

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 17th July, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

Sen. Olekina: Bw. Spika, nakuunga mkono kuwakaribisha wanafunzi kutoka Kaunti ya Makueni kwa niaba ya Seneta wa Kaunti ya Makueni, Sen. Mutula Kilonzo Jnr. Nawahimiza wanafunzi watunze mazingara yao kwani ni jambo muhimu. Nawasihi wanafunzi wapande miti shuleni. Sisi ni viongozi wa leo na wao ndio viongozi wa kesho.

Maafisa kutoka Kaunti ya Nyamira wakitazama Seneti wataona kwamba tunatumia teknolojia kujadili mambo hapa. Hapo mbeleni, tulikuwa tunatumia makaratasi mengi lakini sasa mambo yamebaadilika. Naomba kwamba wakirudi Kaunti ya Nyamira, watumie teknolojia kama Seneti.

Sen. Olekina: Bw. Spika, Waswahili walisema, asiyefunzwa na mamake, hufunzwa na ulimwengu. Nimekubali kufunzwa na wenzangu kwa sababu mimi nimefanya *direct translation*. Nimetafsiri kuwa kile ambacho Wazungu wanasema 10th Grade; ambacho ni kidato cha kumi ukifanya utafsiri huo. Lakini nimeshukuru kuelezwa ya kwamba ni kidato cha pili.

Tukiwa hapa, sisi wote tunajifunza. Ili tusipoteze umuhimu wa Taarifa ambayo imeletwa na Seneta mwenzetu, ni lazima sisi kama viongozi tutilie maanani mambo ambayo yanaathiri wanafunzi katika shule zetu. Ni vibaya sana kwa mzazi kumpeleka mtoto wake shule kusoma lakini anadhulumiwa na wenzake. Ikiwa kuna dhuluma

(Laughter)

Leo hii, nimesema ya kwamba, katika Bunge hii tunakubaliwa kutumia lugha ya Kiswahili---

(Sen. Kinyua stood up in his place)

Sen. Olekina: Kwani umekuwa mwalimu wa Kiswahili?

(Laughter)

The Speaker (Hon. Lusaka): Order, hon. Members.

Sen. Olekina: On a point of order Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Olekina, what is your point of intervention?

Sen. Olekina: Mheshimiwa Spika, sijabobea katika lugha ya Kiswahili lakini ningependa dada yangu afafanue kile ambacho anachokiita “mzungumzishi” kwa sababu mimi ninajua kwamba wewe ni Mheshimiwa Spika unapoketi hapo.

Sen. Olekina: Mr. Deputy Speaker, Sir, I will be very brief and go straight to the point because a lot of the issues I wanted to bring out have already been brought out by my colleagues. I support the amendments in this Bill. I congratulate my sister for coming up with such a timely Bill when we are talking about devolution because service delivery is key. Everyone in this country, regardless of where they come from and their economic position, must get services.

One of my biggest problems is to do with austerity measures. When austerity measures are introduced to curb Government spending, it makes it difficult for people to get services. I urge her to think about how such issues should be dealt with. By cutting on the expenditure, it is like the Government does not want services to be delivered to the people.

There is a reason why offices of the Ombudsman were established worldwide. I remember New Zealand was the fourth country to introduce the office of the Ombudsman.

A couple of years ago, I had an issue with the Judiciary because the court premises in Narok had not been completed and there was limited service delivery to the people of Narok. When I complained to the former Chief Justice, Hon. Willy Mutunga, he directed me to the office of the Ombudsman.

Bringing the headquarter of that office to Nairobi means that someone who does not know of the existence of that office will never get their services. Currently, the legislators act as the Ombudsman because people complain to them regarding the services that they are not receiving. The legislators are the ones who deal with issues of that office. We come up with laws and other than that, we pick up the phone and call particular Government offices to ask them the reason as to why they are not doing x, y, z.

Earlier on, we had the issue of people not getting birth certificates. If this office is devolved in Narok, Machakos or any other county, people can go there and report that they have not been issued with birth certificates or title deeds.

This is a timely Bill and I hope that we will all support it. I encourage my good friend, Sen. Were, to remove the clause that states that the headquarter will be in Nairobi. Instead, she should push for the 47 offices in the counties to have the same powers as the office in Nairobi because they all offer services. We should not send everything to Nairobi. If that office does not have enough budget, the people will not get services, not until the Senate or the Members of Parliament in the ‘Lower House’ allocate more money to it.

We should not think of issues of public administration from a central perspective. We are a devolved system of Government and this House must continue defending devolution and all the services that come with devolution. That is the only way for advancement.

I support this Bill because a lot of people have been treated unfairly. For example, people wake up in the morning and go to the District Commissioners' office expecting to receive some services but they are treated in a manner to suggest '*uta do*' or where will you take your complain? Knowing that one can complain to the ombudsman will empower citizens. I would like my sister to incorporate---

The Deputy Speaker (Sen. (Prof.) Kindiki): Which sister?

Sen. Olekina: The distinguished Senator, Sen. Were. In this House, we have---

The Deputy Speaker (Sen. (Prof.) Kindiki): You said that you are going to ask your sister to amend the Bill.

Sen. Olekina: Mr. Deputy Speaker, Sir, I stand corrected. I was talking of my sister, the distinguished Senator, Sen. Were, who is the sponsor of this Bill. I want her to think of a way of making this office permanent. I had consultations with her earlier on and she informed me that it is because this office is supposed to be merged with the Kenya National Human Rights and Equality Commission Office which has a sunset.

We always want services to be delivered to our people. We cannot have a clause that sees the end of this particular office. It is like saying that the office of the Chief Justice will one day cease to exist. I request my sister to differentiate the role of the Kenya National Human Rights and Equality Commission and the role of the Ombudsman. She should also ensure that the two roles are unique, independent and perpetual. It should not come to an end because service delivery does not end.

We also have to figure out a way of letting the people know that this office does exist. Very few people in this country read the newspaper or have access to information on legislation. I do not know how far the Committee has gone with public participation on this Bill though we should look for a way that will enable the Ombudsman to go around the 47 counties with the intention of making the citizens know of the existence of that office and its function, which is to assist them if they are denied certain services.

With those many remarks, I beg to support.