



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

7th October 2026

Vol. V No. 88

THE HANSARD

Wednesday, 7th October 2026

(The House met at 9.30 a.m.)

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Hon. Deputy Speaker consulted with Members)

(The Quorum Bell was rung)

Hon. Deputy Speaker: Order, Hon. Members. We now have quorum to proceed. Take your seats and settle down. Clerk-at-the-Table, read out the first Order.

PAPERS

Hon. Deputy Speaker: Hon. Naomi Waqo, on behalf of the Leader of the Majority Party, please proceed.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

1. Annual Report of the Office of the Registrar of Political Parties (ORPP) for the financial year 2025/2026;
2. Monetary Policy Statement for the year ended 30th June 2026 from the Central Bank of Kenya;
3. Reports of the Auditor-General and financial statements of Dr Ribeiro Parklands School for the financial years ended 30th June 2022 and 30th June 2025 and the certificates therein;
4. Reports of the Auditor-General and financial statements of St. Mathias Busia High School for the financial years ended 30th June 2023, 30th June 2024 and 30th June 2025 and the certificates therein;
5. Reports of the Auditor-General and financial statements of St. Mary's Girls Secondary School - Thigio for the financial years ended 30th June 2021, 30th June 2022 and 30th June 2023 and the certificates therein;
6. Reports of the Auditor-General and financial statements of Khasoko Boys High School for the financial years ended 30th June 2023 and 30th June 2025 and the certificates therein; and
7. Reports of the Auditor-General and financial statements for the financial years ended 30th June 2024 and 30th June 2025 and the certificates therein in respect of: -
 - (a) Garbatulla Girls Day Secondary School;

- (b) Griftu Secondary School; and
- (c) AIC Girls Secondary School- Loitokitok.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Are there any other papers to be laid? Next Order. The Member of Parliament for Msambweni Constituency requested a statement from the Cabinet Secretary for Environment, Climate Change and Forestry, but he is not present. Therefore, the request will be deferred.

BILL

Second Reading

THE SEXUAL OFFENCES (AMENDMENT) BILL (National Assembly Bill No. 50 of 2025)

(Moved by Hon. Amina Siyad on 30.9.2026 – Morning Sitting)

(Resumption of debate interrupted on 30.9.2026 – Morning Sitting)

Hon. Deputy Speaker: Hon. Siyoi was on the Floor and had a balance of eight minutes. Is she around? She is not. We can proceed. Hon. Lesuuda, you wanted to contribute? Members who wish to contribute, please press the intervention button.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you very much, Hon. Deputy Speaker. I rise to support the Sexual Offences (Amendment) Bill (National Assembly Bill No.50 of 2025), sponsored by Hon. Siyad Udgoon, the County Member of Parliament for Garissa County. I want to congratulate her for taking this very bold and brave step to bring this amendment to this Floor of the House.

As you know, it is very difficult to legislate matters that touch on social norms and things viewed from a cultural point of view. It can even cost you your seat. I am sure some people have told Hon. Udgoon that she is committing suicide by bringing this amendment.

However, people are judged or looked up to when they are courageous enough to bring such a Bill. Hon. Deputy Speaker, our children are protected. When someone stands for the most vulnerable in society, it is something that will be remembered for generations to come.

I have looked at the intent of this Bill, and I have noted that it introduces a new Section 40A to expressly provide that offences under the Sexual Offences Act shall be prosecuted exclusively through the formal judicial system. We know that in most parts of Northern Kenya, and even where I also come from, there are many children who, after they have been raped, have their cases taken before a kangaroo court at home, where people are fined. Some of them, even those who are pregnant, are forcibly made to abort their pregnancies. It is therefore important that we build on the great work of those who came before us in this House, like Hon. Justice Njoki Ndung'u, when she brought the Sexual Offences Act. We must build on it, celebrate her work, and strengthen it to ensure that all children across the country are protected and cared for.

Hon. Deputy Speaker, once this Bill is passed in this House, it will ensure that every child gets justice by going to court and by people presenting their evidence. The Constitution and the laws of this land will guide it. Hon. Udgoon, I believe you have thought this through, and the Bill is timely. This is because, as you mentioned when you moved this Bill, sexual offences are crimes against the State, not private wrongs. So, this should not be treated as a private matter for families to discuss and agree on.

We know that most of the time, the people who defile our children are well known to these children; mostly it is their uncles, brothers and guardians. When this child is taken to a kangaroo court of family members, the child is definitely intimidated. When there is impunity, and someone does not face the law, it encourages them to continue. Today, it is this child; tomorrow it is another, and the process continues, and we continue to victimise our children.

The other thing, Hon. Deputy Speaker, is that it protects victims from coercion and social pressure. As I have said, from family members, people that they actually look up to. This Bill will address that. Lastly, it will ensure confidence among community members that they trust the judicial system of this country, that the laws protect them, and that our children should never again be taken to social places where justice is not given to them.

Hon. Deputy Speaker, I support this Bill and tell Hon. Udgoon to push it till the end. I also want to say that many children and generations will remember you.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mugambi, I can see you are number one on the list. Let us have Hon. Kitur.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to contribute to these very important amendments. In the upshot, I want to congratulate Hon. Udgoon Siyad Kuno for bringing such a progressive amendment to the House to amend Section 40 of the Sexual Offences Act.

First of all, Hon. Deputy Speaker, I am a parent, and I am blessed with a boy and a girl. There are instances where girls or even boys have been molested, or such shameful acts have been committed against them. Many times, they use dubious ways to resolve such issues; for instance, communities come together, and an elder steps in when something grievous has happened to a child or someone, using unorthodox methods to resolve such matters.

What Hon. Udgoon Siyad Kuno has brought into the House is very important for us to streamline. So that it is very clear that, if there are any issues around sexual offences, they have to go through the formal channels, that is, the judicial process. This includes Clause 40A, which provides that if police officers are investigating these matters, they cannot just drop those cases. They must go through the Office of the Director of Public Prosecutions (ODPP) for directions on whether to drop such cases.

It so happened also, Hon. Deputy Speaker, that recently, when I was the Chairperson of the Constitutional Implementation Oversight Committee (CIOC), I visited several prisons in Kenya, and found, sadly, that many of the people who are behind bars in this country, especially young people, are those who have offences relating to sexual offences. I have always said that we need to look into the fairness of the same for the boy child as well as men, vis-à-vis, of course, when discussing some of these things, because the law has been a bit unfair. However, in my view, on this particular law, Hon. Kuno, you have done very well to bring it to the Floor of the House.

Personally, I support this, but let us streamline it and make it very clear that nothing will be done in the villages. Elders will not simply sit and decide that today we are giving you two cows when someone's life has been messed up, or tell someone that they need to go and abort. These are unorthodox ways of dealing with such matters. We need to be very progressive as a country. If a sexual offence has happened, let us handle it through the formal process. Let investigations be thorough, so justice and fairness prevail.

This will ensure that everybody understands they cannot commit an illegality or such an outdated and immoral act against someone. They will know there is no window through which they can negotiate their way out because they are wealthy or because they have some cows; they cannot simply pay their way out after committing such an offence.

What you have done is very good. It is transformative and progressive, and it will shape our society for the better. I want to thank you. You will be remembered for generations to come

for protecting many children, both those who are born and those yet to be born, and for bringing this important matter to the Floor of the House in your time. I therefore want to support this and encourage you to push it to the end. When the right time comes, I will be there to vote.

Thank you.

Hon. Deputy Speaker: Next is Hon. Nyamai. I have seen that Hon. Naomi Waqo and Hon. Kahindi Katana are also on the list. You will follow next.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Deputy Speaker. I was getting ready, but let me go ahead and speak to this. I support and would like to thank Hon. Udgoon for this wonderful proposal. As a woman, a young lady, and knowing where she comes from, I want to say this is very important for this House.

This important piece of legislation will ensure that many women, especially younger women, are protected. It is going to ensure that people do not settle matters to do with sexual offences in kangaroo courts, or in what is referred to as *Maslaha*.

This is extremely unfair because, when some of the children in some parts of this country are exposed to sexual violence, it is settled within a household by people who feel that they are rich and can protect themselves. After all, they can settle it amongst people who have power. Whether it is the power of men or the power of women within a community, this Bill, brought by the Hon. Member, will address it.

This is not an issue affecting just one part of the country; it affects the entire country. Even in places where we would not expect sexual offences to occur, they are happening. It does not matter whether people are poor or rich, educated or not, or belong to any religion.

I want to congratulate the Member and support this Bill. It will also help to end impunity. We have seen this happening even at police stations. A matter may be reported at the family level and at the police station, but in some situations, police officers deal with it there. In some very unfair circumstances, money changes hands. This should not continue.

We should encourage our children, especially girls, to be bold and report sexual offences when they occur. Unfortunately, boys are also affected, and they should be encouraged to speak out too. We should also encourage children to take advantage of the training provided in schools, where sexual offences are addressed. This will enable them to learn how to report such matters and seek justice. Justice heals and sends a message to future offenders that such matters will be taken seriously.

I support the Bill, Hon. Deputy Speaker. Thank you for the opportunity.

Hon. Deputy Speaker: Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity to add my voice to the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025). I also congratulate Hon. Udgoon on introducing this very helpful Bill.

Sexual offences occur in every part of this country, in communities, and even in homes where people expect girls to be safe. They also occur in offices, which is why this Bill is necessary. Many young women have suffered because, in some communities, including where I come from, people do not talk about sexual matters. It is even considered an offence. Those who are affected suffer silently. Once again, I congratulate Hon. Udgoon for being very bold and speaking about this matter in Parliament. This Bill will help rescue and revive the spirit of many young girls who are suffering in silence.

The principal object of the Bill is to amend the Sexual Offences Act (Cap. 63A) to strengthen the legal framework governing the prosecution of sexual offences in Kenya. Traditionally, many girls have suffered because different cultures and tribes deal with these matters as though they were a secret. They judge the girls. I know of cases where a girl who has been sexually abused ends up being the person who is accused and is subsequently excommunicated. Some girls who get pregnant are even excommunicated from their

communities. They lack funds or know what to do, and they cannot go to court. They end up living very miserable lives.

This Bill is now here to help our young girls and women. Those who are sexually abused are not only young ladies but also older women. This Bill will come in handy and support many girls who are already suffering. I have reviewed this Bill, and I believe it will help our current generation and future generations. Kenyans will be proud of us as women leaders. I support the Bill. It is my prayer that the President will soon assent to it to serve this country.

Thank you, and congratulations, Hon. Udgoon.

(The Deputy Speaker (Hon. Gladys Boss) left the Chair)

*(The Temporary Speaker (Hon. (Dr) Rachael Nyamai)
in the Chair)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Sabina Chege.

Hon. Sabina Chege (Nominated, JP): Thank you, Hon. Temporary Speaker. I want to add my voice in support of this amendment. I support the New Section 40A, where Hon. Udgoon wants any sexual offence to pass through the judicial system. We have several laws in this country, including customary law and religious laws such as Sharia law.

Sometimes, when these laws are applied, especially to these offences, they injure the victims. In many communities, when an offence is committed, elders can sit down and decide to settle it. Sometimes, they can exchange goats. Sometimes it can even be settled for a small fee or simply by asking for forgiveness.

Sexual offences, most of the time, injure the victims and leave a permanent mark. To reduce these offences, offenders must know that choices have consequences, especially when it comes to a sexual offence that injures the victim, whether it is a girl or a boy. Nowadays, you have seen some boys being molested and girls being raped. The legal justice system must follow its course and ensure that offenders are held accountable and punished.

Therefore, I support the Bill and congratulate my sister. Laws must be followed in this country. We must protect these victims. We must also ensure that the law is followed and that no one purports to settle such matters outside the law. Some precedents are being set nowadays in court, where you hear somebody saying that somebody had killed and the family had sat down and forgiven them.

Maybe I will use the wisdom of our Deputy Speaker at some point to find out where in law such offences are being negotiated and purported to have been settled, or where a family is said to have forgiven the other person. I am not privy to the privilege where families are now going to claim that they have settled matters, especially where life has been lost. In my view, that beats logic. I am a bit lost. I chose to go back to school. I am now a first-year law student, trying to figure out what is happening within our judicial system. Some of these things need to be argued so that we can get answers.

As I support the Bill, I still look forward to mentorship from the Deputy Speaker and perhaps clarity on such issues. Victims of sexual offences must be protected by law.

I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. I invite the Member for Uasin Gishu County and Deputy Speaker, Hon. Gladys Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to lend my voice to this extremely important amendment Bill.

First, I want to congratulate Hon. Siyad Kuno for having the audacity to put forward this amendment. I am proud of her. I have been on the journey of the Sexual Offences Bill from

its inception, under the tutelage of Justice Njoki Ndungu, who is my friend and legal colleague. I remember the journey she went through in bringing the Sexual Offences Bill to this House.

She suffered a lot through it, and she wanted to put very many things and clauses in the Bill, but the men would not support her. She even included a section on how to treat people who were perpetual defilers. The men said, “Oh, she wants to put a law to castrate men.” I remember saying, if you are not a sexual offender, why should you be worried about being castrated? But she had to withdraw that section to get support. I remember she eventually told me, “You know, Gladys, if we need to get this law passed, if we can even get 50 per cent of what we wanted, let us at least achieve it and put the law through.”

This amendment Bill you brought is one of the clauses she wanted to include, but she had to withdraw it. This is because she would not get support, especially from Members of Parliament from your community. For them, I know it is called *Maslaha* or something; they said it is part of their culture, tradition, and religion.

They said, “We are not going to let you put something that prohibits us from enforcing things that are culturally within our society and religion.” Amazingly, you have brought this up. Right now, the good thing is that times have changed. There is different thinking around Gender-Based Violence (GBV) and sexual offences. People are talking about it. Social media now lets people speak out about the dangers of these offences. Therefore, this is the right time.

I can confirm that I will lobby Members of Parliament to ensure this amendment Bill passes. I am confident that the current Parliament is modern enough, unlike at the time of Justice Njoki Ndungu, when they could not pass it. By the way, Justice Njoki Ndungu is a candidate for the International Criminal Court, and we support her.

Hon. Temporary Speaker, it is also important that we should extend this to other criminal offences because a criminal offence is a criminal offence. Hon. Sabina Chege, I was very proud when you said you are a first-year law student. I wish I were still teaching at the university, but you can come to me for private lessons. One of the best jobs I ever held was teaching law. You have increased the number of—I have 22 Members of Parliament who were my students, two Cabinet Secretaries and six Principal Secretaries—so you are going to add to the list. I will very soon have 23. I believe Hon. Mayaka is in her fourth year. I will be clocking 24 students by the time we get to the elections.

As has been questioned, it is not just for sexual offences. For any criminal offence, the owner of the offence is not an individual; it is the State. That is why it is the Republic versus so-and-so, which means the Republic is responsible for protecting our lives and property. Therefore, when they prosecute it, it is taken away from my hands. It is no longer in an individual's hands.

Therefore, we must refuse to allow negotiations on criminal offences. This has happened, and it is a pattern in Kenya, and is very dangerous. Recently, I attended a GBV conference hosted by the Romanian Embassy. That same day, there was a report of a former political leader who had been found guilty of executing a pre-planned killing of a lady. Yet, they were attempting to negotiate themselves out of the offence. That is wrong. I remember that day I spoke, and the Guest of Honour was the First Lady, Mama Rachel Ruto. She has taken the mantle, and she said we must break the silence and talk about this.

In that meeting, we agreed that the day we lose the battle against GBV and sexual offences is the day we allow negotiations. When we allow one powerful person—because I do not think those parents, when they said they had forgiven him for killing their daughter, it was not an issue of them having forgiven the person; it was because of an economic problem. That is the day I told myself poverty is a bad thing. This is because of their economic situation; they feel the need to negotiate with someone who killed their daughter. Due to the economic situation, many families negotiate with somebody who has defiled or raped their child. That is

absolutely wrong, and we must condemn it. We should not only amend the Sexual Offences Act, but also extend it to other criminal issues.

As we said, we see our police stations every day. You go to the police station to report a sexual offence, or GBV, and then you are told, “That is a family issue. *Familia wanaweza kumaliza.*” Again, that must not be done. That is why I have been advocating that the gender desks in police stations move to health centres and hospitals. So that when I go and report a sexual offence, I am reporting to the doctor, where I feel I am safe, and within the same facility there is a police officer who can give me a P3 form, fill it, and report there. How can you be a victim, and then all of a sudden you are being told to go back to the police station so that you can get the documentation and so on? This is because we have made the circle very big. I have been advocating that those gender desks move to the health centres and not to our police stations.

With that, I fully support. I confirm to you, Hon. Siyad, that I will definitely lobby for this amendment, and it is timely. Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Katana Kahindi, Member for Kaloleni.

Hon. Paul Katana (Kaloleni, ODM): Asante Bi. Spika wa Muda, kwa kunipatia nafasi ili kuunga mkono mabadilisho ya kipengele 40A kuhusu dhuluma za kimapenzi. Mabadiliko haya yamekuja wakati unaofaa. Hakuna jamii...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mhe. Katana, nikiwa hapa pia naweza kusikia kidogo. Watu wanashangaa kwa nini unaleta mambo ya mapenzi katika jambo hili kama umetafsiri vizuri.

Hon. Paul Katana (Kaloleni, ODM): Ni dhuluma za kimapenzi: Sexual offences.

Hon. Gladys Boss (Uasin Gishu County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Deputy Speaker, what is your point of order?

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Katana, this is how we lose the battle against sexual offences and GBV. There is nothing “mapenzi” in an offence. You cannot use those two words together. It is an oxymoron.

Hon. Paul Katana (Kaloleni, ODM): Bi. Spika wa Muda nisaide na jina ya Kiswahili.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please give the microphone to Hon. Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Kama ni dhuluma...

Hon. Paul Katana (Kaloleni, ODM): Tuseme dhuluma za ngono?

Hon. Gladys Boss (Uasin Gishu County, UDA): Yes. Lakini usiseme dhuluma za mapenzi. Hakuna mapenzi kama kuna dhuluma.

Hon. Paul Katana (Kaloleni, ODM): Asante.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hayo maneno mawili haya ambatanishi.

Hon. Paul Katana (Kaloleni, ODM): Tuseme basi dhuluma za ngono.

Hon. Gladys Boss (Uasin Gishu County, UDA): Asante.

Hon. Paul Katana (Kaloleni, ODM): Asante.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Ni kweli, Mhe. Katana. Ni kama jambo hili ambalo umelisema limekwaza watu wengi. Naona watu wengi sana wameleta *points of order*.

Hon. Peter Masara (Suna West, ODM): On a point of order, Hon. Temporary Speaker

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a point of order from Hon. Masara, Member for Suna West. What is out of order?

Hon. Peter Masara (Suna West, ODM): Hon. Temporary Speaker, I want to clarify that sexual offences can also happen within a structure where two people are in love. When a married woman is not ready for sexual intercourse, and the husband forces her to do it, that is an offence.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Masara?

Hon. Peter Masara (Suna West, ODM): The Deputy Speaker, Hon. Boss, said that in a sexual offence, there is no love. Even lovers can commit an offence within their love framework.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are completely out of order. You are trying to debate, and I know you are in line for that. You will get your opportunity.

Hon. Paul Katana (Kaloleni, ODM): Mhe. Spika wa Muda, nafikiri...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Katana. Hon. Dorothy Ikiara, I believe that you are strategically waiting to speak. Right?

(Hon. Dorothy Muthoni spoke off the record)

Hon. Katana, please proceed and continue in Kiswahili. I am sure there are many people who would want to hear you speak Kiswahili.

Hon. Paul Katana (Kaloleni, ODM): Mhe. Spika wa Muda, vile nilivyonena mwanzo, inategemea una ufahamu upi wa Kiswahili. Nimesema dhuluma za mapenzi. Unaweza lazimishwa na bwanako ufanye kitendo cha ngono wakati hauko tayari. Hiyo ni dhuluma. Lakini kwa sababu ya mjadala huu, wacha niseme dhuluma za kingono. Mjadala huu...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Katana, and for the benefit of the House, sexual offences in Kiswahili is translated as *makosa ya kijinsia ama makosa ya dhuluma za kingono. Kwa hivyo sio mapenzi.*

Hon. Paul Katana (Kaloleni, ODM): Kwa muda mrefu, kumekuwa na dhuluma za kijinsia. Marekebisho ya Kipengele 40A hayalengi jamii fulani, wala hakuna dini ama jamii ambayo inaunga mkono dhuluma hizi ambazo zimekuwa zikiendelea dhidi ya watoto wa kivulana na kischana. Watoto wengi wa kischana wamebakwa. Na watoto wengi wa kivulana wamelawitiwa. Hizi zote ni dhuluma ambazo zimeendelea kwa muda mrefu.

Lile la kushangaza, dhuluma hizi zinafanywa na watu wa familia. Wakati dhuluma hizi zinafanywa, wale watoto wanaambiwa wasizungumze kuzihusu. Na wanakuwa na wasiwasi na uoga mwingi sana. Wavulana pia wamelawitiwa. Hili nalisema kwa sababu kuna kesi nyingi ambazo zimefanyika, haswa kule pwani, maeneo ambayo utalii unaendelea. Kuna baadhi ya watalii wanakuja na kudhulumu watoto wetu na hata kuwachukua video, halafu wanakimbia bila kushitakiwa. Kwa hivyo sheria hii inataka kuleta usawa.

Watoto ambao wamedhulumiwa wanakejeliwa, haswa wakienda kwenye polisi zetu kutafuta msaada. Wengine wanaulizwa, ulikuwa wapi ukilawitiwa? Ama ulikuwa unafanya nini ukilawitiwa? Wanawakejeli na kuwafanya kana kwamba walikuwa wamejitolea kufanya kile kitendo. Mimi nafahamu na nataka nikupongeze Mheshimiwa. Najua ile jamii ambayo unatoka, saa hii wale wazee ambao walikuwa wanakata kesi hizi katika mipango ya jamii, wanakuchukulia wewe kama ambaye umesaliti jamii yako. Lakini kosa ni kosa. Anayefanya kosa lazima achukuliwe sheria kulingana na Katiba yetu ya nchi.

Ndio sababu tunasema Bunge hili tuangalie wakati huu wa sisi na wakati wa vizazi vyetu vijavyo watalindwa kisheria vigani kwa mifano hii ambayo tumekuwa tukitoa. Anapodhulumiwa, lawitiwa ama kubakwa, maisha yake hayawezi kurudi vile yalikuwa. Tumeona wengine wamebakwa na kupoteza kizazi kwa sababu ule umri wa mwenye anabakwa bado hajafikia wakati wa kufanya mapenzi ama ngono. Wakati haya yanafanyika, kuna watoto

wameambukizwa magonjwa. Wengine wamepata kaswende na wengine UKIMWI katika hali hii. Ni lazima hawa watoto waweze kulindwa na sheria ya Katiba ya nchi.

Naunga mkono na kuambia watu wasiangalie hii sheria kulingana na mila. Hakuna mila inasema mtoto akibakwa maneno yazungumzwe kijamii. Na hapo ndio wakati mwingi, watoto wameendelea kudhulumiwa. Kama Bunge, ni lazima tusimame kidete, tuunge mkono mabadiliko ya sheria hii ili watoto wetu waweze kulindwa na kuwe na kitengo maalum ambacho kitakuwa kinaangalia hawa watoto ambao wamebakwa, wanalindwa namna gani na wanapata matibabu namna gani. Wengine hawapati matibabu na wanaendelea kuugua. Hawawezi kuzungumza kwa sababu wametishiwa na jamii yao kwamba ukizungumza, babako mdogo atashikwa ama itakuwa ni aibu kwa familia. Hakuna aibu wakati sheria imevunjwa. Anayeivunja sheria, ni lazima achukuliwe hatua.

Naunga mkono kwa sababu nimeyaona. Na kama mzazi, singependelea mtoto wa mwengine afanyiwe kitendo kama hicho. Asante, na nitapigia kura mabadiliko ya sheria hii ambayo inalinda mtoto wa kischana na kivulana, wasidhulumiwe.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Asante sana Mhe. Kahindi Katana. Mhe. Major Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important debate. I congratulate my sister for coming out strongly on this issue and bringing up this amendment.

Secondly, I want to talk about the impression being created in this House that we, the Muslim community or the Islamic religion, condone sexual offences against minors and other people. That does not exist in our religion. It is not allowed. Even as a society, the Somali community does not condone it.

What was encouraged was settling these disputes and issues. This happened because it is a long-time tradition and does not only talk about sexual offences or murder. It is only that, in the past, we did not have these kinds of laws in society, and the only way available to solve these disputes was through the *Maslaha* process. However, as society progresses, there is a need to talk about it, and laws are created to bring all of us together so that when these issues happen within a modern society, we have a way of solving them.

We now encourage the use of the judicial system to solve these disputes. I do not condone the use of *Maslaha* as a way of solving these problems. This issue leaves a long-term mark on minors, especially, and the biggest challenge on this is that the offences are committed by those who are supposed to protect these children, mainly the teachers themselves, who are supposed to be the guardians of the children, the relatives and closest people to them.

Since this has now come, we support this amendment, and it will come into law. We want to encourage even police officers, who are the first recipients of these complaints, not encourage or tell the victims to go back to their families to sort out the issue in the traditional ways they are used to. Even police officers who give out directions on how to solve these issues should be held responsible. They are encouraging an offence within the law. These offences must be dealt with within the laws we are going to set up today.

Hon. Udgoon has done a good job in bringing forward this amendment to the law which we support. I was very disturbed when the Deputy Speaker talked about this issue and said that there are men in this House who do not want castration of people who offend others sexually, especially young girls and boys. The law should encourage people, when we have such a problem, to report it to the authorities.

If young people who are our daughters and sons find themselves in such a situation, irrespective of where they were at the time of the offence, justice should be served. We should have a way for these men, especially the perpetual offenders of the act, to be kept away from the society. Not only should they be castrated, but they should also have their thing chopped off so that we do not have them repeat these offences.

(Applause)

Maslaha encourages the repeat of the offence. Once the act happens, the person who bears the biggest responsibility is not the one who commits the offence but the community or society he comes from. His family is the one that pays for the offence. He goes scot-free because the offence he committed is paid for by the family and community. Therefore, to discourage recurrence of the offence, we should encourage the judicial system to run its course. This offence, especially raping young girls, should be equated to a murder and in turn be handled as a murder case.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Major Dekow, for that strong statement.

Hon. Members, the Deputy Speaker had guided those who are interested in contributing to this Bill to hit the intervention button. I will now go to Hon. Ibrahim Saney, Member for Wajir North Constituency.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. I entirely support the amendment by my sister, Hon. Udgoon but I am a bit lost. As we speak, even without this amendment, the law is very clear that any criminal offence does not have another alternative. It should be pursued through our criminal justice system. There are no shortcuts, unless you are invoking the Clause on Alternative Dispute Resolution (ADR) mechanism, which is constitutional.

As much as the intentions and purpose my sister has in amending the Sexual Offences Act, it amounts to over legislation. Our legislation is already clear on this. Even though I support the amendment, it is clear that victims of sexual offences are protected from any other informal system courtesy of Article 159(3) of our Constitution. That means that procedurally we must go through our criminal procedure code.

Criminal offences are normally challenged during their trials in court. First, cultural issues are a big impediment to ensuring that sexual offenders are convicted as is required. Most victims, given our cultures, cannot give the oral evidence required. Let us remember that this is a criminal offence and the evidence required must be proven beyond reasonable doubt. In doing so, most of the victims cannot give their oral testimonies overtly. They shy away, hold back, cry, stay in silence and that is all. In such a situation, it is difficult for judges to get reasonable evidence that lacks doubt in the evidence adduced in any sexual offence case. Therefore, they prefer to go the covert way of giving evidence which is not good.

This calls us to do civic education for our women and girls so that they can fight for their rights and speak boldly about any abuse. Unless we achieve that kind of threshold, most trials will be delayed while others will be withdrawn. Intimidation and the money factor come in because most sexual offenders are bullies. As a result, we have been losing very many sexual offence cases in our courts because it is hard for our young girls to give oral testimony of a sexual ordeal. It is so painful and so disturbing that they cannot narrate and give credible evidence. They shy off instead.

One other thing that affects conviction of sexual offenders in this country is lack of coordination between the National Police Service (NPS), health services and the office of the Director of Public Prosecutions (DPP). If there were to be good collaboration where they neatly fit into such a matter, we would have had good progress in the conviction of sexual offenders.

Custody of important evidence like DNA, forensic and documented evidence is always in a up haphazard way. Some of it is deliberately destroyed or goes missing to delay cases. Consequently, some cases are withdrawn for lack of evidence. Those who would have

produced the evidence shy off because they are intimidated. Some are compromised and cultural issues are adduced and the cases end up being withdrawn.

In such a scenario, as much as I support this Bill, which is the better option? Withdrawing the case while the victim remains abused or there being a fall back because ADR is a constitutional clause? There is precedent evidence where ADR has been used to settle criminal offences like murder and manslaughter. When the office of DPP does not have the right evidence to convict a person who committed the offence, then ADR is an alternative. There is wisdom why ADR was put in our Constitution. It is not in vain, but for a purpose of offering a fall back so that affected families can get something or restorative justice.

I entirely agree with the proposed amendment Bill. However, our legal system is so clear that this criminal offence is punishable in the highest way. What is important is how the case is handled and evidence procured. That is what matters.

I agree with my sister. I will not at any time support sexual offence. With those remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Dorothy Ikiara, nominated Member, please proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, very much, Hon. Temporary Speaker. At the outset, I congratulate Hon. Amina, the County Woman Representative for Garissa County.

This is a very progressive amendment that has been brought before the Floor of this House. We are debating sexual offences at a time when the world order has been disrupted by new and emerging trends in sexual offences. We are debating this Bill at a time when perpetrators have gone a notch higher. These days, perpetrators rape girls and women and even kill them, so that no evidence is left behind that can be traced or used against them.

This country is dealing with cases of femicide. We have spoken about them in this House, and the majority of our women are killed after they have been raped and sexually molested. We have had cases involving young children, even as recently as last week, where children are kidnapped, defiled and eventually killed. This is the time when we should act on this Bill. I thank Hon. Njoki Ndung'u for proposing radical changes to our Sexual Offences Bill. Most legislators in this House are parents. Therefore, I do not understand why one would protect criminals in the name of not wanting men, or whoever may be affected, to be touched by this law.

I want to see this Bill being voted for. Let us see Members who will stand up and say that a certain clause should not be there. It is painful to lose a child through something that is easily available. We have sex workers, and men are free to go there, pay for the services they want and go back home satisfied. I do not understand why people entrusted with children would rape them. In most cases, the perpetrators are people known to the children. It is high time that we all support this Bill. This amendment is very timely and important for us as a nation.

No human being is a community body. Even a one-day-old child, when a census is conducted, is counted as a child. That child ceases to be the property of the mother or the community. That is why even if the mother dies in the maternity ward, the child will still grow. If your child is abused, do not go to kangaroo courts to negotiate on their behalf. We cannot allow that. Crime is crime.

Sexual offences should be equally punished through the judicial process. Perpetrators must go through that process because, once they are convicted, it creates an opportunity for us to have official records that can help us track offenders and prevent repeat offences. If offenders are left to walk away scot-free, they may assume that they can buy justice through impunity and settlements. Let us ensure that justice is not for sale. Offenders cannot pay and walk away. We cannot negotiate molestation. We cannot negotiate the pain, the trauma or the dignity of any living human being through settlements.

We cannot allow offenders to walk away scot-free. Repeat offenders are in our communities. A person who has raped before may rape again because they will find easy avenues through which they can negotiate their way out of the consequences. Let us also ensure that we have a well-coordinated system for tracking offenders. The systems entrusted with ensuring that offenders are brought to book must be systematic in apprehending them and ensuring that they face the law. Let there be cooperation between our hospitals, police stations and even the Gender Desk.

I also want to support what Hon. Boss, our Deputy Speaker, said, that the Gender Desk should be moved from the police station. People sometimes fear going to the police station to record statements because they may be followed there, and there may be intimidation. If the Gender Desk is located in a more serene and private place, we will be sure that victims get justice.

Every person deserves dignity. Every living person deserves to be protected, and we can only achieve that protection by ensuring that we have Bills such as the one that Hon. Amina has brought before the House. Kenya should not be left behind. Let us align ourselves with international human rights obligations, which recognise that violence against women and boys, because they also get sodomised, is a human rights violation. We should be in line with the protocols that are provided for under the African Charter and not allow negotiations in matters of sexual offences.

Once again, I congratulate Hon. Amina. I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kamene, Member for Machakos County. Have you traced a microphone?

Hon. Joyce Kamene (Machakos County, WDM): Yes. Thank you, Hon. Temporary Speaker, for this opportunity to contribute to the Sexual Offences Amendment Bill, 2025, which has been brought to the House by the Hon. Amina, County Member of Parliament for Garissa. This is a very important and dear issue to the people and to the country because it concerns criminal matters that, for years, have been left in the hands of elders or individuals within society.

These matters affect young girls and young boys, particularly those who have been raped, as well as cases of incest and defilement. You will find a case such as this being given to certain individuals to discuss and make a ruling on a criminal matter. I thank Hon. Amina very much because rape and defilement cases continue to increase and unless we continue putting in place stringent measures to ensure every child and every individual is protected, we will continue having these problems. We will continue speaking about these issues, seeing them in our headlines and hearing them on the radio, yet nothing is being done.

Therefore, my appeal to the House today, for the sake of justice, is that we pass this Bill and ensure it becomes law. The implementation of this Bill should be to the letter. I thank Mheshimiwa for this Bill, since I know these issues are prevalent in their areas, but these issues are not limited to those parts of Kenya. In Machakos County, there is a significant amount of defilement occurring, and kangaroo courts are being used to settle these matters. You will find chiefs discussing a rape case. However, once we pass this law, it will tighten our systems so that culprits do not walk away scot-free, and everyone receives the justice they deserve, ensuring that defilers are appropriately punished.

Thank you, Hon. Temporary Speaker, for the opportunity. I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker.

I rise to strongly support the Sexual Offences (Amendment) Bill 2025, introduced by Hon. Amina. This Bill is timely and necessary to stop the culture of impunity that has devastated the lives of women and children in this country. I come from Busia, where cases are reported daily, and it seems that this issue cuts across every region.

This Bill will help to deter repeat offenders. When a child is defiled, and the matter is settled under trees by elders, with an exchange of a few goats or some money, it places a tag on a woman's body. Defilers know they can pay a small price and get away with it; therefore, they continue to defile. Sex offences are not civil matters; they are criminal matters, constituting crimes against the state, humanity, and the dignity of women.

I commend my colleague for proposing this Bill, as settling matters in kangaroo courts only delays reporting. These courts ensure that no medical attention is obtained within the crucial 72 hours, resulting in the loss of DNA evidence. Consequently, cases eventually collapse. For too long, some individuals have concealed their actions behind culture. This Bill does not attack our culture; rather, a healthy culture protects children and does not sanction harm. Culture should cease where rape begins. If culture is not going to do any good, its relevance ends when it enables rape. We have instances where a chief, an elder, a parent, or a family attempts to settle a case of defilement outside the legal system. Such characters should also face the law, and this Bill should criminalise their actions so that they, too, face the law.

Under the Criminal Procedure Code, serious offences such as murder, robbery, and sex offences cannot be compounded or forgiven. One cannot forgive rape on behalf of a child. Therefore, allowing families, elders, and communities to settle these matters out of court is illegal, which is why I support this Bill. Thank you, Hon. Amina, for bringing it forward.

In cases of incest, it is not uncommon for the chief to be bribed, and victims are often told that the matter is a family issue. Mothers are told to shut up and withdraw cases by their clans. This Bill restores power to the rightful authorities—the Office of the Director of Public Prosecutions (ODPP), the police, and the judiciary—so that justice can be served for victims and survivors.

This Bill aligns with the Maputo Protocol on the elimination of all forms of discrimination against women. We cannot continue to support informal systems within our justice framework that are inherently patriarchal. Let all matters relating to sexual offences be addressed in a court of law, ensuring that our young girls and women in this country receive the justice they deserve.

Thank you. I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mary. Hon. David Ndakwa, the Member for Malava.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order! Before you continue debating this very important Bill, I would like to take this opportunity to recognise our guests this morning seated in the Speaker's Gallery: students from Kitengela International School in Mavoko Constituency, Machakos County and students from Eldama Letap Academy in Dagoretti South Constituency, Nairobi County. Thank you for joining us. You are welcome to the National Assembly, and I encourage you to observe the proceedings of the House. Hon. Member on the Floor, you may now welcome the students as you continue your debate.

Hon. David Ndakwa (Malava, UDA): Thank you. I would like to acknowledge and appreciate the students who have come here today. You can also aspire to be in the positions we occupy now. It is a matter of discipline, focus, and determination. I want to inform the students that this is where laws are made, and what we are doing now is part of the legislative responsibilities of a Member of the National Assembly. Welcome. Please pay attention, and you will learn more for the benefit of your future.

Thank you, Hon. Temporary Speaker, for the opportunity to support the Sexual Offences (Amendment) Bill, particularly the section that insists on the prohibition of traditional dispute mechanisms being applied to sexual offences. I applaud Hon. Amina, the County Women Representative for Garissa, for this great idea. Among the ideas she has proposed, this is one of the greatest contributions she has brought to this Parliament.

Sexual offences are crimes against the state, rather than merely private disputes. Once a sexual offence is reported, it should be treated as a state affair and not simply as an ordinary family or clan affair, or a civil dispute. Such cases should not attract compensation or be settled through an apology.

Hon. Temporary Speaker, this is bodily harm. It amounts to physical and psychological harm that stays with women for the rest of their years. It can also affect the mental status of a human being. Sexual offences should not be negotiated and compensated. They require punishment so that people can know they are wrong. An out-of-court settlement of sexual offences can expose victims—particularly children and the vulnerable—to pressure from their parents, guardians or relatives because they want them to withdraw.

They can use all languages and persuasion by exposing them to a number of people from the community which is distressing and stressful for the victims. When we use judicial means, they protect and safeguard the victims and accused people. Sometimes hearings are done in camera where the victims are concealed. This enables them not to be affected psychologically. But when you expose them to a group of people seated under a tree or maybe family members, it is very humiliating.

Hon. Temporary Speaker, this amendment will stop or prevent the commercialisation of sexual offences. Let us not create a situation whereby the perpetrators who have high financial muscle get away with sexual offences easily. Let us make it so hard for those who have the best language to convince sexual offenders. Let us make it hard to get away with sexual offences. We should not settle a sexual offence by compensation. Justice for sexual offences cannot be negotiated on a family table. It must be determined by the rule of law.

When we amend the Sexual Offences Act, it will bring accountability. Once a sexual offence is reported, the matter should be subjected to criminal justice. No amount of money, family negotiation or a traditional settlement should be used to silence criminal responsibility. We must also protect children or the victims who have no capacity to withstand pressure from adults.

Our Constitution is very clear; it requires one to be clear and to have the best interest of children. The Constitution of Kenya protects our children and the vulnerable in society. Kenyan courts recognise sexual violence of any nature against children and any other person as a serious abuse. The Constitution protects and requires that there should be consent in any sexual encounter. It should be mutual.

As I conclude, this Bill is the best that we have now because it gives us an alternative dispute resolution mechanism. Let us have it as a mechanism because the judicial system supports victims where it is appropriate. Negotiating with offenders should never be an alternative to justice for sexual offences.

Hon. Temporary Speaker, thank you for the time. Hon. Amina, this is the best Bill you have brought forth. We are here to support it. We look forward to the offenders being punished.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. James Nyikal, Member for Seme and Chairman of the Departmental Committee on Health.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. First of all, let me congratulate the Mover of this Bill. I will be very brief.

The object of this Bill is to avoid alternative dispute resolution mechanisms that are being used in sexual offences cases, particularly defilement and incest. Instead of going through the court process, you decide to use other processes where people sit down and agree on what to do. Those alternative dispute resolution mechanisms are subject to abuse. The power imbalance is often against the victim and her mother, in the case of a child. This is something we all know. That is what this Bill is about.

Although I am not a lawyer, a criminal offence is a crime against the State. I do not see why we should allow other people to ameliorate the impact or negotiate it. You should deal with the State. The matter should go through the judicial system. These alternative dispute resolution mechanisms do not protect human rights sometimes. Where human rights are involved or where the offence is actually repugnant, you do not have the resolution. Rape or defilement is such a deep insult to a person. When other people sit to try to make a decision about it, they cannot resolve it. It is better to leave it to the judicial system. This is one of the weaknesses that the Sexual Offences Act has.

There are other sexual offences that need to be looked into, particularly those relating to the age which offences occur, when young people are involved. For an 18-year-old boy, 20-year-old boy or a 19-year-old girl, the law now strictly defines this as defilement. The 20-year-old boy is defined as an adult, but 19-year-old girl is defined as a young person. The offence is treated as defilement. These offences are huge.

In some cases, you may find that there is mutual agreement. Although that is not being considered in this Bill, I like the fact that somebody seeks to amend this section in the principal Act. We should also look at the other sections where the punishment is severe and not in line with the offence. However, I support the amendment in this Bill because it gives an opportunity for the correct process to go on. It also makes sure that the sanction that is meted out is in line with the law. It also removes those people who try to resolve the issues, but do not have good motives sometimes.

With those remarks, Hon. Temporary Speaker, I support this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Gertrude Mbeyu, Member for Kilifi County.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Thank you, Hon. Temporary Speaker, for giving me this chance to contribute. I rise to support the Sexual Offences (Amendment) Bill by my younger sister, Hon. Amina, Garissa County Women Representative.

It is the right time we debate these amendments. Sexual offences and more so to the minors and women, are too much in this country. As we speak, we have so many unresolved cases that are settled at home by the family at the chief's level and with this amendment, the main objective will be to strengthen prosecution of sexual offences. We are ready to support this amendment.

As much as we speak about this Bill, the most common sexual offences-the ones I want to specify-are rape of women, defilement and gang rape. These offences are mostly ignored and are instead settled at home. The offenders are mostly family members, elder brothers, uncles and unashamedly even fathers. These cases are settled within the family because of shame to the family and the community. The victims are denied justice because of these cases being settled informally.

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

Hon. Deputy Speaker, I support Hon. Amina. We want this amendment done to the letter and to the indisciplined men in my county of Kilifi, we will stand firm to make sure all defilement and rape cases will reach the courts and offenders jailed. I congratulate Hon. Amina for bringing these amendments because early this year, Principal Magistrate Ivy in Kilifi Law Courts had to imprison three indisciplined men, for defilement and rape cases for up to 20 years. Let it be known that rape or defilement of a minor between zero to 11 years, the offenders should serve a life sentence in Kenya. A minor of between 15 years to 17 years should serve a jail term of over 20 years.

Therefore, I support this amendment and we are ready to walk this journey with Hon. Amina to make sure these amendments are concluded and these acts are punished. I also want to put it clear, because the students are present, to hear what we are putting across for this Bill. The indecent touches by a person on students is an offence and is punishable by a court of law. Thank you, Hon. Deputy Speaker. We are ready to walk through this journey to make sure these sexual offenders and even the gender-based violence (GBV) cases are punished by law and perhaps life sentences may make these offences come to an end.

Hon. Deputy Speaker: Member for Kilifi, you forgot to mention that according to the World Health Organisation (WHO), Kenya has the highest number of teenage pregnancies. Kilifi has the highest number. Therefore, Kilifi is the most affected.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Sure, I agree, Hon. Deputy Speaker. Kilifi and Kwale are leading in this and we are ready to walk this journey and support this amendment so that all these perpetrators can face life jail sentences. Thank you.

Hon. Deputy Speaker: Thank you. Next, Member for Narok North, Hon. Agnes Mantaine.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to add my voice to this Bill by the County Women Representative, Hon. Amina, from Garissa. I stand to support this Bill. It is a very important Bill because if we allow rape cases to be dealt with by ordinary people who do not even understand the law, then we shall not have done any justice to our women. It is time we rise as women. We are many in this House. We cannot allow anything that can go against the rights of our women and girls.

As activists, we are still fighting for the gender desks to be at all police stations, but still, none of the police stations have them and specifically Narok North, where I come from. When women go to report rape cases, they are treated as ordinary cases which even elders can deal with. We should not allow this. They should be dealt with according to the laws of Kenya. Women should be protected. Rape cases should be dealt with like criminal cases.

Therefore, I support this amendment by Hon. Amina. We should not allow elders to be dealing with such cases because they can easily be compromised hence treat them as normal cases. Sexual offences are shameful. When somebody rapes you, you will never forget. Therefore, we should not carry these cases lightly like asking for tobacco to chew as we normally say and treat this as an ordinary matter. I stand to support and it should be dealt with according to the laws that are there in Kenya. Thank you.

Hon. Deputy Speaker: Member for Mandera South, Hon. Haro.

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. At the outset, I thank Hon. Amina Udgoon, the sponsor of this Bill. I am strongly in support of these amendments. The amendment reads in part that offences shall be prosecuted exclusively through the judicial system and by agreement, purporting to dispose of such offences outside the formal process shall be void. The Bill makes it clear that prosecution through formal judicial system is mandatory and voids any other private settlement of sexual offences.

Maslaha system is repugnant to the Constitution of Kenya because the whole system is geared towards compensating the clan or the family rather than the victim. Sometimes, as if compensating the clan and the elders is not enough, it goes ahead and sometimes forces...

Hon. Deputy Speaker: The Constitution does not recognise Islamic law for criminal offences. It is only for matters relating to marriage and succession. It is restricted to that.

Hon. Deputy Speaker: Thank you, Hon. Deputy Speaker for that information. Sometimes, as if compensating the family and elders is not enough, rather than compensating the victim, the victim is offered to the rapist for marriage. The victim is forced to live with the rapist for the rest of her life.

Therefore, in a patriarchal society where women financially depend on men, it is very difficult for the victim to resist the compensation agreed upon by the elders. I support the Bill because it makes the law uniform and outlaws situations where a survivor's access to real justice depends on geography or clan affiliation rather than equal protection under the law.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you very much. Hon. Suzanne Kiamba, Member for Makueni.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to add my voice to this very important Sexual Offences (Amendment) Bill. I wish to congratulate the Women Representative, Hon. Amina Siyad, for tabling the Bill. This law exists, but without this amendment, it allowed for sexual offences to continue being perpetuated. When people realised there was an alternative to appearing in court, it gave them a loophole to avoid addressing real issues affecting women, vulnerable girls and even young boys.

Elders who settle sexual offence disputes are powerful people in society, therefore, it is very easy for them to not consider the rights and dignity of affected persons, mainly young women and girls. That has continued the practice despite our strict laws. I want to sincerely congratulate Hon. Siyad for identifying this gap and seeking to fill it.

Such disputes are not settled in the open, but in closed rooms where offenders do not face the shame of their actions. Decisions are made regarding young girls and women who are in distress with nobody to listen to them. Making alleged offenders face a court of law will bring the desired shame, so that others will be afraid to engage in such practices. Alternative dispute resolution provided an opportunity for offenders to continue, as they did not face public shame. Strangely enough, in most communities, those who sit on such councils to make decisions regarding sexual offences are men and sometimes older women above child-bearing age, who may have experienced similar abuses and may not appreciate the human rights issues affecting women.

Secondly, in some communities, certain offences under the Sexual Offences Act are not viewed as crimes. Therefore, giving communities an opportunity to handle such cases was a big error. It was an error to give those perpetuating such harmful practices an opportunity to come up with a solution. We were lying to ourselves that a solution would actually be found.

This Bill is a timely coincidence as last week in my constituency, a man committed a sexual offence against his sister's child. The Form Two student has since dropped out of school. The matter has been settled because the community does not want to injure the man's ego as he is well recognised in the community. The mother, brother and sister cannot talk since the community elders have already resolved that they do not want to bring shame to their home by acknowledging that this man did an evil act. It is a good coincidence that this debate has come up in the House. That is why I sincerely congratulate my colleague.

Many girls also drop out of school after being impregnated by rich men with big bellies. Those girls are suffering because they will never go back to school since their lives have been destroyed. Those men walk in the streets bragging about how they have impregnated several girls. Since they cannot be identified nor taken to a court of law, they will impregnate more. Once this law is assented to, their time will be up. We want to see them in court with their big bellies due to the evil they have done to our girls. They are destroying the young generation and using women for entertainment without a valid purpose.

I support the amendment of this Act. Long-term consequences of sexual offences include cases of women contracting diseases and suffering for a long period. Their lives are destroyed. Sexual offences erode human dignity and are an abuse of human rights. Alternative dispute resolution mechanisms do not protect women or those involved.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Esther Passaris, Member for Nairobi City County.

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Deputy Speaker, I rise to support the Sexual Offences (Amendment) Bill, 2025, and commend Hon. Siyad Udgoon for bringing this important legislation before the House.

The proposed Section 40A addresses a serious injustice, namely, the use of private settlements to dispose of sexual offences outside the judicial process. A survivor's dignity cannot be negotiated away by elders, relatives, or anyone offering compensation. This problem goes beyond negotiations between communities. Sometimes the pressure begins inside the survivor's own home. A child reports abuse and is told, "Do not report your father. He is our breadwinner." A woman is told, "Do not expose your boyfriend or your relative. You will bring shame upon this family." But whose shame are we protecting? The child did not commit an offence. The survivor did not cause the violence. We must stop placing the burden of protecting a family's reputation on the person who has been harmed. When the alleged offender is the provider, that dependence can become a powerful barrier to justice. We must support the affected family so that protecting a child does not leave the family without food, shelter, or school fees. Financial dependence must never become a reason to tolerate sexual abuse.

Consider the courage of Gisèle Pelicot in France. Her husband drugged her over many years and invited other men to rape her while she was unconscious. In December 2024, he and 50 other defendants were convicted of rape, attempted rape, or sexual assault. Gisèle chose a public trial and gave the world a powerful message that shame must change sides. That shame belongs to those who commit sexual violence. It should never be placed on the woman who reports it. Her courage should encourage other survivors to know that they deserve to be heard and that seeking justice is their right.

A similarly disturbing case has emerged in Austria, where a woman died in June 2026. Prosecutors are investigating allegations that her husband sexually abused her while she was incapacitated and whether other men were involved. This is the copycat syndrome. That investigation remains ongoing. These cases remind us that women may face terrible violence within the very home where they should feel safe.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

*[The Temporary Speaker (Hon. (Dr)
Rachael Nyamai) in the Chair]*

The recent public attention surrounding the Jane Doe case at Cornell University in the United States of America (USA) offers another sobering lesson. A young woman alleged that she was drugged and sexually assaulted by a fraternity member in 2024. New York's Governor appointed the Attorney General as special prosecutor to investigate and if warranted, persecute. These allegations require a fair legal process and they demonstrate why institutions must respond seriously when sexual violence is reported. Her lawyer has also reported threats intended to pressure her into withdrawing her lawsuit. Reporting violence should never expose a survivor to further threats or intimidation.

Hon. Temporary Speaker, whether a survivor chooses to speak publicly or seeks justice while protecting her identity, as Jane Doe has done, she deserves respect and support. We should encourage women to come forward while ensuring their safety and respecting their privacy. Here at home, the cases of violence against women that have occupied our attention in recent weeks remind us of the urgency of this work.

We must also remember that for the women and children who survive, being alive does not mean that the harm has ended. Survivors may carry injuries, fear and trauma long after everyone else has moved on. Respect for women must be reflected in how we treat them when

they seek help. I hear that a woman who has been raped - and in respect of whom *maslaha* has been negotiated - can be forced to marry her rapist and the rapist can become her husband. You imagine the trauma that such a woman goes through; she has not recovered from the rape and now she is married to her rapist. What injustice is that? Their dignity does not depend on their clothing, relationship status, income or whether they are reported immediately as in the Cornell case. A woman's body is her own and nobody should presume to negotiate away her access to justice.

I support this amendment but we must also fund the support that makes justice accessible. Survivors need medical care, counselling, safe accommodation, legal assistance and protection against intimidation. Their physical health, emotional wellbeing and financial security must form part of our response. Some survivors and their families exhaust their money travelling to court and attending repeated hearings to seek justice. A case should not collapse because a family cannot afford transport because a survivor must choose between attending court and earning money to feed their children. We cannot ask women to be courageous and then leave them alone to face threats, expenses and loss of household income.

Police stations, hospitals and courts must respond with compassion and professionalism while safeguarding fair trial. No child should be silenced to protect a breadwinner. No woman should be pressured to exchange justice for family harmony or compensation. Let us pass this Bill and provide support that enables survivors to seek justice safely.

I support.

Hon. Joseph Emathe (Turkana Central, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): What is your point of order *Mhesh?*

Hon. Joseph Emathe (Turkana Central, UDA): I rise under Standing Order No. 80. I do not know whether to use 80(1) or 80(2). I choose 80 (1).

The Temporary Speaker (Hon (Dr) Rachael Nyamai): What is out of order?

Hon. Joseph Emathe (Turkana Central, UDA): You can make reference to the Standing Order because she is reading a speech when we are supposed to debate.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Esther Passaris is a very good debater, for your information. I noted that she wanted to state facts, and that is why she was referring to a written document. I also observed that she was making some explanations. This is my third term in this House. I have studied the Standing Orders. I think you are referring to Standing Order 80 (1), which says that no Member shall read. She was not reading throughout. She was making some explanations.

Also, Standing Order 80 (2) says that the Speaker may allow a Member to read a speech in particular cases where the Speaker is satisfied that it is necessary for precision in statement of facts. I thought she was trying to make an effort to state facts. That is why she was giving examples from different parts of the world. So, everything that Hon. Passaris has done is in order.

Hon. Emathe Joseph Namuar is right that when you get an opportunity, you do not read a prepared speech, but you can make an effort to also make an explanation the way Hon. Esther Passaris did. So, I order that we proceed.

Hon. Passaris, had you concluded?

Hon. Esther Passaris (Nairobi City County, ODM): Yes.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Okay, nice. Hon. Members, we will go to Hon. Charo Kazungu, the Member for Ganze.

Hon. Kenneth Tungule (Ganze, PAA): Asante sana, Mhe. Spika wa Muda kwa hii nafasi.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Order, Hon. Kazungu. Before we listen to Hon. Kazungu, in the Speaker's Gallery this morning, we have students from Lenana Primary and Junior Secondary School (JSS) from Dagoretti South Constituency in Nairobi County. You are welcome to the National Assembly to observe the proceedings of the House. I request the Member for Ganze to also welcome the students.

Hon. Kenneth Tungule (Ganze, PAA): Asante sana, Mhe. Spika wa Muda. Ninachukua nafasi hii kuwakaribisha wanafunzi katika hili Bunge la Taifa. Sheria za nchi hii hutengenezwa hapa. Nanyi pia mna nafasi nzuri. Someni kwa bidii, na mnaweza kujiunga na kuketi nasi hapa kama Wabunge suku za usoni, lakini ni bidii yenu itakayowawezesha kuwa watu tajika katika taifa hili. Kwa hivyo, karibuni sana mshuhudie jinsi Bunge linavyofanya kazi yake.

Pili, nampongeza Mhe. Amina Udgoon kwa kuleta Mswada huu Bungeni. Huu Mswada ni muhimu sana kwa sababu katika nchi hii, tumeona jinsi watoto au wasichana wadogo wanavyodhulumiwa kingono. Takwimu zinaonyesha kwamba kule Kilifi, ninakotoka, kuna kesi nyingi za watoto wanaodhulumiwa. Tumesema hapa kwamba Kaunti ya Kilifi inaongoza kwa wingi wa mimba za mapema Kenya nzima lakini ukienda Kilifi, utaona kwamba kesi chache zinafika mahakamani. Hii inamaanisha kwamba kesi hizo zinashughulikiwa kule vijijini na hazifiki kwa mikono ya sheria.

Mswada kama huu utasaidia sana haswa kule ninakotoka. Tumeona kesi kama hizi zinapofanyika katika familia, wazazi wanakuwa wa kwanza kutetea kesi zisiende kortini.

Ningependa kumpongeza afisa wa watoto pale Ganze kwa sababu anajitahidi sana. Kinachomrudisha nyuma ni kwamba mara nyingi wazazi hukaa kifamilia, huenda kwa chifu na kesi hushughulikiwa huko, na hazifikishwi kortini. Kiwango cha elimu cha wasichana wetu wa Ganze kiko chini. Hawapati elimu wanayostahili. Waschana wengi hufika Darasa la 9, wanapata mimba, wanarudi nyumbani, na hatimaye kesi hizo haziendi popote.

Nampongeza Mhe. Udgoon kwa Mswada huu, lakini pia ningependa tuongeze kipengele fulani. Mara nyingi tunasema wale ambao wamepatikana na makosa kama haya wapelekwe kortini na wafungwe, lakini sheria haisemi yule aliyeathirika atafanyiwa nini. Mara nyingi utapata kwamba mtu amefungwa, lakini msichana aliyedhulumiwa ameachwa na mtoto, hana kazi, na wazazi wake pia hawana kazi. Baadaye, mtoto huyo anaishia kuishi maisha ambayo hayastahili.

Kama inawezekana, naomba tuongeze kipengele cha fidia. Mbali na kuwafunga wale ambao wamefanya makosa kama haya, pia yule ambaye ameathirika apewe fidia ili aweze kujikimu na kuendelea na maisha yake. Ninaunga mkono sana sheria hii. Najua itasaidia sana kupunguza visa kama hivi, hasa kule ninakotoka, Kilifi. Watoto wetu watapata nafasi ya kujiendeleza katika elimu yao ili nao pia wapate elimu kama wasichana wengine wa nchi yetu tukufu.

Nakupongeza sana, Mhe. Udgoon, kwa kuwasilisha Mswada huu, na ninaunga mkono.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute in support of the Bill. I support the proposed amendment to the Sexual Offences Act, in particular the New Section 40A. Many of us have witnessed instances where victims of sexual offences have been denied justice through what we call alternative dispute settlement mechanisms, mainly where culture is invoked. I just want to note that it may be necessary to make some very minor but consequential changes to the proposed amendment.

In our Constitution, the judicial system is defined as the totality of the dispute resolution mechanisms that exist. It goes beyond the court system and includes Alternative Dispute Resolution (ADR), negotiations, cultural ways of settling disputes. If the promoter of the Bill

agrees, I would like to propose that under the proposed Section 40A(1), we remove the phrase “judicial system” and substitute it with “criminal court system”.

What am I saying? The Bill provides that, notwithstanding any other written law, the offences specified under the Act shall be prosecuted exclusively through the judicial system. However, the judicial system is wider than the criminal court system. Subject to agreement of the promoter of the Bill, I propose that we replace “judicial system” with “criminal court system”, so that there is no other way of dealing with sexual offences under the Sexual Offences Act other than through the criminal court system. If we say “through the judicial system”, it could be interpreted more broadly than what we are trying to cure.

Secondly, the proposed Section 42A, where we talk of an agreement, settlement or process purporting to dispose of offences under the Act outside the formal judicial process being void and of no legal effect, addresses what I understand is intended here, but probably it could be drafted better. This is for the drafters in Parliament. When you read this particular provision, the impression you get is that we are dealing with a civil matter, where we are trying to imply that settlement of sexual offences or agreements relating to sexual offences shall be void and of no legal effect. I am not so sure whether that would be the right phraseology when you are dealing with criminal matters.

Article 159(2)(c) and (3) of our Constitution, where alternative dispute mechanisms are listed, including cultural norms and all those other things, is very clear that you cannot have any alternative dispute settlement that contravenes the Bill of Rights or is repugnant to justice and morality, or the outcomes of which are repugnant to justice and morality. We need to review Section 40A (2) and see whether we need it.

We need to create additional offences so as to deal with what we are trying to address under Section 40A (2). For instance, it should be a crime for somebody to induce a victim of a sexual offence not to report the offence. It should also be a crime for someone to try and persuade, coerce, imply or impress upon a victim of a sexual offence to withdraw a complaint after it has been filed. That is what we should be addressing. I recommend that the drafters help us relook at Section 40A (2) and make it a crime to induce somebody not to report a sexual offence or to persuade somebody to withdraw a complaint of an offence.

Judicial bodies are supposed to promote inherent human dignity, and the Bill is trying to do exactly that. If you look at Article 10 on our national values, one of them is inherent human dignity. This is a very timely Bill. We are trying to protect victims of sexual offences from being denied justice through means that are beyond their control. When I was the Chairman of the Constitutional Implementation Oversight Committee, I visited prisons in Kwale and Kilifi Counties, and I was shocked to see how young some of the sexual offenders were. We witnessed cases where underage boys were being prosecuted for sexual offences under the Act for having sexual relations with underage girls.

There is also an issue we need to address here. We are dealing with a situation where adults sexually offend minors or older women without their consent. However, if you go to the prisons in Kilifi and Kwale, where we went, you find that very many young people who are not yet 18 years old are in prison for having had sexual relationships with their age-mates, while the females are not imprisoned.

If you can sexually offend a girl, you can also sexually offend a boy. How do we make the law provide justice without meting out injustice on another fellow citizen of minor age? We should really debate this matter as we go along. Generally, issues of religious qualifications to the enjoyment of human rights are limited to personal status, marriage, divorce and inheritance. They do not apply to criminal acts.

With those remarks, I fully support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Member for Mandela South Constituency, Hon. Abdul Haro but he has stepped out. Let us have Hon. Cecilia Ngitit, the County Woman Representative for Turkana.

Hon. Cecilia A Ngitit (Turkana County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also add my voice to this very good and special Bill by my colleague, Hon. Udgoon.

Hon. Temporary Speaker, the debate on the Sexual Offences Bill is a very important discussion. According to the Sexual Offences Act No. 3, 2006, sexual offences include rape, defilement, gang rape, sexual harassment and other offences. These offences happen in our society every day to both boys and girls. I support the Bill. Perpetrators of sexual offences and its victims should not be allowed to settle their cases outside court or under a tree.

In fact, it should be an offence to persuade someone to withdraw a sexual offence case because most of the time it concerns very vulnerable people who are young. Unfortunately, in most cases, the perpetrators of sexual offences are people who are supposed to take care of the victims of sexual offences.

The other issue I want to add about the Bill is that cases concerning sexual offences should be made urgent. They should not be delayed because as they say, justice delayed is justice denied. So, cases concerning sexual offences should be treated with urgency, so that the victims get justice at the right time.

On protection of witnesses of sexual offences, when witnesses are threatened and not protected, they withdraw from cases and that weakens the case. In the long run, victims lose their cases to the perpetrators. So, it is very important that witnesses of defilement cases like rape are protected so that they do not withdraw from giving their witness accounts.

Lastly, perpetrators of cultural practices that aid sexual offences should actually be brought to book. Some of our African cultural practices aid these offences. In some African settings, getting a wife is through abduction of a young girl. When young girls are abducted and raped in the process, they are forced to marry the perpetrators. Some of these cultural practices should be looked into so that all our cultural practices support the safety of the vulnerable people who easily become victims of sexual offences acts.

With those remarks, I support the Bill and congratulate Hon. Amina.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you.

Hon. Double N, Member for Embu County.

Hon. Pamela Njeru (Embu County, UDA): Thank you, Hon. Temporary Speaker for this opportunity. I rise to support the Bill sponsored by Hon. Amina, the Women Representative for Garissa County. When we talk about the Sexual Offences (Amendment) Bill sponsored by the Hon. Member, we are not just looking at it from a young girl's point of view but also from married women's and young men's points of view. One Hon. Member said that it is men with big bellies who are victims of rape cases. I want to reiterate that it is not just about big bellied men, even men with small and medium-size bellies are victims. A perpetrator is a perpetrator irrespective of whether they are big bellied or not.

When talking about issues of the Sexual Offences Bill, we know that young girls are victims of sexual offences and some of them become teen mothers way before their time. In Embu County, there is a programme that I have been running for the last four years. Some of the teen mothers that we have taken back to school and pay their school fees are victims of rape cases. When you talk to some of these young girls, you realize that their cases were not dealt with fairness.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Members! I am sure that Hon. Double N is being distracted. Kindly, consult in lower tones. You may consult

but, please, consult in low tones. If I can hear you from here, I am sure she is being distracted where she is.

Hon. Pamela Njeru (Embu County, UDA): Hon. Temporary Speaker, I have already been distracted. Thank you for your intervention.

I was talking about the programme that we run, especially in Embu County for the teen mothers and young girls who dropped out of school many years ago. Some of them are victims of rape cases. We have cases of some girls who reported their cases to the nearest police stations but no action was taken.

As I support the amendment Bill that has been brought to this House by Hon. Amina, I wish to request that, as we look at the issue of offenders, the victims should also be compensated in one way or another. As we talk about the offenders being brought without an apology, what about the victims who have to live with trauma and bear children? Others contract sexually transmitted infections (STIs) through the sexual offences perpetrated against them.

Hon. Temporary Speaker, there is need for creating public awareness on how one should report a rape case. That can be done through media channels like community radio stations and any other avenues of creating public awareness for people to know how to report cases of rape in our regions.

As I conclude, I want to say that some of the rape cases are dealt with in our own houses and villages through kangaroo negotiations. When they are done through kangaroo negotiations, the persons who suffer are the victims. Some women in our societies do not want to get out of their marriages because of sexual offences that affects their daughters. They want to simply save their marriages. As much as they would want to save their marriages, they should also think about their daughters who have to live with trauma and children they get out of wedlock through rape cases.

We need to institute punitive measures against perpetrators of heinous sexually offences that affect our young boys, young girls and married women. Sexual offences also affect women who are married. I want to propose that we get support to establish rescue centres in our 47 counties on gender-based violence cases. Some of the people affected by gender-based violence, including rape and the Female Genital Mutilation (FGM) are victims of circumstances.

I support my sister, the Member from Garissa County. This Bill is timely and we need to support it 100 per cent.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

Hon. Members, I had said that those who are interested in contributing to hit the intervention button.

Next is Hon. Emathe.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. First of all, allow me to thank Hon. Udgoon for sponsoring this amendment to the Sexual Offences Act, 2006. I also want to pay a lot of tribute to Hon. Susan Njoki Ndungu for ensuring that the Sexual Offences Bill was enacted in 2006. In the normal traditional setup, men, especially those who are wealthy in society or who are considered to be of higher status or rank in society, are the ones who are used to arbitrate in dispute resolution.

Hon. Temporary Speaker, this is an important responsibility but it is abused, especially when sexual immorality, rape and other immoral activities are taken to an assembly of traditional elders. I thank Hon. Udgoon for ensuring that the society in which we live does not use that avenue to abuse or look down upon girls and women. Udgoon, according to her name, means a kind of fragrance. To me, this is the fragrance she has brought to the existing Sexual Offences Act.

Therefore, looking at the existing laws and conventions, specifically the Convention on the Elimination of All Forms of Discrimination Against Women, FGM and early marriage are some of the forms of misconduct and regressive practices that occur in our communities. These practices continue even as people arbitrate and resolve such matters lawfully in the best interest of the offended persons.

The Children's Act specifically provides for the best interests and welfare of the child. Most of those who are sexually offended are children. Most of the time, you hear that the families have agreed, compensation has been paid, and the girl will marry or stay with the offender. Therefore, the matter is considered closed. This is the common story. When compensation is granted, the elders say, "We have closed that matter." However, the child or sexually offended person remains in pain and hopelessness, and their dignity is destroyed.

I thank the originator of this Amendment Bill. We are addressing this matter under three kinds of engagements so that we abide by Article 159(3), which prevents such criminal acts from being dealt with under the three. When such criminal acts occur, the law should take its course, and the perpetrators should be prosecuted. Those who conceal or support such acts should also be held accountable as they aid in these criminal offences. This Amendment Bill is timely and objective.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Duncan Mathenge, Member for Nyeri Town.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I want to add my voice in congratulating Hon. Amina on this amendment Bill. Sometimes we think that more advanced constituencies and counties are immune to some of the country's challenges. However, no part of this country is immune. In Nyeri County, between June 2025 and April 2026, we had 93 defilement cases. Between 2023 and 2025, rape incidents increased from 13 to 20, a 54 per cent increase.

In 2025, Nyeri had 154 defilement cases, 26 rape cases, two incidents of gang rape and seven attempted rape cases. Of these, only 92 cases or 50 per cent, reached court. The amendment Bill by Hon. Amina is therefore a key piece of legislation in sealing the gap that the kangaroo courts have exploited. These courts have exploited existing governance structures. In Majengo and Witemere in Nyeri Town, *nyumba kumi* elders, assistant chiefs, and chiefs sit in these courts and negotiate between victims and perpetrators. Unfortunately, the parent or guardian allows the case to be resolved out of court.

Sometimes we think that only girls are affected. In May 2025, five boys were sexually abused in Majengo, Nyeri Town. The ages involved present an even more pathetic picture. According to statistics, the youngest child in Nyeri was nine months old and was defiled by the father. One was five years old, while another was nine years old.

We may attribute these incidents to drug and substance abuse, inadequate supervision of children or parental neglect. However, we must protect Kenyan children from predators. We have an instance in Nyeri where a school principal, who was an ordained church elder, has been accused of indecently assaulting six boys under his care. In such circumstances, we wonder how the Church will respond. Will it pursue the case or seek to hide the embarrassment because it is the house of God?

This Amendment Bill spells the death of kangaroo courts in this country in relation to sexual offences. I hope every new *nyumba kumi* elder, chief and assistant chief is listening to Parliament today.

Hon. Temporary Speaker, beyond these statistics, another surprising gap emerges. In 2024, health facilities in Nyeri County recorded 1,013 cases of sexual offence where victims sought medical care. However, at Nyeri Central Police Station, the reported cases dropped from 1,013 to 703. Where did the 310 cases disappear to? At the county gender office, where sexual

violence cases are reported, they further dropped from 703 to 371, another 50 per cent drop. The same trend continued in 2025. Health facilities reported 906 cases, the police recorded 512 and the county gender office 435. Therefore, even as we address this matter, we need champions within communities to ensure these cases are reported. As we debate this amendment Bill, I propose that it first closes a key gap.

Still, without criminalising kangaroo courts, or inducements, or use of threats to prevent these cases from being reported, we will open a huge arena for vices to go unreported. Therefore, I urge Hon. Amina to consider and accept the proposal to add an amendment that criminalises all efforts to prevent these cases from being reported. We should also seek to criminalise any attempt to resolve them within the community by use of kangaroo courts, whether through intimidation, coercion, or persuasion.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Harrison Kombe, Member for Magarini, and thank you for your patience.

Hon. Harrison Kombe (Magarini, ODM): Ahsante Mhe. Spika wa Muda kwa kunipatia nafasi hii nichangie Mswada huu was kisheria wa makosa ya kingono.

Mhe. Spika wa Muda, watoto wengi wamedhulumiwa chini ya sheria hii. Kwanza, ninampongeza Mhe. Kuno kwa kuleta marekebisho haya. Ninasisitiza kuwa iwe marufuku kwa mtu yeyote kuhusika kushawishi mwaathiriwa ili aondoe kesi mahakamani au akose kuenda kuwasilisha repoti jinsi alivyotendewa kwa polisi.

Vilevile ichukuliwe kwa uzito kushtakiwa kwa wazazi wowote ambao watakubali kosa hili lirekebishwe kinyumbani. Hali hiyo ndiyo inachangia huo uovu zaidi na zaidi. Ifikapo mahali waathiriwa wamefanyiwa kitendo hiki na jamaa zao, kitendo ambacho hata Bibilia inakataa... Hairuhusu kamwe mtu wa jamii kumwingilia mtu mwingine wa jamii yake. Inakataza. Lakini tunapata kuwa roho za watu zimekuwa za kinyama siku hizi. Kisa cha kusikitisha ni kama kile Mhe. Mathenge ametueleza hapo awali kuhusu mtoto wa miezi tisa.

Huyo mtu ana kichaa ama ni wazimu. Haiwezi kueleweka. Mtoto wa miezi tisa hana usaidizi wa aina yeyote kwa mtu ilhali unaenda kumwingilia. Mhe. Mbeyu amesema mtu kama huyo anafaa kuhukumiwa kifungo cha maisha. Hata akihukumiwa kinyongo, itakuwa ni halali kwake. Hiki ni kitendo cha kinyama zaidi.

Mhe. Spika wa Muda, kama alivyoelekeza tena Mhe. Mathenge, wacha hili jambo lisisikizwe na wazee wa vijiji, *Sub-chiefs*, *Chiefs* na hata wale viongozi wengine wa utawala. Hakuna nafasi ya kitendo kama hiki kujadiliwa chini ya mti na kutolewa hukumu ya kwamba kimetupiliwa mbali. Hakika, inapofanyika hivyo, huwa kwanza tumemdhulumu yule mhusika, awe ni mtoto ama mtu mzima. Hii ni kwa sababu vitendo hivi vya lazima, wakati mwingine, havifanyiki kwa watoto peke yake. Pia, vinatokea kwa watu wazima na kwa jinsia yeyote ile.

Nampongeza Mhe. Kuno kwa kuleta marekebisho haya kwa sababu yatazuia mahakama za kienyeji. Vilevile, turekebishe kufuatana na vile Mhe. Caroli alivyopendekeza. Alisema kwamba mtu akifanya vitendo hivi vya lazima ni hatia, na tusitumie njia ya kisheria peke yake, bali tutumie sheria za uhalifu. Inapotumika kwa njia hiyo, tutakuwa tumejikomboa. Hakika, kwa majaliwa ya Mwenyezi Mungu, tutakomesha kabisa matendo haya ya kudhulumu jinsia tofauti.

Mhe. Spika wa Muda, ahsante kwa kunipa nafasi hii. Kwa hayo machache au mengi, naunga mkono Mswada huu.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Ahsante. Mhe. Beatrice Adagala, Mbunge wa Kaunti ya Vihiga.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to comment on the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025). This Bill by the Member for Garissa County is timely. We keep in mind that our people are suffering. Our young girls and boys are suffering in the

villages. The people who are responsible for such acts are animals who prey on young girls and boys.

This amendment should be passed as early as possible because people have become wild animals in our villages. They prey on underage girls and they defile them. You find that an uncle defiles a two-year-old child or even one who is less than a year old. Then, you wonder where the society has gone wrong. What has happened? People have forgotten culture. People want to rape young girls which is very sad. Young boys rape old women. What has happened? We have the laws, but why are these people doing this to young and old people?

Hon. Temporary Speaker, our Hon. Member for Garissa County has brought this amendment which we need to work on. Let us not take this matter lightly: it is a matter of life and death.

When somebody rapes an under-one-year-old child, what is that? Is that something that can just be taken lightly as rape, or is that murder? Where are we going as a society? What is happening? Let us not just sit pretty and look at this kind of act as if it is just a minor case. This is not a civil case. This is a murder case. Such people who are found raping small kids should be dealt with in a very harsh manner. Even the family members who may want to compromise so that the matter is solved locally in the home, are also accomplices. Even if it is the mother, father or the uncles. Those are also criminals who should be apprehended and charged together with the perpetrator.

It is serious. As we speak, my heart bleeds. We have underage girls in a school in Western whereby over 18 girls are pregnant. Who is impregnating these young girls who are not yet even at the age of becoming mothers? Why do they not go and look for older women out there and marry them, instead of spoiling young girls who have a future and who are supposed to be in school learning?

(Applause)

Yet here we are wanting to sit pretty and say, 'Let us solve it at home'. This is not proper. This amendment has come at the right time. People must face the consequences of their actions. This must be declared a national disaster because these cases are going on in all our 47 counties. Why does a young man get on an old woman of 80 years? They even gang rape them. Why? Are people becoming animals or is this about drugs and substance abuse? Is *Nyasore* disturbing people's heads, or what has made people go berserk? That when you see an old woman you are seeing a woman. Yet there are so many women out there who want to get married and there are no husbands to marry them. This vice should be stopped.

I hear people talking of female mutilation. Imagine somebody mutilating a small kid of two years who does not know anything about men and women. Surely, let us not just sit pretty as a society. People who are supposed to assist us to enforce the law are the ones raping girls. Kenyans, where are we headed? You want to tell us that there is no law so that people can just be doing what they want and they go scot-free?

It is time to pass this Bill with the urgency it deserves. A Hon. Member, who is a lawyer, has said here that there should be some amendments. The amendments can even come the way the request is being done by the legal team here in Parliament. Let us try to hasten the passing of this law, so that those culprits who mess around can be jailed forever. There is another myth by people who want to rape small kids: that if you are HIV positive then you sleep with a small child, you can get healed. What is that? That is mediocrity! We are not going to entertain that as lawmakers.

I support this amendment brought by my sister with all that it entails; I am supporting it totally. We want to see culprits sent to jail. Somebody even said their 'transformers' should

be scooped, then others started complaining. Let us not complain. That girl child, that boy child, and that old woman in the village must be protected.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, time is up for this particular Bill. The time that was remaining was two hours and forty-five minutes, which has ended. I will be calling upon the Mover to reply.

Before I do that, I would like to take this opportunity to welcome our guests seated in the Speaker's Gallery this afternoon. We have students from Gilgil Hill School from Gilgil Constituency, Nakuru County.

I would like to ask Hon. Kathambi... Hon. Martha Wangari, you are here, of course. Hon. Kathambi, please, welcome the students. While replying, Hon. Udgoon, I will encourage you to donate a minute or two to Hon. Kathambi. She has been waiting long. You have the liberty to donate some minutes to her and also to Hon. Haika, Member for Taita Taveta, who has also been waiting.

Please, proceed to welcome the students.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Temporary Speaker. Today, as we sit in this Parliament, allow me to welcome our students from Nakuru County. They come from Hon. Martha's constituency, Gilgil, which neighbours mine. Therefore, these children, we inspire them within Nakuru County. Our children, feel at home. This is where we come with Hon. Martha Wangari and other Members of Parliament to make laws and to speak even on your behalf. You are lucky today because we are talking about the Sexual Offences (Amendment) Bill, which also affects our children and students.

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) left the Chair]*

*[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]*

Therefore, feel welcome. Go back and work hard. As Nakuru legislators, we love you so much. If you are not aware, Nakuru County is called the County of Girls. It is led by the Governor, Members of Parliament, Senators, and Women Representatives. We have so many women. Our children, go back to Nakuru, shine and be good examples. We love you so much. I do not know, was I extended two minutes?

The Temporary Speaker (Hon. Martha Wangari): Hon. Kathambi, you had a minute just to welcome the students. Thank you very much for welcoming them also on my behalf. I also extend the same to Gilgil Hills students. They are actually my neighbours back at home. We hope that they have learned something that is going to be useful, even going forward and in their later life.

Hon. Members, I want to give the Mover of the Motion an opportunity to reply, as had been guided by the Temporary Speaker. Hon. Udgoon.

Hon. Amina Siyad (Garissa County, JP): Thank you, Hon. Speaker. Before I reply, Hon. Temporary Speaker, if you could allow me, I would like to give a few minutes to Hon. Haika, Hon. Mwago, and Hon. Charity, because they have been sitting here for long and wanted to support this Motion.

Thank you, Hon. Temporary Speaker, with your permission.

The Temporary Speaker (Hon. Martha Wangari): That is in order, Member for Garissa. You have to be specific. How many minutes? One minute each? One-and-a-half is fine. Hon. Charity, Hon. Mwago, then Hon. Haika, in that order.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to congratulate my colleague for coming up with the Sexual Offences

(Amendment) Bill. I am supporting the amendment in relation to the idea of making sure that we go back where we want to push the people to get justice through the courts, Madam Speaker.

In this country, we have seen the alternative justice systems back in our rural areas are really affecting children, women, and the elderly.

Hon. Temporary Speaker, as my colleagues have said, we have so many cases on gender-based violence. They include rape and defilement, which have really affected the girl child, the elderly women, and sometimes married women. There is also the issue of sodomy to boys. My question is: do we actually have serious penalties so that these offenders can be stopped from causing damages in this country? We can no longer sit and watch people meeting under trees, sometimes in private, to make decisions on the children that are affected. It is high time we pushed to have serious penalties in place. We cannot continue watching as children are raped and get early pregnancies and on top of that, sexually transmitted diseases. Which penalties do we put, therefore, to all these people who have...

The Temporary Speaker (Hon. Martha Wangari): Your time is up! Hon. Mwago.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Temporary Speaker. I rise to support the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025) by my colleague here, Hon. Siyad Udgoon. This is an issue that cuts across the whole country, especially in the informal settlements like Mukuru Kayaba in Starehe Constituency and other informal settlements which are very many in the constituency. These are things that happen very often and it is disgraceful that these matters are swept under the carpet and are not handled the right way. There is a proverb in our community that says, 'You cannot feel pain for the other person.' So, it follows that you cannot seem to administer justice for a person who has gone through so much pain.

Once a woman or a child loses their dignity, considering that even boys are being sodomised; it affects them for a long time and, possibly, forever. It is only fair that some of these crimes are left to God to judge because they are demonic. I think we just hang them and let God judge them as soon as possible in heaven in finality and also have Satan have his people.

Those are some of the things we need to remove from the kangaroo courts. I actually suggest to my sister, that as you think about the Bill, you also put a penalty upon anybody who purports to be a kangaroo court judge or juror or sits down and tries to mediate.

The Temporary Speaker (Hon. Martha Wangari): Time is up! Hon. Haika.

Hon. Haika Mizighi (Taita Taveta County, UDA): Mhe. Spika wa Muda, nasimama kuunga mkono Mswada huu ambao umeletwa na Mhe. Udgoon na niseme ni sawa kabisa tukaze sheria ya mambo ya dhulma ya kijinsia ili tuokoe jamii.

Lakini, vilevile nikiwa nimesimama hapa, mimi nikiwa mama Mkatoliki na mmoja wa mahujaji waliokuwa pale Subukia siku ya Jumamosi, nataka kuchukua fursa hii kuomboleza na familia ya wale wote waliopatikana na mkasa wa ajali pale Salama. Natoa pole zangu kwa wanaparokia ya Mikindani na Wakatoliki wote Kenya nzima vilevile. Dunia ni ndogo. Nimekuja kugundua kuna mmojawapo anatoka kijiji changu na ni mke wa Lucian kutoka kule Mwakitau, Taita Taveta. Natoa pole kwa familia ile na kwa Bwana Mwanyasi kutoka kule Kishamba, Taita Taveta. Natoa pole zangu ziwaendee wote waliopatwa na mkasa huo na wajue tunawaombea. Tukiwa pale Subukia, mada ya maombi ilikuwa ni amani. Kwa hivyo, nasema amani ipitayo fahamu zote ikawe kwa familia hizo na Mwenyezi Mungu awapumzishe kwa amani waliopumzika siku ile.

Asante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Martha Wangari): Asante sana. Nasi pia, kwa niaba ya Bunge, tunatuma rambirambi zetu kutokana na huo mkasa. Lakini ni vizuri pia, kama Bunge, tujadiliane vipi tutaweza kuweka mikakati. Hii ni kwa sababu tuko na familia nyingi zilizo katika hatari ya kupoteza maisha kupitia ajali za barabara. Tunawapa pole na natumaini kwamba Mungu atawafariji.

Mhe. Amina.

Hon. Amina Siyad (Garissa County, JP): Thank you, Hon. Temporary Speaker. I wish to sincerely thank all Members who supported this amendment Bill and contributed to it. Through this debate, one thing must remain clear. A sexual offence is not a family disagreement. It is not a debt to be settled; it is a crime.

I would like to tell of case studies from my region about these sexual offences. Hon. Temporary Speaker and Hon. Members, there was, now she is late, a 16-year-old girl who was raped by a relative. She did not have a mother to protect her, and the community did not protect her. That little girl is now in heaven. She died, and every time I hear the word "rape", I cannot sleep at night. I always remember that little angel who suffered in the hands of a sexual offender.

In Wajir County, and this was televised on national television, there was also a girl, a minor, who was gang-raped by seven men. Unfortunately, the men never got any opportunity to appear in a court of law. When we started talking about it, we were told it would be done through *Maslaha*. Such cases, as a woman and a mother who has a 16-year-old daughter, break my heart. This House will do justice for small girls, those in our galleries today, at home, and those that we give birth to.

This is a very emotional Bill for me. This problem is not only in Garissa, but also in Mandera, Wajir, Turkana, Kirinyaga, and everywhere else in this country. The injustices are faced by individuals who need our protection. This Bill will have repercussions on my re-election. Where I come from, in my county, the culture we practice makes it a taboo to talk about sex altogether. Today, I know it will cost me this seat. I might not come back to Parliament because of the repercussions. However, I will forgo this seat if I will help one girl or boy live longer in this world. The reason why I am in Parliament is to protect the lives of children and women, and any vulnerable member of society.

When I was trying to start this Bill at the Committee level, I was told it was suicidal. I was advised against it. However, if Njoki Ndungu did it and she came up with this Act and allowed us to ride on it, then any repercussions will be welcomed, as long as we are protecting the vulnerable members of society. We are not legislating against culture; we are drawing a clear boundary between legitimate traditional dispute resolution and the prosecution of serious criminal offences.

A survivor's dignity cannot be negotiated. Justice cannot have a price. We cannot put a price tag on our children. If culture reaches a place where we will sacrifice the lives of kids, then we better leave it behind. In many of our communities, survivors can come under great pressure to withdraw complaints, accept compensation, or remain silent for the sake of the family or community. We must ask ourselves, in such settlements, who speaks for the survivors? Who will speak for those little girls who cannot speak for themselves out there?

Does it not pain you when you know a little girl who needed your help died in the hands of sexual offenders yet you cannot talk for her in public because of culture? Or because you fear it may have repercussions on your re-election? It is not right! While you were away, Hon. Saney, from Wajir North, was trying to massage the egos of those who support the *Maslaha* system. I understand he wants to be re-elected and to please the *Maslaha* system.

Hon. Temporary Speaker, you being a woman like me, I know you will opt for standing up for girls. I also know each Member of Parliament here is a mother or a father to children.

Hon. Temporary Speaker, we cannot claim that sexual offences are criminal acts while continuing to massage the egos of elders in our counties. We must protect our people. In agreement with Hon. Caroli Omondi, these matters must be handled exclusively within the criminal justice system, and the alternative *Maslaha* System must be completely banned when it comes to sexual offences.

Elders are doing a good job in the *Maslaha* System by helping our communities resolve disputes such as land conflicts, divorce cases, and other minor grievances. The elders are doing good work. They are helping the communities settle other disputes when it comes to land, divorce cases and other minor issues. However, when it comes to grave criminal matters like rape, defilement, and sodomy, the *Maslaha* System must be out of the window. Completely off the table. Such heinous crimes belong exclusively in our formal courts of law.

I know of a friend from Garissa County whose young son was sodomised. Due to intense societal pressure, she was completely unable to seek justice through the court system. She was told that pursuing the case would bring immense shame upon her family. Today, that mother, who is my agemate, has fled Garissa County entirely. She lives elsewhere, isolated by the intense stigma, the shame, and the deep guilt of feeling that she could not stand up for her child's rights because of culture.

And therefore, with the support I got from the Members of Parliament here, I commend this Motion to the House for consideration and adoption. I beg to move this, and I hope that this will pass through so that we can be able to protect our children and the women of Kenya.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Amina, you beg to reply and not to move.

Hon. Amina Siyad (Garissa County, JP): Oh, sorry, I beg to reply.

This is my first Bill and therefore, I ask Hon. Baya not be so hard on me. Thank you for the correction.

The Temporary Speaker (Hon. Martha Wangari): Very well. I must take this opportunity to congratulate you, Hon. Amina, as a First-Timer who has successfully gotten a Bill, a Private Member's Bill, processed all the way to Second Reading. Congratulations. I also congratulate you for standing up for what is right against all odds, considering your culture, your religion and where you come from.

I do not think any Member of this House lacks a case to relate to. I think when you were replying, my mind was just going back. Less than a month ago, we buried Grace Nyarua, a Grade 9 learner from Echariria in Gilgil. Shockingly, in that very same area in 2023, twelve-year-old Jasmine Njoki from Kasambara was also gang-raped and murdered. I believe every Member here relates and can give live examples from their own constituencies. I congratulate the Mover and my colleagues for standing up for what is right, even if it means standing alone.

Hon. Members, we have come to the end of that debate...

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Owen? Do not debate because we have closed it.

Hon. Owen Baya (Kilifi North, UDA): I am not debating, Hon. Temporary Speaker. I just want to inform my sister that she should not be afraid of what she does, as long as she is doing it right. Never be afraid. Never be afraid that people will vote you out because of a Bill you bring here. People will support you. To have the courage to bring that is a self-garnering vote. Courage is everything in life, and we want to congratulate you and wish you all the best, because this is a fundamental Bill. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. But Hon. Owen, I indulged you because I am very proud of Hon. Amina, so I let you go slightly outside, but outside our Standing Orders. However, we have closed that debate. Hon. Members, we shall defer the putting of the Question on this Bill.

(Putting of the Question deferred)

Before the next Order, allow me to recognise, in the Public Gallery, learners and teachers from Ndaluni Primary and Junior Secondary School from Mwingi West Constituency, Kitui County. Welcome to observe the proceedings of the House. You are all welcome to observe the Proceedings of the House.

Next Order.

BILL

Second Reading

THE HARM REDUCTION BILL (National Assembly Bill No. 37 of 2025)

The Temporary Speaker (Hon. Martha Wangari): Member for Nairobi, are you ready?

Hon. Esther Passaris (Nairobi City County, ODM): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Passaris, go ahead.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you. Hon. Temporary Speaker, I beg to move that the Harm Reduction Bill (National Assembly Bill No. 37 of 2025) be now read a Second Time.

This Bill was read a First Time on 1st October 2025 and subsequently referred to the Departmental Committee on Health for consideration. I thank the Committee for its work, the stakeholders who contributed their views, and the parliamentary staff who supported its consideration.

The Bill seeks to provide a framework for the provision, administration and coordination of harm reduction services in Kenya and for connected purposes. Its purpose is to strengthen our response to health and social consequences of substance use disorder, improve access to appropriate care and clarify responsibilities of the institutions involved in providing that care.

Before taking Members through the clauses, I wish to speak to the people whose circumstances made this legislation necessary. In our constituencies, we meet parents who have exhausted their savings trying to obtain treatment for their children. We meet families who are frightened, overwhelmed, and uncertain about where to find help. We encounter young people whose education, employment and relationships have been disrupted by problematic drug and substance use. We also meet people who want assistance but fear humiliation and rejection when they seek it. These families need a clear pathway to care. They need reliable information, professional support, and public institutions whose responsibilities are understood. They also need help before a crisis becomes a tragedy. This Bill seeks to establish a framework through which that help can be organised and delivered. I will explain the five parts of the Bill, showing how the clauses connect its purpose to the responsibilities, services, and safeguards necessary for implementation.

Part I contains the preliminary provisions. It comprises Clauses 1 to 4 and establishes the name of the proposed law, the meaning of its terms, and its objects and guiding principles. Clause 1 provides the Short Title. It identifies the proposed legislation as The Harm Reduction Act, 2025.

Clause 2 provides the interpretation of the terms used in the Bill. This Clause is important because we must have a common understanding of what “harm reduction” is and means before we can assess the framework being proposed. Under Clause 2, “harm reduction” refers to public health policies, programmes, or strategies that reduce the negative social and physical consequences of drug use and support the health and well-being of persons with substance use disorder.

The definition of “harm reduction services” recognises a spectrum of practical strategies extending from safer use to managed use and abstinence. That spectrum recognises that people arrive at healthcare services in different circumstances. Some are ready to enter rehabilitation, others first require crisis support, while others require counselling treatment and/or a relationship with a healthcare provider who can guide them towards further care. We should be able to reach people at different stages as immediate intervention may preserve a life. Continued engagement may create an opportunity for treatment. Treatment after care rehabilitation may then help a person rebuild their life.

Clause 2 also defines “substance use disorder” and identifies the person to whom the Bill applies. These definitions should guide a professional response based on a person’s needs and circumstances. I recognise that stakeholders have proposed improvements to the terminology and scope of these definitions. I welcome careful consideration of those proposals so that the final law is clear and capable of supporting appropriate services.

Clause 3 sets out the objectives of the Bill. It seeks to ensure the provision of the highest attainable standards of healthcare to persons with substance use disorder and provides a legal framework for provision of and access to harm reduction services at public facilities. It also seeks to promote research and dissemination of information on substance use disorder, associated health risks and available treatment options. Article 43 of our Constitution guarantees every person the right to the highest attainable standard of health. In this regard, Clause 3 seeks to give practical expression to the right for people who may encounter significant barriers to care.

The research and information components are equally important. Families need to know where appropriate help is available. Healthcare providers need reliable information to guide services and public institutions need evidence to plan their response and assess whether it is effective.

Public institutions need evidence to plan their response and assess whether it is effective. Clause 3, therefore, connects access to healthcare with the knowledge necessary to make that healthcare useful.

Clause 4 sets out the guiding principles. It places implementation within the national values and principles under Article 10 of the Constitution, as well as the objectives of devolution under Article 174. It then provides for inclusive and equitable services, coordinated public participation, transparent and accountable implementation, accessible and timely care, reliable information, and monitoring and evaluation.

Equitable provision requires us to consider people who cannot afford private treatment. Timely access requires us to consider whether help is available when it is needed. Public participation requires us to hear from communities, families, healthcare providers and persons directly affected. Monitoring and evaluation require us to ask whether our programmes are reaching people, whether the services are appropriate and where the gaps remain. Clause 4 should therefore guide both the design of services and the way their performance is assessed.

I now turn to Part II, which deals with the functions of the National Government and the county governments. This Part contains Clauses 5, 6 and 7. These Clauses seek to answer practical questions on who is responsible for making the framework work. Clause 5 sets out the role of the National Government through the Cabinet Secretary responsible for health. Under Clause 5, the Cabinet Secretary is required to develop a comprehensive policy and national strategy on harm reduction. The timeframe is important. It connects the passage of legislation to the subsequent responsibility of developing the policy necessary for its delivery. Clause 5 further provides for the standards to be maintained by health facilities.

Clause 5(2) requires the Cabinet Secretary to designate a directorate within the Ministry of Health to coordinate the provision of harm reduction services nationally. Clause 5 also contains a provision concerning a register indicating the number of persons with substance use

disorders, their ages, sex, diagnosed disorders or diseases, and deaths. I recognise the concern raised about this provision. Information is needed for planning and evaluation, but sensitive health information must be handled with appropriate safeguards. People who seek care must have confidence that information concerning their health will be treated responsibly.

Clause 6 sets out the role of the county governments through the County Executive Committee Member (CECM) responsible for health. It provides for the implementation of the national policy, strategy, standards, facilitation of services within county health facilities, mobilisation of resources and allocation of funds and resources for effective delivery.

Clause 6 also addresses access to information about the health, economic and social consequences of drug consumption and substance use disorders. It provides for halfway houses for care, treatment and rehabilitation, as well as sensitisation programmes. These provisions recognise that families experience the need for assistance locally. It is within their communities that they first seek advice, attempt to find treatment and try to support recovery.

The provisions concerning halfway houses also direct attention to the continuity of care. A person may require support during the transition from treatment towards greater stability in ordinary life. Such support arrangements must be carefully planned and appropriately resourced.

Clause 6(2) provides for the county committee to coordinate harm reduction services within the respective counties. The national coordination contemplated in Clause 5 and the county coordination contemplated in Clause 6 must work together; that cooperation is addressed in clause 7.

Clause 7 provides for collaboration between the National Government and the county governments in community health and social programmes, sensitisation, access to information, psychosocial support, peer recovery support, counselling and treatment. In Nairobi, we have Mathari National Teaching and Referral Hospital which is under the National Government, and one in Ngara which is under the county government

It expressly recognises the needs of families, caregivers, dependents, and the wider community. It is important because a family may need guidance on how to support someone undergoing treatment.

Caregivers may themselves be exhausted. Children and other dependents may need assistance because of the circumstances within the household. Clause 7 requires meaningful engagement of persons with substance disorder in planning, delivery, and monitoring and evaluation services. People with lived experience can help identify barriers that others may overlook. Their participation can help us understand why a service is difficult to reach, why someone disengages from treatment, and what support would make continued care more practical.

Hon. Temporary Speaker, there is a movie that I actually shared on our various walls, and I will be sharing it on social media, to show that harm reduction is a process. When families go to a centre, they require continuous follow-up. For example, if an individual is on the methadone programme, they need to receive regular communication. If transportation is a barrier preventing access to treatment, arrangements should be made to bring them to the centre. Additionally, if there are specific dietary needs due to the harm reduction therapies being prescribed, those must also be addressed. I believe it is the institution's responsibility to facilitate these needs. I have described the services and duties expected of healthcare providers.

Clause 8 concerns harm reduction facilities and mandates that the Cabinet Secretary ensure the establishment of such facilities, which must be adequately staffed with trained healthcare providers and equipped with the necessary resources and facilities, all in accordance with the standards defined by the Ministry of Health.

Clause 8 (2) requires training in treatment, aftercare, rehabilitation and social integration. Clause 9 sets out the harm reduction services to which each person with substance

disorder is entitled. These harm reduction commodities include needle and syringe programs, medically assisted therapy, HIV related healthcare, sexually transmitted infection treatment and prevention counselling, and crisis management support. These services must be understood within the professional framework established by the Bill.

Clause 8 addresses trained personnel and facilities. Members may have concerns about particular interventions. Those concerns should be examined carefully through evidence, professional guidance and the safeguards necessary for responsible delivery. Clause 9 (2) protects access to services and treatment in public hospitals, and protects people from victimisation, discrimination and unfair treatment while seeking harm reduction services. The protection is essential to the purpose of this Bill. A person who fears humiliation may delay asking for help. Public healthcare should provide an opportunity for appropriate care delivered with dignity and professional judgment.

In considering implementation, we should ensure that the documentation facilitates continuity of care and is handled in a way that does not create unnecessary barriers to people seeking assistance.

Clause 10 sets out the duties of the healthcare providers. It requires the provider to grant access to harm reduction services and provide treatment or information to enable a person to access necessary medical attention. I recognise the concerns raised by the relationship between healthcare and law enforcement. We should examine the wording very carefully so that lawful responsibility is understood and confidentiality is respected. Then people can have the confidence to seek appropriate care.

The final law must be coherent with existing legislation and clear about what is expected of healthcare providers. Part IV contains the miscellaneous provisions. These are Clauses 11, 12 and 13. Clause 11 creates offences relating to the provision of harm reduction services. It addresses the undue refusal to access services and unreasonable withholding of information. The published clauses provide for a fine not exceeding Ksh200,000 shillings and imprisonment for a term not exceeding two years.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Passaris. I can see you are really deep into moving the Motion, but time is not on our side. We will have to interrupt your presentation to ensure that you have 15 minutes left. Please take note of how far you have progressed with the moving. The Bill will then be seconded, and we will then open the Floor for debate.

ADJOURNMENT

Hon. Members, the time now being 1.00 p.m., this House stands adjourned until today, Wednesday, 7th October 2026 at 2.30 p.m.

(The House rose at 1.00 p.m.)

Prepared by:

*Directorate of Hansard and Audio Services
National Assembly
Parliament of Kenya.*

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Published by:

*Clerk of the National Assembly
Parliament Buildings
Nairobi, Kenya.*