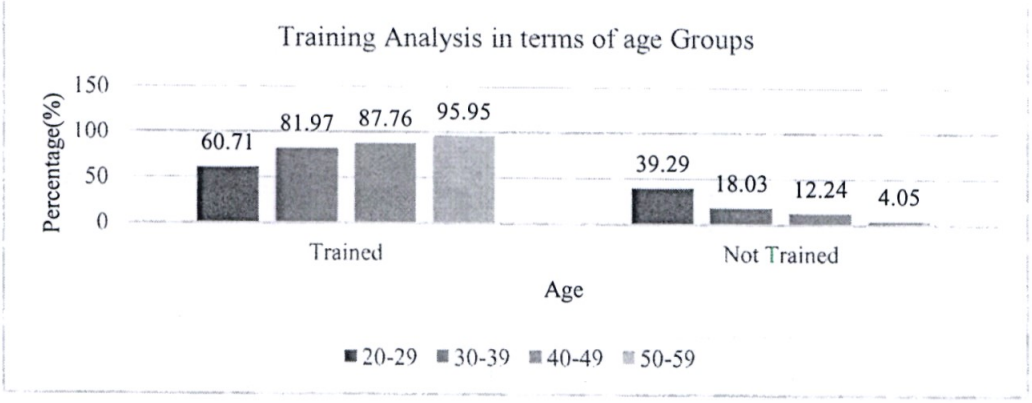


Table 4 (d) Training Analysis in terms of Age

Age	TOTAL	Trained	Percentage (%)	Not Trained	Percentage (%)
20-29	28	17	60.71	11	39.29
30-39	183	150	81.97	33	18.03
40-49	98	86	87.76	12	12.24
50-59	74	71	95.95	3	4.05
TOTAL	**383**	**324**	**84.60**	**59**	**15.40**

Figure 4 (d) Training Analysis in terms of age



Committee Observations

1. The Committee noted that staffing at the Authority is dominated by three major communities at the disadvantage of smaller communities.
2. There was still limited public awareness both at the corporate level and the public domain concerning the laws that provide guidance on the importance of ethnic balance in employment in public institutions.
3. PWDs remain grossly underrepresented in corporate management positions at the CAK

Committee Resolutions

1. The CAK as an entity domiciled in the capital, Nairobi, should be at the forefront in giving a national outlook in its staffing composition.
2. The CAK should embark on deliberate affirmative action since PWDs remain grossly underrepresented in corporate management positions at the CAK
3. The CAK should adequately create public awareness in the availability of employment opportunities so as to attract suitable candidates representing PWDs, minority communities and the general public to ensure an adequate national outlook is attained in its staff.

MIN. NO.NA/DAA & GPC/COI/2025/085: ANY OTHER BUSINESS

There was no other business.

MIN. NO.NA/DAA & GPC/COI/2025/086: ADJOURNMENT

There being no other business, the meeting was adjourned at 5:33 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.17/6/25.....

MINUTES OF THE 50TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 9TH SEPTEMBER, 2025, AT THE BOMA HOTEL, UASIN GISHU COUNTY AT 12:00 P.M

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Lillian Siyoi, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chepkwony Charity Kathambi, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant I
2. Mr. Mark Namaswa - Clerk Assistant II
3. Ms. Catherine Mukunyi - Sergeant-at-Arms
4. Ms. Noelle Amutabi - Legal Counsel
5. Mr. Collins Namulen - Fiscal Analyst
6. Mr. Eugene Luteshi - Audio Officer
7. Mr. James Macharia - Media Officer
8. Ms. Mercy Ondego - Researcher

MOI TEACHING AND REFERRAL HOSPITAL (MTRH)

1. Dr. Philip Kirwa - CEO-MTRH
2. Dr. Tarus Kipchumba - Director, Admin & Finance
3. Dr. Andrew Wandera - Director, Clinical Services
4. Dr. Jesse Opakas - Director, Hemato-Oncology
5. Dr. Menach Owen - Director, Surgical Services
6. Dr. Beatrice Jakait - AMPATH - MTRH
7. Ms. Ann Chemworsio - Director, HR - MTRH

MIN. NO.NA/DAA & GPC/COI/2025/280: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock followed by a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Johnson Manya Naicca, CBS, M.P and seconded by The Hon. Charles Gumini Gimose, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: Meeting with the following regarding the implementation status of the Report on the Consideration of the third report of the Committee on National Cohesion and Equal Opportunity on Employment diversity Audit in Public Institutions - Moi Teaching & Referral Hospital (MTRH):
   i. The Principal Secretary, State Department of Medical Services, Ministry of Health
   ii. The CEO - Moi Teaching & Referral Hospital (MTRH)
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/281: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/282: MEETING WITH THE CEO - TEACHING AND REFERRAL HOSPITAL REGARDING THE IMPLEMENTATION STATUS OF THE REPORT ON THE CONSIDERATION OF THE THIRD REPORT OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS - (MTRH):

Dr. Philip Kirwa the CEO-MTRH appeared before the Committee to apprise it on the implementation status of the Third Report of The Committee on National Cohesion and Equal Opportunity on Employment Diversity Audit in Public Institutions -MTRH. He was accompanied by the following officers:

1. Dr. Tarus Kipchumba - Director, Admin & Finance
2. Dr. Andrew Wandera- Director, Clinical Services
3. Dr. Jesse Opakas - Director, Hemato-Oncology
4. Dr. Menach Owen - Director, Surgical Services
5. Dr. Beatrice Jakait - AMPATH - MTRH
6. Ms. Ann Chemworsio - Director, HR - MTRH

Status of Implementation

The Committee was informed that:

i). MTRH currently has an in-post of three thousand five hundred and thirty-five (3,535) employees.

ii). Out of the forty-six (46) ethnic employees, only twenty-one (21) ethnic groups have been employed in MTRH contrary to the provisions of Article 232 (1)(h) and (i) of the Constitution

iii). Majority of the staff are from one (1) community namely the Kalenjin, at 66.62%

iv). At Senior Management Level, only twelve (12) out of the twenty one (21) ethnic groups in the Hospital are represented.

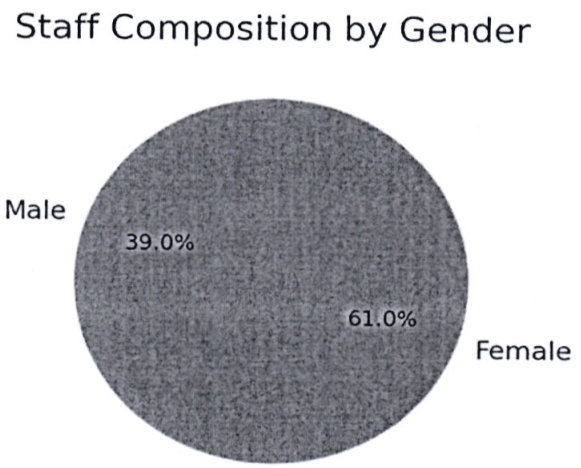
v). The age composition of majority of the staff fall between the age bracket of 41-50 years with one thousand eight hundred and twenty-four (1,824) employees, translating to 51.6%

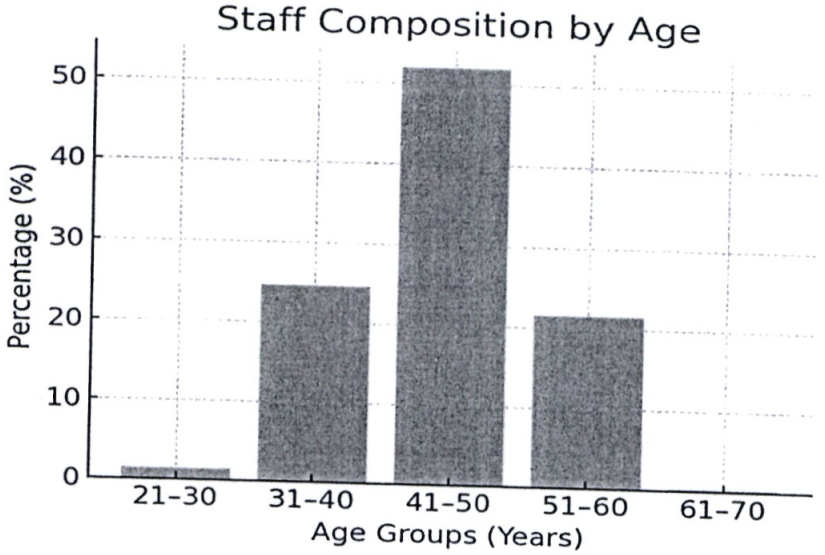
vi). MTRH has one thousand three hundred and seventy-nine (1,379) male staff members and two thousand, one hundred and fifty-six (2,156) female staff members translating to 39% and 61% respectively, achieving the two thirds gender rule

vii). The Hospital has employed one hundred and sixteen (116) staff members who are Persons With Disabilities (PWDs) translating to 3.28% which falls short of the requirements stipulated in Article 52(2) of the Constitution

viii). The ratio between the National population and employment proportion shows the Kalenjin community over-represented with a positive variance of 53.25%

ix). Promotions done in MTRH in the last five (5) years, the Kalenjin community dominated at 59.04% out of the eighty-three (83) employees promoted.





The Management of MTRH apprised the Committee of the challenges faced when in promoting diversity. They were as follows;

i). MTRH low cadre jobs formed a bulk of the staffing population due to low salary at the formative stage. As a result, most of the applicants during this time were from the local community

ii). Most of the lower cadre jobs did advertisements did not attract applications from diverse backgrounds due to low salary and devolution.

iii). Some prospective employees from marginalized areas did not take up appointments and when they accepted, they only stayed for a short stint before they resigned their positions

The referral hospital has however reported that they have put in place mitigating measures to curb these challenges which include:

i). No longer engaging casuals,

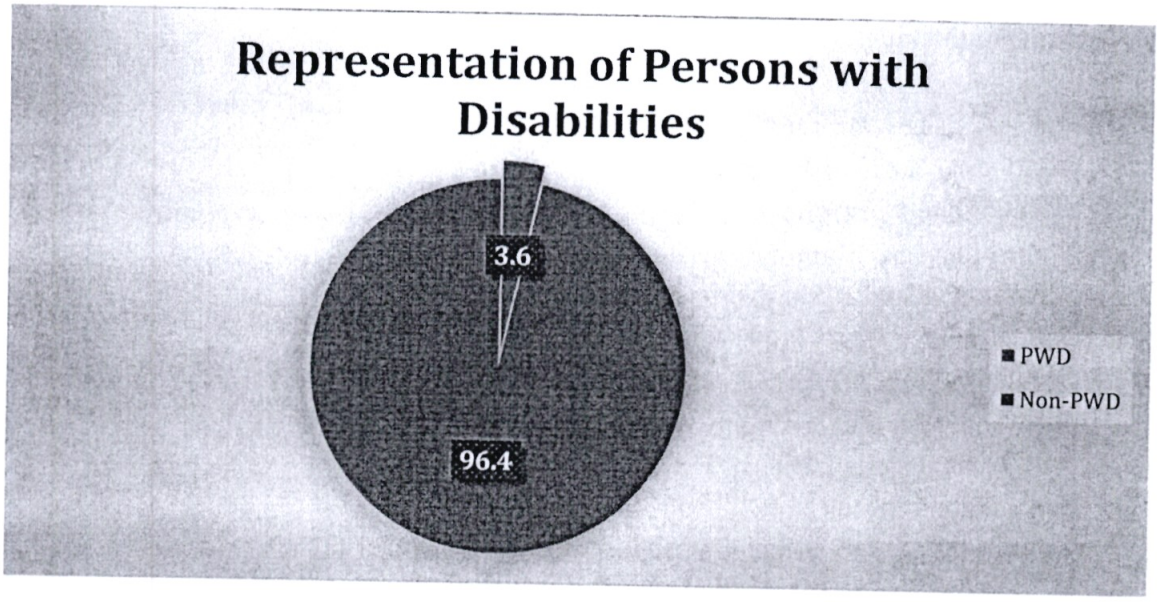
ii). Security of tenure for employees who upon successful service on six (6) months probationary period are confirmed in appointment

iii). Job vacancies are advertised widely wherever they arise through My Gov, Hospitals website and media platforms.

MTRH further put in measures in place to enhance work environment for PWDs by:

1. Appointing and putting in place a committee on disability mainstreaming
2. Procuring six (6) motorized wheelchairs to ease movement for PWDs within and outside the workplace.
3. Procured guided walking stick for one blind staff member
4. Procured hearing aids for seven (7) members with hearing impairment.

5. Reserved parking space for PWDs
6. Provided signages for PWDs on the use of ramps
7. The Hospital has a total of thirty (30) staff members trained on Sign Language to assist both staff and patients who are PWDs
8. Corporate Service Delivery Charter in braille
9. Implementation of the Personal Guide Living With Disability Circular Ref. SRC/TS/DRRPS/3/26 VOL V (88) and SRC/TS/NCPWD/3/18(80) payable as part of remuneration to the PWDs
10. Accelerated promotion for a staff member under PWD
11. User friendly toilets for PWDs
12. Facilitation of per diem allowance and transport for PWD staff members going for assessment, certificates renewal and tax exemption certificates
13. Training opportunities
14. PWDs support in medication after medical cover exhaustion



The Committee commended the hospital on the positive steps already taken, such as widely advertising job vacancies, providing security of tenure, and implementing various measures to support employees with disabilities, including procuring mobility aids, providing sign language training, and offering accelerated promotions. However, there were further **recommendations that included:**

1. The hospital should expand its recruitment strategies to attract applicants from a wider range of ethnic backgrounds to address the significant over-representation of the Kalenjin community by setting specific targets for hiring and promotion of underrepresented groups.

2. MTRH should develop a clear strategy to increase the number of employees with disabilities to meet the constitutional requirements. This could include targeted recruitment drives and partnerships with organizations that support PWDs.
3. MTRH should analyze and address the issues related to low-cadre jobs, such as reviewing salary scales or offering additional incentives to attract and retain a more diverse workforce.
4. The hospital should implement measures that ensure greater ethnic diversity at the senior management level by introducing mentorship programs or succession planning that prioritizes diversity

Challenges

a) MTRH Low level cadres of staff forms a bulk of the staffing population due to low salary at the formative stage. As a result, most of the applicants during this time were from the local community.
b) To comply with Labour Laws, the Hospital gradually absorbed Casuals into permanent and pensionable terms of service.
c) Most of the lower cadre advertisements did not attract applications from far and diverse backgrounds due to low salary.
d) The onset of Devolution saw many staff from far areas like Marsabit, Mombasa and Garissa resigning upon security opportunities in their Home Counties affecting the workforce Diversity.
e) Some prospective employees from Marginalized areas did not take up appointments and when they accepted they only stayed for a short stint before they resign their positions.
f) We trained the following Medical Specialist (Neurosurgeon), Paediatric Ophthalmologist (eye specialist), General surgeon and a Radio Pharmacist in south Africa only for the three to resign and affected our operations and Diversity (The 4 were from Kenyan Asian, Masai, Luhya and Kikuyu).
g) Resignations from Nursing services and other Paramedics for overseas greener pastures has greatly affected our Diversity both positively and negatively.

Mitigating Measures

a) The Hospital Management no longer engages Casuals.
b) MTRH Salary and allowances has since improved as approved by Salaries and Remuneration Commission (SRC).
c) There is security of tenure i.e. employees upon successful service on six (6) months probationary period are confirmed in appointment.
d) Job vacancies are advertised widely whenever they arise through MyGov, Hospital's website and media platforms.
e) MTRH Board has approved Headhunting of Specialist when job advertisements fail to attract and potential employees, this gives management leeway to consider Diversity.

f) To make MTRH a preferred employer, Management has taken the following steps;

i). Staff Career Advancement through fair promotions and training opportunities.
ii). Recognition of Trade Unions and providing employees with a right to voluntarily join union of their own choice.
iii). Weekly 6kms Hospital Management Team meeting/rounds.
iv). Holding meetings with staff in fora such as Staff Open Days/Work Councils/Departmental meetings.
v). The Hospital Management practises Open Door Policy
vi). Devolve Human Resource visits to staff.
vii). Employee Assistant Program (EAP).
viii). Weekly continuous professional Education.
ix). Staff Induction and orientation.

Committee on Implementation Observations

i). That female staff outnumber their male counterparts at 60% females compared to 40% males. This is attributed to the nursing cadre being majority of staff and dominated by the female gender as well.
ii). The Kalenjin community continues to dominate the workforce at MTRH; a matter that is historical based on the location of the institution
iii). The bulk of staff identifying as Kalenjin is derived from the lower staff cadres although they also form majority of senior staff
iv). Female staff are over-represented in the lower cadre level
v). The institution has demonstrated effort in creating ethnic balance by employing staff from minority groups during its recent recruitment
vi). Management attributes domination of the Kalenjin community to the local area catchment population which is majorly represented by the Kalenjin
vii). MTRH further classifies conditions such as people who have had organ transplants as among those living with disability (PWDs)

Committee on Implementation recommendations

i). While cognizant of the historical context responsible for the skewed staff composition in favour of one community, MTRH should endeavour to progressively present a staffing representative of the national outlook by factoring in minorities and addressing the issue of ethnic imbalance
ii). Future classification of tribes should be more specific to give a clear picture of the employment opportunities in the public sector. For instance, Kalenjin and Luhya communities should be itemized in their respective subtribes
iii). MTRH should endeavour to incorporate more female staff and minority communities in middle and senior level cadre as part of their succession plans

MIN. NO.NA/DAA & GPC/COI/2025/283: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/284: ADJOURNMENT

There being no other business, the meeting was adjourned at 3:00 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P
(CHAIRPERSON)

Date.....6/11/25.....

MINUTES OF THE 8TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 8TH APRIL, 2025 AT THE MAIN CHAMBER, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Lillian Siyoi, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Hamisi Kakuta Maimai, M.P
7. The Hon. Stanley Muiruri Muthama, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Chege Njuguna, M.P
11. The Hon. Kitilai Ole Ntutu, M.P
12. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Mark Samuel Muriithi Mwenje, M.P
5. The Hon. Johnson Manya Naicca, CBS, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Charles Gumini Gimose, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P

IN ATTENDANCE

Hon. Boss Gladys Jepkosgei, CBS, M.P - Deputy Speaker of the National Assembly

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Mr. Eugene Luteshi	-	Audio Officer
5.	Ms. Noelle Amutabi	-	Legal Counsel
6.	Mr. Mugane Geteria	-	Media Officer
7.	Ms. Rachael Ombui	-	Intern

STATE DEPARTMENT FOR AGRICULTURE

1.	Dr. Paul Rono,	-	PS-State Department for Agriculture
2.	Mr. Fredrick Muchiri	-	CEO-Pest Control Products Board),
3.	Mr. Barasa Wanyonyi	-	Registrar, Pest Control Products Board
4.	Dr. Paul Ngaruiya	-	GM-Research & Strategy – PCPB
5.	Mr. Eric Kimunguyi	-	CEO, Agrochemicals Association of Kenya
6.	Mr. Joash Mutai	-	Regulation Manager (AAK-Grow
7.	Mr. Bernard Manyara	-	Pest Control Products Board

8. Mr. Evans Obok - National Treasury
9. Mr. Kennedy Ondieki - Director, Investments – Treasury; and
10. Mr. Vincent Kipkemoi - Personal Assistant to PS

STATE DEPARTMENT FOR PUBLIC HEALTH AND PROFESSIONAL STANDARDS

1. Ms. Mary Muthoni, CBS - PS Public Health
2. Mr. Mawira Mungania - Communications and Admin. Ministry of Health
3. Mr. Benjamin Murkomen - Ministry of Health
4. Ms. Anita Kiptum - Communications/Liaison MoH
5. Mr. Lolem Lokolwe - Ministry of Health

MIN. NO.NA/DAA & GPC/COI/2025/036: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past one o'clock followed by a word of prayer by Hon. Zamzam Mohamed Chimba, M.P. The agenda of the meeting was adopted as hereunder as proposed by Hon. Hilary Arap Kosgei, M.P and seconded by Hon. Julius Taitumu M'Anaiba, M.P.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the following: PS-State Department for Agriculture, PS-State Department Public Health and Professional Standards, PS-State Department for Agriculture, the Managing Director Kenya Plant Health Inspectorate Service, the CEO/Secretary Pest Control Products Board and, the CEO Agrochemicals Association of Kenya; regarding the implementation status of recommendations contained in the Report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/037: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous meetings was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/038: MEETING THE PS-STATE DEPARTMENT FOR AGRICULTURE, PS-STATE DEPARTMENT PUBLIC HEALTH AND PROFESSIONAL STANDARDS, PS-STATE DEPARTMENT FOR AGRICULTURE, THE MANAGING DIRECTOR KENYA PLANT HEALTH INSPECTORATE SERVICE, THE CEO/SECRETARY PEST CONTROL PRODUCTS BOARD AND, THE CEO AGROCHEMICALS ASSOCIATION OF KENYA; REGARDING THE IMPLEMENTATION STATUS OF RECOMMENDATIONS

CONTAINED IN THE FOLLOWING REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE PUBLIC PETITION (NO. 70 OF 2019) REGARDING WITHDRAWAL OF HARMFUL PESTICIDES IN THE KENYA MARKET.

Dr. Paul Rono, the PS-State Department for Agriculture, appeared before the Committee to apprise it on the implementation status of recommendations contained in the f Report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market. He was accompanied by: Mr. Fredrick Muchiri (CEO-Pest Control Products Board), Mr. Barasa Wanyonyi (Registrar, PCPB), Dr. Paul Ngaruiya (GM-Research & Strategy – PCPB), Mr. Eric Kimunguyi (CEO, Agrochemicals Association of Kenya), Mr. Joash Mutai (Regulation Manager (AAK-Grow), Mr. Bernard Manyara (PCPB), Mr. Evans Obok (Treasury), Mr. Kennedy Ondieki (Director, Investments – Treasury) and Mr. Vincent Kipkemoi (Personal Assistant to PS).

However, the Committee resolved to send away the delegation from Treasury, since it was deemed not relevant to the matter under deliberation.

The Committee was informed that;

1. *On Recommendation 1*: **That, within ninety (90) days of tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries through Pest Control Products Board (PCPB) to immediately establish the regulations on distribution and retailing of pesticides to ensure that only licensed and registered persons operate agro-vet outlets in the country.**

Management response:

The Ministry has established Pest Control Products (Inspection & Certification) Regulations, 2024 which sets requirements for certification of Distributors & Retailers. The Regulations were first gazetted on 18th June, 2024 and later on 29th November 2024. Further, they provide the minimum qualifications for persons operating agrovet outlets.

2. **On recommendation 2, that, within ninety (90) days of tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenya market with a view of banning products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.**

Management response:

i) PCPB has been undertaking risk assessment reviews for active ingredients and associated end-use products. No products that are confirmed carcinogenic, mutagenic or reproductive toxicants through studies under normal use, are authorized for use in Kenya.

ii) Thirty-one (31) active ingredients & their associated end-use products have been reviewed

iii) Development of the Highly Hazardous Pesticides (HHPs) Strategy is ongoing in partnership with the East African Community and its Partner States. However, these are considered during registration of products through assessment of risks and any product whose risk cannot be mitigated is denied registration. PCPB Staff have been

sensitized on the HHPs Strategy.

iv) In the last three years, seventy-nine (79) Pest Control Products have been voluntarily withdrawn by applicants for various reasons while 38 pest control products have been withdrawn due to human and environmental health and trade-related concerns.

v) In the last two years, nine (9) molecules namely: Thiacloprid, Diuron, Chlorothalonil, Pymetrozine, Procymidone, Acephate, Kasugamycin, Diquat, and Pyridalyl have been evaluated and withdrawn from the Kenyan market.

3. **On recommendation 3, that, within ninety (90) days of the tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with the Ministry of Health and other relevant agencies including Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) undertake an analysis of harmful and toxic pesticides and recommend their withdrawal from the Kenyan Market as per the relevant laws**

Management response:

i) PCPB has been undertaking risk assessment reviews for active ingredient and associated end use products.

ii) Thirty-one (31) active ingredients & associated end-use products have been reviewed

Constraints:

i) High Pest & disease pressure and international market requirements that prohibit export of live organisms

ii) Lack of epidemiological data to link diseases with occupation on pesticides

4. **On recommendation 4 that the National Treasury in the Financial Year 2020/21 should urgently enhance funding of the regulatory agencies such as the Pest Control Products Board (PCPB) and Kenya Plant Health Inspectorate Service (KEPHIS) tasked with regulating and monitoring the use of pesticides in Kenya to increase data collection on the level of pesticides in food products in the market.**

Management response:

i) There has been a general increase in the grant received by PCPB from the National Treasury for the last 5 years ranging from Ksh 116.3 million in 2020/2021 to Ksh 185.5 million in 2023/24.

ii) In the current Financial Year, the National Treasury has allocated Ksh 255 million, and some funds have been used to hire additional staff. This needs to be enhanced to support regulatory work at PCPB.

iii) However, on a low scale PCPB has been monitoring the levels of pesticide residues in the agricultural produce from the domestic market and at the farmgate with sampling in 2019, 2022, 2023, 2024 and the results obtained were within Codex MRLs as expected.

5. **On recommendation 5, that the Departmental Committee on Agriculture, Fisheries and Cooperatives to initiate amendments(s) to Pest Control Products Act, 2013 to make it mandatory for the annual publication of pest control products that have been withdrawn or otherwise banned from the Kenyan Market by the Pest Control Products Board (PCPB).**

Management response:

i) PCPB publishes on the PCPB website the following information:
   a) List of withdrawn active ingredients & decisions
   b) List of banned products
   c) List of deregistered products
   d) List of restricted products

ii) The PCP Bill was developed by the Ministry of Agriculture and Livestock

Development in collaboration with relevant stakeholders. The Bill was forwarded by the Ministry of Agriculture and Livestock Development to Cabinet for consideration. The regulations anchored on the PCP Act Cap 346 of 1982 were recently gazetted in June - November 2024.

Constraints:

iii) The PCP Bill is still pending finalization through the Cabinet and parliament.

6. **On recommendation 6, that, the Departmental Committee on Agriculture, Fisheries and Cooperatives to initiate amendments(s) to Pest Control Products Act, to provide for the Pest Control Products Board (PCPB) accesses data on environmental and human health impacts during the registration and re-registration process of the products**

Management response:

i) PCPB has been accessing technical information on the data package supporting the safety of human health and the environment. This data includes the Chemistry (properties, purity and impurity profiles), Toxicology (short-term and long-term studies), effects on the beneficial organisms (e.g., bees, earthworm, fish, birds), efficacy & residue studies (safety to consumers), fate and behaviour in the environment (mobility and breakdown).
ii) This has been further elaborated in the new Registration regulations gazetted on 6th August 2024, under Kenya Gazette supplement No. 155, Legal Notice No. 130.
iii) The proposed PCP Bill provides for evaluation of PCPs for safety to human health and the environment prior to registration. It also provides for banning and severe restriction, where there is evidence upon risk assessment that the product poses unacceptable risk to humans and the environment.

Constraints:

a) Inadequate staffing and funding to expedite the review of active ingredients.
b) Lack of epidemiological data from the Ministry of Health

7. **On recommendation 7, that all Agrochemicals companies should ensure proper use of their products through adequate labelling using the widely used national language and take responsibility where harm occurs due to lack of sufficient information**

Management response:

i) The Pest Control Products (Labelling, Advertising & Packaging) Regulations, were gazetted on 29th November 2024. The Regulations require that all pest control products must have a label with adequate information. The labels shall have signal words, precautionary pictograms, hazard symbols and be compliant with the Globally Harmonized System of Classification and Labelling of chemicals (GHS). All labels have to be approved for commercial use.
ii) All labels to have precautionary statements on physical, health and environment hazards to inform users.
iii) All commercial labels must be in both English & Kiswahili for ease of interpretation.
iv) The draft Pest Control Products Bill makes it an offense for a person undertaking any activity that may cause a risk of imminent death or bodily harm to persons, animals and the environment.

8. **On recommendation 8, that the Pest Control Products Board (PCPB) must ensure that products banned in other jurisdictions are not in use in Kenya.**

Management response:

i) PCPB undertakes evidence and science-based regulatory decisions when evaluating

applications for registration of active ingredients and their associated end-use products with special consideration on human health, environmental and/or trade concerns.

ii) PCPB considers the regulatory decisions from other agencies with reputable review mechanisms in place like the USA-EPA, EU-EFSA, Australia-APVMA etc. and International Conventions like Rotterdam Convention on Prior Informed Consent, Basel Convention on Transboundary Movement of Hazardous Waste, Stockholm Convention on Persistent Organic Pollutants, Montreal Convention on Ozone Depleting Substances among others.

iii) Whereas Kenya and the rest of the world other than the EU uses a risk-based approach, the EU changed from risk-based approach to a hazard-based criterion that automatically altered the categorization of certain molecules; Many products that are not approved in the EU are approved in the USA, Canada, Australia, India, Japan and many other countries that use risk-based evaluations which take into account not only the hazard properties of a product but also the likelihood of exposure.

iv) PCPB has adopted international risk assessment tools to facilitate decision making.

v) PCPB is a member of the International Chemical Reviews Committee of the Rotterdam Convention that reviews chemicals under the Multilateral Environmental Agreements (MEAs) on pesticides and participates in decision making at national and international levels.

vi) PCPB is also a member of the Codex Committee on pesticide residues (JMPR) and the EAC Technical Working Group on pesticides.

vii) PCPB is currently piloting an Operator Risk Assessment tool in collaboration with the University of Maryland Eastern Shore, USA and FAO to provide for use scenarios under local conditions for hand held application equipment commonly used in developing countries. This will be upscaled for use in other regions of the world.

9. **On recommendation 9, that the Ministry of Agriculture, Livestock, and Fisheries should enhance the laboratory analytical capacity at the Pest Control Products Board (PCPB) by increasing the number of technical personnel through an increase in budgetary allocation, to ensure that adequate evaluation of pest control products is done.**

Management response:

i) Construction of the laboratory block is at 95% completion, at a total estimated cost of Ksh 338 million.

ii) Completion of the Laboratory has been slow due to inadequate funding, inadequate analytical equipment and staffing

iii) One new equipment for Residue monitoring has been commissioned.

iv) Four additional staff are assisting in laboratory analysis

v) More equipment required to make the pesticide residue laboratory fully operational.

vi) No funding for equipment from the National Treasury this financial year

Constraints:

a) Inadequate funding to expedite the operationalization of the pesticide residue laboratory and the process of review and analysis of active ingredients and residue.

10. **On recommendation 10, that the Ministry of Agriculture, Livestock and Fisheries should speed up the completion of the Residue Laboratory at the Pest Control Products Board (PCPB) which will support residue analysis (in food, water, soil, air), inorganic chemical analysis, organic chemical analysis (chemical identity, chemistry), formulation quality analysis, and microbial assay through additional budgetary allocation and the National Assembly provide appropriate funds for the**

same in the FY 2020/2021

Management response:

i) The construction of the laboratory block is complete and the building was handed over by the Contractor to PCPB on 7th September 2023
ii) One New equipment for Residue monitoring has been commissioned while another one has been acquired awaiting installation and commissioning. Ongoing procurement process for support equipment.
iii) Funding is required for equipping the new lab to make the formulation and residue analysis divisions operational
iv) A draft National Pesticide Residue Monitoring Framework has been developed by PCPB in collaboration with CABI and other stakeholders. The data obtained will be used for regulation of pesticides to reduce risks associated with pesticides, improve trade and safeguard human health and the environment.
v) **Constraints:** Inadequate funding to procure new equipment.

11. On recommendation 11 that within six (6) months of tabling of this report, the Ministry of Health together with the Ministry of Agriculture, Livestock and Fisheries and other relevant research agencies should conduct epidemiological studies in areas where pesticides are widely used in Kenya to determine the level of use of harmful pesticides and disease burden caused. This study shall guide in the formulation of an informed national policy on pesticide management and use.

Management response:

i) The Pest Control Products Board conducted a baseline survey on pesticide use and exposure of spray service providers in 2023.
ii) The survey conducted in collaboration with the International Centre for Personal Protective Equipment (ICPPE) at the University of Maryland Eastern Shore, USA.
iii) The study focused on collecting data on pesticide use by the farmers, in order to inform the PPE to use and develop the operator risk assessment model.
iv) The survey with selected farmers to best judge the performance of this new garment looked into the frequency of use, conditions (worn under various weather conditions, activities undertaken, area, timing of application, weight of the applicator, age, gender etc. all this culminated in the designing and rolling of the PPE by farmers for farmers.
v) The PPE was launched in August 2024 and the campaign is ongoing to sensitize farmers on the availability of the approved PPE.

a) The ICPPE Initiative for a new tool on pesticide operator risk assessment and risk mitigation

i) Building on the finding that models for hand-held application are currently missing or incomplete, the International Centre for Personal Protective Equipment (ICPPE) initiative was launched in 2021 and aims at developing a new tool that will include a new model for operator exposure that is more suitable to use scenarios found in countries of Africa, Asia and South America.
ii) In the last 3 years, a multi-stakeholder group of representatives from authorities responsible for pesticide registration, pesticide manufacturing companies and universities has worked hard to address operator safety and build a new model. It has been coordinated by the International Center for PPE (ICPPE) for Operators and Re-entry Worker, located at the University of Maryland Eastern Shore (USA). FAO and WHO have been observers to the whole process development.
iii) Pesticide use survey was also conducted in Nakuru and Nyandarua counties in 2022. The survey showed there is a need for collaboration to train farmers on safe use of

pesticides.

iv) A pesticides residues study was also carried out during the same year. Sixty-three (63) samples of Kales, tomatoes and Onions were sampled at farm gate and major markets in Nakuru, Nyandarua & Kajiado counties; only one kale sample exceeded Codex MRL showing a 98.4% compliance level. A recent residue study on kales, tomatoes and onions showed a high level of compliance to Codex MRL.

v) A survey to establish levels of non-conforming products in Kenya was carried out in 2023 in collaboration with Michigan State University and United States Department of Agriculture (USDA).

b) **Lamu survey**

i) There were reports of misuse of pesticides in Lamu county which necessitated monitoring the levels of pesticide residues in watermelons, maize, kales and sesame. The objective was to determine the types and levels of pesticide residues in the selected food commodities, assess the compliance levels against established maximum residue limits (MRLs) as well as identify any potential health risks associated with pesticide residues in the tested produce.

ii) The report indicated compliance levels as follows; Maize (90%), Sesame (36%), Kales (60%) and watermelon (87%). PCPB, in collaboration with the County Government, undertook mitigation measures through capacity building of county extension officers and training of Spray Service Providers (SSP).

Constraints

iii) Framework for collection of epidemiological studies requires to be developed. The surveillance data collected should allow for prospective study (which means that a group of people are enrolled and monitored over time to see whether they are more or less likely to develop health problems compared to everyone else) among agricultural workers or those associated with agricultural activities.

12. **On recommendation 12, that the Ministry of Agriculture, Livestock, and Fisheries and County Governments should enhance and promote the training of farmers/users on acceptable agricultural practices and use of personal protective gears to mitigate against any adverse health and environmental effects**

Management response:

i) PCPB enhanced training and awareness creation activities in collaboration with stakeholders e.g., AAK, MOA, HCD. In 2021/2022, 78 awareness activities were carried out; this was enhanced in 2022/23 and 2023/24 to 102 and 121 awareness activities, respectively.

ii) **To address personal protective gear**, the Pest Control Products Board has partnered with the public (Kenya Bureau of Standards), International (University of Maryland Eastern Shore, USA) and Private (Kenya Garment manufacturers) sectors to develop and operationalize the KS ISO 27065 (protective clothing performance requirements for protective clothing worn by operators applying pesticides and for re-entry workers).

iii) These certified garments have been tested and approved by the Kenya Bureau of Standards and provide adequate protection when used as intended and under optimal conditions i.e., use of pesticides as per label instruction, use of application equipment in good working conditions. The garments were developed by incorporating farmers' views and launched in August 2024.

iv) **Constraints**: Inadequate extension services in the Counties to enhance initiatives and support the sustainable deployment of the tools.

13. **On recommendation 13, that the Ministry of Agriculture, Livestock, and Fisheries together with County Government, in conjunction with other relevant**

stakeholders, including the media, should immediately undertake public awareness campaigns to sensitize the public on the responsible use of pest control products

Management response

i) In collaboration with Micro Enterprises Support Programme Trust and Danida, PCPB enhanced awareness creation through talk shows in KASS FM, Inooro FM, Egesa FM, Radio Maisha and Radio Kaya. PCPB has also been partnering with media houses such as Citizen TV and radio, NTV to sensitize the public on responsible use of PCPs.

ii) PCPB and the Agrochemical industry emphasize on training farmers/users on responsible use of pesticides, good agricultural practices and use of personal protective equipment. In 2024, PCPB produced a mini documentary promoting responsible use of pesticides and warning on the dangers of using illegal pesticides.

iii) The video has been used during many trainings and awareness creation activities around the country as a tool for risk communication.

iv) In 2023/2024, the following training and awareness creation activities were carried out:

v) Training and awareness creation/sensitization forums; through:

a) Agricultural Shows (Kisii, Kisumu, Nakuru, Mombasa, Nyeri),
b) Media engagements (3 Radio & TV - Nairobi & Coast regions),
c) Farmers Field Days/Exhibition (5);
d) Manyatta Stakeholders Forum - held at Kairuri stadium in Embu County,
e) Wambugu Farmers' Expo held at Wambugu ATC - Nyeri County,
f) 2 EAGC Agribusiness Exhibitions (held at KALRO Katumani - Machakos County and KALRO Matuga in Kwale County)
g) Avocado Farmers Field Day held at Eldoret Sports Club - Uasin Gishu County,
h) 2 Training of Farmers Service Centres (held at Rift Valley Resort in Kabarnet - Baringo County and Makueni County),
i) Launch of Stewardship Mashinani for government Agencies & Agrodealers to participate in the pesticide safe use campaign held at Nuru Palace Hotel - Nakuru County

vi) There is ongoing sensitization campaign of the personal protective clothing: This has been conducted in Kiambu, Narok

vii) Sensitization of the public on obtaining products from approved agrovets, following label instructions and use of spray service providers done on Citizen TV, Day break show 4th September 2024. The stakeholders were also educated on the role of PCPB and responsible use of Pesticides on KBC, TV in August 2024 and more recently on KASS FM on 25th March 2025.

viii) Sensitization on the availability of Poison Information Centre at the Kenya National Hospital, where farmers are encouraged to call in case of suspected poisoning through toll free emergency numbers: 0800720021 or 0800730030. A Podcast and Radio talk show (Radio Citizen- Kiswahili conducted on Tuesday 10th September 2024 from 9am-10am aired live with questions and answers.

ix) PCPB also developed a communication Policy and Strategy with the support of COLEAD based in the EU. The strategy highlights proposed approaches to enhance communication with stakeholders.

x) PCPB also disseminates information concerning PCPs and guidance on safe use and good agricultural practices through social media

xi) Following concerns over pesticide misuse in Lamu County, PCPB rolled out decisive interventions to safeguard food safety. These included a Subject Matter Specialist Training for Lamu County agricultural Extension staff held in November 2024 at Mpeketoni ATC. This training equipped the extension staff to train farmers on

responsible use of pesticides. This was followed by a stockist training the same month.

xii) To further foster responsible use of pesticides PCPB trained Spray Service Providers (SSPs) in Lamu County in February 2025.

xiii) PCPB carried out a 3-day roadshow in Kirinyaga County on 17th - 19th December 2024. Messages on responsible use of pesticides such as importance of following label instructions, use of PPE, observance of PHI and dangers of using illegal products were disseminated to farmers.

xiv) Sensitization of the government officers at the border points (Busia, Isibania, Namanga and Oloitoktok) in order to help address the influx of illegal PCPs into the country.

xv) In the lead up to the planting season, PCPB organized a roadshow in Uasin Gishu County on 26th March 2025. The roadshow publicized the opening of the new North Rift Regional office and disseminated key messages on responsible use of pesticides to farmers in the region.

14. Recommendation 14, that the Ministry of Agriculture, Livestock, and Fisheries, in collaboration with the Ministry of Education, Science, and Technology, should develop and operationalize a curriculum on pesticides in the education system at all levels.

Management response:

i) PCPB in collaboration with the Kenya Institute of Curriculum Development (KICD)-TVET and relevant stakeholders, developed a curriculum on judicious use of pesticides. This was supported by the Pesticide Management Initiative project funded by the Netherlands government through Wageningen University and Research. KICD- TVET Curriculum Development, Assessment and Certification Council (TVET-CDACC) has certified the following curricula:
    a) Competency Based Curriculum for Integrated Pest Management and Judicious Use of Pesticides Level 5 (TVET CDACC, 2019)
    b) National Occupational Standards for Integrated Pest Management Level 5 (TVET CDACC, 2019).

15. On recommendation 15, the Ministry of Agriculture, Livestock, and Fisheries and the Ministry of Information Communication and Technology should develop and operationalize an Information System for the collection of data on pesticide use.

Management response:

i) Import and Export control: All imports and exports of pest control products are processed and approved in accordance with the new Pest Control Products (Importation and Exportations) Regulations 2024. PCPB has integrated the processing of import and export licenses in the Kenya Trade net System and e-citizen platform.

ii) Import/export license applications are submitted online through the Kenya Trade net System-PCPB web portal. Import/export permits are approved for respective consignments and from a known source. This is aimed at ensuring that only products that have undergone the registration process are availed in the Kenyan market. It also prevents the introduction of banned or severely restricted products into the country. Such licenses are granted to registered local agents or their approved distributors.

iii) The list of PCPs registered for various uses is publicly available on the PCPB website for free.

iv) Application for registration of new pest control products and label extensions are submitted to PCPB through the Online Pesticide Registration System (OPRS) developed through support by USDA and the East African Community. Kenya was requested to pilot the system with an aim of upscaling the use in other countries in the

region. The Online portal is currently in use.

v) **Constraint:** Estimation on amounts used on individual crops requires funding to collect data from the growers.

16. **On recommendation 16 that the Ministry of Agriculture, Livestock, and Fisheries and County Government should immediately consider introducing Spray Service standards as the concept would enhance the professional application on pesticides.**

Management response:

i) **Support of Spray Service Providers:** PCPB and the Agrochemical industry have introduced the concept of Spray Service providers. Under this initiative a group of well-trained service providers will be offering spray services to the farmers. Over 2000 SSP have been trained.

ii) Minimum qualifications for persons operating as spray service providers provided for in the new Pest Control products (Inspection and certification) Regulations of 2024. Certification of Spray Service providers is provided for in the proposed draft PCP bill 2024.

17. **On recommendation 17 that the Ministry of Health should offer budgetary and technical support to the Poison Information Centre at Kenyatta National Hospital (KNH). The Centre assists in the management of poisoning cases in the country, provides information to the public on the prevention of poisoning and maintains records that support policy decisions.**

Management response:

i) The Poison Information Centre (PIC) is operational and is domiciled at our national referral hospital, Kenyatta National Hospital, with the support of the Agrochemical Industry. Health professionals are on call 24/7.

ii) Inclusion of a Toll-Free Number is a mandatory requirement in the First schedule of the newly gazetted Pest Control products (Labelling, Advertising, and Packaging) Regulations 2024. The Toll-Free number is 0800720021 and 0800730030, available 24 hours.

iii) **Constraints**: There is need to allocate resources to build the PIC to respond and offer feedback to inform decision making.

Committee Observations

The Committee observed that:

i. The most important outcome expected by the Committee was a resolution by the Ministry to announce a ban on the listed pesticides but this was not included in the submissions and response

ii. There was no indication by the Ministry on which pesticides had been banned in Kenya

iii. Countries that ban agricultural products from Kenya, are ironically among the exporters of the same pesticides into the country

iv. Kenya is literally dumping grounds for harmful pesticide components such as Glyphosate (39 products, considered carcinogens by WHO), and Lambda-cyhalothrin (32 products which are highly toxic to bees/fish and aquatic life).

v. As at the time of the meeting, Kenya had not fully developed laboratory capacity to track and assess the safety of pesticides in the country.

Committee Resolutions

The Committee resolved that:

i. the Ministry of Agriculture to take decisive action that directly addresses the plight of Kenyans affected by pesticides resulting in serious ailments such as cancer.

ii. the Ministry of Agriculture, Livestock, and Fisheries, in collaboration with the Ministry of Education, Science, and Technology, should develop and fully operationalize a curriculum on pesticides in the education system at all levels.

iii. The Pest Control Products Board (PCPB) must ensure that products banned in other jurisdictions are not in use in Kenya.

iv. As per resolution no. 1 of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenya market and ban products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.

v. The Cabinet Secretary, Ministry of Agriculture and Livestock Development to appear in person in the meeting and announce a ban on the harmful pesticides currently in circulation in the Kenyan market that have already been outlawed in other countries.

MIN. NO.NA/DAA & GPC/COI/2025/040: ANY OTHER BUSINESS

No other business arose

MIN. NO.NA/DAA & GPC/COI/2025/041: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:08 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....

MINUTES OF THE 10TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON WEDNESDAY, 16TH APRIL, 2025 AT THE COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL BUILDING AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Lillian Siyoi, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Zamzam Mohamed Chimba, M.P
10. The Hon. Rael Chepkemoi Kasiwai, M.P
11. The Hon. Kitilai Ole Ntutu, M.P
12. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P
8. The Hon. Stanley Muiruri Muthama, M.P
9. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Mr. Eugene Luteshi	-	Audio Officer
5.	Ms. Noelle Amutabi	-	Legal Counsel
6.	Mr. Mugare Gateria	-	Media Officer
7.	Ms. Rachael Ombui	-	Intern

MIN. NO.NA/DAA & GPC/COI/2025/047: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past one o'clock followed by a word of prayer by Hon. Memusi Kanchory, M.P. The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Hilary Arap Kosgei, MP and seconded by The Hon. Kitilai Ole Ntutu, M.P

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the PS-State Department for Agriculture, PS-State Department Public Health and Professional Standards, PS-State Department for Agriculture, the Managing Director Kenya Plant Health Inspectorate Service, the CEO/Secretary Pest Control Products Board**

and, the CEO Agrochemicals Association of Kenya; regarding the implementation status of recommendations contained in the report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market.

3. Any other business.

MIN. NO.NA/DAA & GPC/COI/2025/048: CONFIRMATION OF MINUTES

Minutes of pervious meeting were confirmed as follows:

3rd Sitting

Minutes of the 3rd Sitting were confirmed as a true record of the proceedings as proposed by Hon. Hilary Arap Kosgei and seconded by Hon. Komingoi Kibet Kirui.

4th Sitting

Minutes of the 4th Sitting were confirmed as a true record of the proceedings as proposed by Hon. Lillian Siyoi, M.P and seconded by Hon. Hilary Arap Kosgei; and

5th Sitting

Minutes of the 5th Sitting were confirmed as a true record of the proceedings as proposed by Hon. Rael Chepkemoi Kasiwai, M.P and seconded by Hon. Hilary Arap Kosgei.

MIN. NO.NA/DAA & GPC/COI/2025/049: MEETING THE PS-STATE DEPARTMENT FOR AGRICULTURE, PS-STATE DEPARTMENT PUBLIC HEALTH AND PROFESSIONAL STANDARDS, PS-STATE DEPARTMENT FOR AGRICULTURE, MD-KEPHIS, CEO/SECRETARY PCPB AND THE CEO AGROCHEMICALS ASSOCIATION OF KENYA; REGARDING THE IMPLEMENTATION STATUS OF RECOMMENDATIONS CONTAINED IN THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE PUBLIC PETITION (NO. 70 OF 2019) REGARDING WITHDRAWAL OF HARMFUL PESTICIDES IN THE KENYA MARKET.

The secretariat reported that they were in receipt of a letter **Ref: MOA/ADM/1/27/3** dated **15th April, 2025** from Dr. Paul Rono, the PS-State Department for Agriculture, that the Cabinet Secretary – Ministry of Agriculture and Livestock Development was not in a position to appear before the Committee to apprise it on the implementation status of recommendations contained in the Report of the Departmental Committee on Health on the Public Petition (No. 70 of 2019) Regarding Withdrawal of Harmful Pesticides in the Kenya Market. The Ministry therefore, requested for rescheduling of the meeting to a later date.

The Committee acceded to the request and resolved to reschedule the meeting to a later date to be communicated in due course.

MIN. NO.NA/DAA & GPC/COI/2025/050: ANY OTHER BUSINESS

Cashew Nuts Factory

The Committee was briefed by the Hon. Elijah Memusi Kanchory, M.P who was part of the delegation that visited the cashew nuts factory in Kilifi County as follow's

1. The that the sale of the Cashew Nuts Factory in Kilifi was a historical matter that dates back to 1993.
2. That the shares of the factory (65%) were irregularly transferred to an individual who eventually took a bank loan with the factory as security.
3. Consequently, upon default of the loan, the bank auctioned the factory whereby a legitimate buyer bid, bought and took possession.
4. The factory has since then changed hands three times.

In order to get more concrete details and steps of recovering public property, the Committee resolved to invite the National Treasury, and the Cabinet Secretaries for Agriculture and Trade and Industry to a meeting at a later date to apprise the Committee on the status of the factory.

MIN. NO.NA/DAA & GPC/COI/2025/051: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:45 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....

MINUTES OF THE 27TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 13TH JUNE, 2025 AT SAROVA WHITESANDS HOTEL, AND PORTS OF MOMBASA, SGR STATION, MOMBASA COUNTY AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Julius Taitumu M'Anaiba, M.P
8. The Hon. Stanley Muiruri Muthama, M.P
9. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Zamzam Mohamed Chimba, M.P
11. The Hon. Kitilai Ole Ntutu, M.P
12. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Ms. Lucy Kimathi	-	HOD Principal Clerk Assistant
2.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
3.	Mr. Mark Namaswa	-	Clerk Assistant II
4.	Mr. James Macharia	-	Media Relations Officer
5.	Ms. Noel Amutabi	-	Legal Counsel
6.	Mr. Collins Namulen	-	Fiscal Analyst
7.	Ms. Cate Mukunyi	-	Sergeant At-Arms
8.	Mr. Eugene Luteshi	-	Audio Officer
9.	Ms. Mercy Ondego	-	Researcher

MINISTRY OF ROADS AND TRANSPORT - KENYA RAILWAYS CORPORATION (KRC)

1.	Mr. Philip J. Mainga	-	Managing Director
2.	Ms. Christine Macharia	-	Kenya Railways
3.	Mr. Stanley Cheruiyot	-	Manager, Business
4.	Mr. Erick Njoroge	-	Manager, Operations
5.	Mr. Peter Kamatia	-	Port Operations
6.	Eng. Mativo	-	Clearing and Import Services
7.	Mr. Edward Langat	-	Port Operations

MIN. NO. NA /DAA & GPC/COI/2025/139: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Ministry of Roads and Transport and Kenya Railways Corporations (KRC); to consider the implementation status of: -**
   i) Report by the Departmental Committee on Transport, Public Works & Housing on the inquiry into the use of the Standard Gauge Railway.
   ii) Report by Public Petitions Committee on the Public Petition No.3 of 2023 Regarding the Management of the Standard Gauge Railways (SGR Services).
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/140: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/141: MEETING WITH THE MINISTRY OF ROADS AND TRANSPORT AND KENYA RAILWAYS CORPORATIONS (KRC); TO CONSIDER THE IMPLEMENTATION STATUS OF THE REPORT BY PUBLIC PETITIONS COMMITTEE ON THE PUBLIC PETITION NO.3 OF 2023 REGARDING THE MANAGEMENT OF THE STANDARD GAUGE RAILWAYS (SGR SERVICES)

Mr. Philip J. Mainga - Managing Director, Kenya Railways appeared before the Committee to apprise it on the implementation status of the Report by Public Petitions Committee on the Public Petition No.3 of 2023 Regarding the Management of the Standard Gauge Railways (SGR Services). He was accompanied by Ms. Christine Macharia – Kenya Railways, Mr. Stanley Cheruiyot - Manager, Business KR, Mr. Erick Njoroge - Manager, Operations, Mr. Peter Kamatia - Port Operations, Eng. Mativo - Clearing and Import Services and Mr. Edward Langat - Port Operations.

The Committee was informed on the status of the following recommendations contained in the Report:

1. **Response on appropriate measures in place to ensure the Corporation takes over the remaining functions of operations and maintenance of the SGR by December 2025 to reduce operational costs.**

Management Response

i) The Committee was apprised of the SGR hand back process that started in 2020 with the objective of reducing SGR operational costs, localizing SGR operations, initiating skill transfer and capacity building to local staff. The process began with the handover of loading, offloading and security services to Kenya Railways in 2020. There was further handover of Operations of Passenger Services Stations in March 2021 and fuel

management in April 2021. Between June 2022 to December 2024 the Corporation had taken over additional functions in track, signaling, rolling stock and locomotive maintenance.

ii) The Committee was told that as at December 2024 Kenya Railways had taken over 48 out of the 52 SGR functions representing 93% of the SGR hand back process with the 4 remaining functions domiciled within freight management and departure. Therefore, below is a summary of the phased hand over of SGR functions categorized into 5 key functions.

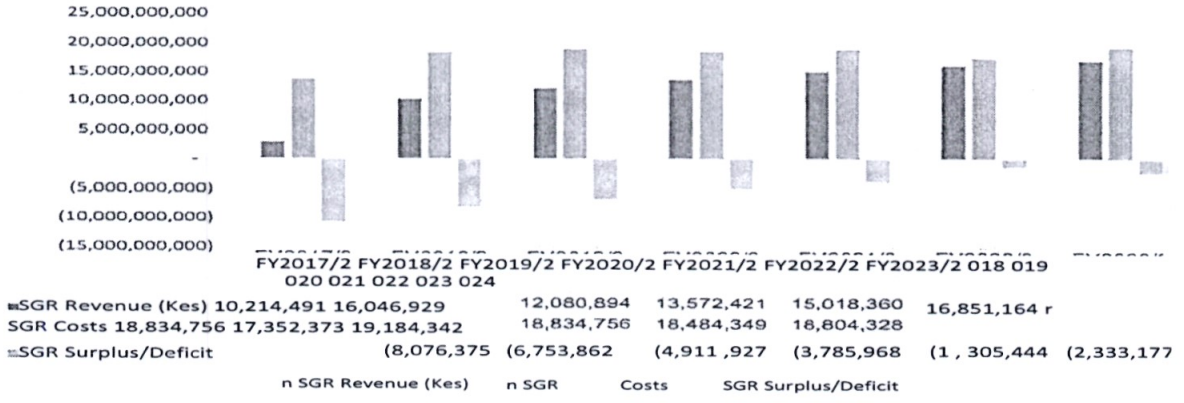
Table 1: Status of SGR Handover Process

S/No.	Category	No. of Functions taken over by KR	No. of functions with the Operator	Handover Status as 31st sDec. 2024.
1.	Locomotives	8		100%
2.	Rolling Stock	3		100%
3.	Track	12		100%
4.	Transport	19	4	83%
5.	SECI	6		1000/0
Total		48	4	93%

i. Performance of SGR Operational Costs against Revenues.

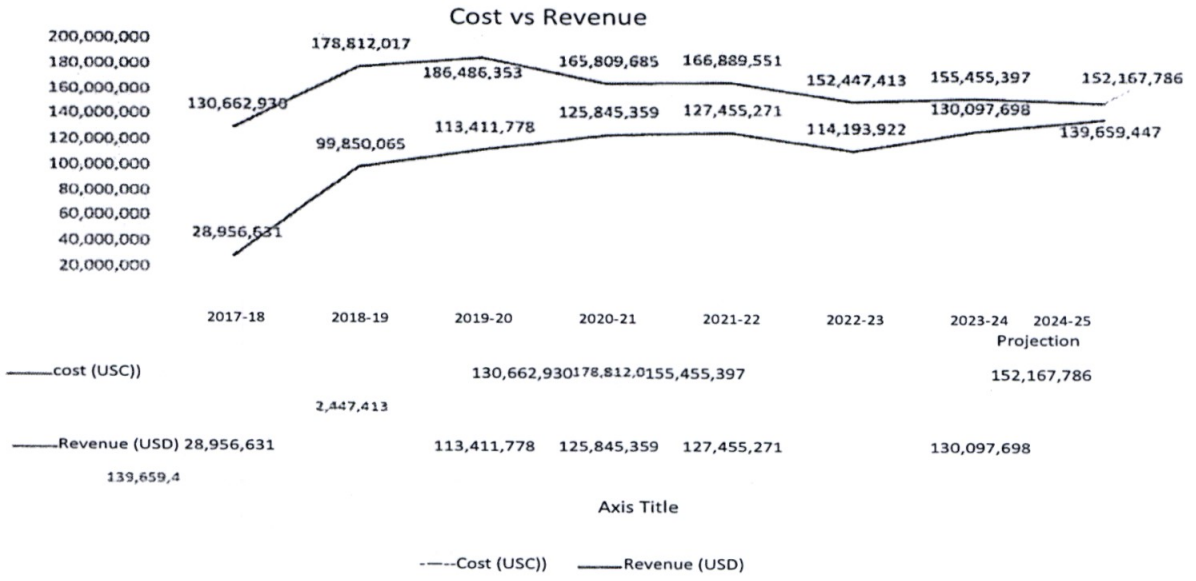
iii) With the handover of SGR functions, the Corporation has conducted an analysis on the performance of SGR operational costs and revenues from 2017 to date. The graph below provides a summary of performance of costs against revenues as the Corporation gears towards full take over.

Figure 1: Comparison of SGR Revenue and O&M costs



iv) From the graph it can be observed that the SGR operational costs have stagnated at an average of Kes 18.3 billion from FY2017/2018 to FY2023/2024. However, it may be positively noted that revenues have increased at a compounded rate of 33.9% from Kes 2 billion in FY2017/2018 to Kes 16.8 billion in FY2023/2024 due to improved freight and passenger performance. The Corporation further projects earnings of Kes 18 billion in the current financial year as it gears towards a break even as illustrated in figure 2 below.

Figure 2: Costs Vs Revenue



ii. Measures and preparations in place to support a seamless full takeover of SGR operations.

v) The Corporation has undertaken a risk operational audit on SGR hand over, noted challenges and developed measures towards supporting a seamless handover in December 2025. The table below gives a summary of risks identified and mitigating measures put in place to support full takeover of SGR operations. The measures will support containment of costs especially in technical functions.

Table 2: SGR Handback/ Takeover Risk Management

S/No.	Risk Description	Mitigation Measures
1.	Inability to directly access SGR Original Equipment Manufacturers (OEM)	Implement the Memorandum of Understanding between Kenya Railways and the National Railways Administration of China on local investment in manufacturing of spares. This will reduce the vulnerability of the rail sector to globa' supply chain disruptions.
2.	Inadequate local technical capacity for SGR	Fast-track localization programme and skill transfer from Chinese expatriates Undertake skill gap analysis Work with CRBC to build local capacity
3.	Deferred locomotive maintenance	Set up overhaul workshop for undertaking overhaul and periodic maintenance Procure/ stock spares
4.	Inability to maintain quality of ser-vice	Allocate adequate budget for SGR O&M Timely replacement, maintenance and repairs of SGR assets & equipment

iii. Other Management interventions.

vi) Management has taken various measurements to reduce SGR O&M Costs and ensure smooth handover process including;

a) l. Fast tracking the maintenance plan before the final handover dated 31st December 2025.
b) ll. Undertaking analysis of the tooling equipment required at the workshop for timely procurement
c) III. Ensuring the signalling system is robust enough for safe and effective operations.
d) IV. Finalization of the stock take of SGR materials before the handover is completed in December.

2. **Response on building technical capacity for SGR Operations Recommendation: Invests in the development of Professional capacity of the technical employees to ensure that the subsequent phases of the project are finalized in line with the Medium-Term Plan IV of Vision 2030.**

Management Response

i) There was an observation by the committee on item 4, No. 42, that KRC is in the process of training engineers to take over locomotive and locomotive and rolling stock maintenance and information and communication systems maintenance, which are currently outsourced through Afristar.
ii) Similarly, a recommendation on item 43, ii, was made by the committee, requiring that Kenya Railways invests in the development of professional capacity of the technical employees to ensure that the subsequent phases of the project are finalized in line with the Medium-Term Plan (MT P) IV of Vision 2030.
iii) This report provides an update of Human Capital activities undertaken by the Corporation since the hand-back process begun to date, in table 1 . It also gives the projected/planned trainings that will be undertaken by the Corporation for the technical staff who will be involved in SGR Operations, in table 2.

Table 1: Technical trainings undertaken to support SGR Operations.

No.	Training Course	Department	Location/Institution	No. of staff trained
	Mechanical, Civil Communication, Signalling, Safety	Operations and ETS	Beijing Jiatong University (BJT)	99
1	Urban Railway Management			1
2	Mainline Driving Course Training	Operations		75
3	Refresher course for CXR	Operations		30
4	Railway Incident Management	Operations		25
5	Safety for overhead Machine Operator	Machine Operators	RTI	100
6	Refresher course on Locomotive Maintenance	Locomotive Maintenance staff		30
7	Refresher course on Machine Handling Training	Operations		30
8	Refresher course on Permanent way Plant &	Operations-Track machine operators		20

	Equipment			
	TOTAL STAFF TRAINED			410

Table 2: Ongoing and Scheduled Technical trainings to support SGR Operations.

No.	Training Course	Department	Location/Institution	No. of staff to be trained
1	Various technical courses	Operations and Engineering & Technical Services Department	Virtual/Guanzou Technical College	50
2	Training on stakeholder engagement and communication in implementation of transport projects	Engineering & Technical Services Department	Naivasha-Nairobi Metropolitan area Transport Authority	5
3	International Environment conference	Engineering & Technical Services Department	Railway Training Institute	4
	TOTAL STAFF TRAINED			59

3. **Recommendation: Publishes the quarterly financial reports of the Standard Gauge Railway (SGR) on its official website detailing a breakdown of revenue collections, operational costs and sources and the amount of any financial support, to enhance transparency and accountability**

Management Response

i) Kenya Railways affirms its commitment to transparency and accountability in the management of the Standard Gauge Railway (SGR). In compliance with Section 83(1) of the Public Finance Management (PFM) Act, 2012, the Corporation has consistently prepared quarterly financial statements, which are reviewed by the Board and submitted to the National Treasury.

ii) Additionally, these reports are uploaded to the Government Integrated Monitoring and Information System (GIMIS) for oversight by the National Treasury. To align fully with the Committee's recommendation and further enhance public transparency, Kenya Railways will take steps to ensure that these quarterly financial reports—detailing revenue collections, operational costs, and any financial support—are also published on the Corporation's official website going forward.

4. **Diversifies its services by offering loyalty programmes and special packages for various groups such as students, senior citizens, and frequent travellers.**

Management Response

Substantial efforts have been implemented and more initiated to enhance customer experiences on the SGR. Some of them are as listed below:

i) The service introduced a night train in addition to the previously operated express and intercounty trains. This train has received widespread commendation and enhanced the number of travellers on the SGR.
ii) Dedicated special sitting areas and coaches for students. Every holiday season, the SGR provides additional coaches to accommodate school students and their guardians. Arrangements are also made for waiting areas and boarding priority.
iii) The Service recently introduced new coaches that offer variety of classes. In addition to the economy and first-class coaches, the service now offers a premium class in each train with meals served on board, special waiting lounges at each station and priority boarding.
iv) The service has introduced new special economy coaches to accommodate PWDs and senior citizens with special sitting areas and lavatories.
v) The Corporation also listened to the requests by customers on the economy seating arrangement and provided new coaches with improved seats. The same seats are being implemented in all the other economy coaches progressively.
vi) The Corporation has reviewed its conditions of carriage to accommodate additional items that had previously been restricted. Creams, hair sprays and alcoholic beverages that were prohibited will now be tagged and carried on board in a special coach and handed over upon arrival.
vii) Kenya Railways Corporations have also reviewed the terms for ticket re-scheduling and cancellation to allow more flexible options. The service will also be enabling ticket upgrade from one class to another.

Committee Observations

The Committee observed as follow's

1. That as at December 2024 Kenya Railways had taken over 48 out of the 52 SGR functions representing 93% of the SGR hand back process with the 4 remaining functions domiciled within freight management and departure.
2. That SGR operational costs have stagnated at an average of Kes 18.3 billion from FY2017/2018 to FY2023/2024. However, it may be positively noted that revenues have increased at a compounded rate of 33.9% from Kes 2 billion in FY2017/2018 to Kes 16.8 billion in FY2023/2024 due to improved freight and passenger performance.
3. That the Kenya Railways is up to date in payment of the loan advanced to it by the Exim Bank of China (Ksh 477 billion) towards the construction of the SGR and will clear the loan in three (3) years' time in 2028.
4. That the security for the loan (an estimated USD 356 million drawing a Ksh 56 billion semi-annual repayment) for the SGR project, was revenue from the freight and commuter service and government budgetary support, not other assets such as the Port of Mombasa.
5. That even though the SGR performing at above average, little is known to the general public about its operations. The SGR communications team has failed to effectively communicate about its operations.
6. That the Kenya Railways is in the process of re-introducing a 26-kilometer passenger railway line in Mombasa. This will commence from the Ksh4.2 billion Mombasa SGR terminus and provide a city link line to the Mombasa Central Railway Station.
7. The Kenya Railways intends to use an upgraded railway line to ferry passengers from the Madaraka Express, link with all seven SGR stations within Mombasa to access the central business district directly via the refurbished Meter Gauge Railway.

Committee Recommendations

The Committee recommends as follow's

1. That even though SGR revenues have increased by 33.9% from Kes 2 billion in FY2017/2018 to Kes 16.8 billion in FY2023/2024 due to improved freight and passenger performance, there is still need to expand this revenue base through expansion of commuter rail networks. Additionally, SGR can introduce a freight segment for ferrying personal cars at a fee alongside passenger's upcountry to raise more revenue.
2. That the Kenya Railways expedites completion of other pending projects to enhance customer experience and avoid having stalled ventures, benchmark with the developed nations on railway technologies in order to retain its competitiveness in the transport industry in the region.
3. The SGR communications team should be revamped and revitalized to effectively communicate about its operations.

MIN. NO.NA/DAA& GPC/COI/2025/142: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/143: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:12 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....17/06/2025.....

MINUTES OF THE 57TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 2ND OCTOBER, 2025 AT THE COMMITTEE ROOM ON 3RD FLOOR, ROOM 20, BUNGE TOWERS, BUILDING AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Hilary Arap Kosgei, MP
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Johnson Manya Naicca, CBS, M.P
5. The Hon. Komingoi Kibet Kirui, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Julius Taitumu M'Anaiba, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Kitilai Ole Ntutu, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Abdul Ebrahim Haro, M.P
3. The Hon. Mohamed Ali Mohamed, CBS, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon. Mark Samuel Muriithi Mwenje, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Chepkwony Charity Kathambi, M.P
10. The Hon. Chege Njuguna, M.P
11. The Hon. Elijah Memusi Kanchory, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Ms. Catherine Mukunyi	-	Sergeant at Arms
4.	Ms. Mercy Ondego	-	Researcher
5.	Mr. Eugene Luteshi	-	Audio Officer
6.	Ms. Shamsa Ahmed	-	Researcher
7.	Mr. Douglas Maraga	-	Intern

OFFICE OF THE ATTORNEY GENERAL/DEPARTMENT OF JUSTICE

1. Mr. Eredi Osia – Chief State Counsel - OAG & DOJ
2. Mr. Wachira Nguyo – Deputy Chief State Counsel - OAG & DOJ

NATIONAL LANDS COMMISSION

1.	Ms. Kabale Tache	-	CEO, National Lands Commission (NLC)
2.	Mr. Kariuki Wambia	-	National Lands Commission (NLC)
3.	Mr. DS. Samuel Nthuni	-	National Lands Commission (NLC)
4.	Mr. Jaldesa Hussein	-	National Lands Commission (NLC)

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

1. Mr. Rodney Omari – Parliamentary Liaison, Ministry of Environment

2. Mr. Evans Kegode – Manager Forest Survey & Information Management, Kenya Forest Service

MINISTRY OF LANDS, PUBLIC WORKS AND URBAN PLANNING

Mr. Martin Weldon – Ministry of Lands

STATE DEPARTMENT OF PARLIAMENTARY AFFAIRS

Ms. Maureen Ogombe – SDPA

DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)

1. Mr. George Lenny Kisaka – Assistant Inspector General Police (DCI)
2. Mr. Boniface Makando - DCI
3. Mr. Kipkoech Talam - DCI
4. Mr. Jayyan Tolosa - DCI
5. Mr. Ignatius Muchomba - DCI
6. Mr. Bernard Kwarat – DCI

PETITIONERS

1. Mr. Peter Gature Mbugua – Representative, Forest Edge View Estate
2. Mr. Mwenda Clifford – Representative, Lang'ata Gardens

MIN. NO. NA /DAA & GPC/COI/2025/314: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 am followed by a word of prayer by The Hon. Cynthia Jepkosgei Muge, MP. The agenda of the meeting was adopted as hereunder as proposed by Hon. Johnson Manya Naicca, CBS, M.P seconded by Hon. Komingoi Kibet Kirui, M.P

AGENDA

1. Preliminaries
   i) i Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Attorney General, the Principal Secretary, State Department for Lands and Physical Planning - Ministry of Lands, Public Works, Housing & Urban Development, the Principal Secretary, State Department for Forestry, Ministry of Environment, Climate Change and Forestry, the Director – Directorate of Criminal Investigations and the Chief Executive Officer National Lands Commission regarding the Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency.**
3. Any other business

MIN. NO. NA /DAA & GPC/COI/2025/315: MEETING WITH THE ATTORNEY GENERAL, REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF

LAND WITHIN LANG'ATA CONSTITUENCY

The secretariat reported that they were in receipt of letters Ref: AG/L&E/MLS/107/20 (TY) and AG/CONF/6/B/62VIII dated 2nd October, 2025 that the Solicitor General, Hon. Shadrack J. Mose was away on unforeseen urgent official duty. He nominated Mr. Eredi Osia – Chief State Counsel and Mr. Wachira Nguyo – Deputy Chief State Counsel, to represent him. Further, the Committee was informed that the Office of the Attorney General would rely on an earlier submission dated 12th June, 2025 in the subject matter for the day.

The Committee was informed that the Office of the Attorney General had not received a request for legal advice on the matter. The Committee directed the AG's Office to present a legal opinion on the excision of land at a later meeting.

MIN. NO. NA /DAA & GPC/COI/2025/315: MEETING WITH THE CHIEF EXECUTIVE OFFICER NATIONAL LANDS COMMISSION REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF LAND WITHIN LANG'ATA CONSTITUENCY.

Ms. Kabale Tache Arero, CEO, National Lands Commission informed the Committee that:

i) The procedure for degazettement of a public forest was provided for under Section 34 of the Forest Conservation Act.
ii) After degazzettement, the land becomes public land vested under the National or County Government to hold in trust. Thereafter, the National Lands Commission administers the land on behalf of the County Government.
iii) Upon degazzettement, the Commission regularizes the allocation of the land to the identified beneficiaries.
iv) The Ministry in charge of lands facilitates planning and survey and the Commission processes the letters of allotment.
v) Leases are then prepared by the Chief Land Registrar.
vi) Land in Lang'ata is yet to be degazetted therefore action by the Commission or Ministry of Lands cannot proceed until degazettement is done.

MIN. NO. NA /DAA & GPC/COI/2025/315: MEETING WITH THE DIRECTOR, DIRECTORATE OF CRIMINAL INVESTIGATIONS REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF

LAND WITHIN LANG'ATA CONSTITUENCY.

The Committee was informed that the Director, DCI would not be able to attend the meeting but had nominated Mr. George Kisaka, OGW - Assistant Inspector General Police (DCI) to represent him.

On Status of The Investigation the Committee was informed that:

That the investigation was actively in the evidence collection and verification phase and the DCI has generated numerous correspondences to key Government State Departments, institutions and agencies as follows;

i) State Department of Lands and Physical Planning: Requests were sent to the Director of Surveys, Director Land Administration, Director Physical Planning and Chief Land Registrar to provide certified copies of records relating to L.R. No. 18589, 18590, and all the eleven (11) subdivisions of L.R. No. 18591, and Grants including I.R. 63081 and I.R. 63445.
ii) Kenya Prisons Service: To provide a report on the excision of 34 acres from Ngong Road Forest to Kenya Prisons. This was to include: the history of the land in question; confirmation on the relinquishment of 20 acres; the total acreage currently under possession by Kenya Prisons; whether Kenya Prisons has title deeds for the said parcel of land; and particulars of Commissioners of Prisons who served between 1985 and 1998.
iii) State Department for Forestry/Kenya Forest Service (KFS): To provide history of the forest land (LR No. 4422 IR 70244); the legality of legal notice No. 44 of 1998; the beneficiaries; the extent of encroachment in terms of acreage; the whereabouts of title deeds (grants) and any other information that may assist in the investigations. A further request was made to the chief conservator of forest to provide particulars of the private developers who were allegedly illegally allocated the land; and provide particulars of Chief Conservators who served for the period between 1985 and 1998.
iv) The National Treasury: To confirm whether they are holding a title (grant) for parcel of land IR 81938 in trust for the Principal Secretary Ministry of Environment, Climate Change and Forestry.
v) Deputy Registrar Milimani High Court: To provide certified copies of: pleadings, affidavits, orders, judgements, exhibits and any other relevant documents in respect of ELC PET No. 20 of 2020.
vi) Chief Executive Officer Government Printers: To provide certified copies of documents used to gazette parcels of land in respect of legal notice no. 44 in Kenya Gazette No. 16 of 23rd march 1998, proclamation no. 44 of 30th April, 1932, legal notice no. 174 of 20th may 1964, proclamation no. 14 of 1933 and proclamation no. 122 of 1934.
vii) Registrar of Companies: To provide the following details in respect of 34 companies: register of directors; constitutive documents, register of beneficial owners, registers of members with ownership information, certified copy of CR12 and all physical file documents and any other relevant information/documents.

On Preliminary Findings

The Committee was informed that:

i) The Ngong Road Forest was officially gazetted as a forest reserve via Proclamation No. 44 on April 30th, 1932. At the time of this initial proclamation, the Ngong Road Forest Reserve covered an extensive area, initially measured at 2,926.6 hectares

(approximately 7,231.6 Acre). The Proclamation of 1932 declared the area to be a Forest Area for the purpose of the Forest Ordinance.

ii) Proclamation No. 14 of 1933: This proclamation declared areas described in its First Schedule to be Forest Areas, and further declared that the descriptions contained in Proclamation No. 44 of April 30, 1932, related to the Forest Reserves mentioned in the Second Schedule should be amended. The Ngong Road Forest Reserve was among the reserves addressed in this amendment.

iii) Proclamation No. 122 of 1934: This document enacted further amendments to the boundaries of the Ngong Road Forest Reserve. These amendments involved the deletion and substitution of certain boundary paragraphs, redefining the extent of the reserve based on metrical descriptions, distances, and geographic features like the road reserves and land parcels.

iv) According to the Chief Conservator of Forests, in 1996 a title grant No. IR 70244 was issued to the permanent secretary treasury to hold in trust for the Permanent Secretary, Ministry of Environment and Natural Resources with an area of 988.82 hectares. In 1999 the title deed No. IR 70244 was surrendered to the commissioner of lands and a leasehold title grant No. IR 81938 for an area of 538.4 hectares issued to the Permanent Secretary, Treasury to hold in trust for Ngong Road sanctuary.

v) Further, the Chief Conservator of Forests confirmed that the Langata Women's prison Land which was originally approximately 34 acres was set aside for Nairobi prison and is still part of Ngong Forest reserve. The land was illegally and fraudulently allocated to three allotees namely; Arladyks Investments Limit, Prilscot Company Limited and Onesmus Kimani Ngunjiri. The said allotees subsequently sub-divided, sold and transferred to third parties, a number of whom have since constructed and/or built on it.

vi) The Chief Conservator of Forests in his letter ref MAP/2/KFS VOL.XV/6 DATED 14th August 2025 informed the DCI that the below were the Chief Conservators of Forests for the period 1985-1998;

vii) S/NO	viii) NAME	ix) FORM	x) TO
xi)	xii) O. M MBURU	xiii) JAN 1970	xiv) OCT 1985
xv)	xvi) S. C. MBINDA	xvii) OCT 1985	xviii) JUN 1988
xix)	xx) C. R. J. NYAGAH	xxi) AUG 1988	xxii) MAR 1993
xxiii)	xxiv) DR. P. M. M. MUNGARA	xxv) MAR 1993	xxvi) JUN 1996
xxvii)	xxviii) DR. K. W. KIPKORE	xxix) JUN 1996	xxx) OCT 1999

xxxi) According to the records from Ministry of Lands, regarding the excision of 34 acres of the forest land for Nairobi prison between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993, the Chief Conservator of Forests approved the excision in favour of the Nairobi Prison.

xxxii) That the Ministry of Lands confirmed that the Chief Conservator of Forests approved the excision of 34 acres from the forest reserve in favour of Nairobi Prison in a letter dated January 15, 1985. On March 10th, 1993, the Commissioner of Lands requested the Commissioner of Prisons to relinquish 20 acres of unutilized prison land that was not being utilized for residential development. The Commissioner of Prisons relinquished the requested portion of land for residential development in a letter dated March 15th, 1993.

xxxiii) That A PDP No. 42/8/93/3 was prepared and approved on April 16th, 1993, ostensibly for the excision, which covered 34 acres and reflected two plots; -Plot 'A': Approximately 8.09 hectares (19.99 acres) and Plot 'B approximately 5.66 hectares (13.99 acres). Plot 'A' **was further** subdivided into two equal *sub-plots* giving rise to *sub-plots* "A' and 'B' each measuring 4.045 Ha. *Sub-plot* 'A', *sub-plot* 'B' and plot 'B' were allocated as follows; -

(a) ***Sub Plot*** **'A' (L.R. No. 18589 - 9.775 Acres):** Was initially allocated to **Arladyks Investments Limited** on 8th July 1993. The land acquired the above L.R. No. 18589 upon survey whereupon it was transferred to **Jackim Limited** on 3rd February 1994 and later transferred to Kenya Medical Association Housing Cooperative Society (KMA) on 30th April 1998. To date, KMA Estate occupies this parcel, having subdivided it into 113 plots and constructed residential units.

(b) ***Sub Plot*** **'B' (L.R. No. 18590 -9.775 Acres):** Was initially allocated to Prilscot Company Limited on 25th June 1993. An application to change its user from open residential to private dwelling was approved on 12th September 1994. The land was transferred to Gravity Exporters Limited on 17th November 1994. Later it was transferred to Assumption Sisters of Nairobi Registered Trustees on 5th March 1999.

(c) **Plot 'B' (L.R. No. 18591 -13.99 Acres):** Was allocated to Onesmus Kimani Ngunjiri on 8th July 1993 and acquired the above LR. No. upon survey. The land was subdivided into 11 sub-plots (L.R. Nos. 18591/1-11) on 8th June 1994. These sub-plots form several estates as follows; -

L.R. Nos. 18591/1 to L.R. No. 18591/8 (Shalom Court Estate): were initially transferred to Shalom Court Estate. Shalom Court later transferred; -

a. L.R. No. 18591/2 (0.1 Ha, I.R. No. 63385) to Beige Investments Limited in December 2006.
b. L.R. No. 18591/5 (0.1 Ha, I.R. No. 63080) was transferred to Munah Mburu Kiragu in May 2018.
c. L.R. No. 18591/6 (0.1 Ha, I.R. No. 63075) was transferred to Josephat Warui Murage in July 2003.
d. L.R. No. 18591/7 (0.1 Ha, I.R. No. 63076) was transferred to Peter Irungu Macharia in March 1995, then jointly with Teresia Wanjiru Irungu in December 2006.
e. L.R. No. 18591/8 (0.1 Ha, I.R. No. 63078) was also transferred to Peter Irungu Macharia in March 1995, then jointly with Teresia Wanjiru Irungu in December 2006.
f. L.R. No. 18591/1, L.R. No. 18591/3 and L.R. No. 18591/4 are still held in the names of Shalom Court Estate.
g. L.R. No. 18591/9 (1.2 Ha) (Langata Gardens Estate): Registered as I.R. No. 63081 was transferred to Summerset Investments Limited in June 1994, then to Langata Gardens Limited in November 2008. Langata Gardens Estate occupies this plot.
h. L.R. No. 18591/10 (0.52 Ha) (Langata View Estate): Registered as I.R. No. 63079 was transferred to Samuel Warugo Kimotho in June 1994, then to Silverline Limited in November 2004.
i. L.R. No. 18591/11 (3.863 Ha) (St. Mary's Educational Centre/Hospital): Registered as I.R. No. 62652 was transferred to Beauty Wear (Nairobi) Limited in May 1994. Then to Assumption

Sisters of Nairobi in December 2001. An application to change its user to Mission Hospital and Educational Centre was approved in 2005. Upon resurvey, a new L.R. No. 27229 was issued, registered as I.R. 113472/1. St. Mary's Educational Centre occupies this plot.

xxxiv) The Committee was informed that, according to the Commissioner General of Prisons, vide his letter ref L/3/VOL.XV/71 dated 27th August 2025, the Langata Women Prison land, measuring 14.00 ha (34.49 acres), was established via Gazette Notice No. 1132 of 1954 at the edge of Ngong Road Forest. This land was not part of the Ngong Road Forest but it was the last plot at the edge of the forest sharing common boundary with the forest. This is the land currently occupied by the prison facility and part of the staff line.

xxxv) The final land that was excised for prison use is parcel LR No. 12668 of 14.27 hectares (35.26 acres) which was to be exchanged with the prions land at Industrial area but the process faded half way. The whole 35 acres land ended in the hands of private developers with prion remaining with none of it.

xxxvi) He further confirmed that Langata women prison land is not yet titled. The issues surrounding these lands are being handled by the national Land Commission. He provided the details of the Commissioners of Prisons for the period between 1985 60 1998;

S/NO	NAME	FORM	TO
1.	REUBEN N. MUTUA, EBS	1978	1986
2.	PHILIP K. KIRUI, EBS	1986	1988
3.	J. W. MAREKA, MBS	1988	1993
4.	EDWARD P. LOPOKOIYIT, CBS	1993	2000

xxxvii) The Judiciary through the office of the deputy registrar of the high court Milimani has not responded to our formal request. However, the following documents were produced in ELC PET No. 20 of 2020;

i). Release of land reserved to the prisons, letter ref 6364/IV/101 dated 10th march 1993

ii). Certified copies of orders in ELC PET NO. 20 of 2020

xxxviii) The Government Printer provided certified copies of legal notice No. 44 dated 3rd April 1998, legal notice no. 174 dated 20th May 1933 and proclamation no. 44 dated 30th April 1932. However, they were unable to provide copies of proclamation no 14 of 1933 and proclamation no. 122 of 1934.

xxxix) The Kenya National Archives and Documentation Service furnished the DCI with certified copies of proclamation no 14 of 1933 and proclamation no. 122 of 1934. The Business Registration Service/Registrar of Companies has provided details of directors for 23 companies. However, the details of one of the companies of interest namely Arladyks Investment Limited could not be traced.

DCI Observations

Based on the preliminary investigation and analysis of the evidentiary documents collected and reports, the investigation has observed that; -

1. The land in question was not de-gazzeted in accordance with Section 4 of the repealed Forest Act, Cap 385 of 1942.
2. The 34 acres was originally meant for the expansion of Nairobi Prison (Langata Women Prison). However, the prison department never benefited from the allocation.
3. The 34 acres were illegally and fraudulently allocated to three primary allottees who subsequently transferred the land to third parties
4. The parcel of land in question is currently fully developed by third parties who may have innocently acquired the properties.

DCI way forward

1. The Directorate of Trace, interrogate, and record statements from former Commissioners of Lands, Chief Conservators of Forests, and Commissioners of Prisons (specifically 1985–1998) and other persons/companies of interest.
2. State Department for Lands to expedite on retrieval and provision of requested documents related to the 34-acre excision.

Committee Observations

1. Lack of records at the Ministry of Lands & Physical Planning regarding the 34-acre excision is proving to be a challenge.
2. Tracing of former government officials (Chief Conservators of Forests, Commissioners of Land and Commissioners of Prison) who served between 1985 and 1998 is also challenging due to passage of time.
3. The DCI had done a comprehensive undertaking in unravelling the genesis of the Lang'ata Land issue.
4. The National Treasury does not have the title under grant 81393 that was supposedly in its custody for safekeeping. In 1999 the title deed No. IR 70244 had been surrendered to the commissioner of lands and a leasehold title grant No. IR 81938 for an area of 538.4 hectares issued to the Permanent Secretary, Treasury to hold in trust for Ngong Road sanctuary.
5. While some initial beneficiaries of the excised land could not be traced, some are actively known individuals including politicians and businessmen.

Committee resolutions

1. The DCI be given two months to finalize their investigations and recommend for the prosecution of individuals culpable of facilitating and participating in illegal excision of Ngong Forest land.
2. The Office of the Attorney General to provide legal opinion and guidance on the Lang'ata Land issue
3. The Ministry of Lands and the Ministry of Environment be re-invited with properly constituted delegations before the Committee to provide an update on the matter.

MIN. NO.NA/DAA& GPC/COI/2025/316: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/317 : ADJOURNMENT

There being no other business, the meeting was adjourned at 11:36 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....6/11/25.....

MINUTES OF THE 22ND SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 12TH JUNE, 2025 AT THE 5TH FLOOR, COMMITTEE ROOM, 24 BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P
7. The Hon. Kitilai Ole Ntutu, M.P
8. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, MP
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. Stanley Muiruri Muthama, M.P
12. The Hon. Zamzam Mohamed Chimba, M.P
13. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant I
2. Mr. Mark Namaswa - Clerk Assistant II
3. Mr. James Macharia - Media Relations Officer
4. Ms. Cate Mukunyi - Sergeant At-Arms
5. Ms. Mercy Ondego - Researcher
6. Mr. James Macharia - Media Officer
7. Mr. Raphael Mghendi - Intern

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

1. Dr. Deborah Mlongo Barasa - Cabinet Secretary
2. Mr. Gitonga Mugambi - Principal Secretary
3. Mr. George Tarus - Secretary, Forest Conservation
4. Mr. Alex Lemarkoko - Chief Conservator of Forests
5. Mr. Dennis Diffu - MoE -CCF
6. Mr. Mathias Chemonges - State Dept. of Forestry
7. Ms. Beth Chiuri - State Dept. of Forestry

OFFICE OF THE ATTORNEY GENERAL

1. Mr. Oscar Eredi - Chief State Counsel

2. Mr. Wachira Nguyo - State Law Office

NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi Bw'Omanwa - Chairman
2. Mr. Elijah Letangule - NLC

DIRECTORATE OF CRIMINAL INVESTIGATIONS

Mr. George Kisaka - Assistant Inspector General, DCI

IN ATTENDANCE - LANGATA RESIDENTS REPRESENTATIVES

1. Dr. Moses Ng'ong'a - Forest View Estate
2. Mr. Michael Bodo - KMA Estate
3. Mr. Raymond Gatonye - Langata Gardens

MIN. NO. NA /DAA & GPC/COI/2025/114: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Attorney General, the Principal Secretary, State Department for Lands and Physical Planning - Ministry of Lands, Public Works, Housing & Urban Development, the Principal Secretary, State Department for Forestry, Ministry of Environment, Climate Change and Forestry, the Director – Directorate of Criminal Investigations and the Chief Executive Officer National Lands Commission regarding the Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency.**
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/115: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/116: MEETING WITH THE CABINET SECRETARY, AND THE PRINCIPAL SECRETARY STATE DEPARTMENT FOR FORESTRY, MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY, THE DIRECTOR – DIRECTORATE OF CRIMINAL INVESTIGATIONS AND THE CHIEF EXECUTIVE OFFICER NATIONAL LANDS COMMISSION REGARDING THE REPORT OF THE DEPARTMENTAL

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF LAND WITHIN LANG'ATA CONSTITUENCY

Ms. Deborah M. Barasa, Cabinet Secretary - Ministry of Environment, Climate Change and Forestry appeared before the Committee to apprise it on the implementation status of the Report of The Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency. She was accompanied by Mr. Gitonga Mugambi - Principal Secretary, Mr. George Tarus - Secretary, Forest Conservation, Mr. Alex Lemarkoko - Chief Conservator of Forests, and Mr. Dennis Diffu - MoE -CCF. Other were: Mr. Mathias Chemonges - State Dept. of Forestry and Ms. Beth Chiuri - State Dept. of Forestry.

The Committee was informed that:

1. **Pursuant to the finding under paragraph 158, the Committee resolves to caution the Ministry of Environment and Forestry against issuing threats to the residents, owners, or proprietors of developments within the 53.68 hectares, as the law regarding the excision of this area was properly followed.**

Implementation Status

i) The Committee was informed that pronouncements made by the Cabinet Secretary Ministry of Environment and Forestry were within his respective jurisdiction and at no point were they meant to create tension but they were meant to awaken the public conscience on protection of forest resources for the good of the Current and future generations.

ii) Nevertheless, no ministry staff nor Kenya Forest Service officers have issued verbal notices or threats regarding repossession of encroached sections of Ngong Road Forest Reserve since this resolution of the Honourable House was made.

2. **Pursuant to the finding under paragraph 159, the Committee recommends that the law governing the excision of forest land should be applied retroactively to legalize the 34 acres occupied by KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate., St. Mary's Hospital, Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya, and the International Centre of Insect Physiology and Ecology (1CIPE). The excision should follow Section 34 of the Forest Conservation and Management Act, Section No. 34 of 2016, in support of Kenya's Big Four Agenda on Housing and to prevent further encroachment into Ngong Road Forest due to interdepartmental land allocations.**

Implementation Status:

i) The Committee learnt that the Ministry has received a total number of 148 petitions from the members of the public claiming an estimated area of approximately 242,328.87 HA of public forest land. The claimed areas are currently occupied, and the inhabitants are engaged in activities not related to forestry.

ii) In line with FCMA Cap 385 Section 34, the Ministry has taken a proactive approach by establishing an Inter-ministerial Committee to review all the petitions on de-gazettement of public forest land nationwide.

iii) The Ministerial Committee conducted a comprehensive review of all the cases and compiled a report with various recommendations. Due to the number of the claims received and the resultant de- gazettement of huge tracts of public forest land the Ministry found it prudent to seek the concurrence of cabinet before proceeding further.

iv) Consequently, the Ministry had prepared and presented a cabinet memorandum to the Cabinet and is awaiting response on the same. The Ministry will thereafter fully comply with the provisions of section 34 of the Forest Conservation and Management Act by petitioning the National Assembly and also involving the National Land Commission.

3. **The Committee further recommends that the residents, Owners, aid proprietors within the 34-acre zone and the Ministry of Environment and Forestry enter into negotiations aimed at peaceful coexistence.**

Implementation Status

i) The Committee was informed that Ministry welcomed all well-meaning interventions to assist in its mandate towards conservation, protection and management of all public forests as governed by the Constitution of Kenya, 2010; The Forest Conservation and Management Act, Cap 385 among other policies and legislations.

ii) All public forests are managed by the Government for public good for both present and future generations. Furthermore, it is the responsibility of the Government to maintain and protect the integrity of public forests including the creation of institutions, in this case, Kenya Forest Service to execute this mandate;

iii) the FCMA Cap 385 provides for community engagements in forest management through creation of Community Forest Associations for members of the public around all public forests.

iv) Therefore, the residents, Owners, and proprietors within the 34-acre zone are welcomed to cultivate a peaceful coexistence with the Ministry and its Agencies. After the advice from parliament no threats from the Government or Kenya Forest Service have been issued to the residents, and normalcy had been achieved. The people and Government Agencies are staying in the area harmoniously.

v) The next steps and in accordance with the Law is to engage the residents through public participation more so after concurrence from the Cabinet as per the Cabinet Memorandum submitted.

4. **The Committee recommends that the Director of Criminal Investigations (DCI), within six months of tabling this report, commences investigations into the excision process and allocation of land from Ngong Road Forest to private individuals, including officials who held positions within the Office of the Commissioner of Lands, the Chief Conservator of Forests and Commissioner of Prisons between the period of 1993 and 1998 with a view to prosecuting any person found culpable, where a criminal offense is established.**

Implementation Status

The Committee was informed that Director of Criminal Investigations (DCI), was in a better position to give an update on this. The Ministry would comply with any lawful request required to assist in any investigation.

Committee Observations

1. That the Ministry of Environment was in support of amicable negotiations and resolution of the Langata Land dispute

2. That there were other occupants of pieces of land across Kenya that were in the same predicament as the Langata Constituency land case
3. That the Ministry pledged to resolve similar land allocation issues and had tabled a report on the same before the Cabinet
4. That the allocation of the land and issuance of the titles was actually illegal, however the land was already settled and the current administration was keen on resolving and dispensing with the matter
5. That the Ministry had received 148 petitions from the members of the public claiming an estimated area of approximately 242,328.87 HA of public forest land

Committee Recommendations

1. The Cabinet Secretary, Ministry of Environment, Climate Change and forestry writes a formal request and provide the required documents to the NLC to enable it regularize the excisions of land in the affected area.
2. That the concerned state entities (Ministry of Lands, Ministry of Environment, NLC and the Office of the Attorney General) report back to the Committee in three (3) months' time to provide an update on the Langata Land matter.

MIN. NO.NA/DAA& GPC/COI/2025/117: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/118: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:12 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....17/06/2025.....

MINUTES OF THE 24TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 12TH JUNE, 2025 AT THE 5TH FLOOR, COMMITTEE ROOM, 24 BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P
7. The Hon. Kitilai Ole Ntutu, M.P
8. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, MP
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. Stanley Muiruri Muthama, M.P
12. The Hon. Zamzam Mohamed Chimba, M.P
13. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Ms. Cate Mukunyi	-	Sergeant At-Arms
5.	Ms. Mercy Ondego	-	Researcher
6.	Mr. James Macharia	-	Media Officer
7.	Mr. Raphael Mghendi	-	Intern

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

1.	Dr. Deborah Mlongo Barasa	-	Cabinet Secretary
2.	Mr. Gitonga Mugambi	-	Principal Secretary
3.	Mr. George Tarus	-	Secretary, Forest Conservation
4.	Mr. Alex Lemarkoko	-	Chief Conservator of Forests
5.	Mr. Dennis Diffu	-	MoE -CCF
6.	Mr. Mathias Chemonges	-	State Dept. of Forestry
7.	Ms. Beth Chiuri	-	State Dept. of Forestry

OFFICE OF THE ATTORNEY GENERAL

1.	Mr. Oscar Eredi	-	Chief State Counsel
2.	Mr. Wachira Nguyo	-	State Law Office

NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi Bw'Omanwa - Chairman
2. Mr. Elijah Letangule - Deputy Director, NLC

DIRECTORATE OF CRIMINAL INVESTIGATIONS

Mr. George Kisaka - Assistant Inspector General, DCI

IN ATTENDANCE - LANGATA RESIDENTS REPRESENTATIVES

1. Dr. Moses Ng'ong'a - Forest View Estate
2. Mr. Michael Bodo - KMA Estate
3. Mr. Raymond Gatonye - Langata Gardens

MIN. NO. NA /DAA & GPC/COI/2025/124: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Attorney General, the Principal Secretary, State Department for Lands and Physical Planning - Ministry of Lands, Public Works, Housing & Urban Development, the Principal Secretary, State Department for Forestry, Ministry of Environment, Climate Change and Forestry, the Director – Directorate of Criminal Investigations and the Chief Executive Officer National Lands Commission regarding the Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency.**
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/125: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/126: MEETING WITH THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF LAND WITHIN LANG'ATA CONSTITUENCY

The Committee was informed through letter ref: AG/CONF/2/109 VOL.III that the Solicitor General, Hon. Shadrack J Mose had nominated Mr. Oscar Eredi - Chief State Counsel and Mr. Wachira Nguyo from the State Law Office, to represent him.

Mr. Oscar Eredi - Chief State Counsel, Office of the Attorney General, appeared before the Committee to apprise it on the implementation status of the Report of The Departmental

Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency. He was accompanied by Mr. Wachira Nguyo from the State Law Office, Office of the Attorney General.

The Committee was informed that:

i) The resolutions of the aforementioned Committee report are related to a matter being handled by this office being: ***NAIROBI ELC PET NO 20 OF 2020 KMA LANGATA RESIDENTS WELFARE ASSOCIATION -VS- HON. ATTORNEY GENERAL & 8 OTHERS.***

ii) That the petitioners herein filed a petition dated 29th June, 2020 together with an amended Notice Motion Application of even date seeking Conservatory orders. The petitioner in the amended Notice of Motion Application sought for the following orders:

a) That a conservatory order does İssue restraining, prohibiting and preventing the Respondents whether by themselves their agents or representatives from alienating, servants, employees and or trespassing, entering into, evicting demolishing, harassing or in any other way interfering with the Petitioners quiet possession of or that of their families or representatives in or from parcel of land from LR. Numbers: *18589/90,18589/1 10, 18589/17 185898, 18589/75, 18589/55, 18589/48, 18589/74, 18589 /15, 18589/83, 18589/79, 18589/61, 18589/105, 18589/25, 18589/41, 185897 18589/81, 18589/114 18589/92, 18589/63, 18589/111, 18589/71, 18589/98, 18589/64 18589/46, 18589/20, 18589/35, 18589/5, 18589/1 13, 18589/31, 18589/98, 18589/11, 18589/47, 18589/39, 18589/72, 18589 68, 18589/76, 18589 /1 04, 18589/12, 18589/60, 1858/26, 18589/52 18589/94, 18589/95, 18589/77, 18589 50, 18589/ 78, 18589/85, 18589/19, 18589/24 18589/56, 18589/9 18589/100, 18589 103, 18589/84, 18589/36, 18589/58, 18518589/75, 89/91, 18589,/96, 18589/I02, 18589/97, 18589/106, 18589/86, 18589/88, 18589/45, 1858921, 18589/66, 18589/69, 18589/57 18589/13, 18589/33, 18589/54, 18589/10, 18589/3, 18589/70, 1818589/22, 18589/108, 18589/51, 118589/16, , 18589/1 01, 18589/30, 118589/15, 8589/65, 18589/107, 18589/37, 18589/2, 18589 /28, 18589,62, 18589/40, 18589/43, 18589/53, 18589/29, 18589/34, 18589/99, 18589 /27, 18589/89, 18589/44, 18589/38, 18589/67, 18589/82, 18589/87 18589/59, 18589/80, 18589/1 09, 18589/49, 1858942, 18589/6, 18589/112, 1858932, 18589/14, 18589/4, 18589/73, 18589/23.*

iii) That a conservatory order do issue restraining the respondents, their agents, servants, employees and or representatives from enacting or Constructing a ring-fence around the petitioners' parcels of land from LR Numbers or in any other way restricting the Petitioners, their families and representatives from entering or exiting or accessing the said properties.

iv) The petitioner claims to be the registered proprietors and lawful owners of the suit properties and claim that the respondents have made public statements to the effect that the petitioner's properties are part of public property to wit forest land and further that the respondents have stated publicly that they were proceeding to demolish the petitioner's properties.

v) The petitioners claim to have lived on the suit properties with their families, for over 18 years now and that any action to demolish the said properties will leave them destitute and homeless and that it is against the right to human dignity for the respondents to evict and demolish the suit properties.

vi) The petitioners allege that pursuant to Part Development Plan No.42/8/93/11 by the then Ministry of Lands and Settlement, the Commissioner of Lands by a letter of allotment dated 8th July, 1993 allocated to M/s Arladyks Investment Limited a parcel of land then described as un-surveyed plot No. A Langata Nairobi measuring

4.045Hectares. Subsequently, Arladyks Investments Limited sold and/or transferred as nominee the said parcel to Ms. Jackim Limited. That M/S Jackim Limited was Issued with a Grant IR.61685 LR.18589 measuring 3.956 hectares depicted on Deed Plan No. 176345 registered as IR.61685/1 on 3rd February, 1994.

vii) That on or about 30th April, 1998, Kenya Medical Association Housing Co-operative Society Limited allegedly purchased the head title from M/S Jackim Limited after undertaking due diligence at the Lands Office. Subsequently upon obtaining the requisite approvals subdivided the suit land into 113 plots.

viii) That the individual Deed Plans were allegedly processed and lawfully signed by the Director of Surveys paving way for issuance of individual title deeds which were lawfully issued and signed by the Registrar of Titles as the law permitted.

B. Attorney Generals' Instructions

The Committee was informed that:

ix) That vide letter dated 3rd July, 2020 the AG wrote to the Ministry of Lands and Physical Planning, the Ministry of Environment and Forestry and the Kenya Forest Service for instructions and on 9th July, 2020 the Ministry received instructions from the National Director of Physical Planning.

x) The Ministry wrote a letter of reminder for instructions to the respective Ministries and Departments on 9th July, 2020 and on 13th July, 2020 received instructions from the Chief Land Registrar. The Office of the AG are also in receipt of instructions and documents from Director Land Administration. The Kenya Forest Service have provided a draft replying affidavit and documents.

C. Court Proceedings

The Committee was informed that:

xi) That the matter came up in Court on 30th June, 2020 wherein Justice B Eboso issued a preservatory order restraining the respondents against demolishing the developments erected on the suit property LR 18589 and the order was further extended on 9th July, 2020 till 28th July, 2020 when the Notice of Motion Application dated 29h June, 2020 will be canvassed.

xii) The respondents were granted 7 days to file the respective replying affidavits and thereafter brief written submissions and the Notice of Motion Application is scheduled for hearing on 28th July, 2020.

xiii) Subsequent thereto in line with the instructions the AG prepared an affidavit on behalf of the Principal Secretary Ministry of Lands. The affidavit sworn by Mugendi Geoffrey Moses on 24th July 2020.

xiv) He stated that the records held by the land's office indicated that the Part Development Plan No. 42/8/93/11, approved plan No.373 was duly prepared and approved following the authority by the Commissioner of Lands.

xv) The aforementioned PDP was used to effect the subdivision of one of the parcels that had already been planned for in the initial PDP Ref. No. 42/8/93/5.

xvi) The Commissioner of Lands issued the authority to the Director of Physical Planning to prepare the Part Development Plan No.42/8/93/11 vide a letter Ref. 6354/IV/III dated 19th June, 1993 by subdividing site 'A into two equal parts. (Annexed herein and marked "AG3" is a copy of the letter).

xvii) That as a result PDP Ref No.42/8/93/11 was prepared and submitted to the Commissioner vide a letter Ref. PPD/42/8/VII/114 of 23rd June, 1993 for approval. The approval of the plan was communicated to the Director of Physical Planning vide a letter Ref. 6354/1V/118 of 20th July, 1993.

xviii) The Part Development Plan No. 42/8/93/11 was prepared and processed by the Ministry of Lands and Physical Planning based on the authority by Commissioner of Lands. However, the process that led to reservation of land to the Prisons Department is not clear. That it was not stated whether the land was formally degazetted from Ngong Road Forest to inform the alienation.

xix) That further, it is not clear why the land which had been reserved for public use was reallocated for private (residential) use upon the Prisons Department relinquishing their interest. He further stated that in spite of preparation and approval of PDP, legitimacy of the alienation should be based on whether there was valid de-gazettement of Ngong Road Forest and in the absence of a valid de-gazettement the PDP and subsequent allotment cannot stand.

xx) The AG also received instructions from Kenya Forest Service on behalf of the Ministry of environment and nature resources prepared and filed the affidavit is Sworn by Evans Kegode. The gist of the affidavit is that Ngong Road Forest was gazetted as a forest reserve vide Proclamation Notice No. 44 of 30th April 1932 and covered an area of approximately 2,929.6 Ha (7,239.0 Acres)

xxi) Ngong Road Forest was declared a Central Forest vide Legal Notice No. 174 of 20th May 1964.

xxii) That as at 20th May, 1964 upon declaration as a Central Forest, the area covered was approximately 1,328.74 Ha (3,283.32 Acres) having been reduced (1600.86 Ha) by de-gazettements that occurred prior to the declaration.

xxiii) That there have been a number of illegal allocations and transactions on Ngong Road Forest over the years and that from the records in 1985, the Chief Conservator of Forests vide letter dated 15th January, 1985 (Ref. FOR.68/7/3/VOL. IV/(211) wrote to the Officer in Charge of Survey Nairobi responding to his letter referenced F.D./SS/178 dated 12th October, 1984 seeking concurrence for arrangements to be made for excision of 34 acres from Ngong Forest for purposes of Nairobi Prison.

xxiv) That from the records obtained from the Ministry of Lands and Physical Planning, one Prilscot Company Limited of P.O. Box 3437 Nakuru had applied to the Commissioner of Lands to be allocated land L.R. No. 4948 and the same was approved on 26h October, 1992. However, they were subsequently notified of the unavailability of the piece of land and provided an alternative parcel in Langata area measuring 8 hectares.

xxv) That on 19th February 1993, Prilscot Limited Company applied for an alternative site of land in lieu of the previously approved site in Muthaiga that was found to be unavailable as it was reserved for prisons. The company then identified 20 acres of land "next to" Ngong Road Forest and requested for the same to be allocated to them. The land applied for was 8 hectares which, if allocated, would leave a balance of 5 hectares.

xxvi) That according to the records obtained from the Ministry of Lands and Physical Planning, on 10th March 1993, the then Commissioner of Lands vide a Letter Ref. 6354/IV/101, wrote to the Commissioner of Prisons seeking release of Land reserved to the Prisons.

xxvii) The land in question as per Lands Records formed part of the Langata Women's Prison. The Commissioner of Prisons opined that prisons department no longer required the land and thus wrote to request the Commissioner of Lands to relinquish "his" interests thereof.

xxviii) That according to the records obtained from the Ministry of Lands and Physical Planning, on 15th March 1993, J.K, Mareka, the then Commissioner of Prisons Vide Letter Ref. L/3/NOL, III/103 dated 15th March 1993 wrote to the Commissioner of Lands Mr. Wilson Gacanja responding to his letter Ref. 102749/3 1/0XV/ (15) of 12th March 1993 stating that ". in recognition of the authority approving the application, I have relinquished my interest on the parcel of the land marked 'H on the sketch plot of

the land at Langata area within Nairobi. You may therefore, reallocate it for residential development.

xxix) The records obtained from the Ministry of Lands and Physical Planning, on 18th March 1993, the Commissioner of Lands vide Letter Ref. 6354/1V/103 dated 18th March 1993 wrote to the Director of Physical Planning approving allocation of the said site for a proposed residential user and requesting for preparation of a PDP for his necessary action. He however notes in the said letter that the land had been reserved for use by the Prisons Department who had allegedly relinquished their interest.

xxx) The records obtained from the Ministry of Lands and Physical Planning, on 23rd March 1993 the Director Physical Planning wrote to the Commissioner of Lands vide Letter Ref. PPD/42/25/VII/109 referring to his letters 130515/51 and 6354/IV/103 both dated 18th March 1993 requesting for preparation of PDPs. He enclosed two copies of his drawing No. 42/8/93/3 showing the sites proposed for residential developments.

xxxi) That the records obtained from the Ministry of Lands and Physical Planning, on 6th May 1993 vide letter Ref. 6354/1V/109, the Commissioner of Lands wrote to the Director Physical Planning enclosing the fully approved PDP No. 42/8/93/3.

xxxii) That the records obtained from the Ministry of Lands and Physical Planning, on 19th June, 1993, the Commissioner of Lands thro' A. K. Mbwiria wrote to the Director Physical Planning vide Letter Ref 6354/IV/III in respect of proposed subdivision of Plot 'A' and requested for amendment of drawing No.42/8/93/3 by subdividing site 'A' into two equal parts as shown on the attached plan.

xxxiii) That according to records obtained from the Ministry of Lands and Physical planning on 23rd June, 1993 the Director Physical Planning forwarded to the Commissioner of Lands vide Letter Ref. No. PPD/42/8/VII/1 14 copies of the Finalized PDP No. 42/8/93/11 illustrating the proposed residential plots marked A and B approximately 4.045 HA each.

xxxiv) That the records obtained from the Ministry of Lands and Physical Planning, on 1st July 1993, the Commissioner of Lands issued a letter of allotment (File 1515/8) to one Arladyks Investments Limited of P.O. 840, Kericho vide letter of allotment dated 8th July 1993 Ref. 6354/IV/1 17 attached Plan No. 6354/1V/112A measuring 4.045 Ha for a term of 99 years effective from 1st July 1993, and supported by PDP No. 42/8/93/11.

xxxv) The records obtained from the Ministry of Lands and Physical Planning, and based on the above letter of allotment, Grant No. IR 61685 measuring approximately 3.956 Ha of L.R. No. 18589 for a term of 99 years effective from 1st July 1993 based on the Land Survey Plan No. 176345 was issued to Jackim Limited, a limited liability company of P.O. Box 917, Kikuyu.

xxxvi) The suit property is and has always been a part of Ngong Road Forest as it has never been degazetted, meaning that it remains public forest land and as such not available for allocation.

xxxvii) In response to the alleged Part Development Plan No.42/8/93/11 that was purported to have formed the basis of the alienation of the suit land, he stated as follows based on the records available: -

a) The Part Development Plan mentioned therein was issued on a parcel that was not available for allocation and is thus void ab initio as it was issued over a portion of land that was unavailable for allocation and squarely lies within gazetted Ngong Road Forest;

b) The boundaries of Ngong Road Forest Reserve were never altered and/or amended to degazette the suit property in question therefore, any subsequent dealings on the land are illegalities and have no root and

xxxviii) That any purported allocation on gazetted Ngong Road Forest does not and cannot confer any proprietary interest, besides the Head Title of the suit property was illegally alienated and registered as the land is part of Ngong Road Forest and has never

undergone any de-gazettement and remains as is shown on the attached Map No.NG 004E (marked in Purple) (Annexed herein and marked "AG 17"is a copy of the map).

xxxix) The suit property is reflected on survey plan Folio No. 246 Register NO. 38 (7R NO. 246/38).

xl) That the Head Title as referred to in paragraph 4 and Paragraph 5 of the Supporting Affidavit to the petition was an illegality and therefore it invalidates all subsequent transactions including but not limited to the Subdivisions, transfers, approvals for developments and payments as outlined in Paragraph 6 to 18 of the Supporting Affidavit.

xli) That the purported titles held by the Petitioners were granted over an illegally acquired portion of land that is public forest land and therefore not available for allocation thus the illegality precludes the Petitioners from claiming right to Ownership of property as envisaged under Article 40(1) of the Constitution.

xlii) That whilst Article 40(1) of the Constitution guarantees the right to ownership of property of any description in any part of the country, this right does not extend to any property that is found to have been acquired in an unlawful manner. The suit property herein was found to have been acquired in an unlawful manner, which finding still holds as per the obtaining law insofar as it is as a result of an allocation process that is marred by illegalities and irregularities and hence does not commend protection under Article 40(1) of the Constitution, thus falling squarely under Article 40(6) of the Constitution.

xliii) That the suit property herein was found, among other properties, to have been illegally allocated by the Commission of Inquiry into Illegal/Irregular Allocation of Public Land Ndung'u Commission of Inquiry that was established by His Excellency, the former President Mwai Kibaki on 30th June, 2003 vide Gazette Notice No. 4559 of 4th July 2003. (Annexed herein and marked "AG19"is a copy of the Gazette Notice and excerpts showing the suit land)

E. Current status

1. That the Office of the Attorney General was not requested to make any representations when the matter was last considered by parliament. Be that as it may the Office of the Attorney General wishes to respond as follows on the implementation of the recommendations contained in the aforementioned report.
2. That the matters have been mentioned in court on several occasion to report to court the outcome of negotiations. However, the office of the attorney general has not been privy to the said negotiations and is not aware of the outcome thereof.

F. Request by the Committee:

To report on the status of implementation of recommendations contained in The Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-possession of Land Within Langata Constituency.

G. Response:

i) That unfortunately it appears that this office was not requested to make any representations when the matter was last considered by parliament. Be that as it may we wish to respond as follows on the implementation of the recommendations contained in the aforementioned report.

ii) The matters have been mentioned in court on several occasion to report to Court the outcome of negotiations. However, the office of the attorney general has not been privy to the said negotiations and is not aware of the outcome thereof.

H. Conclusion

Be that as it may since the matter is sub-judice the Hon. Attorney General will await the outcome of the negotiations but if that fails will prosecute the matter to its logical conclusion as the AG's Office have enough evidence to prove that the matter was irregularly allocated.

Committee Observations

1. While the matter had been brought to the attention of the AG's Office through court processes, the Petition on the same had not been communicated to the AG directly from Parliament
2. The AG's Office had not been involved in the mediation process to settle the matter out of court as prescribed by the petition
3. The AG's Office was open to consultation and would be willing to be part of the settlement of the land issue and would sign consent to the negotiations
4. That the AG's Office will guide the negotiations where appropriate.

Committee Recommendations

1. That the Office of the Attorney General be involved in the mediation process and offer legal guidance in the process.
2. That the concerned state entities (Ministry of Lands, Ministry of Environment, NLC and the Office of the Attorney General) appear before the Committee in three (3) months' time to provide an update on the Langata Land matter.

MIN. NO.NA/DAA& GPC/COI/2025/127: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/128: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:30 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 17/06/2025

MINUTES OF THE 23RD SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 12TH JUNE, 2025 AT THE 5TH FLOOR, COMMITTEE ROOM, 24 BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P
7. The Hon. Kitilai Ole Ntutu, M.P
8. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, MP
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. Stanley Muiruri Muthama, M.P
12. The Hon. Zamzam Mohamed Chimba, M.P
13. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Ms. Cate Mukunyi	-	Sergeant at-Arms
5.	Ms. Mercy Ondego	-	Researcher
6.	Mr. James Macharia	-	Media Officer
7.	Mr. Raphael Mghendi	-	Intern

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

1.	Dr. Deborah Mlongo Barasa	-	Cabinet Secretary
2.	Mr. Gitonga Mugambi	-	Principal Secretary
3.	Mr. George Tarus	-	Secretary, Forest Conservation
4.	Mr. Alex Lemarkoko	-	Chief Conservator of Forests
5.	Mr. Dennis Diffu	-	MoE -CCF
6.	Mr. Mathias Chemonges	-	State Dept. of Forestry
7.	Ms. Beth Chiuri	-	State Dept. of Forestry

OFFICE OF THE ATTORNEY GENERAL

1.	Mr. Oscar Eredi	-	Chief State Counsel
2.	Mr. Wachira Nguyo	-	State Law Office

NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi Bw'Omanwa - Chairman
2. Mr. Elijah Letangule - Deputy Director, NLC

DIRECTORATE OF CRIMINAL INVESTIGATIONS

1. Mr. George Kisaka - Assistant Inspector General, DCI

IN ATTENDANCE - LANGATA RESIDENTS REPRESENTATIVES

1. Dr. Moses Ng'ong'a - Forest View Estate
2. Mr. Michael Bodo - KMA Estate
3. Mr. Raymond Gatonye - Langata Gardens

MIN. NO. NA /DAA & GPC/COI/2025/119: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Attorney General, the Principal Secretary, State Department for Lands and Physical Planning - Ministry of Lands, Public Works, Housing & Urban Development, the Principal Secretary, State Department for Forestry, Ministry of Environment, Climate Change and Forestry, the Director – Directorate of Criminal Investigations and the Chief Executive Officer National Lands Commission regarding the Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency.**
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/120: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/121: MEETING WITH THE DIRECTORATE OF CRIMINAL INVESTIGATIONS REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF LAND WITHIN LANG'ATA CONSTITUENCY

Mr. George Kisaka - Assistant Inspector General, DCI, appeared before the Committee to apprise it on the implementation status of the Report of The Departmental Committee on

Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency. The Committee was informed that:

i) The Ministry of Land and Physical Planning had revealed that Ngong Road Forest was gazetted as a forest reserve vide Proclamation No. 44 of 1932, Proclamation No 14 of 1933 and Proclamation No. 122 of 1934 covering an area of 2926.6 hectares. The forest was subsequently declared a Central Forest through Legal Notice No. 174 published on May 20, 1964. There have been excisions of the forestland over the years for public and private use.
ii) That Legal Notice No 44 of 1998 excised approximately 53.68 hectares of the forestland known as L.R No. 23256. The developments within the area and adjacent plots included sun valley Phases 1, II and III Estates and Royal Park Estate.
iii) That the Ministry of Land had also provided records regarding the excision of 34 acres of the forestland for Nairobi Prison vide correspondence between the then Commissioner of Lands and the Chief Conservator of Forest between 1985 and 1993. The chief Conservator of Forests approved the excision of 34 acres from the forest reserve in favour of Nairobi Prison.
iv) That the then Commissioner of Lands requested the Commissioner of Prison to relinquish 20 acres of Prison land that was not being utilized (vide letter Ref. 6354/IV/101 dated March 1, 1993).
v) That the Commissioner of Prisons relinquished the portion of land requested for residential development, and subsequently the Commissioner of Land instructed the Director of Physical planning to prepare a part Development Plan (PDP) for the excision.
vi) That A PDP No, 42/8/93/3 was prepared and approved on April 16, 1993, for 34 acres. It reflected two (2) plots marked "A" measuring approximately 8.09 hectares and "B measuring approximately 5.66hectares.
vii) That the plots "A" and "B" were further subdivided and allocated as follows:
    a. Sub Plot "A" was allocated to Arladyks Investments Limited, which was issued with LR No 18589. It was later Transferred to Jackim Ltd and a title issued in February 3, 1994, in 1998, it was transferred to Kenya Medical Association (KMA) Housing Cooperative Society and later subdivided into various subplots.
viii) Sub Plot "B" was allocated to Priscot Company Ltd in 1993. Upon survey, the plot was issued with LR No. 18591, and later subdivided into 11 sub plots. The sub plots were issued LR No. 18591/ 1-11 investigations are ongoing and the following are areas pending to be Covered:
    a) Confirmation of the details of the said Parcel of land from records held at National Land Commission; Kenya Forest Service; Nairobi County Government; Prison Department and Public Works.
    b) Comprehensive report to be submitted once the above tasks are accomplished.

Committee Observations

1. That the Report of The Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency had not been transmitted to the DCI prior to the invitation letter received from the Committee.
2. That the DCI had reached out to the Ministry of Lands and commenced investigations upon receipt of the letter from the Committee.
3. That the DCI was aware that the formative processes of excision of the land from the larger Ngong Forest had been irregular.

Committee Recommendations

That the DCI finalize its report and apprise the Committee in three months' time on the progress of investigations. This would enable the investigative agencies and other authorities charged with prosecutorial duties to commence legal proceedings against the culpable individuals as per the recommendations of the Report.

MIN. NO.NA/DAA& GPC/COI/2025/122: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/123: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:12 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date..17-06-2025.....

MINUTES OF THE 25TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 12TH JUNE, 2025 AT THE 5TH FLOOR, COMMITTEE ROOM, 24 BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P
7. The Hon. Kitilai Ole Ntutu, M.P
8. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, MP
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. Stanley Muiruri Muthama, M.P
12. The Hon. Zamzam Mohamed Chimba, M.P
13. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Relations Officer
4.	Ms. Cate Mukunyi	-	Sergeant At-Arms
5.	Ms. Mercy Ondego	-	Researcher
6.	Mr. James Macharia	-	Media Officer
7.	Mr. Raphael Mghendi	-	Intern

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

1.	Dr. Deborah Mlongo Barasa	-	Cabinet Secretary
2.	Mr. Gitonga Mugambi	-	Principal Secretary
3.	Mr. George Tarus	-	Secretary, Forest Conservation
4.	Mr. Alex Lemarkoko	-	Chief Conservator of Forests
5.	Mr. Dennis Diffu	-	MoE -CCF
6.	Mr. Mathias Chemonges	-	State Dept. of Forestry
7.	Ms. Beth Chiuri	-	State Dept. of Forestry

OFFICE OF THE ATTORNEY GENERAL

1.	Mr. Oscar Eredi	-	Chief State Counsel
2.	Mr. Wachira Nguyo	-	State Law Office

NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi Bw'Omanwa - Chairman
2. Mr. Elijah Letangule - Deputy Director, NLC

DIRECTORATE OF CRIMINAL INVESTIGATIONS

Mr. George Kisaka - Assistant Inspector General, DCI

IN ATTENDANCE - LANGATA RESIDENTS REPRESENTATIVES

1. Dr. Moses Ng'ong'a - Forest View Estate
2. Mr. Michael Bodo - KMA Estate
3. Mr. Raymond Gatonye - Langata Gardens

MIN. NO. NA /DAA & GPC/COI/2025/129: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer by The Hon. Rael Chepkemoi Kasiwai, M.P. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i. Prayers
   ii. Introductions
   iii. Adoption of the Agenda
   iv. Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Chief Executive Officer National Lands Commission (NLC) regarding the Report of the Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency.**
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/130: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/131: MEETING WITH THE NATIONAL LAND COMMISSION (NLC) REGARDING THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON A PUBLIC PETITION REGARDING AN ALLEGED DEMOLITION OF HOUSES AND RE-POSSESSION OF LAND WITHIN LANG'ATA CONSTITUENCY

Mr. Gershom Otachi Bw'Omanwa - Chairman, National Land Commission appeared before the Committee to apprise it on the implementation status of the Report of The Departmental Committee on Environment and Natural Resources on a Public Petition Regarding an Alleged Demolition of Houses and Re-Possession of Land Within Lang'ata Constituency. He was accompanied by Mr. Elijah Letangule (Deputy Director - NLC).

The Committee was informed that:

i) NLC was aware that the Committee report had recommended that the law relating to the declaration that a forest area shall cease to be a forest area with respect to the area of land

upon which - KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St. Mary's Hospital, Forest edge View Estate, Langata Women Prison, The Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya, and the International Centre of Insect Physiology and Ecology (ICIPE) sits, should be complied with and land should be excised pursuant to the provisions of Sections 34 of the Forest Conservation and Management Act No. 34 of 2016.

ii) The Committee further pointed out that the move will support the realization of the National Government's Big Four Agenda on Housing and stop further encroachment of Ngong Road forest through the practice of allocation and subsequent surrender of land between Government Departments.

iii) The Committee was informed that the then Kenya Forest department after de-gazettement of the excised portions ought to have forwarded to the Commissioner of Land the excision plan and have it georeferenced to Cadastral Standard for purposes of regularizing the excisions in favour of the true occupiers on the ground upon verification of the beneficiaries.

iv) For the National Land Commission to implement the recommendation of the Committee to regularize the excisions made; fulfilment of the following requirements is paramount as provided for by the law: -
   a) A formal request to the National Land Commission for the same is required from the Cabinet Secretary, Ministry of Environment, Climate Change and forestry
   b) A Survey plan for the area being excised is required from Director of Survey

v) In line with Section 12(7) Of the land Act 012 the excised land is re -planned and surveyed afresh with the beneficiaries and their details forwarded to the National Land Commission for processing of ownership documents.

vi) After the excision the remaining land is vested with the Kenya Forest Service (KFS). This should be gazetted and published in the Kenya Gazette Notice reflecting the new acre and documented by the National land Commission vide reservation/allocation in favour of KFS. The new gazette notice will indicate that the action taken supersedes the earlier gazette notice reserving the forest.

Committee Observations

The Committee observed that:

1. Lang'ata Constituency land as addressed in the petition is not the only piece of land that requires regularization of ownership as noted by the NLC
2. The NLC is not opposed to the regularization of titles for the affected residents of Langata
3. The NLC proposes that the Cabinet Secretary, Ministry of Environment, Climate Change and forestry writes a formal request to the NLC to enable it regularize the excisions of land in the affected areas.
4. Director of Survey to avail a Survey plan for the area being excised and forward it to the NLC for processing of ownership documents.

Committee Recommendations

The Committee recommended that:

1. The Cabinet Secretary, Ministry of Environment, Climate Change and forestry writes a formal request and provide the required documents to the National Lands Commission (NLC) to enable it regularize the excisions of land in the affected area.
2. That the concerned state entities (Ministry of Lands, Ministry of Environment, NLC and the Office of the Attorney General) appear before the Committee in three (3) months' time to provide an update on the Langata Land matter.

MIN. NO.NA/DAA& GPC/COI/2025/132: **ANY OTHER BUSINESS**

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/133: **ADJOURNMENT**

There being no other business, the meeting was adjourned at 12:12 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 17/06/2025

MINUTES OF THE 37TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 29TH JULY, 2025 ON 3rd FLOOR ROOM 20 BUNGE TOWER, PARLIAMENT BUILDINGS, AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
3. The Hon. Mark Samuel Muriithi Mwenje, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Julius Taitumu M'Anaiba, MP
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Stanley Muiruri Muthama, M.P
10. The Hon. Rael Chepkemoi Kasiwai, MP
11. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Siyoi Lillian, MP
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Kitilai Ole Ntutu, MP
10. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Officer
4.	Ms. Noel Amutabi	-	Legal Counsel
5.	Ms. Catherine Mukunyi	-	Sergeant at Arms
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Ms. Mercy Ondego	-	Researcher
8.	Mr. Raphael Mghendi	-	Intern

TEACHERS SERVICE COMMISSION

1.	Ms. Evaleen Mitei	-	Ag. CEO/Commission Secretary
2.	Mr. Gilbert Yegon	-	Dep. Director/ICT & PA to CEO
3.	Mr. Cavin Anyuor	-	Director Legal
4.	Ms. Mollet Sango	-	Ag. Director HRM
5.	Mr. Edwiq Musundi	-	Senior Legal Officer
6.	Mr. Njeru Peter	-	Deputy Director Staffing

SALARIES AND REMUNERATION COMMISSON

1.	CPA Margaret Njoka	-	Ag. Commission Secretary/CEO
2.	Ms. Jennifer Gitari	-	SRC

MINISTRY OF PUBLIC SERVICE

1. Dr. Jane Imbunya - PS Ministry of Public Service
2. Ms. Gakenia Mwangi - Communications Officer
3. Mr. Yusuf Ibrahim - Ag. Sec. HRM Policy
4. Mr. David W.D. Ochiel - Director HRM P
5. Mr. Isaac Ngige - Parliamentary Liaison Officer

PETITIONER

1. Mr. Jairus Sang - Teacher, Kilifi Municipality

MIN. NO.NA/DAA & GPC/COI/2025/190: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Mark Samuel Muriithi Mwenje, M.P and seconded by The Hon. Julius Taitumu M'Anaiba, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of minutes
2. Substantive Agenda: **Meeting with the Principal Secretary, State Department for Public Service & Human Capital Development; the Acting Chief Executive Officer, Teachers Service Commission; and the Acting Chief Executive Officer, Salaries and Remuneration Commission regarding implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/191: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025 /192: SUBMISSION BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR PUBLIC SERVICE & HUMAN CAPITAL DEVELOPMENT; REGARDING IMPLEMENTATION STATUS OF RECOMMENDATIONS CONTAINED IN THE REPORT ON PUBLIC PETITION NO. 44 OF 2023, ON ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

Dr. Jane Imbunya - PS Ministry of Public Service appeared before the Committee to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by Mr. Yusuf Ibrahim - Ag. Sec. HRM Policy, Mr. David W.D. Ochiel -Director HRM P, Mr. Isaac Ngige - Parliamentary Liaison Officer and Ms. Gakenia Mwangi-Communications officer.

i) The Committee was informed that the issue raised by the petitioner falls within the mandate of the Salaries and Remuneration Commission and the Teachers Service Commission as the employer.

ii) According to the Ministry, House allowance rates applicable to clusters 3 (other former Municipalities) and cluster 4 (Other areas) have been fully harmonized with effect from 1st July, 2024. This means that teachers stationed in Kilifi Municipality are being paid rates in cluster 3 (Other former Municipalities).

iii) The Committee learnt that the issue on payment of enhanced house allowance for teachers stationed in Kilifi Municipality stands resolved by Salaries and Remuneration Commission and the Teachers Service Commission.

1. On the Status Report on Review of Hardship Areas in the Public Service

The Committee was informed that:

i) the Government had over the years identified and designated some regions of the country as hardship areas for purpose of payment of hardship allowance to Public Servants working in those areas.

ii) Designated hardship areas are considered to be comparatively remote with inadequacy in food supply, infrastructure, security, basic social services and amenities. Hardship allowance was introduced in 1969 as an incentive for officers stationed in designated hardship areas.

iii) Article 41 of the Constitution of Kenya provides that every person had a right to fair labour practices which include among others fair remuneration and reasonable working conditions.

iv) Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for payment of hardship allowance for officers stationed in designated hardship areas as an incentive to partially compensate Public Servants working in designated hardship areas.

2. On Prayer 3 sought by the Public Petitions Committee as a recommendation to the Ministry: The Committee recommends that the Ministry of Public Service, Human Capital Development and Special Programmes fast tracks and provides the status report on the review of hardship areas which will inform review of hardship allowances across the country.

The Committee was informed that:

i) designation of hardship areas was previously undertaken consultatively with the Office of the President, Provincial Administration and Internal Security and the then Directorate of Personnel Management. The designated hardship areas and payment of hardship allowance was to be progressively reviewed as areas became relatively developed and socio-economic conditions improved across the country.

ii) It is noted that over the years, various jurisdictions in the Public Service including the Civil Service, the Teaching Service and the Judiciary have independently reviewed hardship areas using different parameters thereby creating disparities in terms of categorization and rates of payment. It is further noted that the unit of analysis for designated hardship areas are not harmonized and vary across Public Service jurisdictions. For instance, the Civil Service uses the former District boundaries while the Teaching Service under the Teachers Service Commission (TSC) uses Educational Zones for categorization.

iii) Currently, the Civil Service, County Governments and State Corporations have sixteen (16) areas designated as hardship as indicated in the Circular Ref: OP/CAB/1/31A dated 7th December, 2025 (Copy Attached), Teaching Service had forty-four (44) as per the

Kenya Gazette - Legal Notice No. 534 of 1997 dated November 11, 1997 while the Judiciary had twenty-one (21) designated hardship areas.

iv) The Committee was informed that the status report on review of designated hardship area in the Public Service was as follows;

An Inter-Agency Technical Committee was appointed by the Ministry responsible for Public Service in March 2019. The Committee comprised of representatives from the then Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.

The Committee was informed that the Terms of Reference (TORs) for the Inter- Agency Technical Committee were to:

a) Study the current policies and applicable circulars on designated hardship areas and payment of Hardship Allowance in the Civil Service;
b) Undertake a comparative analysis of other existing policies on designated hardship areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
c) Study the issues in petitions presented to the National Assembly on the matter of designated hardship areas and payment of Hardship Allowance to Public Servants;
d) Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding designated hardship areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017 and make recommendations on implementation modalities;
e) Address any other issues incidental to the matter of designated hardship areas and payment of Hardship Allowance; and
f) Prepare a Report on the study with recommendations and way forward on categorization of designated hardship areas and payment of Hardship Allowance.
g) Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas. The parameters were: food, water, transport & communication services, social services, climate & terrain, security and poverty index. The weighted criteria provided by KNBS is indicated in Appendix II.
h) The Inter-Agency Technical Committee undertook a wide stakeholder engagement in carrying out the study. Some of the stakeholders' engagement by the Committee was face to face interviews with officers from the Ministry of Interior and Co-ordination of National Government, County Directors of Education, Teachers Service Commission (TSC) County Directors, County Statistics Officers, National Drought Management Authority (NDMA), County Governments and Union Representatives. In addition, the Technical Committee undertook the following:
    i. Field work visits to establish the status of the respective areas, reviewed reports from the respective County/Deputy County Commissioners and socio-economic data submitted by the respective County Statistics Officers of the areas visited; and
    ii. Literature review on poverty indices in the Country from annual Economic Surveys and reports prepared by the Commission on Revenue Allocation and the Equalization Fund.

key findings and recommendations of the report were as follows:

i) There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship', however, upon review they were found not to be 'hardship';
ii) The severity of hardship in the reviewed areas vary from moderate to extreme;
iii) Some of the currently designated hardship areas covered an entire County/Sub-County/Division uniformly. It is however noted that, some regions have only specific

locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas;

iv) Not all Public officers working in hardship areas are currently paid hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service; and

v) Some areas that were previously designated as hardship and have acquired different status following implementation of the devolved system of governance and improved socio-economic development across the country, have been reviewed and recommended for de-gazettement.

The Committee was also informed that the report on the Review of the Designated Hardship Areas in the Public Service is currently awaiting Cabinet consideration.

Prayer 3: The Committee further recommends that the Ministry of Public Service, Human Capital Development and Special Programmes in consultation with the Salaries and Remuneration Commission (SRC) and other relevant Agencies harmonizes House Allowances for Public Officers in all areas across the country as a way of addressing disparities that may exist in various sectors of public service within six (6) months from 1st July, 2023.

The Committee was informed that Prayer 3 (ii) the harmonization of House Allowances for Public Officers is under the purview of the Salaries and Remuneration Commission (SRC).

MIN. NO.NA/DAA & GPC/COI/2025 /193: SUBMISSION BY THE ACTING CHIEF EXECUTIVE OFFICER, TEACHERS SERVICE COMMISSION(TSC); REGARDING IMPLEMENTATION STATUS OF RECOMMENDATIONS CONTAINED IN THE REPORT ON PUBLIC PETITION NO. 44 OF 2023, ON ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

Ms. Evaleen Mitei - Acting. CEO/Commission Secretary, TSC appeared before the Committee to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by the following officials: Mr. Gilbert Yego, Dep. Director/ICT & PA to CEO, Mr. Cavin Anyuor-Director Legal, Ms. Mollet Sang-Ag. Director HRM, Mr. Edwin Musundi-Senior Legal Officer and Mr. Njeru Peter Deputy Director Staffing.

The Committee was apprised as follows:

On the Committee recommendation that the affected teachers submit their copies of draft CBA to SRC through their employer TSC for Consideration.

i) Following the above recommendation and in compliance with the Guidelines for collective bargaining in the public sector, the teachers through their unions presented their proposals to facilitate the CBA 2025-2029 negotiations.

ii) In terms of House Allowance, the teacher unions demanded an increase in House Allowance rates by 30%-50%. However, due to the constrained fiscal space, the Commission negotiated with the teacher unions to retain the House allowance as per the current rates.

iii) Further, parties agreed to retain the current classification where House Allowance is paid based on three categories namely Nairobi, Major Municipalities and other areas.

iv) SRC and TSC to ensure that teachers working and residing in Kilifi Municipality get enhanced house allowances together with their arrears with effect from 1st July 2023

v) As members may recall, the Commission signed an addendum to the CBA 2021-2025 with teacher unions which took effect on 1st July 2023. The CBA categorized House allowance for teachers into four (4) clusters namely Nairobi, Major Municipalities, Other Municipalities and other areas.

vi) In July, 2024, the House Allowance for cluster 3 and 4 were harmonized. Teachers in Kilifi Municipality were correctly paid their Salary and all Allowances including enhanced House Allowance as per the provisions of the CBA signed in 2023 and the necessary arrears paid. We have annexed as Appendix 1 copies of the CBA, the Salary Circulars for 2023 and 2024 and

vii) copies of sampled pay slips to confirm that the Enhanced House Allowance was correctly paid.

MIN. NO.NA/DAA & GPC/COI/2025 /194: SUBMISSION BY THE ACTING CHIEF EXECUTIVE OFFICER, SALARIES AND REMUNERATION COMMISSION; REGARDIN IMPLEMENTATION STATUS OF RECOMMENDATIONS CONTAINED IN THE REPORT ON PUBLIC PETITION NO. 44 OF 2023, ON ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

CPA Margaret Njoka - Acting Commission Secretary/CEO, Salaries and Renumeration Commission (SRC) appeared before the Committee to apprise it on the implementation status of recommendations contained in the Report on Public Petition No. 44 of 2023, on enhancement of house allowances for Teachers working and residing within Kilifi Municipality. She was accompanied by Ms. Jennifer Gitari from SRC.

The Committee was apprised as follows:

On prayer 1: That the Public Petitions Committee inquiries into the living conditions of teachers working and residing within Kilifi Municipality as:

i) The teachers working and living within Kilifi Municipality allegedly feel discriminated against as they are not paid a commensurate allowance as those residing in major towns; and

ii) The teachers were experiencing high cost of living; the cost of rental houses and basic commodities compared to the monthly allowances they were paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they taught.

The Committee recommended that the affected teachers to submit their copies of the draft CBA to SRC through their employer TSC for consideration.

i) The Committee was informed that the affected teachers have not submitted a request to SRC through TSC for consideration as recommended by the Public Petitions Committee.

ii) **Status of Implementation:** The Committee learnt that; as submitted to the Public Petitions Committee, SRC harmonized House Allowance for cluster 3 (other former municipalities) and cluster 4 (all other areas) with effect from 1st July, 2024 under the 3rd

remuneration and benefits review Kilifi cycle. Consequently, Municipality now falls under cluster 3. The new rates were adopted in the 2

On Prayer 2: That teachers in both Primary Schools within Municipality are facilitated to receive enhanced house allowance. The committee noted that;

i) SRC was undertaking progressive harmonization of House Allowances under the Third Remuneration and Benefits Cycle for the Teaching Service for the FY2021 /2022 - 2024/2025 which had been actualized with effect from 1st July, 2023 and would be fully harmonized by 1st July, 2024; and
ii) Consequently, SRC communicated the new rates to TSC for both phases vide a letter dated 31st July, 2023 to negotiate with teachers' Trade Unions on the Collective Bargaining Agreements for teachers.

The Committee recommended that SRC and TSC in compliance with the above provision, ensures that teachers working and residing in Kilifi Municipality get enhanced house allowances together with arrears with effect from 1st July, 2023.

i) **Status of Implementation:** SRC vide letter Ref. No: SRC/TS/24/5 (96) dated 31st July, 2023 (copy attached) advised TSC on the reviewed house allowance rates for cluster 4 for the Teaching Service. The enhanced house allowance rates were adopted in the 2021-2025 CBAS for Teachers.
ii) **On Prayer 3:** The Committee makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.
iii) **Status of Implementation:** Under the 3rd remuneration and cycle, SRC benefits review reviewed house allowance rates for cluster 4 with effect from 1st July, 2023 and consequently harmonized the rates for cluster 4 (all other areas) with those of cluster 3 (other former municipalities) with effect from 1st July. Further, SRC will be undertaking progressive harmonization of House Allowance and will consider a review of the allowance for the entire public service in the current 4th remuneration and benefits review cycle (FY 2025/26FY2029/30) taking into account the principles under Article 230 (5) of the Constitution.

Committee Observations

The Committee Observed as follow's

1. The Salaries and Renumeration Commission (SRC), Ministry of Public Service and Teachers Service Commission (TSC) had undertaken considerable efforts in implementing the recommendations of the report
2. Although SRC and TSC had partially harmonized the House Allowance, Kilifi was put in cluster 3 and not cluster 2 with municipalities such as Malindi.
3. Petitioners still felt teachers in Kilifi were not fairly classified compared with municipalities of equal standing.
4. TSC was still paying hardship allowance based on Legal Notice 534 of 1997; which had been overtaken by events
5. There was still a feeling of unfairness amongst teachers especially on hardship allowance since many teachers opted to coalesce around urban centers in the hardship areas

Committee Recommendations

The Committee recommended as follows

1. The Petition on Kilifi teachers was representative of the entire country and harmonization of allowances should be treated as such

2. Harmonization of allowances amongst teachers should not result in the withdrawal of other allowances such as hardship allowance as evidenced in past exercises.
3. TSC, SRC and the Ministry to return in one month's time to fully apprise the Committee on the harmonization of allowances, taking into consideration matters such as staffing.

MIN. NO.NA/DAA & GPC/COI/2025/196: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/197: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:30 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....16/7/25.....

MINUTES OF THE 20TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 3RD JUNE, 2025 BUNGE TOWER, 5TH FLOOR, ROOM 22, PARLIAMENT BUILDINGS, AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
3. The Hon. Mark Samuel Muriithi Mwenje, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Kitilai Ole Ntutu, M.P
11. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Johnson Manya Naicca, CBS, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Stanley Muiruri Muthama, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Ms. Lucy Kimathi	-	Principal Clerk Ass. /HOD
2.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
3.	Mr. Mark Namaswa	-	Clerk Assistant II
4.	Ms. Noel Amutabi	-	Legal Counsel
5.	Ms. Cate Mukunyi	-	Sergeant at Arms
6.	Ms. Mercy Ondego	-	Researcher
7.	Mr. Raphael Mghendi	-	Intern

MIN. NO.NA/DAA & GPC/COI/2025/104: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 am followed by a word of prayer by The Hon. Mark Mwenje, M.P. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. **Substantive Agenda:** Meeting with the Principal Secretary, State Department for Interior and National Administration regarding the following reports: -

i) Report of the Departmental Committee on Lands on a public petition for the resettlement of Ntimiriti Subuiga Squatters.

ii) Report of the Departmental Committee on Lands on its consideration of a public Petition for the resettlement of Enoosupukia Evictees; and
iii) Report of the Public Petitions Committee on Public Petition No. 6 of 2022 by the Hon. (Dr.) James Nyikal, regarding compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons.

3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/105: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/106: MEETING WITH THE PS, STATE DEPARTMENT INTERIOR AND NATIONAL ADMINISTRATION REGARDING A PUBLIC PETITION FOR THE RESETTLEMENT OF NTIMIRITI SUBUIGA SQUATTERS, A PUBLIC PETITION FOR THE RESETTLEMENT OF ENOOSUPUKIA EVICTEES; AND PUBLIC PETITION NO. 6 OF 2022 BY THE HON. (DR.) JAMES NYIKAL, REGARDING COMPENSATION FOR NYANZA-WESTERN KENYA CAUCUS OF INTERNALLY DISPLACED PERSONS.

The secretariat reported that they were in receipt of a letter **Ref. No. MOINA/SEC.1/27/1** dated 3rd June 2025 that the Principal Secretary, State Department for Interior and National Administration, was unable to attend the scheduled meeting. In the letter, the Principal Secretary, nominated Ms. Beverly Opwora – Secretary, National Administration and Mr. Kepha Onyiso – Head of Legal, to represent him in the meeting.

Committee Resolutions

i) In light of the Principal Secretary's official communication and the importance of his participation, the members present unanimously agreed to reschedule the meeting to a later date to be communicated in due course.
ii) The Committee directed that the Principal Secretary gets in touch with the Committee Chairperson and agree on a suitable date for the meeting. The Secretariat was tasked with identifying a suitable alternative date, subject to confirmation of availability from the Principal Secretary's office.
iii) Additionally, the secretariat was asked to copy the National Lands Commission in the invitation letter.

MIN. NO.NA/DAA & GPC/COI/2025/107: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/108: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:10 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date...17/6/25.....

MINUTES OF THE 30TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 17TH JUNE, 2025 AT THE COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P
8. The Hon. Stanley Muiruri Muthama, M.P
9. The Hon. Zamzam Mohamed Chimba, M.P
10. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Johnson Manya Naicca, CBS, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Cynthia Jepkosgei Muge, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Chege Njuguna, M.P
11. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant
2. Mr. Mark Namaswa - Clerk Assistant
3. Mr. James Macharia - Media Relations Officer
4. Ms. Cate Mukunyi - Sergeant at Arms
5. Ms. Mercy Ondego - Researcher
6. Mr. James Macharia - Media Officer
7. Mr. Raphael Mghendi - Intern

MIN. NO. NA /DAA & GPC/COI/2025/154: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 am followed by a word of prayer by The Hon. Elijah Memusi Kanchory, MP. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
    i. Prayers
    ii. Introductions
    iii. Adoption of the Agenda
    iv. Confirmation of Minutes
2. **Substantive agenda**: Meeting the Principal Secretary, State Department for Interior and National Administration regarding:-
    i) The Report of the Departmental Committee on Lands regarding Public Petition by former workers of the late Mayer Jacob Samuels on invasion and eviction of workers from their Land in Roysambu Constituency by the Kenya Defence Forces;
    ii) The Report of the Public Petitions Committee regarding Public Petition on compensation for Nyanza- Western Kenya Caucus of internally displaced persons; and
    iii) The Report of the Departmental Committee on Lands regarding Public Petition for the resettlement of Enoosupukia evictees.
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/155: CONFIRMATION OF MINUTES

Minutes of the previous meetings were confirmed as follows:

14th Sitting

Minutes of the 14th Sitting were confirmed as a true copy of proceedings as proposed by Hon. Hilary Arap Kosgey, MP seconded by Hon. Komingoi Kibet Kirui, MP;

15th Sitting

Minutes of the 15th Sitting were confirmed as a true copy of proceedings as proposed by Hon. Hilary Arap Kosgey, MP seconded by Hon. Komingoi Kibet Kirui, MP;

16th Sitting

Minutes of the 16th Sitting were confirmed as a true copy of proceedings as proposed by Hon. Hilary Arap Kosgey, MP seconded by Hon. Komingoi Kibet Kirui, MP;

17th Sitting

Minutes of the 17th Sitting were confirmed as a true copy of proceedings as proposed by Hon. Komingoi Kibet Kirui, M.P seconded by Hon. Hilary Arap Kosgey, MP;

18th Sitting

Minutes of the 18th Sitting were confirmed as a true copy of proceedings as proposed by were confirmed as a true copy of proceedings as proposed by Hon. Elijah Memusi Kanchory, M.P seconded by Hon. Hilary Arap Kosgei, MP;

19th Sitting

Minutes of the 19th Sitting were confirmed as a true copy of proceedings as proposed by Hon. Hilary Arap Kosgei, MP, seconded by Hon. Komingoi Kibet Kirui, MP;

confirmed as a true copy of proceedings as proposed by Hon. Hilary Arap Kosgei, MP, seconded by Hon. Komingoi Kibet Kirui, M.P; and

vii. Minutes of the 20th Sitting of the Committee on Implementation held on Tuesday, 3rd June, 2025 Bunge Tower, 5th Floor, Room 22, Parliament Buildings, at 10:00 AM were confirmed as a true copy of proceedings as proposed by Hon. Elijah Memusi Kanchory, M.P seconded by Hon. Komingoi Kibet Kirui, M.P.

MIN. NO.NA/DAA & GPC/COI/2025/156: MEETING THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR INTERIOR AND NATIONAL ADMINISTRATION REGARDING: -

i) The Report of the Departmental Committee on Lands regarding Public Petition by former workers of the late Mayer Jacob Samuels on invasion and eviction of workers from their Land in Roysambu Constituency by the Kenya Defence Forces;
ii) The Report of the Public Petitions Committee regarding Public Petition on compensation for Nyanza- Western Kenya Caucus of internally displaced persons; and
iii) The Report of the Departmental Committee on Lands regarding Public Petition for the resettlement of Enoosupukia evictees.

The Committee was informed that the Principal Secretary, State Department for Interior and National Administration was not in a position to personally attend the meeting to apprise the Committee on the implementation status of the above-mentioned reports. This was due to the prevailing political developments and investigations that directly fell under his docket. Committee resolved that the Principal Secretary sends comprehensive written submissions.

MIN. NO.NA/DAA& GPC/COI/2025/157: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/158: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:36 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date....19/06/2025.....

MINUTES OF THE 42ND SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY 9TH AUGUST, 2025 AT THE KAHAWA CONFERENCE ROOM, TRADEMARK SUITES, KIAMBU COUNTY, AT 9:30 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, MP-**Chairperson**
2. The Hon Mark Samuel Muriithi Mwenje, MP
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Johnson Manya Naicca, CBS, MP
5. The Hon. Elijah Memusi Kanchory, MP
6. The Hon. Hilary Arap Kosgei, MP
7. The Hon. Charles Gumini Gimose, MP
8. The Hon. Siyoi Lilian, MP
9. The Hon. Abdul Ebrahim Haro, MP
10. The Hon. Julius Taitumu M'Anaiba, MP
11. The Hon. Rael Chepkemoi Kasiwai, MP
12. The Hon. Chege Njuguna, MP
13. The Hon. Komingoi Kibet Kirui, MP

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, MP-**Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, MP
3. The Hon. Nicholas Ng'ikor Nixon Ngikilong, MP
4. The Hon. Cynthia Jepkesgoi Muge, MP
5. The Hon. Hamisi Kakuta Maiami, MP
6. The Hon. Stanley Muiruri Muthama, MP
7. The Hon. Zamzam Mohamed Chimba
8. The Hon. Kitilai Ole Ntutu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Lucy Kimathi - Principal Clerk Ass. I/HOD
2. Mr. Abdiaziz Shobay - Clerk Assistant I
3. Mr. Mark Namaswa - Clerk Assistant II
4. Mr. James Macharia - Media Officer
5. Ms. Juliet Minayo - Office Assistant
6. Mr. Collins Namulen - Fiscal Analyst
7. Ms. Shamsa Ahmed - Researcher
8. Mr. Raphael Mghendi - Intern

HIGHER EDUCATION LOANS BOARD (HELB)

1. Mr. Geoffrey Monari - CEO
2. Mr. Kevin Lidoroh - Dep. Director, Finance
3. Mr. William Mbala - Marketing & Innovation
4. Mr. Seth Murithi - Accountant
5. Mr. Calvins Bob Odhiambo- Enterprise Data & Document Management

MIN.NO.NA/DAA&GPC/COI/2025/223: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past two O'clock followed by a word of prayer from The Hon Mark Samuel Muriithi Mwenje, MP. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Siyoi Lilian, MP.

AGENDA

1. Preliminaries

i) Prayers
ii) Introductions
iii) Adoption of the Agenda

2. Substantive Agenda: **Meeting with the Chief Executive Officer, Higher Education Loans Board regarding the implementation status of the 21st Report of the Public Investments Committee on Audited financial statements for State Corporations –Higher Education Loans (HELB)**
3. Any Other Business

MIN.NO.NA/DAA&GPC/COI/2025/224: **SUBMISSION BY THE CHIEF EXECUTIVE OFFICER, HIGHER EDUCATION LOANS BOARD REGARDING THE IMPLEMENTATION STATUS OF THE 21ST REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS –HIGHER EDUCATION LOANS BOARD (HELB)**

Mr. Geoffrey Monari, Chief Executive Officer, Higher Education Loans Board appeared before the Committee to apprise it on the implementation status of the 21st Report of the Public Investments Committee on Audited financial statements for State Corporations – Higher Education Loans Board (HELB). He was accompanied by the following officers: Mr. Kevin Lidoroh - Dep. Director, Finance Mr. William Mbala - Marketing & Innovation, Mr. Seth Murithi -Accountant, Mr. Calvins Bob Odhiambo - Enterprise Data & Document Management.

The Committee was apprised as follows:

Status of Implementation

1. **Fy2012/2013– 2014/2015 Accounts - Outstanding Matured Student Loans**
   i) The CEO of the Board undertakes a loan analysis exercise including age analysis for each of the loans and recommends the necessary measures to recover the outstanding loans.
   ii) The Board further needs to put measures in place to recover funds from graduates who work in the diaspora by working closely with the Ministry of Foreign Affairs and Department of Immigration in order to enforce repayment of loans.
   iii) The Board pursues its beneficiaries who are employed in the informal sector such as jua kali and private business in order to increase funding of the revolving funds to the ever-increasing number of needy students.

Management Response
Regarding the progress made towards the reduction of the total matured loan portfolio owed by students amounting to KES 24,613,622,148 (with the exclusion of the provision for bad and doubtful debts of KES 1,299,361,105) as at 30th June 2015.

The Committee was informed that:

The loan recovery strategies put in place towards reduction of the total matured loan portfolio owed include but is not limited to the following:

i) Incentivized Recovery offers: 80% penalty waivers as per the Credit Policy and Strengthen strategic partnerships for recovery, Optimal utilization of KRA data obtained from online integration, Implementation of the partnership with OAG through the signed MoU and Online Integration with other strategic partners for real-time data access.
ii) Revamping of the informal sector loan recoveries through: Online connection with CRBs for real time data updates, Optimal tap into the free-market economy and online businesses that provide short-term services or asset-sharing, Periodic Bulk SMS reminders to loanees and Increased dialogue with loanees to pay affordable amounts through social media platforms and physical location visits
iii) Widen the loan repayment catchment area through: Engaging PSC & TSC so that interns engaged can commence their loan repayments and Targeting Board of Management (BoM) Teachers. Contacting all the public schools (over 12,000 Schools).
iv) Collaboration with County Governments on business licenses for informal sector recoveries
v) Data Sharing Agreements: Map out & sign data sharing agreement with strategic partners on sponsorships and other engagements. This complies with the HELB Act and the Data Protection Act (2019) and CRB - To integrate with the 3 Bureaus in Kenya for real-time data access
vi) Legislate data sharing with other Government Agencies: iTax - Already in place. To utilize optimally, NHIF, NTSA, Kenya Power, Registrar of Persons, NITA and OAG for Public Sector Compliance.
vii) Leverage on technology for enhanced collections. Enhance Digital Platforms and reduce physical contact with loanees through: Employer Portal - Optimal utilization to promote employer compliance to Disclose, Deduct and Discharge (3Ds). 100% utilization of the employer portal, Debt Collectors' Portal- Enhanced optimal management by Debt Collectors to increase efficiency in debt Collectors' Management, CRB Portals to enhance efficiency in Management of data to CRBs and Loanee Self Service Portal - Widen the services range in the portal.
viii) Use Debt Recovery Analytics: Apply analytics that brings out both the probability of recovery and the expected monetary amount to be recovered.
ix) Use of external debt collection agencies both locally and in the diaspora to skip trace and net defaulters. Up to date, the Board has signed MOUs with eleven (11) external debt collection agencies to support in the recovery of long outstanding loans. Internally, a Debt Recovery Unit (DRU) has also been set up to handle these hardcore accounts. Since 2013/2014, a total of Kshs.3.3 billion has been collected through Debt Collection Agencies.
x) Inclusion of HELB compliance certificate as part of fulfilment of Chapter 6 of the constitution of Kenya on Leadership and Integrity. This has led to a big number of defaulters who seek employment in Counties and National government to repay their loans.
xi) Enforced the requirements of the HELB Act Cap 213A (S.15 (2) and (S.17 (1) which spell out the obligations of the loanees and the employers respectively. This has enhanced compliance on loan recovery.
xii) Making Debt Recovery Easier for clients: Auto Generation of outstanding loan notifications, A customer-sensitive multi-channel contact strategy by investing in data analytics, Artificial Intelligence (AI) and automation and Enhanced Self-Service Capabilities to reduce operating costs.

2. On evidence of efforts and progress made towards recovery of funds from graduates who work in the diaspora in conjunction with Ministry of Foreign Affairs and Department of Immigration in order to enforce repayment of loans.

The Committee was informed that the loan recovery strategies put in place towards repayment of HELB loans by beneficiaries in the diaspora include but is not limited to the following:

i) Partnership agreements with diaspora communities for loan recovery purposes.
ii) Participation in diaspora homecoming conventions & investment conferences
iii) Periodic online diaspora engagement forums & sensitization.
iv) Champion the review and strengthening of the legal framework governing the recovery of loans from beneficiaries in the diaspora.
v) Collaboration with the State Department on the Diaspora (Ministry of Foreign Affairs) and State Department of Immigration on establishing a diaspora contact database through Kenyan embassies and consulates.
vi) Leverage digital platforms to reach out to beneficiaries in the diaspora.

3. On steps initiated by CEO of the Board in undertaking loan analysis exercise including age analysis for each of the loans and recommend the necessary measures to recover the outstanding loans.

The Committee was informed that the loan analysis exercise has been undertaken as follows;

i) Constitution of a standing data committee to manage student loans data including loan portfolio analysis.
ii) Initiated segmentation of borrower profile by classification of local/diaspora, employed/self-employed/unemployed, academic institution, completion of course and funding cycle.
iii) The exercise to analyse the loans disbursed and the repayment made for the cohorts (years) 1995/1996 to 2009/2010 is attached
iv) For the measures put in place to recover the outstanding loans have been covered in 1 and 2 above.

Status of HELB funds held in various privately-owned banks

i) The Ethics & Anti-Corruption Commission investigates the conduct of the Board's Chief Executive Officer for contravening Treasury Circular No. 10 of 1992 which directed that State Corporations invest surplus funds in Treasury bills and bonds and recommend prosecution by the Director of Public Prosecutions for abuse of office contrary to and Public Officer Ethics Act, 2003.
ii) The Board's CEO ensures that the Board complies with Treasury Circular No. 10 of 1992, which directed that State Corporations invest surplus funds in Treasury bills and bonds.

Management Response

3. On the status of the surplus fund that HELB invested in short term placement at Jamii Bora Bank (as at 31st July 2016, HELB had KES 200,000,000.00 on short term placement at Jamii Bora Bank) without approval of the National Treasury.

The Committee was informed that the short- term placement of Kshs 200M (Two hundred Million only) held at Jamii Bora Bank as of 31st July 2016 was retired and Principal plus interest earned received in the HELB Student Loans Account in October 2016 as per attached Bank statement. The funds were utilized to finance students

4. On the status of surplus funds invested on short term basis at Jamii Bora Bank and NIC Bank without the approval of the National Treasury and contrary to Treasury Circular No. 10 of 1992, which directed that State Corporation invest surplus funds in treasury bills and bonds and not in commercial banks.

i) The Committee was informed that no funds were invested in NIC Bank.
ii) No more funds were placed in Jamii Bora Bank after the Kshs. 200M that was placed in July 2016 and retired in October 2016.

iii) The National Treasury Circular No. DGIPE/P/100 was issued 2nd May 2017.
iv) HELB adhered to this circular. This can be verified from Audited Financial Statements as at 30th June 2017 to date.

5. **On the status of the Ethics & Anti- Corruption Commission investigation into the conduct of the Board's Chief Executive Officer for contravening Treasury Circular No. 10 of 1992 which directed that State Corporations invest surplus funds in Treasury bills and bonds and recommend prosecution by the director of Public Prosecutions for abuse of Office contrary to and Public Officer Ethics Act, 2003.**

The Committee was informed that as at the time of the meeting, the Ethics & Anti-Corruption Commission had not concluded conducting the investigation.

6. **Land: FY 2012/2013 - 2014/2015 Accounts**
   i) The Board expedites conclusion of the court case pending before the Environment and Land Court in Nairobi.
   ii) The CEO ensures that the Board continues to pursue resolution of the issue of ownership of the land so as to develop it to host the HELB headquarters.
   iii) The Cabinet Secretary, Ministry of Education, Science & Technology takes up the matter and pursues it with his counterpart in the Ministry of Transport and Infrastructure with a view to amicably settling the matter.

7. **Regarding measures taken by the Board to expedite conclusion of the court case pending before the Environment and Land Court in Nairobi.**

The Committee was informed that:
   i) the title Deed of the land is in the name of HELB which has been paying land rent and rates for over twenty (20) years.
   ii) The Kenya Railways Staff Retirement Benefits Scheme (Pension Scheme) claims that the land belongs to the scheme because the same was ceded to the Pension Scheme in the year 2006 by the Kenya Railways Corporation.
   iii) HELB purchased the land in the year 2000, hence by the time of ceding, HELB was already the legal owner.
   iv) The Pension Scheme moved to court to challenge the ownership and obtained an injunction.
   v) Judgement was entered against HELB on 6th February 2024. The title held by HELB was declared invalid. It was found to be defective on account of being illegal and irregular as due process was not followed before allocating the land to the third party who sold to HELB.
   vi) The Court found that the land was reserved for use by Kenya Railways in 1986.
   vii) The case was appealed and is ongoing in the court of appeal.

FY	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024
AMOUNT (KES.) B	1.01	1.19	1.24	1.47	1.47	1.38	1.08	1.58	0.994	0.883

Committee on Implementation Observations

1. That HELB lost a land case on 6th February 2024, yet it was still hopeful of a successful appeal while the matter might have been a case of not conducting due diligence before

purchase. The Committee was doubtful of the recoverability of funds lost during the purchase of the said piece of land.

2. That the Court established that the title deed for the land held by HELB was invalid. It was found to be defective on account of being illegal and irregular as due process was not followed before allocating the land to the third party who sold to HELB.
3. That collections for owed student loans from loanees employed in the informal sector by HELB had reached a peak of Kshs. 1.58 billion in 2021/2022 but had since declined to Kshs. 0.8 billion in 2023/2024 financial years.
4. That HELB did not produce evidence of knowing the exact number of defaulters whose loans date back to the 1970s.
5. That HELD has loaned a total of Kshs. 117 billion to 1.7 million Kenyans since 1974.
6. That currently 460,000 beneficiaries are repaying their student loans.
7. That loan beneficiaries typically start repaying their loans five years after completion of their studies—underscoring the increasing issue of unavailability of formal job opportunities in the country.
8. That apart from the informal sector, jobs for loan beneficiaries have increasingly moved to online platforms.
9. That the diaspora population remains an important population segment that needs to be harnessed for loan recoveries.

Committee on Implementation Resolutions

1. The Committee is doubtful of HELB's assertion that it will secure a success appeal in the matter regarding purchase of land where it lost the case to Kenya Railways Staff Retirement Benefits Scheme (Pension Scheme).
2. HELB should liaise with the immigration department and respective embassies to institute ways and measures of tracking and documenting Kenyan immigrant beneficiaries of the loans as a way of making loan recoveries more efficient.
3. HELB should invest in technology and collaborate with relevant authorities such as Kenya Revenue Authority and commercial banks as a way of ensuring loan repayment collections are made from beneficiaries earning through online platforms.
4. HELB should launch public awareness campaigns with the general members of the public about their loan offers and also incorporate contacts of parents of students in tertiary institutions of learning so as to make them aware of their student loan status and modes of repayment to ensure responsible utilization of the funds.

MIN.NO.NA/DAA&GPC/COI/2025/225: ANY OTHER BUSINESS

No other business arose.

MIN.NO.NA/DAA&GPC/COI/2025/226: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:04 a.m.

Signed.....

HON. Raphael Bitta Sauti Wanjala, CBS, M.P
(CHAIRPERSON)

Date.....16/9/25.....

MINUTES OF THE 47TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON MONDAY, 8th SEPTEMBER 2025 AT THE CHEMUSUSU DAM, BARINGO COUNTY AT 2:00 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Lillian Siyoi, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chepkwony Charity Kathambi, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Ms. Catherine Mukunyi	-	Sergeant-at-Arms
4.	Ms. Noelle Amutabi	-	Legal Counsel
5.	Mr. Collins Namulen	-	Fiscal Analyst
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Mr. James Macharia	-	Media Officer
8.	Ms. Mercy Ondego	-	Researcher

MINISTRY OF WATER, SANITATION AND IRRIGATION – CENTRAL RIFT WATER WORKS DEVELOPMENT AGENCY

1.	Eng. Joseph Salee	-	Ag.GM-Infrastructure Development
2.	Eng. Kutol Cherutich	-	Project Engineer CRWWDA
3.	Mr. Carlos Cheluget	-	Manager – Corporate Comms. CRWWDA

MIN. NO.NA/DAA & GPC/COI/2025/246: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Lillian Siyoi, M.P and seconded by The Hon. Julius Taitumu M'Anaiba, M.P

AGENDA

1. Preliminaries
   i) Prayers

ii) Introductions
iii) Adoption of the Agenda

2. **Substantive Agenda: Briefing Session and Inspection Tour of the Chemususu Dam in Baringo County.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/247: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/248: BRIEFING SESSION AND INSPECTION TOUR OF THE CHEMUSUSU DAM IN BARINGO COUNTY

The Committee made the following observations during the tour at the **Chemususu Dam in Baringo County**:

i) The dam was completed in 2021.
ii) It is a rockfill dam with a capacity of 11.2 million cubic meters of water.
iii) The catchment area is 6,000 hectares of Chemususu Forest with Rivers Tinet and Chemususu draining into the dam.
iv) The dam site is fenced off from the rest of the forest with chain link wire.
v) There is a water treatment area that serves to purify the water of magnesium and iron sediments.
vi) The dam serves an estimated 300,000 people downstream.
vii) Over 90% of the water supply relies on gravity with the remaining percentage pumped to serve residents living upstream.
viii) There are 21 water storage tanks and 17 water kiosks downstream of the project.
ix) The dams serves Eldama Ravine Constituency, Rongai Constituency and Mogotio Constituency.
x) Once all phases are complete, it is expected to boost livestock and irrigation farming in the covered areas.
xi) The dam itself cost approximately Kshs 5 billion to construct.
xii) The dam has been supplied with trout fish under the care of a community-based organization (CBO).
xiii) Additionally, a water bottling facility (Delta Bottling – in Eldama Ravine Town) has been set up to be among the SMEs generated from the project.

Committee resolutions

1. The project was well thought out and executed.
2. The almost entire use of gravity to pump water was an ingenious approach at cost cutting
3. The project is almost self-sustaining with little overhead running costs.
4. The project should be emulated across Kenya to deal with flooding and water scarcity issues.

MIN. NO.NA/DAA & GPC/COI/2025/249: ANY OTHER BUSINESS

There was no other business to be undertaken.

MIN. NO.NA/DAA & GPC/COI/2025/250: ADJOURNMENT

There being no other business, the meeting was adjourned at 4:30 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 16/9/25

MINUTES OF THE 46TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON MONDAY, 8th SEPTEMBER 2025 AT THE ELDORET-ZIWA-KABENES-KACHIBORA ROAD, UASIN GISHU COUNTY AT 12:00 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Lillian Siyoi, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chepkwony Charity Kathambi, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Ms. Catherine Mukunyi	-	Sergeant-at-Arms
4.	Ms. Noelle Amutabi	-	Legal Counsel
5.	Mr. Collins Namulen	-	Fiscal Analyst
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Mr. James Macharia	-	Media Officer
8.	Ms. Mercy Ondego	-	Researcher

MINISTRY OF ROADS AND TRANSPORT – KENYA RURAL ROADS AUTHORITY (KERRA)

1.	Eng. Joseph Mbugua	-	PS – Roads
2.	Eng. Jackson Magondu	-	DG – KeRRA
3.	Eng. M.K Chelang'a	-	KeRRA Régional Director, North Rift
4.	Eng. Macharia Tumu	-	Technical Advisor, KeRRA
5.	Ms. Ann Ikenye	-	Communications/Liaison State Dept. for Roads

MIN. NO.NA/DAA & GPC/COI/2025/241: PRELIMINARIES

The Chairperson called the meeting to order at midday. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Mark Samuel Muriithi Mwenje, M.P and seconded by The Hon. Rael Chepkemoi Kasiwai, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: **Briefing Session and Inspection Tour of the Eldoret-Ziwa-Kabenes-Kachobora Road, Uasin Gishu County.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/242: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/243: BRIEFING SESSION AND INSPECTION TOUR OF THE ELDORET - ZIWA-KABENES - KACHOBORA ROAD, UASIN GISHU COUNTY

The Committee made the following observations during the tour at the **Eldoret-Ziwa-Kabenes-Kachobora Road, Uasin Gishu County.**

Committee Observations

i) The bitumen road extends from Eldoret City in Uasin Gishu County to Kachibora in Trans-Nzoia County.
ii) The 75-kilometre road is distributed as follows:
   a) Eldoret Kabenes 24km
   b) Kebenes Kachibora 31km
   c) Moi's Bridge Kachibora 20km
iii) The construction estimated cost was pegged on an initial sum of Kshs 1,435,212,465.
iv) The road had been resurfaced once after initial construction and was in general good condition.
v) The road has evidence of wear and tear especially the shoulder.
vi) The road was completed in 2019

Committee Recommendations

1. The road should be properly maintained especially the shoulders which showed evidence of wear and tear
2. The road cutting across Eldoret City should be improved to incorporate zebra crossings, foot bridges and pedestrian walkways as well as beautification to match the City's status

MIN. NO.NA/DAA & GPC/COI/2025/244: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/245: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:00 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 16/9/25

MINUTES OF THE 26TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 13TH JUNE, 2025 AT SAROVA WHITESANDS HOTEL, AND PORT OF MOMBASA, MOMBASA COUNTY AT 9:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Julius Taitumu M'Anaiba, M.P
8. The Hon. Stanley Muiruri Muthama, M.P
9. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Zamzam Mohamed Chimba, M.P
11. The Hon. Kitilai Ole Ntutu, M.P
12. The Hon. Chege Njuguna, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Ms. Lucy Kimathi	-	HOD Principal Clerk Assistant
2.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
3.	Mr. Mark Namaswa	-	Clerk Assistant II
4.	Mr. James Macharia	-	Media Relations Officer
5.	Ms. Noel Amutabi	-	Legal Counsel
6.	Mr. Collins Namulen	-	Fiscal Analyst
7.	Ms. Cate Mukunyi	-	Sergeant At-Arms
8.	Mr. Eugene Luteshi	-	Audio Officer
9.	Ms. Mercy Ondego	-	Researcher

MINISTRY OF ROADS AND TRANSPORT - KENYA RAILWAYS CORPORATION (KRC)

1.	Mr. Philip J. Mainga	-	Managing Director
2.	Ms. Christine Macharia	-	Kenya Railways
3.	Mr. Stanley Cheruiyot	-	Manager, Business
4.	Mr. Erick Njoroge	-	Manager, Operations
5.	Mr. Peter Kamatia	-	Port Operations
6.	Eng. Mativo	-	Clearing and Import Services
7.	Mr. Edward Langat	-	Port Operations

MIN. NO. NA /DAA & GPC/COI/2025/134: PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 a.m. followed by a word of prayer. The agenda of the meeting was adopted as hereunder.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. **Substantive Agenda: Meeting with the Ministry of Roads and Transport and Kenya Railways Corporations (KRC); to consider the implementation status of: -**
   i) Report by the Departmental Committee on Transport, Public Works & Housing on the inquiry into the use of the Standard Gauge Railway.
   ii) Report by Public Petitions Committee on the Public Petition No.3 of 2023 Regarding the Management of the Standard Gauge Railways (SGR Services).
3. Any Other business.

MIN. NO.NA/DAA& GPC/COI/2025/135: CONFIRMATION OF MINUTES

Minutes of the previous meetings were deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/136: MEETING WITH THE MINISTRY OF ROADS AND TRANSPORT AND KENYA RAILWAYS CORPORATIONS (KRC); TO CONSIDER THE IMPLEMENTATION STATUS OF THE REPORT BY THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING ON THE INQUIRY INTO THE USE OF THE STANDARD GAUGE RAILWAY

Mr. Philip J. Mainga - Managing Director, Kenya Railways appeared before the Committee to apprise it on the implementation status of the Report by the Departmental Committee on Transport, Public Works & Housing on the inquiry into the use of the Standard Gauge Railway. He was accompanied by Ms. Christine Macharia – Kenya Railways, Mr. Stanley Cheruiyot - Manager, Business KR, Mr. Erick Njoroge - Manager, Operations, Mr. Peter Kamatia - Port Operations, Eng. Mativo - Clearing and Import Services and Mr. Edward Langat - Port Operations.

The Committee was informed on the status of the following recommendations contained in the Report:

1. **That; Importers should have freedom of choice on the mode of transport to haul their goods from the port to the final destination without restrictions from any government agency;**

Management Response

i) That the Kenya Railways Corporation (KRC), in collaboration with key government agencies including the Kenya Ports Authority (KPA) and the Kenya Revenue Authority (KRA), affirmed that the nomination of the Standard Gauge Railway (SGR) as a mode of transport was based on the principle of free choice by importers.
ii) That in line with the government's commitment to a liberalized and client-driven logistics framework, all government agencies within the cargo clearance and transport

chain have implemented systems that uphold and facilitate the autonomy of cargo owners in determining their preferred mode and point of clearance. Specifically:

a) **At the port of Mombasa**: Integrated Customs Management System (iCMS) and the Port Community System (PCS) provide importers with the option to nominate rail or road transport at the time of manifest submission or cargo declaration.
b) **Kenya Railways** interfaces with these platforms to receive nominations for SGR only upon explicit instruction from the importer or their appointed clearing agent.
c) **KRA** ensures that the clearance process, whether at the port, Container Freight Stations (CFSs), or Inland Container Depots (CDs), is based solely on the declared choice of the importer, without any form of compulsion or default assignment to SGR.

iii) This integrated framework reflects a deliberate policy to respect market dynamics and customer preference. In practice, cargo can be nominated for clearance at any licensed facility—be it at the Port of Mombasa, a designated CFS, or inland facilities such as the Nairobi or Naivasha ICDs—based entirely on importer instructions.
iv) The ongoing role of government agencies has therefore been to facilitate seamless options, not impose mandatory logistics decisions. Continuous engagements with stakeholders, including the Kenya International Freight and Warehousing Association (KIFWA) and Shippers Council of Eastern Africa (SCEA), have reinforced this position.
v) The Committee was also informed that, while the Government continues to promote rail as an efficient and environmentally sustainable option, the freedom of importers to determine their preferred logistics chain—between road and rail—remains fully preserved and actively supported by all agencies involved.

2. **That; measures should be put in place for the full utilization of Kenya Railway assets where income accrued from all idle KRC land and assets should be channeled to the Railway Development Fund to assist in raising revenue for payment of the SGR loan;**

Management Response

i) The Committee was informed that the ministry appreciated the Committee's recommendation regarding the strategic utilization of idle and underutilized railway assets to support the financial sustainability of the Standard Gauge Railway (SGR). While the proposal to channel all income from such assets into the Railway Development Fund (RDF) is well-intentioned, it is important to provide a nuanced view of the operational realities and current fiscal dependencies of the Corporation.
ii) The Committee was told that Kenya Railways landed assets have been instrumental in subsidizing the Corporation's passenger rail services, including the MGR inter-county trains, as well as the Nairobi Commuter Rail (NCR). These services fall under the Government's Public Service Obligation (PSO) framework and are provided at below-cost tariffs in order to ensure affordability and social equity.
iii) Revenue from property leases and licenses is often used to offset the operating deficits of these essential but commercially constrained services. Directing all property income exclusively to the RDF would undermine this delicate financial balancing and potentially jeopardize public access to affordable mobility options, particularly in urban areas.
iv) The Committee was also informed that, many of the landed assets targeted for commercialization are encumbered or subject to provision for operational requirements, ongoing legal claims or regularization processes, which affect the predictability and stability of their revenue contribution.
v) Additionally, a portion of these assets is being strategically reserved for railway-linked development projects under the Railway City initiative, inland dry ports, transit-oriented

developments (TODs), and Logistics Hubs. These developments are aligned with the Corporation's long-term plan to create integrated logistics and mobility hubs that drive both direct and indirect value for the national economy.

vi) The Committee was also told that, asset monetization for purposes of supporting the RDF should be structured within a sustainable asset management framework that accounts for:

a) Reinvestment needs to upgrade railway facilities, stations, and maintenance yards,
b) Operational continuity in delivering both freight and passenger services, and the need to preserve core strategic land holdings for future rail expansion.

vi) However, the government does recognize the imperative to support the SGR loan repayment strategy. In that context, the ministry is developing collaborative frameworks with the National Treasury to ensure alignment between railway asset revenue and sovereign debt obligations, while preserving the operational and developmental capacity of the Corporation.

vii) The Committee was informed that while maximizing returns from railway assets was important, a blanket reallocation of all income to the RDF was neither operationally viable nor financially optimal. A calibrated and transparent approach that balances debt obligations with service delivery mandates and long-term infrastructure growth would yield the most sustainable outcomes for the sector.

3. **That; as a revenue raising measure, the Government should consider adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR. Importers who choose to haul their goods using the SGR can pay a preferential RDL of 1.5% of the value of goods. Conversely, importers who choose to use road transport will attract an additional surcharge of 0.3% of the value of goods imported (up to a maximum of US$ 138). The rate of surcharge can be subject to review by the relevant stakeholders including (but not limited to) the CS Transport. Importers, CFS, Transporters and Kenya National Chamber of Commerce-**

Management Response

i) The Committee was informed that the proposal to introduce a differentiated Railway Development Levy (RDL) that offers a preferential rate for importers utilizing the SGR, while imposing a marginal surcharge for those opting for road haulage, is well-aligned with broader policy objectives of promoting modal shift to rail, environmental sustainability, and long-term infrastructure cost recover. However, several critical considerations must be considered before implementing such a structure:

ii) **Policy Alignment and Fairness** - The Committee was informed that the proposed adjustment introduces a quasi-incentive structure—rewarding use of the SGR while mildly disincentivizing road transport. This approach aligns with the government's strategic objective of reducing road congestion, limiting axle load-related highway damage, and cutting transport emissions. However, the RDL was originally conceived as a universal infrastructure levy applicable to all imports, regardless of the mode of inland transport. Any departure from this principle must be carefully weighed to ensure it does not distort trade flows or disadvantage particular importer segments (e.g. small-scale traders or those based closer to the coast who may not benefit from SGR services).

iii) **Commercial Considerations and Importer Behavior** - The Committee was made aware that from a commercial standpoint, the competitiveness of SGR is not solely a function of price—it also hinges on reliability, end-to-end connectivity, and terminal efficiency. Therefore, while a preferential RDL of 1.5% may be financially attractive, it is unlikely to result in significant modal shift unless accompanied by continuous service improvements. Similarly, the proposed surcharge of 0.3% for road users (capped at US$138) must be carefully calibrated to avoid perceptions of penalizing free choice (an issue raised under 1 above), particularly in a liberalized logistics market.

iv) **Implementation Complexity and Compliance Risk** - The Committee was informed that operationalizing a differentiated levy required robust systems integration between KRA, KPA, and Kenya Railways, to track and verify the actual mode of inland transport used before applying RDL adjustments. Without reliable verification mechanisms, there is a risk of false declarations or system gaming, leading to revenue leakage or administrative burdens. Moreover, modalities for reclaiming or adjusting RDL payments post-clearance (if mode use changes) would need to be clarified in advance.

v) **Stakeholder Engagement and Transition Planning** - The Committee was told that Kenya Railways agreed that any proposed RDL adjustment should be subject to extensive consultation with key stakeholders—including importers, logistics service providers, the Kenya National Chamber of Commerce, and regional trade blocs. Such engagement is critical to ensure that the measure does not inadvertently create cross-border friction (especially with landlocked neighbors), raise constitutional questions, or trigger resistance from the private sector.

4. **That; to encourage use of the SGR, increase competitiveness in the sector and promote stopover economy along the railway line, the Government should set up an open, non-discriminatory policy that allows private investors to provide rail transport services through private trains and locomotives. This will be in line with international practice as is the case in the UK and more recently, India where private companies have been licensed to provide rail services.**

Management Response

i) The Committee was informed that the government supports the Committee's recommendation to open the rail sector to private operators and is pleased to report that this policy direction is already embedded in the Railway Bill 2024, currently under parliamentary review. The Bill provides for:
   a) Separation of roles, with Kenya Railways as infrastructure owner, and a proposed Railway Regulatory Authority responsible for licensing, safety, and economic oversight.
   b) Open access to the rail network, enabling private companies to operate freight and passenger trains, build private rail links, and invest in rolling stock.
   c) A framework aligned with international practice (e.g. UK and India) and Kenya's PPP success in highways, ensuring fair, non-discriminatory access.

ii) Public consultations on the Bill were completed in 2024. Enactment is expected in 2025, after which the government will develop:
   a) Licensing and safety regulations,
   b) Transparent rules for track access and fees,
   c) Pilot programs to onboard private freight operators.

iii) This reform will stimulate competition, increase rail usage, and support the "stopover economy" along SGR and MGR corridors. Kenya Railways remains fully committed to operationalizing this framework in collaboration with the Ministry and stakeholders.

5. **That; for purposes of last-mile connectivity, the Government should allow private investors to extend the railway line to their respective yards at their own cost•**

Management Response

i) The Committee was informed that the Ministry through Kenya Railways supported the Committee's recommendation to allow private investors to extend rail infrastructure to their facilities at their own cost. This model is not only commercially viable but also essential for improving first- and last-mile connectivity, enhancing operational efficiency, and decongesting the road network. The Corporation has already operationalized this

approach under the existing framework, with notable success stories on the Railway network, including:

a) Bulk stream Limited, which operates a private siding at Nairobi SGR Terminus for handling clinker and bulk cargo;
b) Devki Group, with active rail-linked operations serving its Athi River and Samburu steel plants, enabling high-volume inbound and outbound logistics by rail on the MGR
c) Auto parts East Africa Limited, which is setting up a dedicated siding for import shipments at the port, demonstrating the viability of integrating private yards with public rail infrastructure.

ii) These examples underscore the potential of private sidings to optimize logistics flows, reduce handling costs, and grow rail freight volumes. Kenya Railways facilitates such developments through:

a) Technical evaluation and approvals for siding designs,
b) Access agreements and operational integration with signaling and safety protocols,
c) Ongoing support during construction, commissioning, and scheduling of trains to and from private terminals.

iii) To scale this model, the Corporation is finalizing a standardized framework for private siding investment, which will include:

a) Clear application procedures and technical specifications,
b) Guidelines on safety, interoperability, and network access,
c) Defined roles for cost recovery, operations, and maintenance.

6. **That; on Clearance of Cargo, importers should have the freedom to nominate a licensed Container Freight Service (CFS) company of their choice to clear their goods;**

Management Response

i) The Committee was informed that the government supported the Committee's position that importers should retain the freedom to nominate a licensed Container Freight Station (CFS) of their choice for cargo clearance. This principle aligns with the liberalized logistics environment and ensures that supply chain decisions remain customer-driven.

ii) Currently, KPA, KRA, and KRC have integrated systems that enable importers to freely nominate the location and mode of clearance, whether at the Port of Mombasa, a CFS, or an Inland Container Depot (ICD) served by rail. Importers make this nomination during manifest submission or cargo declaration—there is no mandatory assignment to rail or specific clearance points.

iii) The Committee was told that this flexibility enhanced service competitiveness, encourages operational efficiency among CFS providers, and ensures that importers select the most cost-effective and convenient solution for their cargo. Kenya Railways remains committed to supporting a multimodal, customer-centric freight ecosystem in which rail is chosen for its value proposition—not by directive.

7. **The government should initiate the process of re-negotiating the loan terms of the SGR with the lender due to the prevailing economic distress occasioned by the effects of Covid -19, the global pandemic that has affected the World economic growth.**

Management Response

i) The Committee learnt that the Covid period had led to decline in economic growth after the World Health Organization (WHO) declared it in March 2020, impacting businesses

including SGR services where the SGR passenger travel had been discontinued at some point with only essential travel required after sometime. The movement of sea cargo had also been gravely affected with limited production of export goods and staffing at the Ports.

ii) The Committee also learnt that it was not practicable to re-negotiate the SGR loan at the time due to the restrictions in movement especially to China at the height of the pandemic where flights had been banned at some point with only essential travel being considered after the opening up of the skies.

iii) However, once there were scientific advancement leading to possible vaccines, the business resumed gradually to normalcy after November 2020 when various economies opened up their business and borders including Kenya. This turn of events due to the isolated Covid -19 situation and return to normalcy did not precipitate to the negotiations.

iv) The Committee was informed that KR is however, re-negotiating the terms of the On-Lent loan with the National Treasury in order to ensure that it is aligned to the revenue collection and asset economic useful life.

8. The re-negotiation of the current Operations agreement by planning to reduce the operation costs by at least 50% be initiated by the Government.

Management Response

i) The Committee learnt that the initial operations and maintenance contract (0& M) was implemented signed on 31 May 2017 when the SGR operations commenced. KR has implemented the above recommendations by engaging the SGR operator in several negotiations with the aim of reducing the operations and by taking over the SGR functions. Below is a table showing the respective negotiations;

Table 1: negotiations with the SGR operator

Item	Description	Date
Initial Contract	Signed in June 2017	1st June 2017
Novation Agreement signed	Transfer of rights & Obligation from CRBC to	1st January 2020
1st Negotiation	FC reduced by USD 37.9m	1st Jul 2020
2nd Negotiation	FC reduced by USD 9.2m Phase I and USD	1st Jul 2021
Revised Contract	Change of cost under Fixed, Variable and Technical Services	1st June 2022

ii) The negotiations have led to the reduction of costs as the operations have grown in terms of the volumes of cargo hauled and passenger numbers moved as illustrated below.

iii) Notable is the cargo volumes and passenger numbers have been on a growth trajectory while operating costs have been decreasing.

NB. The dip in passengers over FY 2019/20 and FY 2020/21 is during the Covid pandemic.

Table 3: A Trend Analysis on the Operating costs per Cost Function since SGR Inception

Financial Year	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Category of Cost Function	USD	USD	USD	USD	USD	USD	USD
Transport	38,258,861	81,163,520	88,416,950	66,970,031	61,757,093	45,117,989	31,517,972
Locomotives	23,256,212	24,786,212	24,744,212	35,748,148	42,178,655		
Rolling Stock		18,892,509		17,794,226	16,315,395	19,227,260	19,586,307
SECI	19,774,197	19,774,197	19,774,197	21,691,749	21,136,705	7,199,198	
Track		19,902,172	19,902,172	14,770,554	14,762,749	9,856,307	
Contingent	2,812,659	2,812,659	2,812,659				
Admin Cost	8,866,520	11,480,747	11,835,783	8,522,713	7,786,091	10,080,999	
Staff Cost				312,264	2,952,864	4,609,637	4,336,435
Total	130,662,930	178,812,017	186,486,353	165,809,685	166,889,551	152,447,413	155,455,397
SGR Passenger Numbers	1,394,327	1,659,731	1,117,578	1,244,277	2,358,227	2,525,680	2,607, 921
SGR Cargo Volume	950,936	4,009,703	4,112,858	5,145,677	5,666,375	6,295,255	6,397,562

NB; Costs are denoted in USD to eliminate foreign exchange fluctuations that may obscure the effect of real change in costs.

iv) From the above analysis, the overall costs have been decreasing as KR takes over the costs as per the functions above. For the functions that costs are increasing, this is due to costs being variable in nature i.e. fuel costs which depend on the pump prices.

Committee Observations

1. Most of the cargo handled by the Kenya Railways (SGR and MGR) arrives at the Port of Mombasa by ship.
2. Some of the storage facilities at the Port used by the Kenya Railways are still built using asbestos material that has been banned worldwide owing to the health hazards the material poses to the general public.
3. Kenya Railways still uses the old colonial Meter Gauge Railway (MGR) alongside the SGR although the SGR has capacity to handle heavy loads.
4. The typical route that cargo takes is by SGR from Mombasa to Nairobi and Naivasha, then from Naivasha to Western Kenya, the cargo is transported through Meter Gauge Railway

5. Currently, the largest load of cargo comprises of fertilizer (100,000 tones as at the time of the site visit to the Port Cargo Storage) and steel (one roll is estimated to weigh 22 tones)
6. According to Kenya Railways management, the Port of Mombasa using the SGR still handles more cargo freight services than both the Port at Dar Es Salaam and the Ethiopian Railway system.
7. SGR is not yet operating at its optimal capacity of 18 trains per day, but is currently running 11-14 trains for both cargo and passengers. On the other hand, neighboring countries with Standard Gauge Railways, which are operating at a much lower rate of 1.5-2 runs per day

Committee Recommendations

1. There is still room for engaging private yards with public rail infrastructure to optimize on the investment of building and sustaining the SGR systems for the maximum benefit of the public investment.
2. The Kenya Railways should explore extending the SGR beyond Naivasha, due to the high demand for the current Medium Gauge Railway (MGR) service among passengers traveling to North Rift and Western Kenya.
3. Greater innovation and technology should be incorporated in the monitoring of inbound and outbound cargo to enhance the capacity of Kenya Railway to handle more cargo and passenger freight services to avoid delays and handle the growing population of Kenya which will also be reflected in the cargo being handled.
4. Kenya Railways through the Ministry of Transport to expedite the process of allowing private investors to provide rail transport services through private trains and locomotives. This will align with international best practices as is the case in the UK and, India where private companies have been licensed to provide rail services to spur economic growth.
5. The Ministry of Transport to expedite adjustments to the Railway Development Levy (RDL) to incentivize use of the SGR. Importers using the SGR can pay a preferential RDL of 1.5% of the value of goods. Conversely, importers who choose to use road transport will attract an additional surcharge of 0.3% of the value of goods imported (up to a maximum of US$ 138). This will open up greater SGR use and reduce pressure on the road network.
6. Kenya Railways to upgrade some of the storage facilities at the Port built using asbestos material that has been banned worldwide owing to the health hazards the material poses to the general public.

MIN. NO.NA/DAA& GPC/COI/2025/137: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/138: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:12 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date 17/06/2025

MINUTES OF THE 49TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUEDAY, 9th SEPTEMBER 2025 AT THE BOMA HOTEL, ELDORET, UASIN GISHU COUNTY AT 12:00 P.M

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Lillian Siyoi, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chepkwony Charity Kathambi, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Ms. Catherine Mukunyi	-	Sergeant-at-Arms
4.	Ms. Noelle Amutabi	-	Legal Counsel
5.	Mr. Collins Namulen	-	Fiscal Analyst
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Mr. James Macharia	-	Media Officer
8.	Ms. Mercy Ondego	-	Researcher

MOI TEACHING AND REFERRAL HOSPITAL (MTRH)

1.	Dr. Philip Kirwa	-	CEO-MTRH
2.	Dr. Tarus Kipchumba	-	Director, Admin & Finance
3.	Dr. Andrew Wandera	-	Director, Clinical Services
4.	Dr. Jesse Opakas	-	Director, Hemato-Oncology
5.	Dr. Menach Owen	-	Director, Surgical Services
6.	Dr. Beatrice Jakait	-	AMPATH - MTRH
7.	Ms. Ann Chemworsio	-	Director, HR - MTRH

MIN. NO.NA/DAA & GPC/COI/2025/270: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock followed by a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Johnson Manya Naicca, CBS, M.P and seconded by The Hon. Charles Gumini Gimose, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
1. Substantive Agenda: Meeting with the following regarding the implementation status of the Report of the Departmental Committee on Health on the status of the Moi Teaching & Referral Hospital:
   a) The Principal Secretary, State Department of Medical Services, Ministry of Health
   b) The CEO - Moi Teaching & Referral Hospital (MTRH)
2. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/271: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/272: MEETING WITH THE CEO – MOI TEACHING & REFERRAL HOSPITAL (MTRH) REGARDING THE IMPLEMENTATION STATUS OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE STATUS OF THE MOI TEACHING & REFERRAL HOSPITAL

Dr. Philip Kirwa the CEO-MTRH appeared before the Committee to apprise it on the implementation status of the Third Report of The Committee on National Cohesion and Equal Opportunity on Employment Diversity Audit in Public Institutions -MTRH. He was accompanied by the following officers:

1. Dr. Tarus Kipchumba - Director, Admin & Finance
2. Dr. Andrew Wandera - Director, Clinical Services
3. Dr. Jesse Opakas - Director, Hemato-Oncology
4. Dr. Menach Owen - Director, Surgical Services
5. Dr. Beatrice Jakait - AMPATH - MTRH
6. Ms. Ann Chemworsio - Director, HR - MTRH

The Committee was briefed as follows:

i) That, Moi Teaching and Referral Hospital (MTRH) is a multi-specialty National Teaching and Referral Hospital serving as the primary tertiary healthcare provider for the western half of Kenya, covering a population of over 25 million people, and extending its services to Eastern Uganda, Southern Sudan, Northern Tanzania, and parts of the Democratic Republic of Congo.

ii) That through a long-standing partnership with Moi University and Indiana University (USA), MTRH jointly runs the Academic Model Providing Access to Healthcare (AMPATH), a globally recognized programme that integrates clinical care, training, and research to address communicable and non- communicable diseases.

iii) That at the time of the meeting, MTRH has a capacity of 1,403 specialized beds, all piped with medical oxygen, and provides care to an average of 1,500 outpatients daily, while maintaining slightly over 1,000 inpatients admitted at any given time. This scale of service makes MTRH a vital institution in the national healthcare system and a referral point of choice for specialized care in the region.

Dual Function of Moi Teaching and Referral Hospital

iv) Moi Teaching and Referral Hospital (MTRH) plays a unique dual role within Kenya's healthcare delivery system, serving both as a national referral hospital and as a primary healthcare provider for the surrounding population. This duality of function reflects both its national mandate and its regional responsibility, making MTRH one of the most critical institutions in the health sector.

Referral Function

v) MTRH provides highly specialized services that cannot be accessed at the county or sub-county levels. Patients are referred from across the western half of Kenya as well as from neighbouring countries such as Uganda, South Sudan, Tanzania, and the Democratic Republic of Congo for highly advanced healthcare services in oncology, cardiology, neurosurgery, renal services, critical care, organ transplantation, advanced imaging, specialized paediatric care, among others.

Primary Healthcare Function

vi) Despite its referral mandate, MTRH also functions as the first point of contact for thousands of patients from Uasin Gishu County and surrounding regions, as follows:

a) **Outpatient Services:** The hospital attends to an average of 1,500 outpatients daily. Over 65% of these are walk-in patients without referral letters, seeking services that could ordinarily be provided at county or sub-county hospitals.
b) **Inpatient Care:** At any given time, MTRH accommodates over 1,300 inpatients and nearly 40% of inpatients are admitted with conditions that are manageable at lower-level facilities, highlighting the strain caused by direct access without structured referral pathways.

Implications of the Dual Function

a) **Resource Allocation Challenges:** Human resources, consumables, and specialized equipment intended for complex tertiary care are diverted to manage primary-level cases, stretching the hospital's capacity.
b) **Strategic Advantage:** While challenging, the dual role enables MTRH to serve as a comprehensive healthcare hub, ensuring continuity of care from primary to tertiary levels, and offering unique training opportunities for medical students across all levels of care.

MIN. NO.NA/DAA & GPC/COI/2025/273: MANDATE, FUNCTIONS AND STRATEGIC PLANS

MTRH is established through Legal Notice No. 78 of 12th June 1998, No. 56 of 2002 under the State Corporation Act, Cap 446 and Legal Notice No. 40 of 1st March 2021 with the following Mandate:

1) To receive patients on referral from other Hospitals or Institutions within or

outside Kenya for Specialized Healthcare;
2) To provide facilities for Medical Education for Moi University and Research either directly or through other cooperating health institutions;
3) To provide facilities for education and training in Nursing and other health and allied Institutions;
4) To participate as a National Referral Hospital in National Health Planning.

Strategic Plan of the Institution (2023 - 2028)

The Committee was informed that:
Moi Teaching and Referral Hospital (MTRH) had developed, approved, and commenced implementation of its Five-Year Strategic Plan (2023–2028). This Plan is fully aligned with the Kenya Vision 2030 as well as the Bottom-Up Economic Transformation Agenda (BETA), both of which emphasize universal health coverage, equitable access to specialized healthcare, and human capital development.

That the Strategic Plan positions MTRH as the leading specialized healthcare provider in the region, while strengthening its role as Kenya's premier national referral hospital and a regional centre of excellence in training, research, and specialized service delivery.

Priority Projects and Programmes under Implementation

That in line with the Strategic Plan, MTRH has embarked on several flagship projects and programmes designed to enhance specialized healthcare capacity, improve patient outcomes, and contribute to national and regional health goals. These include:

i. **MTRH Julie Anne Perry Paediatric Oncology Hospital**. A state-of-the-art 4-storey hospital with a 155-bed capacity, fully dedicated to the treatment, care, and management of paediatric oncology cases. This will be the first stand-alone Paediatric Oncology Hospital in Kenya, significantly expanding access to specialized cancer treatment for children and reducing the need for referrals abroad.

ii. **Project Cost & Sponsorship:** Valued at Kshs 239.3 million and funded by the Shoe4Africa Foundation. Currently at 55% completion, to be completed in July 2026.

iii. **Strategic Contribution:** Advances BETA's health pillar by addressing the rising burden of childhood cancers, improving survival rates, and supporting research and training in paediatric oncology.

iv. **MTRH Harry J. Dyer Paediatric Burns Hospital**. A specialized 2-storey facility with 26 beds, including 6 Intensive Care Unit (ICU) beds, theatre space, and rehabilitation facilities, exclusively for the management of paediatric burns. The facility is the first dedicated paediatric burns hospital in the region, enabling comprehensive care ranging from acute burns management to reconstructive surgery and long-term rehabilitation. Currently at 55% completion, to be completed in July 2026.

v. **Project Cost & Sponsorship:** Estimated at Kshs 160.6 and supported by the Sidekick Foundation. **Strategic Contribution:** Addresses the high incidence of paediatric burns, reduces mortality and disability associated with severe burns, and contributes to Kenya's universal health coverage objectives.

vi. **Expansion of the MTRH College of Medicine.** The expansion will strengthen MTRH's role as a regional hub for training healthcare professionals, contributing to the Vision 2030's human capital development pillar, and supporting Kenya's long-term goal of achieving adequate healthcare workforce ratios. It's planned to be undertaken through a Public–Private Partnership (PPP) arrangement at a cost of Kshs. 937 Million. A Transaction Advisor (Crisil Risk and Infrastructure Solutions Limited) has conducted a feasibility study of the project. An advertisement has been done for the construction of the college.

vii. **Completion of Private Wing II Outpatient Block.** It will expand access to quality private healthcare services, reduce congestion in general outpatient clinics and generate internally raised revenues to support MTRH's sustainability, improve patient experience, and enhance access to modern outpatient diagnostic and treatment facilities.

viii. **Construction of Private Wing 2 Inpatient Block.** This will be a 222-bed 5-storeyed facility to accommodate paediatrics and child health, reproductive health, surgical services and internal medicine. This project will offer a competitive alternative to medical tourism outside Kenya and complements the outpatient block in the provision of specialized healthcare services. The Contractor-Barbola Limited took over the site on 18th August 2025 for a construction period of 12 months at a cost of Kshs 274,710,446.

Completed Projects during FY 2024/25 Implementation

The Committee was informed that during the Financial Year 2024/25, Moi Teaching and Referral Hospital completed several key infrastructural and service delivery projects that directly support its mandate as a national referral and teaching hospital. These projects are as follows:

i). **Construction and Equipping of the 1.5 Tesla MRI and Cardiac Catheterization Laboratory.** This constituted the establishment of a modern diagnostic and interventional imaging facility comprising a 1.5 Tesla Magnetic Resonance Imaging (MRI) unit and a Cardiac Catheterization Laboratory (Cath Lab).

ii). The 1.5 Tesla MRI machine provides high-resolution imaging essential for early detection and diagnosis of complex neurological, musculoskeletal, oncological, and cardiovascular conditions. The Cardiac Catheterization Laboratory expands MTRH's capacity for minimally invasive cardiovascular procedures such as angiography, angioplasty, and stent placement, significantly reducing the need for patients to travel abroad for such specialized interventions.

iii). **Construction of the Four-Storeyed MTRH Financial Services Centre of Excellence.** This is a 4-storey purpose-built Financial Services Centre, designed as a one-stop hub for financial and staff welfare services within MTRH. The components include

- **Social Health Authority (SHA) Branch:** Provides patients and staff with on-site access to SHA services, improving efficiency in claims processing and reducing delays in service delivery.
- **MTRH Staff SACCO Office:** Strengthens staff welfare by providing convenient access to savings and credit facilities, thereby enhancing financial inclusion and staff motivation.**MTRH Staff Pension Scheme Office:** Provides dedicated

pension services, ensuring staff have seamless access to retirement planning and benefits management.

iv) The project enhances institutional efficiency by consolidating financial/welfare services under one roof and reinforces staff satisfaction, retention, and productivity through strengthened welfare systems.

Key Performance Indicators, Targets and Achievements during FY 2024/25

i) Moi Teaching and Referral Hospital (MTRH) continued to uphold a culture of accountability and results-driven management through systematic monitoring of Key Performance Indicators (KPIs).

ii) Over the years, MTRH has consistently sustained an **excellent performance contracting grade** ranking among the top institutions within the Ministry of Health. This achievement reflects the hospital's commitment to service excellence, efficient resource utilization, and innovation in healthcare delivery. The hospital remains dedicated to not only maintaining this level of performance but also building on it to deliver even greater impact in specialized healthcare, training and research.

FY 2024/2025 Performance Targets

The table below presents MTRH's targets, indicators and achievements for the Financial Year 2024/25, demonstrating progress made and areas of focus for continuous improvement.

No	Performance Indicator	Unit	Annual Target	Cumulative Achievement	% Performance
1	External Beam Radiotherapy	No	12,265	21,482	175%
2	Brachytherapy Sessions	No	154	319	207%
3	Chemotherapy Services Increased	No	18,004	20,175	112%
4	Kidney (Renal) Transplants Undertaken	No	11	13	118%
5	Children Haemodialysis Increased	No	1,400	1,763	126%
6	Minimally Invasive Surgeries Increased	No	2,050	2,545	124%
7	Open Heart Surgeries Undertaken	No	36	45	125%
8	Plastic Surgeries Increased	No	330	357	108%
9	Maxillofacial Surgeries Undertaken	No	115	171	149%
10	Spine Surgeries Conducted	No	178	235	132%
11	Cardiothoracic Surgeries Conducted	No	550	569	103%

Clinical Workload Trends, FY 2012/13 – FY 2024/25)

Other Key Achievements

i) Kenya's First Renal Artery Bypass Surgery (grafting a blood vessel either from the patient or a synthetic graft to bypass the blocked renal artery, thereby restoring normal blood flow to the kidneys). Kenya's First Coronary Angiogram (a minimally invasive imaging procedure that uses contrast dye and X-ray technology to visualize coronary arteries).

ii) Moi Teaching and Referral Hospital's Nephrology Department increased the number of Haemodiafiltration (HDF) machines for better purification of kidneys during dialysis. MTRH has the capacity to conduct 20 HDF procedures at a go via its 5008s Cordiax & the 6008 CARE system machines to both paediatric and adult patients.

iii) MTRH conducted its first Stereotactic Radiosurgery (SRS) using the Varian True Beam platform on a 51-year-old female patient, *MW*, who had brain metastases with remarkable improvement. This is a procedure that uses non-invasive tumour-destroying radiation to treat cancers throughout the body, as it minimizes exposure to the surrounding healthy tissue.

iv) Building the capacity of County Human Resources for Health through Exchange Programmes to improve service delivery. County Governments visit MTRH to benchmark best practices on Clinical and Corporate Governance.

v) Implementation of Collegiate Programmes for highly specialized Courses to bridge the gap for highly specialized staff. This comprises:

No	Programme	Numbers
1	College of Surgeons of East, Central and Southern Africa(COSECSA): Neurosurgery (8), Orthopaedic Surgery (5), General Surgery (4) & Paediatric Surgery (7); MSC (7)	31
2	College of Ophthalmology of Eastern, Central and Southern Africa (COECSA)	7
3	College of Anaesthesiologists of East, Central and Southern Africa (CANESCA)	6
4	College of Pathologists of Central Eastern & Southern Africa (COPECSA)	2
5	East Central Southern Africa College of Physicians (ECSACOP)	9
6	Maternal-Fetal Medicine	1
7	Paediatric Oncology & Haemato-Oncology	1
		56

vi) Implementation of Telemedicine and Telepathology - bringing medical care virtually to the Counties through Tumour Board Meetings & Diagnostic Support Services, as well as joint morbidity/mortality reviews.

vii) Implementation of an Enterprise Resource Planning System (Electronic Medical Records System, Human Resources, Procurement, Asset Management, Financial Management, Internal Audit, etc). A system developed internally.

STATUS OF STAFFING

Human resources for health remain the most critical input in delivering quality healthcare at Moi Teaching and Referral Hospital (MTRH). The hospital's dual mandate as a National Referral Hospital and a primary healthcare facility for Uasin Gishu and surrounding counties creates unique staffing demands that far exceed the norm.

Current Staffing Levels

i) The Committee was informed that as of FY 2024/25, MTRH had a workforce of approximately **3,548 staff** spread across clinical, technical, administrative, and support services. The breakdown is as follows:-

No	Staff Cadre	Number

1	Medical Specialists/Consultants	83
2	Medical Officers	77
3	Nursing Officers	1007
4	Registered Clinical Officers	139
5	Other Technical Cadres(Paramedics)	1126
6	Corporate Staff	1116
		3548

Human Resource Ratios

1. **Doctor-to-Patient Ratio** (against WHO-recommended 1:1,000).

S.No	Sections	Required standard(WHO)	MTRH Status
1	**Emergency Department**	**1:20**	**1:34**
2	**Ambulatory Clinics**	**1:20**	**1:41**

2. **Nurse-to-Patient Ratio in Wards**

S.No	Sections	Required standard	MTRH Status
1	General Medical Wards	1:6	1:15
2	Surgical wards	1:5	1:20
3	Labour Wards	1:1	1:4
4	Paediatric wards	1:5	1:15
5	ICU/CCU	1:1	1:4

ii) **Specialist Coverage and Gaps:** While the hospital has made strides in Internal Medicine, Radiology, Neurosurgery, Orthopaedics, significant gaps remain in sub-specialties such as Transplant Surgery, Paediatric Neurology, Urology, Oncology, Pathology, Paediatric Nephrology, Cathlab Specialists/Cardiologists, Dermatologists, Emergency Medicine, Family Physicians, Forensic Pathologists, Medical Geneticists, Neurologists, Nuclear Physicians, Paediatric Ophthalmologists, Plastic Surgeons, Urologists, Radiation Oncologists, Clinical Oncologists, Maxillofacial Specialists, Rheumatologists, Paediatric Surgeons, Cardiothoracic Surgeons, Paediatric Nephrologists, Dental Paediatricians, Paediatric Gastroenterologists amongst other subspecialized disciplines.

STATUS OF MEDICAL EQUIPMENT

Moi Teaching and Referral Hospital (MTRH) relies on specialized medical equipment to deliver advanced diagnostic, therapeutic and surgical services. The hospital has made significant investments in modern technology to enhance healthcare outcomes, research and training. However, as with most tertiary hospitals, there exists a mixed status of fully functional, partially functional, and obsolete equipment, requiring continuous attention and resource allocation.

Fully Functional and Recently Acquired Equipment

MTRH has, in recent years, installed and operationalized high-end equipment, strengthening its role as a centre of excellence in specialized healthcare. These include:

i). **1.5 Tesla MRI Machine**: This provides advanced imaging for neurological, oncological, musculoskeletal and cardiovascular diagnostics. The equipment was

handed over to MTRH on 19th December 2024.

ii). **Cardiac Catheterization Laboratory**: The facility enables the provision of highly specialized minimally invasive cardiac procedures such as angiography, angioplasty and stenting, reducing reliance on overseas referrals.

iii). **Two Linear Accelerators (True Beam and Vital Beam)**: Advanced radiotherapy equipment used in cancer treatment, delivering high-energy X-rays or electrons with precision to target tumours while sparing surrounding healthy tissue.

iv). **Brachytherapy:** Specialized radiation therapy equipment used in oncology to deliver targeted radiation directly inside or close to a tumour, improving cancer treatment outcomes while minimizing damage to healthy tissues.

v). **CT Simulator:** Supports cancer radiotherapy planning by providing precise imaging of tumour sites, enabling accurate mapping and delivery of external beam radiation therapy.

vi). **Renal Machines (25 Units – 11 Haemodiafiltration & 14 Dialysis Equipment)**: This ensures timely haemodiafiltration and dialysis services for patients with kidney failure.

vii). **Modern Intensive Care Unit (ICU) Equipment**: This includes ventilators, patient monitors, infusion pumps, and defibrillators, supporting over 60 ICU beds.

viii). **Pressure Swing Adsorption (PSA)/Oxygen Generating Plant (OGP):** This is a combined 2,000 Litres Per Minute (LPM) Oxygen from 2x1,000 LPM Plants. The facility provides a continuous, reliable, and cost-effective source of medical-grade oxygen piped to all wards and critical care units, enhancing patient safety and reducing reliance on external suppliers.

ix). **One (1) X-Ray Machine:** Widely used in diagnostics for trauma, chest, abdominal, and skeletal imaging, offering quick and efficient imaging with reduced radiation exposure.

x). **Laboratory Analyzers**: Automated equipment used for high-volume testing of blood, urine, and tissue samples, enabling rapid, accurate, and comprehensive diagnostic results essential for clinical decision-making.

Malfunctioned Equipment

A number of machines are faced with frequent breakdowns, with high maintenance costs, with some of them are beyond their recommended service life. They include two (X-ray) Machines, a 128 Slice CT Scan, a 64 Slice CT Scan, a 32 Slice CT Scan, a 0.36T MRI and Mammography Equipment.

To address these challenges, MTRH vide letter Ref: MTRH/CEO/1/VOL.I/2025 dated 31st July 2025 requested the Ministry of Health for Medical Equipment support through the National Equipment Service Programme (NESP). The equipment requested is in the following categories:

i). Diagnostic Equipment (Imaging X-Rays, Sonography, Mammogram, CT Scan and MRI

ii). Radiation Oncology Equipment

iii). Nuclear Medicine Equipment

iv). Interventional Radiology Equipment

v). Cardiology Equipment

vi). ICU and Operating Theatre Equipment

vii). Renal Equipment

viii). Medical Gases Equipment

ix). Dental Equipment

Maintenance and Support Services

1. Service Contracts for high-end equipment such as Linear Accelerators, Oxygen Plant, 1.5T MRI and CT Scans are in place but are costly, consuming a significant portion of the hospital's recurrent budget.
2. MTRH has a Biomedical Engineering Unit that undertakes continuous planned preventive maintenance.

Bed Occupancy

Moi Teaching and Referral Hospital (MTRH) has a total capacity of 1,403 specialized beds, all piped with medical oxygen, serving both inpatient and critical care needs.

During FY 2024/25, the overall Bed Occupancy is reflected in the table below:

No	Ward	Available Beds	Percentage Bed Occupancy
1	Tumaini	52	100.0
2	Amani	98	100.0
3	Faraja	32	100.0
4	Upendo	49	100.0
5	Neuro Paediatrics	7	100.0
6	Kilimanjaro	46	100.0
7	Newborn Unit	60	99.0
8	Neuro Centre-Male	21	99.0
9	Longonot	35	99.0
10	Rehema	40	98.9
11	Sergoit	21	97.8
12	Neuro Centre-Female	12	96.8
13	Paediatric Surgery (Fadhili)	41	96.0
14	Kenya	74	95.7
15	Umoja	98	92.2
16	Oncology (Subira)	46	91.8
17	Cardiac Care Unit	14	89.6
18	Intensive Care Unit	23	85.9
19	Nawiri Ward	16	70.2
20	Riley Mother & Baby	144	61.3
21	Alcohol and Drug Abuse Unit	41	59.2
22	Burns Paediatrics	25	53.1
23	Renal	4	52.2
24	Elgon	26	44.9
25	Isolation Ward	6	40.6

26	World Bank Isolation	12	0.0
	Average Bed Occupancy (General Side of the Hospital)		**88.66%**
1	Private Wing II Paediatrics	12	86.7
2	Private Wing I	56	66.3
3	Private Wing II Adult Section	36	61.7
4	Private Wing II Maternity	12	28.3
5	Private Wing II Newborn Unit	4	12.9
	Average Bed Occupancy (Private Wing)		**51.18%**

MIN.NO.NA/DAA&GPC/COI/2025/276: **IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE STATUS OF NATIONAL REFERRAL HOSPITALS – MAY 2019**

Finding Serial Number 51 in the Departmental Committee on Health Report

No	Finding	Recommendation
51	The Hospital received only Kshs. 30 million for Development in the FY 2018/19. This is less than 5% of the requirements for capital expenditure for the Hospital.	The Ministry of Health should, in the next financial year, increase capital budget allocation to MTRH to at least Kshs. 500 million per annum to cater for the various needs of Multi- Speciality healthcare. For FY 2019/2020, these amounts will cater for a 1.5 Tesla MRI machine (Kshs. 200 million); Equipping of Laundry/Kitchen Boilers and other equipment

No	Finding	Recommendation
		(Kshs. 250 million) and Catheterization Laboratory for Heart Diseases *(Kshs. 50 million)*.

Management Response on the Implementation of the Recommendation

i) Moi Teaching and Referral Hospital appreciates the recommendations of the National Assembly Departmental Committee on Health for enhanced allocation of development funds.

ii) During the FY 2019/20, MTRH allocation was enhanced to Kshs. 451 Million and Kshs. 924 million in the FY 2020/21. This enabled MTRH to acquire critical assets that include: LINAC Accelerator for Radiotherapy, Bunker No. 1, ICU Equipment, 2 x 1,000LPM Oxygen Generating Plant, Equipping of the Children's Hospital and Intervention Equipment for response to the COVID-19 Pandemic.

iii) It is noted, however, that subsequent financial years have experienced declining capital funds, with FY 2024/25 having an allocation of Kshs. 51 Million and NIL allocation in

the FY 2025/26.

iv) In view of this, MTRH is experiencing service delivery challenges due to the obsolescence of equipment and requests enhanced allocations by The National Treasury as recommended by the NADCH.

Capital Grants Received

Item	Amount (Kshs. Million) per Financial Year							
	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/22 Actual	2022/23 Actual	2023/24 Actual	2024/25 Actual	2025/26 Estimates
GOK Capital Grants	30	451	924	270	304	531	51	0.00
TOTAL	**30**	**451**	**924**	**270**	**304**	**531**	**51**	**0.00**

Finding Serial Numbers 48, 49 & 50 in the Departmental Committee on Health Report

Finding	Recommendation
On the hospital's finances, the Hospital's budget is geared towards the provision of referral and specialized health care services. The sources of funds include Government Grants and Internally Generated Funds/Appropriations in Aid. Recurrent grants support Personnel Emolument (PE) only. Although efforts have been made to bridge the funding gap experienced in the prior years, there have been delays in capturing recurrent supplementary grants as a consequence of under-allocation in the subsequent years. The grants for 2018/19FY have a deficit of Kshs. 1,286,096,427 resulting from allocation of 5,122,344,144 against budget requirements of Kshs 6,408,440,571. The deficit is required to fully implement the new basic structure and continue the implementation of phase two of health	In addition, more funds should be allocated in the next financial year to cater for the Hospital's current deficit of Kshs. 1,624,480,000 required to fully cover Personnel Emoluments as per the signed CBA, and expedite allocation of arrears of Kshs. 444,597,999 (being Kshs. 350,639, 441 for June 2016 salaries and grants disbursed by The National Treasury & Planning to the Ministry of Health and not received by MTRH 46 174. 175. and Kshs. 93,958,558 balance of Grants for salaries for June 2018 not disbursed by the National Treasury.

Finding	Recommendation

service allowance and nursing service allowance as per approved CBAs. The total recurrent grants of Kshs. 444 million, consisting of Kshs. 350 million for the June 2016 salary disbursement and Ksh. 94 million for June 2018 salary disbursement are outstanding, hence pending bills on payroll commitments. This grant from The National Treasury & Planning through the Ministry of Health is meant for staff salary payments (plus loan deductions), making MTRH one month late in staff personal loans payments.	

Response on the Implementation of the Recommendation

i) MTRH appreciates the recommendations of the NADCH that enabled additional allocations to bridge the Personnel Emoluments (PE) funding gap, especially from the year 2018/19 to 2020/21. However, grant arrears of Kshs. 444 million was not disbursed. Also, there was a significant reduction in funding during the FY 2024/25 with Kshs. 1.2 billion funding deficit. Consequently, MTRH has accrued unpaid payroll obligations amounting to Kshs. 1.8 billion as at 30th June 2025. This is negatively affecting staff morale.

ii) At the same time, MTRH has a PE funding shortfall of Kshs. 3.4 billion in the current financial year (FY 2025/26). This is negatively affecting the hospital's liquidity and its ability to meet payroll obligations.

iii) MTRH requests additional allocation to;

- Bridge the PE funding gap of Kshs. 3.4 billion in the FY 2025/26
- additional Kshs. 1.8 billion to settle unremitted payroll obligations for prior years (Pension Contributions, Check-Off Loans, Welfare Deductions)

PE Budget Shortfalls

Item	Amount (Kshs. Million) / FY							
	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/22 Actual	2022/23 Actual	2023/24 Actual	2024/25 Actual	2025/26 Estimates
GOK Recurrent	6,773	7,320	8,213	7,827	8,048	8,989	8,162	6,200
Personnel Emoluments	6,762	7,225	8,298	8,590	8,794	8,937	9,333	9,644
Budget Shortfall	**11**	**95**	**(85)**	**(763)**	**(746)**	**52**	**(1,171)**	**(3,444)**

Recommendations to the National Assembly Committee on Implementation

To strengthen MTRH's ability to deliver on both its referral and primary healthcare functions, the following interventions are recommended:**Adequate Resource Allocation:** Provide adequate funding to MTRH that explicitly accounts for its dual mandate, ensuring specialized resources are preserved for complex cases while maintaining the ability to handle unavoidable walk-ins.

1. **Strengthening County-Level Facilities:** Support targeted investment in county and sub- county hospitals within MTRH's catchment area, so that they are better equipped to handle common outpatient cases (e.g., respiratory infections, maternal services, minor surgeries) and reduce unnecessary referrals.

2. **Human Resource Support:** Increase staffing levels, particularly in nursing and critical care, as per the table below.

No	Designation	Scale	Number
1	Medical Specialists	M4/3	70
2	Dental Specialists	M4/3	20
2	Medical Officers	M6	40
3	Dental Officers	M6	20
4	Senior Registered Nurse	M9	250
5	Registered Nurse	M10	395
6	Senor Registered Clinical Officers	M9	180
7	Clinical Officers	M10	50
8	Accountant/Auditors	M8	20
9	Programmers	M8	15
10	Psychological Councillors	M10	20
11	Physiotherapy	M10	20
12	Occupational Therapy	M10	20
13	Speech Therapists	M9	5
14	Plaster and Trauma	M10	10
15	Orthopaedics Technology	M10	10
16	Plumbers/Electricians	M11	40
17	Cooks	M11	20
18	Patient Attendant	M13	50
	Total		**1,255**

3. **Infrastructure Expansion and Equipment Upgrades:** Approve and support funding for the modernization of infrastructure and medical equipment to accommodate patient volumes.

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4. **Support for Specialist Training:** Expand government sponsorships for fellowships and subspecialty training in collaboration with MTRH and Moi University.

Committee Observations

1. The entire facility has a bed capacity of 1,420 hospital beds serving approximately 3,000 patients on outpatient basis per day.
2. The facility handles majority of cancer cases in the Oncology Unit from East and Central Africa which ranges from 40-60 patients per day; The hospital also has a Cardiology Unit
3. Medical insurance is a challenge to most patients, in regards to SHA usage: previously, the NHIF cover used to incorporate the principal contributor and spouse. However, SHA only covers an individual. Each household will only benefit from one surgery a year.
4. The MTRH is undergoing a fiscal crisis that is likely to impact on service delivery.
5. In the FY 2019/20, MTRH allocation was enhanced to Kshs. 451 million and Kshs. 924 million in the FY 2020/21. MTRH was able to acquire critical assets such as: LINAC Accelerator for Radiotherapy, Bunker No. 1, ICU Equipment, 2 x 1,000LPM Oxygen

Generating Plant, Equipping of the Children's Hospital and Intervention Equipment for response to the COVID-19 Pandemic.

6. MTRH has faced declining capital funds, with FY 2024/25 having an allocation of Kshs. 51 million and NIL allocation in the FY 2025/26
7. MTRH appreciates the additional funding recommendations from the National Assembly's Departmental Committee on Health for personnel emoluments, Kshs. 444 million grant arrears had not been disbursed.
8. The hospital is facing a Kshs. 1.2 billion funding deficits in the current financial year (FY 2024/25).
9. MTRH had accrued unpaid payroll obligations amounting to Kshs. 1.8 billion as of June 30, 2025, which has negatively affected staff morale.
10. The hospital could face a repeat of the industrial unrest it experienced in 2024 should the financial situation.

Committee on Implementation recommendations

1. The facility is critical in the healthcare ecosystem of the region and should be supported by Exchequer and any other available options in upgrading and expanding its infrastructure.
2. Treasury should offer fiscal support, especially attending to the human resource capacity facilitation (salaries and other emoluments) to avert industrial action.
3. The Ministry of Health should implement targeted support for county and sub-county hospitals in its catchment area to better handle common outpatient cases and ease the burden on the facility.
4. That a meeting be convened within a month of the time of meeting (September 9th, 2025) between the Committee, the National Treasury, and MTRH to chart the way forward towards resolving issues facing the hospital.

MIN. NO.NA/DAA & GPC/COI/2025/278: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/279: ADJOURNMENT

There being no other business, the meeting was adjourned at 3:00 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P
(CHAIRPERSON)

Date 16/9/25

MINUTES OF THE 45TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON MONDAY, 8th SEPTEMBER 2025 AT THE MOI TEACHING AND REFERRAL HOSPITAL, UASIN GISHU COUNTY AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Lillian Siyoi, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chepkwony Charity Kathambi, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Ms. Catherine Mukunyi	-	Sergeant-at-Arms
4.	Ms. Noelle Amutabi	-	Legal Counsel
5.	Mr. Collins Namulen	-	Fiscal Analyst
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Mr. James Macharia	-	Media Officer
8.	Ms. Mercy Ondego	-	Researcher

MOI TEACHING AND REFERRAL HOSPITAL (MTRH)

1.	Dr. Philip Kirwa	-	CEO-MTRH
2.	Dr. Tarus Kipchumba	-	Director, Admin & Finance
3.	Dr. Andrew Wandera	-	Director, Clinical Services
4.	Dr. Jesse Opakas	-	Director, Hemato-Oncology
5.	Dr. Menach Owen	-	Director, Surgical Services
6.	Dr. Beatrice Jakait	-	AMPATH - MTRH
7.	Ms. Ann Chemworsio	-	Director, HR - MTRH

MIN. NO.NA/DAA & GPC/COI/2025/236: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock followed by a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Johnson Manya Naicca, CBS, M.P and seconded by The Hon. Charles Gumini Gimose, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: **Briefing Session and Inspection Tour of the Moi Teaching and Referral Hospital by the Committee on Implementation.**
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/237: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/238: BRIEFING SESSION AND INSPECTION TOUR OF THE MOI TEACHING AND REFERRAL HOSPITAL

The Committee made the following observations during the tour at the **Moi Teaching and Referral Hospital** in Eldoret City:

i) The entire facility has a bed capacity of 1,420 hospital beds.
ii) The facility attends to approximately 3,000 patients on outpatient basis per day.
iii) The facility handles majority of cancer cases in the Oncology Unit from East and Central Africa which ranges from 40-60 patients per day; The hospital also has a Cardiology Unit
iv) There are six (6) oncologists and six (6) therapists in the oncology unit.
v) The Hospital currently has two CT scan machines. However, the said machines are said to be delicate and prone to frequent breakdowns, requiring technical expertise at all times.
vi) Cancers of the colon, breast, and prostrate account for most of the oncology cases that attended to by the doctors.
vii) The CT Scan unit attends to 110 patients per day.
viii) In regards to SHA usage: previously, the NHIF cover used to incorporate the principal contributor and spouse. However, SHA only covers an individual. Each household will only benefit from one surgery a year.
ix) There is a new MRI centre at the hospital aimed at reducing the patient load.
x) The current human resource at the hospital is capable of running the facility for eight (8) hours, however, the hospital aims at attaining a 24-hour operation.
xi) There are some structures in the facility which are old with evidence of wear and tear.

Members recommendations

1. The facility is critical in the healthcare ecosystem of the region and should be supported in upgrading and expanding its infrastructure.
2. Treasury should offer fiscal support, especially attending to the human resource capacity facilitation (salaries and other emoluments).

MIN. NO.NA/DAA & GPC/COI/2025/239: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/240: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:00 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P
(CHAIRPERSON)

Date.....16/9/2(.....

MINUTES OF THE 44TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY 19TH AUGUST, 2025, 3rd FLOOR COMMITTEE ROOM 20, BUNGE TOWER, PARLIAMENT BUILDINGS, AT 12:00 PM

PRESENT

1. The Hon. Mark Samuel Muriithi Mwenje, M.P
2. The Hon. Charles Gumini Gimose, M.P
3. The Hon. Abdul Ebrahim Haro, M.P
4. The Hon. Julius Taitumu M'Anaiba, MP
5. The Hon. Rael Chepkemoi Kasiwai, MP
6. The Hon. Chege Njuguna, M.P
7. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
3. The Hon. Mohamed Ali Mohamed, CBS, M.P
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Johnson Manya Naicca, CBS, M.P
6. The Hon. Elijah Memusi Kanchory, M.P
7. The Hon. Hilary Arap Kosgei, MP
8. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
9. The Hon. Siyoi Lillian, MP
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Hamisi Kakuta Maimai, M.P
12. The Hon. Chepkwony, Charity Kathambi, M.P
13. The Hon. Zamzam Mohamed Chimba, M.P
14. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant I
2.	Mr. Mark Namaswa	-	Clerk Assistant II
3.	Mr. James Macharia	-	Media Officer
4.	Ms. Noel Amutabi	-	Legal Counsel
5.	Ms. Catherine Mukunyi	-	Sergeant at Arms
6.	Mr. Eugene Luteshi	-	Audio Officer
7.	Ms. Mercy Ondego	-	Researcher
8.	Mr. Raphael Mghendi	-	Intern

MINISTRY OF EDUCATION

1.	Mr. Julius Migos Ogamba	-	Cabinet Secretary
2.	Dr. Jacqueline Onyango	-	SDD, Basic Education Curriculum Development
3.	Mr. Batholomew Lumbasi	-	Ag. DG Policy and Partnership, MoE
4.	Mr. Joshua Wabwile	-	Legal Counsel Ministry of Education

MIN.NO.NA/DAA&GPC/COI/2025/231: PRELIMINARIES

The Chairperson called the meeting to order at half past twelve O'clock followed by a word of prayer from The Hon. Mark Samuel Muriithi Mwenje, MP. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Abdul Ebrahim Haro, M.P and seconded by The Hon. Julius Taitumu M'Anaiba, MP.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: **Meeting with the Principal Secretary - State Department for Basic Education, Ministry of Education regarding the implementation status of the resolution of the House on a motion sponsored by the Member for Kirinyaga County, the Hon. Jane Maina, MP, resolving that the State Department for Basic Education introduces comprehensive health, wellness and sex education in the curriculum as a core subject in schools**
3. Any Other Business

MIN.NO.NA/DAA&GPC/COI/2025/232: SUBMISSION BY THE MANAGING PRINCIPAL SECRETARY - STATE DEPARTMENT FOR BASIC EDUCATION, MINISTRY OF EDUCATION REGARDING THE IMPLEMENTATION STATUS OF A MOTION RESOLVING THAT THE STATE DEPARTMENT FOR BASIC EDUCATION INTRODUCES COMPREHENSIVE HEALTH, WELLNESS AND SEX EDUCATION IN THE CURRICULUM AS A CORE SUBJECT IN SCHOOLS

Mr. Julius Migos Ogamba, the Cabinet Secretary, Ministry of education appeared before the Committee to apprise it on the implementation status of the resolution of the House on a motion sponsored by the Member for Kirinyaga County, the Hon. Jane Maina, MP, resolving that the State Department for Basic Education introduces comprehensive health, wellness and sex education in the curriculum as a core subject in schools. He was accompanied by Dr. Jacqueline Onyango - Senior Deputy Director, Basic Education Curriculum Development, Mr. Batholomew Lumbasi - Ag. DG Policy and Partnership, MoE and Mr. Joshua Wabwile - Legal Counsel Ministry of Education

The Committee was informed that;

i) Matters of human sexuality and sexual health can be complex, particularly among children and adolescents who are still in the early stages of understanding and forming their sense of self. Without clear guidance, age-appropriate education, and supportive environments, many young learners struggle with confusion, emotional distress, and vulnerability related to their developing sexual identity.
ii) It is for this reason that the Ministry shared the premise of the motion by the Honorable Jane Maina, M.P., on the need to address pressing health problems faced by young persons, including on poor sexual and reproductive health. Through the Kenya Institute of Curriculum Development (KICD), we have taken measures to ensure that age-appropriate education on contemporary matters is integrated into the curriculum.
iii) As part of its mandate under the KICD Act, 2013, KICD works to ensure that the national curriculum remains responsive to societal needs by identifying and integrating salient societal concerns - referred to as Pertinent and Contemporary Issues (PCIs) into the curriculum and curriculum support
iv) PCIs are societal issues that significantly influence learners' psychosocial well- being, access to and retention in education, academic completion, and ultimately their ability

to thrive in the workplace and society. These issues are addressed through deliberate curriculum design intended to equip learners with knowledge, values, and psychosocial competencies required to navigate real-life challenges and contribute meaningfully to national development.

v) As part of Kenya's ongoing curriculum reform, the Basic Education Curriculum Framework, 2017, classifies PCIs into broad categories including: Citizenship, Health-Related Issues, Life Skills, Moral and Human Sexuality Education, Socio-Economic Issues. Among these, Human Sexuality Education has emerged as a critical area requiring deliberate intervention through the curriculum.

vi) Human sexuality was identified as a priority PCI through the 2016 National Needs Assessment Survey conducted to guide the CBC reform. The survey revealed alarming trends: early sexual debut, rising HIV/STI infection rates, adolescent pregnancies, early marriages, and increased school dropout rates. These patterns highlighted a gap in young people's ability to understand and manage their sexuality within appropriate developmental, cultural, and religious frameworks. Adverse negative effects of these issues have contributed to the weakening of Family and social fabric as well as the youth failing to attain their full academic, career and economic potentials.

vii) Following the findings and recommendations from the Needs Assessment Survey, other relevant studies and presentations by stakeholders, Human Sexuality is being addressed as a pertinent issue in all the dimensions of the curriculum. The Ministry, through KICD, has developed matrices on human sexuality and corresponding values and life skills that have been providing guidance on the content to be mainstreamed in the curriculum to ensure the content covered at each grade is developmentally, morally and culturally relevant and appropriate. The spiral approach is employed to ensure that the content and complexity of the concepts increase as learner's progress from one grade to another.

viii) Religious organizations such as the National Council of Churches of Kenya, the Supreme Council of Kenya Muslims, the Kenya Conference of Catholic Bishops and the Hindu Council as well as other stakeholders are involved in the curriculum development process. Human sexuality, like other PCIs, is incorporated in the learning areas (subjects) with more emphasis given during the learning experiences. The designs have a component on PCIs. However, we are also aware that the social environment and interaction at school and home also influence learner's moral and character development.

ix) The concepts on Human Sexuality education content and the requisite skills are based on two perspectives namely developmental and psychosocial perspective. Developmental Perspective: Equips learners with age-appropriate knowledge, values, and competencies that empower them to make informed, healthy decisions about their sexuality. Psychosocial Perspective: Focuses on building self- awareness, self-esteem, assertiveness, and decision-making skills -critical psychosocial competencies that enable learners to navigate peer pressure and societal expectations.

x) KICD, on behalf of the Ministry of Education, ensures that books that are evaluated and approved for use in learning institutions contain content that is in tandem with the specifications given in the curriculum designs. The criteria indicate clearly that any material that promotes unethical practice should be disqualified. For transparency, all evaluation criteria and curriculum design references are publicly available via the KICD website, and the Institute remains open to dialogue and continuous improvement.

xi) Human sexuality, while personal and sensitive, is also a matter of national concern involving identity, morality, and social well-being. While the Constitution, recognizes parents as the primary moral guides, the education system-together with religious and civil society institutions-plays a complementary role.

xii) Human Sexuality Education within Competency-Based Education is structured not merely as sex education, but as a broader developmental framework that supports Learners in understanding, accepting, and appreciating their sexual identity. It promotes values such as abstinence, self-respect, and protection from risky behavior.

Committee on Implementation Observations

1. That the Ministry responses were general on the subject matter in the entire education system. It should have been specific on which grades or classes or subjects that sex education has been included.
2. The Ministry was implementing sex education using an age-appropriate model
3. That the Ministry was structuring the sex education content through Pertinent Contemporary Issues (PCIs) approach
4. That the Ministry has packaged sex education in various subjects (integrated science, home science, agriculture and languages)
5. That sex education has been incorporated in the curriculum through mentorship programmes, guidance and counselling.

Committee on Implementation Recommendations

1. The Ministry should be able to quantify the efficacy of sex education through enumerated outcomes such as reduced number of sex abuse, HIV/STI rates and resolved cases (criminal or disciplinary) amongst students, teachers and members of the public.
2. That the Ministry embarks on obtaining public feedback (public awareness and public participation) in order to obtain proper engagement with stakeholders.
3. That the Ministry provides data sex education outcomes such as reduced number of sex abuse, HIV/STI rates and resolved cases

MIN.NO.NA/DAA&GPC/COI/2025/233: ANY OTHER BUSINESS

No other business arose.

MIN.NO.NA/DAA&GPC/COI/2025/234: ADJOURNMENT

There being no other business, the meeting was adjourned at 1:50 p.m.

Signed.....

HON. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....16/9/25.....

MINUTES OF THE 9TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 15TH APRIL, 2025 AT THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL BUILDING, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
3. The Hon. Mark Samuel Muriithi Mwenje, M.P
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
5. The Hon. Elijah Memusi Kanchory, M.P
6. The Hon. Lillian Siyoi, M.P
7. The Hon. Stanley Muiruri Muthama, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Mohamed Ali Mohamed, CBS, M.P
2. The Hon. Johnson Manya Naicca, CBS, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon. Abdul Ebrahim Haro, M.P
7. The Hon. Julius Taitumu M'Anaiba, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Chege Njuguna, M.P
11. The Hon. Kitilai Ole Ntutu, M.P

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant I
2. Mr. Mark Namaswa - Clerk Assistant II
3. Mr. James Macharia - Media Relations Officer
4. Ms. Mercy Ondego - Researcher
5. Mr. Eugene Luteshi - Audio Officer
6. Ms. Noelle Amutabi - Legal Counsel
7. Mr. Mugane Geteria - Media Officer

STATE DEPARTMENT FOR SOCIAL PROTECTION – MIN. OF LABOUR

1. Mr. Joseph Motari, - PS-State Department for Social Protection
2. Mr. Shem Nyakuti - Sec. Children Services, State Department for Social Protection
3. Mr. Moses Kamau - Director, Social Assistance, State Department for Social Protection
4. Ms. Mercy Kigo - State Department for Social Protection
5. Mr. Francis Khamala - State Department for Social Protection
6. Mr. Mwambi Mongare -State Department for Social Protection
7. Ms. Judy Opiko - State Department for Social Protection

MIN. NO.NA/DAA & GPC/COI/2025/042: PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past one o'clock followed by a word of prayer by Hon. Zamzam Mohamed Chimba, M.P. The agenda of the meeting was adopted

as hereunder after being proposed by Hon. Hilary Arap Kosgei, M.P and seconded by Hon. Julius Taitumu M'Anaiba, M.P.

AGENDA

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
   iv) Confirmation of Minutes
2. **Substantive agenda: Meeting the Principal Secretary, State Department for Social Protection and Senior Citizen Affairs - Ministry of Labour and Social Protection regarding the following:**
   i) a Motion sponsored by the Member for Kilome Constituency, the Hon. Thaddeus Nzambia, MP, resolving that the Ministry of Labour and Social Protection undertakes continuous and timely registration of elderly persons under the Older Persons Cash Transfer Programme.
   ii) A Motion passed by the Member for Konoin Constituency, the Hon. Brighton Yegon, resolving that the State Department for Social Protection & Senior Citizen Affairs develops and implements a programme for the care of children above the age of four years whose parents are in lawful custody.
3. Any other business

MIN. NO.NA/DAA & GPC/COI/2025/043: CONFIRMATION OF MINUTES

Confirmation of minutes of the previous meetings was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2025/044: MEETING WITH THE PS STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZENS AFFAIRS, MINISTRY OF LABOUR AND SOCIAL PROTECTION REGARDING A MOTION BY THE MEMBER FOR KILOME CONSTITUENCY ON CONTINUOUS AND TIMELY REGISTRATION OF ELDERLY PERSONS CASH TRANSFER PROGRAMME

Mr. Mogosi Joseph Motari, CBS the PS- State Department for Social Protection and Senior Citizen Affairs - Ministry of Labour and Social Protection, appeared before the Committee to apprise it on the implementation status of:

i) a motion sponsored by the Member for Kilome Constituency, the Hon. Thaddeus Nzambia, MP, resolving that the Ministry of Labour and Social Protection undertakes continuous and timely registration of elderly persons under the Older Persons Cash Transfer Programme.
ii) a motion passed by the Member for Konoin Constituency, the Hon. Brighton Yegon, resolving that the State Department for Social Protection & Senior Citizen Affairs develops and implements a programme for the care of children above the age of four years whose parents are in lawful custody.

He was accompanied by: Mr. Shem Nyakuti – Sec. Children Services, State Department for Social Protection, Mr. Moses Kamau -Director, Social Assistance, State Department for Social Protection, Ms. Mercy Kigo, Mr. Francis Khamala, Mr. Mwambi Mongare, and Ms. Judy Opiko.

The Committee was informed that;

i) The Older Persons Cash Transfer Programme (OPCT) was Initiated in 2007 on pilot basis targeting 300 households across the then Thika, Nyando, and Busia districts. It began as a household targeted program for the poor and vulnerable older persons aged 65.
ii) This program has since 2018, transitioned into an individual benefit to older persons aged 70 years and above, following a presidential directive that transformed the programme from a targeted household-based programme into a universal individual benefit.
iii) The revised criteria stipulated that beneficiaries must be Kenyan citizens aged 70 years and above, possess a valid Kenyan National Identification Card, have a caregiver with a valid Kenyan National ID, and have resided in a specific location for at least a year. Priority is given to those not receiving any pension.
iv) The Committee also heard that, during the Kenya Social Protection Conference in April 2023 H.E. The President committed to increasing coverage on Inua Jamii programmes from 1,233, 129 to 2.5 million in phases.
v) A mass registration of potential beneficiaries was conducted from September 2023 that led to increase of Older Persons Cash Transfer Programme beneficiaries from 833,129 to 1,251,721 beneficiaries countrywide.
vi) The Committee was informed that over the years; the Government has made efforts to enhance the programme's efficiency and reach. This includes;
    a) Transitioning from bimonthly payments to monthly and predictable payments.
    b) Migration to mobile money payments via E-Citizen in January 2024, with the aim of creating a cost-effective and efficient system with greater government control over fund flow. Through this platform, beneficiaries' funds are held in e-wallets, and convenience to beneficiaries is provided during cash out either through an Mpesa agent or directly transfer funds to their registered mobile numbers using the USSD code *222#.
vii) Further, the Committee learnt that the Older Persons Cash Transfer Programme has had a profound impact on the lives of many elderly individuals, enabling them to meet their basic needs and improve their quality of life. Beneficiaries have reported using the funds to purchase food, pay for assistance with household needs, and invest in livestock for additional income.
viii) Despite its successes, the programme has faced challenges, including inadequate funding to support more deserving cases, and to undertake continuous programme monitoring and sensitization on the changes in the programme especially the transition to mobile money payment.
ix) The programme requires additional resources to on-board those deserving older persons and continuously sensitize beneficiaries on the new payment model and continuous monitoring to improve on service delivery.

Committee Observations

1. That the cash transfer for the elderly starts at age 70 and not 65 years which is discriminatory since available data shows Kenya's life expectancy is 66.8 years.
2. In 2023, the number of beneficiaries rose from **833,129 to 1,251,721.**
3. There exists a challenge in funding since the most recent supplementary budget estimate proposal was not approved by Parliament.
4. That Treasury has initiated budget cuts that have negatively affected full implementation of the programme.
5. That only Identity Cards are the requisite document for enrolment to the programme.
6. That the last registration for the elderly was done in 2023.

Committee Resolutions

1. Henceforth, the State Department for Social Protection should initiate continuous registration and updating of its database for the elderly.
2. The Committee also resolved that National Treasury be invited in the next engagement on the matter.

MIN. NO.NA/DAA & GPC/COI/2025/045: ANY OTHER BUSINESS

There was no other business to be undertaken.

MIN. NO.NA/DAA & GPC/COI/2025/046 : ADJOURNMENT

The Committee could not finalize on the second Motion (Motion passed by the Member for Konoin Constituency, the Hon. Brighton Yegon, resolving that the State Department for Social Protection & Senior Citizen Affairs develops and implements a programme for the care of children above the age of four years whose parents are in lawful custody) in the invitation due to time constraints.

There being no other business, the meeting was adjourned at 11:43 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....27/5/25.....

MINUTES OF THE 36TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 22nd OCTOBER, 2024 AT BUNGE TOWER, 5th FLOOR ROOM 26, PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. The Hon. Mark Samuel Muriithi Mwenje, M.P – **Co-chairing**
2. The Hon. Hilary Arap Kosgei, M.P - **Chairing**
3. The Hon. Prof Guyo Waqo Jaldesa, M.P
4. The Hon. Siyoi Lillian Chebet, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Timothy Kipchumba Toroitich, M.P

APOLOGIES

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – **Chairperson**
2. The Hon. Rose Museo Mumo, M.P – **Vice Chairperson**
3. The Hon. Mohamed Ali, M.P
4. The Hon. Elijah Memusi Kanchory, M.P
5. The Hon. Johnson Manya Naicca, M.P
6. The Hon. George Koimburi Ndung'u, M.P
7. The Hon. Charles Gumini Gimose, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. John Okwisia Makali, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. Cynthia Jepkosgei Muge, M.P
12. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
13. The Hon. Stanley Muiruri Muthama, M.P
14. The Hon. Zamzam Mohamed Chimba, M.P
15. The Hon. Rael Chepkemoi Kasiwai, M.P

MINISTRY OF INFORMATION, COMMUNICATION AND THE DIGITAL ECONOMY

1. Prof. Edward Kisiang'ani, PhD, CBS, PS - State Department for Broadcasting and Telecommunications
2. Mr. Waweru Kimani – Director, Administration SDBT
3. Mr. David Mugonyi – Director General, Communications Authority
4. Mr. Chris Maina – Dep. Chief State Counsel, SDBT
5. Ms. Makau – Parliamentary Liaison, SDBT

MINISTRY OF LABOUR AND SOCIAL PROTECTION

1. Mr. Mogosi J. Motari, MBS, PS - State Department for Social Protection and Senior Citizen Affairs
2. Mr. Shem Akoto – Secretary Children Services
3. Ms. Brenda Odiemo – State Counsel
4. Mr. Sydney Acheya – Deputy Director, Children Services
5. Mr. Francis Khamala – Communications Officer

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant I
2. Mr. Mark Namaswa - Clerk Assistant II
3. Ms. Catherine Mukunyi - Sergeant-at-Arms

4. Ms. Mercy Ondego - Research Officer III
5. Mr. James Macharia - Media Officer
6. Ms. Noelle Amutabi - Legal Counsel

MIN. NO.NA/DAA & GPC/COI/2024/205: PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock followed by a word of prayer by Hon. Hilary Arap Kosgei, M.P. The agenda of the meeting was adopted as hereunder after being proposed by Hon. Siyoi Lillian Chebet, M.P and seconded by The Hon. Timothy Kipchumba Toroitich, M.P

AGENDA

1. Prayers
2. Introductions
3. Adoption of the Agenda
4. Communication from the Chair
5. Confirmation of Minutes
6. Matters Arising
7. Substantive Agenda: **Meeting with the Principal Secretaries: State Department for Social Protection and Senior Citizen Affairs and State Department for Broadcasting and Telecommunications to consider Resolutions Contained in the motion sponsored by the Member for Nyali Constituency, the Hon. Mohamed Ali, HSC, MP, resolving that the Government immediately bans discussion, publication and distribution of information promoting same-sex relationships in the country and sets strategies to control such content in accordance with Article 45(2) of the Constitution and Section 162 of the Penal Code to protect society, especially children and young people, from being exposed to the wrong tendencies of love and same-sex relations.**
8. Any Other Business.

MIN. NO.NA/DAA & GPC/COI/2024/206: CONFIRMATION OF MINUTES

Confirmation of minutes was deferred to the next sitting.

MIN. NO.NA/DAA & GPC/COI/2024/207: SUBMISSIONS BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR SOCIAL PROTECTION - MINISTRY OF LABOUR AND SOCIAL PROTECTION ON THE RECOMMENDATIONSCONTAINED IN THE MOTION SPONSORED BY THE MEMBER FOR NYALI CONSTITUENCY, THE HON. MOHAMED ALI, HSC, MP.

The Committee was informed that;

i) The Ministry of Labour and Social Protection takes cognizance of the concerns raised by the Member of Parliament for Nyali, Hon. Mohamed Ali, HSC to this National Assembly Committee on Implementation. As you may be aware, the Ministry of Labour and Social Protection has served to develop policies, programmes and systems for the protection of the children of Kenya from all forms of violence and harmful

practices that may infringe on their survival and holistic development. I would like to highlight the key programmes that my Ministry is engaging in for the purpose of eliminating issues of same sex relationships.

ii) It is worth noting that same sex relationships are prohibited by the law; both the Constitution of Kenya, 2010 and the Children Act (Cap 141) Laws of Kenya, which seeks to protect all children from all forms of abuse. From these mandates, my Ministry therefore has undertaken the following strategies in combating all forms of child abuse, inclusive of same sex relationships.

STRATEGIES

1. **Implementation of the Children Act (Cap 141).**

iii) The Children Act (Cap 141) came into effect on 26th July 2022. It gives effect to Article 53 of the Constitution and makes provision for: children rights; parental responsibility; alternative care of children, including guardianship, foster care placement and adoption; makes provision for care and protection of children and children in conflict with the law; makes provision for, and regulate the administration of children services.

Section 22 of this Act spells what entails the protection of children from abuse and states that:

"(1) No person shall subject a child to—
(a) psychological abuse; or
(b) child abuse.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding two million shillings, or to both.

(3) Without prejudice to the generality of subsection (1), any person who, through any electronic system, network, or other communication technology—

(a) proposes or solicits to meet a child for the purpose of engaging in sexual activities contrary to the provisions of the Sexual Offences Act (No. 3 of 2006);
(b) transmits or causes to be transmitted any obscene material, or otherwise makes such material accessible to children; or
(c) in any other way, subjects a child to online abuse, harassment or exploitation, whether through social networks, playing online games or by use of mobile phones or other electronic devices, commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two million shillings, or to both.

(4) The reference in subsection (3)(c) to online abuse includes cyber bullying, grooming and solicitation, cyber enticement, cyber harassment and cyber stalking."

iv) In the implementation of the Children Act, the Cabinet Secretary is mandated to develop Regulations to enable implementation of particular key areas, while the Judiciary is mandated to develop rules. The process of developing rules is complete, while that of developing regulations and guidelines is in progress.

2. **Implementation of National Prevention and Response Plan on Violence Against Children (VAC), 2019-2023**

v) The National Prevention and Response Plan on Violence Against Children aims to accelerate evidence-based multi-sectoral actions to address violence against children (VAC). It aimed to reduce prevalence by 40%. The key components of the plan include family support, education and life skills, addressing cultural norms related to violence and improving services of the affected children. Presently, the Ministry is preparing to review this plan and develop a new plan of action for the next implementation period.

3. **Implementation of National Plan of Action to Tackle Online Child Sexual Exploitation and Abuse (OCSEA) 2022–2026**

vi) This is a plan that describes the capabilities needed for effective prevention and response to Online Child Sexual Exploitation and Abuse (OCSEA). It ensures that:

a) The knowledge and skills of children, parents/caregivers, teachers, community leaders and other duty bearers with respect to the adoption of protective online measures and behaviours is enhanced;
b) Technical, institutional and human resource capacities are strengthened across key sectors (Government, civil society, and industry) at national and county levels to prevent, identify and respond to Online Child Sexual Exploitation and Abuse and systems are in place to support this;
c) Online Child Sexual Exploitation and Abuse cases are reported and prosecuted and quality support and services are provided to victims and witnesses; and
d) An available, expanded and improved evidence base on OCSEA is in place to inform policies, strategies and programmes, track progress and document lessons learned.

4. **Strengthening of Families and Communities**

vii) The State Department for Social Protection and Senior Citizen Affairs under the Directorate of Social Assistance implements the Cash Transfer for Orphans and Vulnerable Children (CT-OVC) Programme which is designed to encourage fostering and retention of orphans and vulnerable children within their families and communities. Additionally, the programme seeks to promote the human capital development of these children. The immediate objectives include strengthening households' capacities to care for the children by providing regular cash support, which can lead to improved educational and health outcomes for the orphans and vulnerable children. The programme was able to pay 1,739,919 beneficiary households on the September 2024 payroll.

viii) Similarly, the Nutrition Improvement through Cash and Health Education (NICHE) Kenya Programme is a government initiative that aims to enhancing the nutritional status of vulnerable populations in Kenya. This program focuses on providing financial support and health education to the improve dietary practices and overall health outcomes.

ix) By combining cash transfers with comprehensive health education, the programme addresses both the immediate financial barriers to accessing nutritious food and the knowledge gaps related to health and nutrition. It targets pregnant and lactating women, as well as young children, to ensure early and sustained nutritional improvements. Through this dual approach, the programme aims to reduce malnutrition and its associated health risks in vulnerable communities, thereby preventing child abuse practices that may be associated with poverty, and even sexual

exploitation. The programme was able to pay **22,217** beneficiary households on the September 2024 payroll.

5. **Implementation of Positive Parenting Training Programme**

x) My Ministry seeks to build and sustain a positive parenting culture and infrastructure that enables families across the country to be loving, nurturing, respectful, supportive and violence-free, and to promote the equal wellbeing and development of all family members. Children who grow up in such an environment will be empowered to contribute effectively to the overall development of the nation. As such, a positive approach to parenting is considered an investment in the future of Kenyan society.

6. **Child Protection Information Management System (CPIMS)**

xi) The Child Protection Information Management System is a significant initiative aimed at safeguarding children developed by the Directorate of Children Services (DCS). It provides accurate, timely, and consistent data for evidence-based programming on child protection issues at the national level. This is an application that enhances the existing system, allowing for the capture, reporting, documentation, and monitoring of cases related to violence against children.

xii) The system is available across the country at the level of county children offices, sub-county children offices, statutory children institutions, and charitable children institutions in all 47 counties. Through this management system, my Ministry maintains up-to-date records and data, supporting its mandate in managing children services.

xiii) The State Department for Social Protection has officers stationed in offices covering all sub-counties countrywide to handle all child protection issues.

MIN. NO.NA/DAA & GPC/COI/2024/208: SUBMISSIONS BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR BROADASTING AND TELECOMMUNICATIONS - THE MINISTRY OF INFORMATION, COMMUNICATION AND THE DIGITAL ECONOMY.

The Committee was informed that;

i) The Ministry seeks to provide a detailed clarification on the measures that have been implemented by the two regulatory bodies; the Communications Authority of Kenya and the Media Council of Kenya in line with the above resolution.

Implementation of regulatory instruments:

1. **Media Council of Kenya - Media Council Act No.46 Of 2013**

ii) The Media Council of Kenya is established pursuant to Section 5 of the Media Council Act, No. 46 of 2013. to set media standards and regulate and monitor compliance with those standards. As a regulatory body, the MCK relies on the Act and the Code of Conduct for the practice of Journalism contained in schedule II therein to regulate ethical conduct of the Media. The relevant provisions are detailed here below: -

	SECTION	PROVISION	MCK PROPOSED AMENDMENT
	Section (2) of the MCK Act -	Definitions **code of conduct" means the code of conduct for journalists and media enterprises provided under section 45 and set out in the Second Schedule;** **journalism" means the collecting, writing, editing and presenting of news or news articles in newspapers and magazines, radio and television broadcasts, in the internet or any other manner as may be prescribed** **media enterprise" means an organization whose business involves the collection, processing and dissemination of news or news articles, or in** entertainment and education through the media;	Include "media practitioners" as persons subject to the code. This will ensure that all persons who disseminate content on media platforms are held to account and must adhere to the ethical standards prescribed in the Code of Conduct.
			the definition of "Journalism" be amended by inserting the word "dissemination" immediately after the word "writing" so as to make the definition more comprehensive

			The is a proposal to define "media practitioner" Means any person being an employee of a media enterprise, engages in the writing, editing or dissemination of news, content or information to the public, through print media, broadcast, the internet or any other person recognized as such by the Council. This will ensure all persons who disseminate content to the public via media enterprise platforms are regulated.
	Section 45	The journalists and media enterprises shall keep and maintain professional and ethical standards and shall, at all times, comply with the code of conduct set out in the Second Schedule.	Reword section to include media practitioner's, other media standards and the Code of Conduct. This is to ensure persons subject to the Act are bound by the ethical standards prescribed by the regulator.
	Section 46	Accreditation of journalists (1) The Council shall consider and approve applications by foreign journalists for accreditation to practice in Kenya and may charge such fees as the Cabinet Secretary in consultation with the Council, may by notice in the Gazette prescribe. (2) The accreditation shall be valid for a renewable period of twelve months. (3) In considering an application for accreditation of a foreign journalist in Kenya, the Council shall ensure that such accreditation does not prejudice the employment opportunities of qualified and registered local journalists or other media practitioners	Amend to capture media practitioners and remove focus on foreign journalists as all journalist will be accredited whether foreign or local The section should be amended to apply to all persons engaging in the practice of journalism in Kenya. In addition, media practitioners who disseminate media content on media enterprises platforms need to be accredited. This will ensure that those who release information to the public are bound by the code of conduct.
	CODE OF CONDUCT FOR THE PRACTICE OF JOURNALISM		
		The current title limits code to journalists. Code will also apply to media practitioners/enterprises	The Code be renamed to the Code of conduct for Media Practice in Kenya so as to make it more comprehensive.
	14.Privacy	(1) The public's right to know shall be weighed against the	

		privacy rights of people in the news. (2) Journalists shall stick to the issues	
	19. Protection of children	(1) Children shall not be identified in cases concerning sexual offences, whether as victims, witnesses or defendant. Except in matters of public interest, for example, cases of child abuse or abandonment, journalists shall not normally interview or photograph children on subjects involving their personal welfare in the absence, or without the consent, of a parent or other adult who is responsible for the children. (2) Children shall not be approached or photographed while at school and other formal institutions without the permission of school authorities. (3) In adhering to this principle, a journalist shall always take into account specific cases of children in difficult circumstances.	Children must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest. • Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life
	23.Acts of violence	(2) Newspapers shall not allow their columns to be used for writings which tend to encourage or glorify social evils, warlike activities, ethnic, racial or religious hostilities.	Delete the term "social evils and provide clarity by directly referencing the prohibited conduct 2)A person subject to this Act shall not allow their **platform to** be used for publications or broadcasts which tend to encourage or glorify, **any conduct prohibited by the Constitution or any other written law,** warlike activities, ethnic, racial or religious hostilities.
	24. Editor's responsibilities 25. Advertisements	24.Editor's responsibilities (1) The editor shall assume the responsibility for all content, including advertisements, published in a newspaper. (2) If responsibility is disclaimed, this shall be explicitly stated beforehand. 25.Advertisements (1) The editor shall not allow any advertisement which is	The editor shall assume responsibility for all content, including advertisements, published. If responsibility is disclaimed, such disclaimer shall be explicitly stated beforehand. The Editor shall be held responsible for all content on their platform with no option for disclaiming liability

		contrary to any aspect of this Code of Conduct. (2) The editor shall be guided by the advertiser's code of conduct issued under this Act.	The editor shall not permit any advertisement that **contravenes any provision of this Code of Conduct**. The editor shall be guided by the advertiser's code of conduct issued pursuant to this Act.

2. **Kenya Information and Communications Act Cap 411a**

iii) Communications Authority of Kenya is established under this Act and is responsible for licensing and regulating postal, information and communication services; facilitating the development of the information and communications sector including; broadcasting, cybersecurity, multimedia, telecommunications, electronic commerce, postal and courier services.

iv) This responsibility includes;

a) Licensing all systems and services in the communications industry, including; telecommunications, postal, courier and broadcasting.
b) Managing the country's frequency spectrum and numbering resources.
c) Facilitating the development and management of a national cyber security framework.
d) Facilitating the development of e-commerce.
e) Type approving and accepting communications equipment meant for use in the country.
f) Protecting consumer rights within the communications environment.
g) Managing competition within the sector to ensure a level playing ground for all players.
h) Regulating retail and wholesale tariffs for communications services.
i) Managing the universal access fund to facilitate access to communications services by all in Kenya.
j) Monitoring the activities of licensees to enforce compliance with the licence terms and conditions as well as the law.

v) The Act empowers the Cabinet Secretary to issue regulations for the implementation of the Act.

3. **Kenya Information and Communications (Broadcasting) Regulations, 2009**

vi) The Kenya Information and Communications (Broadcasting) Regulations, 2009 is to provide regulations and guidelines for the broadcasting industry in Kenya. These regulations cover various aspects of broadcasting, including licensing requirements, obligations of broadcasters, content standards, complaints handling procedures, and transitional provisions for the transition from analogue to digital television broadcasting.

vii) The regulations aim to ensure that broadcasting services in Kenya reflect the national identity, needs, and aspirations of Kenyans, and are delivered using efficient and effective technologies. The Regulations also aim to promote diversity, fairness, and accountability in the broadcasting industry.

viii) The Regulations also provide for a detailed complaint-handling mechanism against any broadcaster within stipulated timelines.

4. **Kenya Information and Communications (Consumer Protection) Regulations 2010**

ix) The Kenya Information and Communications (Consumer Protection) Regulations 2010 aim to safeguard consumers' rights in the telecommunications sector. In complying with the license conditions, licensees are expected to educate their consumers about their rights and responsibilities. These Regulations play a crucial role in ensuring fair and transparent practices in the telecommunications sector in Kenya, aiming to protect consumers from practices that are exploited and promote a friendly market environment.

x) The Authority is also empowered to issue guidelines that guide broadcasting entities and ensure compliance with licensing conditions as set out below:

a. Kenya Information and Communications Act (KICA) Section 46I - Responsibilities of broadcasters

xi) This specific section of the Act sets out the requirements that all Broadcasters licensed by the Authority are expected to comply with, these requirements include:

a) Responsible programming – Broadcasters must provide programming that is responsible and responsive, catering to the diverse needs and sensitivities of the various sections of the Kenyan community
b) Kenyan Identity - Broadcasters are expected to ensure that programs developed maintain a sense of Kenyan identity
c) Good Taste and Decency – Broadcasters must observe standards of good taste and decency in their content
d) Accurate and Impartial News - News and information should be gathered and presented accurately and impartially.
e) Alternative Views on Controversial Issues - When discussing controversial or contentious public interest issues, Broadcasters should make reasonable efforts to present alternative points of view either in the same program or in other programs within the current interest period.
f) Right to Privacy - The right to privacy of individuals must be respected.
g) Respect for Copyright - Broadcasters must respect copyright and neighbouring rights for any work or material used.
h) Program Log - A log or machine-readable record of programming must be kept for one year after the date of broadcasting.
i) Advertisements - Advertisements should not be deceptive or offensive in content, tone, or treatment.
j) Non-Derogatory Content - Broadcasters must ensure that no derogatory remarks based on ethnicity, race, creed, colour, or sex are broadcast.

xx) These responsibilities aim to ensure that broadcasters uphold high standards of content quality, ethics, and fairness while serving the informational, educational, and entertainment needs of the public. The provisions are crucial for maintaining a balanced and responsible media environment that contributes positively to societal cohesion and development.

xxx) The Authority ensures compliance with the provisions outlined above, particularly regarding broadcasters' responsibilities, through several key mechanisms and activities as outlined below:

a) Licensing and Regulatory Frameworks – The Authority issues licenses to broadcasters, outlining specific obligations and conditions relating to programming standards content and compliance with regulatory requirements. Secondly, license renewal and issuance are contingent upon broadcasters meeting these regulatory standards, including adherence to the provisions of the Act
b) Monitoring and Surveillance - The Authority conducts regular monitoring and surveillance of broadcasters' content to ensure compliance with regulatory standards. Monitoring may include reviewing broadcasted

programs, advertisements, and other content to verify adherence to programming standards, accuracy in news reporting, and respect for ethical guidelines.

c) Compliance Audits and Inspections – The Authority performs compliance audits and inspections of broadcasters to assess their adherence to regulatory requirements. Inspections may involve on-site visits to broadcasting facilities, review of program logs and examination of technical equipment to verify compliance with licensing conditions and broadcasting standards.

d) Enforcement Actions – In case of non-compliance or a breach of the regulatory and license conditions on the part of the broadcaster, the Authority may take enforcement action against the non-compliant broadcaster. The enforcement action may include, issuing warnings, fines or penalties depending on the severity of the violation and its impact on public interest on consumer rights.

e) Guidance and advisory services – The Authority provides guidance and advisory services to broadcasters on regulatory compliance and best practices. This includes

f) disseminating regulatory updates, conducting workshops and issuing guidelines to clarify broadcasters' responsibilities and expectations.

g) Consumer Complaints Handling – The Authority also manages a mechanism for receiving and addressing consumer complaints related to broadcasting content. Complaints concerning breaches of programming standards or ethical guidelines are investigated and appropriate actions are taken to resolve and ensure compliance.

h) Collaboration with Stakeholders - The Authority collaborates with industry stakeholders, including broadcasters, industry associations, consumer advocacy groups, and other regulatory bodies such as the Media Council of Kenya to promote compliance on the part of the Broadcasters and address sector-specific challenges.

b. Programming Code 2023

a) The Authority is also charged with the responsibility of developing a programming code to set standards for the time and manner of programmes to be broadcast. The code ensures that broadcasters in Kenya provide responsible and responsive programming that caters to the various needs and susceptibilities of different sections of the Kenyan community.

b) The Code applies to all broadcasters and their programmes and services, and it is the responsibility of broadcasters to ensure that their programmes comply fully with the Code.

c) The Code also applies to all programme and non-programme matters, including advertisements, infomercials, programme promotions, and station identifications.

d) Additionally, the Code provides guidelines and regulations for broadcasters in Kenya regarding various aspects of their operations, including elections and referendums, religious programs, occultism and superstition, advertisements, gaming and competitions, accessibility to broadcasting services, complaints handling, online broadcast or streaming service providers, and compliance with the Code. Programme Code is available on the Authority's website:

c. Consumer Protection Guidelines and Customer Care Standards 2022

xl) The Authority also issues the Consumer Protection Guidelines and Consumer Care Standards, 2022. The purpose of the Consumer Protection Guidelines is to clarify expectations for licensed service providers, including broadcasters promote best practices, inform consumers, resolve disputes, protect consumer rights, promote a safer online environment, establish complaint handling procedures, ensure fair treatment and satisfaction, and regulate the discontinuation of licensed services in the communication services industry in Kenya.

d. Child Online Protection Programme

l) The Authority is also spearheading the Child Online Protection programme, one of the Authority's consumer empowerment programmes that leverages on a multi-stakeholder approach towards ensuring that children have a safer internet experience. The program

promotes; safe use of the internet, appropriate online behaviours, the avoidance of online vices, and the protection of the children's online identity and reputation.

lx) The Authority also incorporate various 'call to action' initiatives which would serve as messages to the children and youth of Kenya. This ' call-to-action includes, among others:

a. Reporting online predators and perpetrators to relevant child protection authorities
b. Avoiding intimate engagements with strangers online
c. Avoiding inappropriate online content/material
d. Being courteous to people online
e. Taking great care when sharing information online
f. Checking and verifying your privacy settings
g. Knowing how and where to report inappropriate content
h. Keeping your passwords safe
i. Never meeting anyone in person you've only met online
j. If you see anything online that you don't like or you find upsetting, tell someone you trust.

Committee Observations

1. That even though the Motion was specifically aimed at same-sex relations, the responses provided have been very broad. It is still difficult to define "Kenyan Identity" from the context of the responses provided in line with same sex issues.
2. There was no direct linkage between providing cash transfers to parents and the ability to protect children and young people from the publication and promotion of same sex relations.
3. The responses provided have been majorly on child protection and the welfare of children as explained by the two ministries and state departments yet the Motion was specific on the protection of young people.
4. While the State Department of Broadcasting has been categorical in their approach towards regulating local media, their capacity at taming live coverage in local media coverage has been less than satisfactory.
5. There is still a gap in addressing same sex relation issues over social media and its adverse effects on young people especially platforms like Tik Tok that have received a ban in several countries. Kenya is yet to declare a clear stance on the matter.

Committee Resolutions

1. The two Ministries ought to be abreast with information on global trends on addressing same sex relations, regulation of social media and other online platforms and taking a clear stand on publication, promotion and broadcast of same sex relations media content.

2. Kenya needs to develop a comprehensive sex education framework to prepare children and young adults to deal with such matters.
3. There is still need to have a law in place to deal with same sex offenses, prescribe violations and their penalties.
4. The Kenyan Parliament should come up with a law to deal with the registration of same sex agenda organizations in the country.
5. The two State Departments to summarize and re-send a more concise response.

MIN. NO.NA/DAA & GPC/COI/2024/209: ANY OTHER BUSINESS

There was no other business.

MIN. NO.NA/DAA & GPC/COI/2024/210: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:36 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date...17/11/24.....

MINUTES OF THE 60TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY 6TH NOVEMBER, 2025 AT THE COMMITTEE ROOM ON 2nd FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, MP - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon. Siyoi Lillian, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Chepkwony Charity Kathambi, M.P
10. The Hon. Rael Chepkemoi Kasiwai, M.P
11. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
4. The Hon. Zamzam Mohamed Chimba, M.P
5. The Hon. Chege Njuguna, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
8. The Hon. Johnson Manya Naicca, CBS, M.P
9. The Hon. Kitilai Ole Ntutu, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant
2.	Mr. Mark Namaswa	-	Clerk Assistant
3.	Ms. Catherine Mukunyi	-	Sergeant at Arms
4.	Ms. Mercy Ondego	-	Researcher
5.	Mr. Collins Mahamba	-	Audio Officer
6.	Ms. Shamsa Ahmed	-	Researcher
7.	Mr. Douglas Maraga	-	Intern

MINISTRY OF EDUCATION

1.	Mr. Julius Migos Ogamba, EBS	-	Cabinet Secretary, Ministry of Education
2.	Mr. Hassan A. Duale	-	Head of Directorate, Junior Secondary
3.	Mr. Joshua Wabwire	-	Legal Counsel - MOE
4.	Mr. Abdi Moulid	-	Director, Special Needs Education

MIN. NO. NA /DAA & GPC/COI/2025/327: PRELIMINARIES

The Chairperson called the meeting to order at half past ten O'clock. followed by a word of prayer by The Hon. Elijah Memusi Kanchory, MP. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Hilary Arap Kosgei, MP and seconded by The Hon. Julius Taitumu M'Anaiba, M.P.

AGENDA:

1. Preliminaries
    i) Prayers
    ii) Introductions
    iii) Adoption of the Agenda
    iv) Confirmation of Minutes
2. Substantive Agenda: **Meeting with the Cabinet Secretary - Ministry of Education regarding the implementation status of the following resolutions of the House: -**
    i) Motion sponsored by the Member for Likoni Constituency Hon. Mishi Juma Mboko, MP resolving that the Government through the Ministry of Education establishes a special needs unit in every primary and secondary school; and
    ii) A Motion sponsored by the Member for Mbeere North Constituency, the Hon. Geoffrey Ruku, MP that the Ministry of Education develops a comprehensive policy on Junior Secondary Schools (JSS) and an implementation framework for the Competency Based curriculum at JSS level.
3. Any other business

MIN. NO. NA /DAA & GPC/COI/2025/328: CONFIRMATION OF MINUTES

Minutes of the previous sittings were confirmed as follows:

50th Sitting
Minutes of the 50th Sitting were confirmed as a true record of the proceedings as proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Siyoi Lillian, MP.

56th Sitting
Minutes of the 56th Sitting were confirmed as a true record of the proceedings as proposed by The Hon. Raphael Wanjala, CBS MP and seconded by The Hon. Siyoi Lillian, MP.

57th Sitting
Minutes of the 57th Sitting were confirmed as a true record of the proceedings as proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Hillary Kosgei, MP.

58th Sitting
Minutes of the 58th Sitting were confirmed as a true record of the proceedings as proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Siyoi Lillian, MP.

59th Sitting
Minutes of the 59th Sitting were confirmed as a true record of the proceedings as proposed by The Hon. Komingoi Kibet Kirui, MP and seconded by The Hon. Rael Kasiwai, MP.

MIN. NO.NA/DAA& GPC/COI/2025/329: **MEETING WITH THE CABINET SECRETARY - MINISTRY OF EDUCATION REGARDING THE IMPLEMENTATION STATUS OF THE MOTION ON ESTABLISHING A SPECIAL NEEDS UNIT IN EVERY PRIMARY AND SECONDARY SCHOOL;**

Mr. Julius Migos Ogamba, EBS – the Cabinet Secretary, Ministry of Education appeared before the Committee to apprise it on the implementation status of the Motion sponsored by the Member for Likoni Constituency Hon. Mishi Juma Mboko, MP resolving that the Government through the Ministry of Education establishes a special needs unit in every primary and secondary school. He was accompanied by the following officers:

1. Mr. Hassan A. Duale - Head Directorate, Junior Secondary School, MOE
2. Mr. Joshua Wabwire - Legal Counsel – MOE
3. Mr. Abdi Moulid - Director, Special Needs Education – MOE

The Committee was informed that: -

i) The motion by Hon. Mishi Mboko is premised on the need to fulfill the requirements of Article 53(1) (b) and 54 of the Constitution by establishing a special needs unit in every primary and secondary school. Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education. Article 54(1)(b) of the Constitution stipulates that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.

ii) In addition to the domestic legal framework, Kenya has ratified the United Nations Convention in the Rights of Persons with Disabilities, 2006. The Ministry had also made commitments to implement the Sustainable Development Goals and, during the Global Disability Summit (2018), to deliver inclusive education.

iii) In line with the foregoing, the Ministry had developed policies and established institutions to increase access to education by learners and trainees with special needs and disabilities, as urged in Hon. Mboko's motion.

iv) The main policy on special needs education in Kenya is the Sector Policy for Learners and Trainees with Disability, 2018. This policy document is informed by key provisions of the Constitution, as already articulated. The policy defines inclusive education as an approach where learners and trainees with disabilities are provided with appropriate educational interventions within regular institutions of learning with reasonable accommodations and support to enhance their safe participation. The essence of the policy is that learners with disabilities are **only integrated in regular schools if there are adequate support and an accessible environment that will enable their learning. Where such integration is not feasible, the leaners are admitted to special needs institutions.**

v) This approach is in line with Section 44(2) of the Basic Education Act, 2013, which requires the Cabinet Secretary to provide special needs education in special schools, or in early childhood, primary and secondary schools **suitable to the needs of a pupil requiring special education.**

vi) According to the World Health Organization, the prevalence of disability in any society is estimated at between 11% and 15%, except where there is a health issue. The Ministry works to establish special needs education units based on ascertainable need and the prevalence of a disability, in conjunction with communities and other stakeholders. Currently, the number of special needs education institutions is as follows:

No	Category	No. of SNE Schools	No. of Regular Schools
1	Special schools	390	
2	Integrated schools	1049	
3	Special units	1545	
		2984	23,826
4	SNE Junior School	193	
5	SNE pre-vocational schools	164	
		357	20,630
6	Special secondary schools	35	
7	Integrated secondary schools	13	
		48	9,540
	TOTALS	3389	53,996

vii) There are 23,826 primary schools in the country, out of which 2,984 are special needs education primary/integrated schools and units. This represents 12.5%. There are 20,630 junior schools in the country, out of which 357 are special needs education, prevocational schools and integrated units. This is 1.7% representation.

viii) There are 9,540 secondary schools in the country, out of which 48 are special needs education schools and integrated units, representing a 0.5%.

ix) It is important to note that transition rates of learners with special needs and disabilities do not align equally with those of regular learners due to the disability challenges during early years of growth and development. The Ministry also implements both age-based and stage-based curriculum to support learners with special needs. Age-based curriculum applies to learners who proceed to the next level depending on their age. Those with severe disabilities proceed on the stage-based curriculum. They only proceed to the next stage after they master certain skills and capacities. The stages are foundational, intermediate, pre-vocational and vocational stages.

x) In view of the limited budgetary allocation, it is currently not tenable to establish a special needs education unit in every primary, junior and secondary school in the country. However, we continue to work to ensure that existing schools are adequately supported in terms of resources and personnel to cater for learners with special needs.

Committee Observations

1. With the current economic situation, Kenya is not tenable to establish a special needs education unit in every primary, junior and secondary school in the country.
2. The current functional model for special needs education in Kenya relies on integration. Out of the 23,826 primary schools in the country, 2,984 are special needs education primary/integrated. Out of 9,540 secondary schools in the country, only 48 are integrated.
3. The Ministry of Education can only estimate the exact number of special needs teachers since all data on teacher ratio and recruitment is under the ambit of the Teachers Service Commission.
4. That as at the time of the meeting, the main policy on special needs education in Kenya was the Sector Policy for Learners and Trainees with Disability, 2018, which outlines operationalization of inclusive education for learners with special needs, recognition of special needs and teacher training in inclusive education methodology.
5. Additionally, the Committee noted that the contents and resolutions of the Motion by Hon. Mishi Mboko, M.P were being addressed by the Persons with Disabilities Act, 2025 which replaces the old act and provides a comprehensive legal framework for disability rights. This new law, signed by President in May 2025, guarantees rights in areas such as education, employment, healthcare, political participation, and access to public spaces.

Committee Resolutions

The Committee resolved as follows:

1. The Ministry of Education fully operationalizes the Sector Policy for Learners and Trainees with Disability, 2018, which outlines parameters of inclusive education for learners with special needs, recognize special needs and teacher training in inclusive education methodology.
2. The Ministry of Education fully implements aspects of the Persons with Disabilities Act, 2025 regarding special needs education in Kenya, including resourcing, staffing and mapping out areas of concern around special needs, such as numbers of children living with, and types of disability in the Kenyan populations.

MIN. NO.NA/DAA& GPC/COI/2025/330: ANY OTHER BUSINESS

No other business arose.

MIN. NO.NA/DAA & GPC/COI/2025/331: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:36 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....11/11/2025.....

MINUTES OF THE 61ST SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY 6TH NOVEMBER, 2025 AT THE COMMITTEE ROOM ON 2nd FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 11:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, MP - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon. Siyoi Lillian, M.P
7. The Hon. Abdul Ebrahim Haro, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Chepkwony Charity Kathambi, M.P
10. The Hon. Rael Chepkemoi Kasiwai, M.P
11. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P - **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
4. The Hon. Zamzam Mohamed Chimba, M.P
5. The Hon. Chege Njuguna, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
8. The Hon. Johnson Manya Naicca, CBS, M.P
9. The Hon. Kitilai Ole Ntutu, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P

NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Abdiaziz Shobay	-	Clerk Assistant
2.	Mr. Mark Namaswa	-	Clerk Assistant
3.	Ms. Catherine Mukunyi	-	Sergeant at Arms
4.	Ms. Mercy Ondego	-	Researcher
5.	Mr. Collins Mahamba	-	Audio Officer
6.	Ms. Shamsa Ahmed	-	Researcher
7.	Mr. Douglas Maraga	-	Intern

MINISTRY OF EDUCATION

1.	Mr. Julius Migos Ogamba, EBS	-	Cabinet Secretary, Ministry of Education
2.	Mr. Hassan A. Duale	-	Head of Directorate, Junior Secondary
3.	Mr. Joshua Wabwire	-	Legal Counsel - MOE
4.	Mr. Abdi Moulid	-	Director, Special Needs Education

MIN. NO. NA /DAA & GPC/COI/2025/332: PRELIMINARIES

The Chairperson called the meeting to order at half past eleven O'clock. followed by a word of prayer by The Hon. Hilary Arap Kosgei, MP. The agenda of the meeting was adopted hereunder as proposed by The Hon. Komingoi Kibet Kirui, M.P seconded by The Hon. Chepkwony Charity Kathambi, M.P.

AGENDA:

1. Preliminaries
   i) Prayers
   ii) Introductions
   iii) Adoption of the Agenda
2. Substantive Agenda: **Meeting with the Cabinet Secretary - Ministry of Education regarding the implementation status of A Motion sponsored by the Former Member for Mbeere North Constituency, the Hon. Geoffrey Ruku, MP that the Ministry of Education develops a comprehensive policy on Junior Secondary Schools (JSS) and an implementation framework for the Competency Based curriculum at JSS level.**
3. Any other business

MIN. NO.NA/DAA& GPC/COI/2025/333: **MEETING WITH THE CABINET SECRETARY - MINISTRY OF EDUCATION REGARDING A MOTION ON DEVELOPING A COMPREHENSIVE POLICY ON JUNIOR SECONDARY SCHOOLS (JSS) AND AN IMPLEMENTATION FRAMEWORK FOR THE COMPETENCY BASED CURRICULUM AT JSS LEVEL.**

Mr. Julius Migos Ogamba, EBS – the Cabinet Secretary, Ministry of Education appeared before the Committee to apprise it on the implementation status of the Motion sponsored by the Member for Likoni Constituency Hon. Mishi Juma Mboko, MP resolving that the Government through the Ministry of Education establishes a special needs unit in every primary and secondary school. He was accompanied by the following officers:

1. Mr. Hassan A. Duale - Head Directorate, Junior Secondary School, MOE
2. Mr. Joshua Wabwire - Legal Counsel – MOE
3. Mr. Abdi Moulid - Director, Special Needs Education – MOE

The Committee was informed that the Motion proposed that as per the Motion, the Ministry: -

(a) Urgently develop a comprehensive Junior School Policy in order to regularize and anchor the Junior School Guidelines under the Basic Education Act, 2013 to ensure that Junior Schools are established and operated in every primary school.

(b) Develop a clear implementation framework for the Competency-Based Curriculum at Junior School level and to provide for a funding plan for successful implementation of the curriculum.

i) The motion raised the concern, among others, that basing Junior Schools in **selected primary schools** will render classroom facilities in other schools redundant and cause learners to travel longer distances to access Junior School.

ii) In September, 2022, His Excellency the President established the Presidential Working Party on Education Reform to undertake a comprehensive review of the education sector and to make recommendations for reform.

iii) The Working Party undertook its work and submitted a report titled: **Transforming Education, Training and Research for Sustainable Development in Kenya** on 1st August, 2023. The Report makes critical recommendations regarding the implementation of Competency-Based Education, including Junior School.

iv) On Junior School, the Report made recommendations on the domicile of Junior School in existing primary schools. The pcho-social considerations in settling Junior School learners in primary schools were that these learners would fit in more easily with their peers. There were also cost considerations. It was noted that it would be more cost-effective in terms of infrastructure, to domicile Junior School in primary schools because Standard 7 and 8 classrooms would be unoccupied. These have been put to use by learners joining Grade 7 and Grade 8.

v) The learning areas for Junior School were rationalized and the assessment framework was defined. It was recommended, in particular, that the Kenya Primary School Education Assessment at Grade 6 will be a formative assessment for monitoring the level of progress by learners as they transition to Junior School (starting at Grade 7).

vi) The report also set the rate of capitation for Junior School at **Ksh. 15,043** per learner per year.

vii) A draft Sessional Paper that comprehensively captures all the policy recommendations in the report by the Presidential Working Party on Education Reform, including on Junior School has been finalized.

viii) The draft Sessional Paper was subjected to stakeholder participation on 1st March, 2024 and to public participation from 28th February, 2024 to 15th March, 2024. It is now being reviewed by the National Treasury and the Office of the Attorney-General. Thereafter, we will submit it to Cabinet for adoption before presentation to Parliament for consideration and approval. The Ministry of Education targets to have the Sessional Paper submitted to Parliament before end of the year 2025.

ix) In the meantime, as we finalize the comprehensive framework, we are implementing Junior School on the basis of existing frameworks that include the following:

a) The Sessional Paper No. 1 of 2019, titled *"A Policy Framework for Reforming Education and Training for Sustainable Development in Kenya."* This Sessional Paper, which was considered and approved by the National Assembly, outlines the reform roadmap for the implementation of the Competency-Based Education structure of 2-6-3-3-3 structure, with 2 years in Early Learning; 6 years in Primary School; **3 years in Junior School**; 3 years in Senior School and 3 years in tertiary education and training.

b) The Basic Education Curriculum Framework, 2019, which sets out the context of curriculum reforms in basic education, including the overarching missions, the organization of basic education, core competencies to be achieved in basic education, the learning areas and general learning outcomes.

c) The National Education Sector Strategic Plan 2023-2027 which provides for the various levels of learning under the Competency-Based Education system.

d) The Guidelines for Implementation of Junior School (2024), which provide for the framework of implementing Junior School within existing primary schools in line with the recommendation by the Presidential Working Party on Education Reform. The Guidelines cover, among other areas, transition arrangements from Primary to Junior School; curriculum design, including core competencies, learning areas, pertinent and contemporary issues, values and assessment rubrics; and recruitment and capacity building for school leaders and teachers so they can implement CBE effectively. The Guidelines also address infrastructure, resources and materials as part of supporting the rollout.

x) the Ministry continues to approve the establishment and operationalization of new Junior Schools after necessary assessment and approval by County Education Boards. Key factors are that schools meet minimum requirements such as learners' population, proximity to other schools, availability of infrastructure, and overall readiness of the institution to host Junior School learners. Schools with less than 45 learners are designated as potential feeder schools to ensure optimal utilization of resources.

xi) That in terms of funding and ensuring that Junior Schools were resourced as follows:

(a) Over the course of the last school year (2024), the Government constructed a total of 23,000 classrooms to accommodate Grade 9 learners in Junior School, at the start of 2025. The construction was undertaken directly by schools through their Boards of Management. The Ministry disbursed resources to support the construction in four phases: Phase 1 was for 3,500 classrooms; Phase 2 was for 7,500 classrooms; Phase 3 was for 2,500 classrooms and Phase 4 was for 4,788 classrooms. The other classrooms (4,712) were constructed through the National Government Constituency Development Fund, making a total of 23,000 classrooms.

(b) Recruitment of Additional Teachers: The Government provides annual budgetary allocations to recruit teachers in response to the national staffing gaps. Over the last two Financial Years, the Government has employed a total of 76,000 teachers. Out of these, 68,550 teachers were deployed to Junior Schools across the country. In this Financial Year, provision has been made for the employment of 24,000 teachers to be deployed to Junior Schools.

xii) In addition to these targeted interventions, we also provide capitation to Junior School learners. The **approved rate** of capitation is **Ksh. 15,042** per learner per year, in line with the recommendation by the Presidential Working Party on Education Reform. Since the introduction of Junior School, funding has been provided as follows:

S/NO	FINANCIAL YEAR	BUDGET	REMARKS
1	2022-23	19,147,181,690	Junior Secondary Schools were in operation from January 2023, which coincided with the third quarter of 2022/2023 financial year. Full year budget was therefore provided from 2023/2024 Financial Year.
2	2023-24	32,649,763,447	
3	2024-25	30,660,000,000	

4	2025-26	28,918,400,000	

Committee Observations

The Committee observed as follow's

1. That the Ministry of Education is processing a Bill to be brought to Parliament to specifically address Junior Secondary School, education in Kenya.
2. That there is a shortfall of Ksh 20 billion needed for sufficient implementation of Junior Secondary Education in Kenya.
3. That out of 76,000 teachers hired in Kenya in the 2023-2024, approximately 68,000 were posted to junior secondary schools. An additional 24,000 teachers to be hired in December 2025 will be distributed to fill up gaps in junior secondary schools.
4. That recruitment of teachers will give priority to Board of Management teachers to cure the imbalance in staffing distribution in Kenya.

Committee Resolutions

The Committee resolved that:

1. The Cabinet Secretary- Ministry of Education expedite processing of a Bill to be brought to Parliament to specifically address Junior Secondary School education in Kenya.
2. The Cabinet Secretaries: Ministry of Education, the National Treasury; and the Attorney General fast-track processing of A draft Sessional Paper that comprehensively captures all the policy recommendations in the report by the Presidential Working Party on Education Reform, including on Junior School to be presented before Parliament for consideration and approval.
3. The Cabinet Secretary- Ministry of Education liaises with the Cabinet Secretary- National Treasury is addressing the Ksh 20 billion shortfall needed for sufficient implementation of Junior Secondary Education in Kenya.
4. The Cabinet Secretary - Ministry of Education in conjunction with the Chief Executive Officer – Teachers Service Commission collaborate in sharing data with the goal of addressing staffing and other resourcing imbalances in the education sector such as giving priority to Board of Management teachers to cure the imbalance in teacher distribution in Kenya.
5. That the Ministry of Education issues circulars on the exact school fees across schools to curb illegal levies and funds demanded from parents by schools.
6. That the Ministry of Education develops an online portal where members of the public and all education stakeholders can confirm in real-time when capitation funds have been disbursed, how much and to which schools.
7. That the Ministry of Education formulates a policy that permits comingling of funds and resources from various sources to enable seamless pooling of resources towards funding schools and developing infrastructure such as laboratories and classrooms.

MIN. NO.NA/DAA& GPC/COI/2025/334: ANY OTHER BUSINESS

There was no further business to transact.

MIN. NO.NA/DAA & GPC/COI/2025/335: ADJOURNMENT

There being no other business, the meeting was adjourned at 12:36 p.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....11/11/2025.....