

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 25<sup>th</sup> August, 2020**

The House met at 2.49 p.m.

*[The Deputy Speaker (Hon. Museku) in the Chair]*

PRAYERS

**COMMUNICATION FROM THE CHAIR**

**Hon. Deputy Speaker:** Hon. Members, I have some communication to make on behalf of the Chair. Good afternoon Hon. Members

PROPOSED MACHAKOS COUNTY PUBLIC HEALTH REGULATIONS, 2020

Hon. Members, Article 183(2) of the Constitution of Kenya, 2010 provides that “a county executive committee may prepare proposed legislation for consideration by the County Assembly.”

Hon. Members, the County Assembly is in receipt of the proposed Machakos County Public Health (Prevention, Control and Suppression of Covid-19) Regulations, 2020 from the CECM, Department of Health and Emergency Services.

Hon. Members, the proposed regulations have been developed in response to the Covid-19 outbreak. The regulations include basic requirements and practices cross-cutting various sectors and involving various stakeholders in the prevention and control of Coronavirus. The regulations once passed will give the County Government of Machakos the legal Authority to implement, monitor and regulate Covid-19 national directives as well as authority to prosecute such Covid-19 violators.

Hon. Members, these regulations are hereby committed to the Joint Committee of Health and Emergency Services and Delegated Legislation to table a report to this Hon. House within 60 days from today. Thank you, Hon. Members. Mr. Clerk, proceed.

**PETITION**

ENVIRONMENTAL EFFECTS OF STONE CRUSHING IN KITHIMANI

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have a Petition which I am going to be able to advise the House on. This is a Petition which has been brought by John Ndunda Thyaka of Kithima Ward and I am going to give just an outline of the Petition. Hon. Members, the Assembly has received a Petition through the office of the Clerk of the County Assembly pursuant to Article 37 of the Constitution of Kenya, Section 15(1) of the County Governments Act 2012 and Standing Orders 194 of the County Assembly of Machakos Standing

Orders from one John Ndunda Thyaka of Kithimani Ward Yatta Sub county Machakos County and the Secretary General of Kithimani, Mutithini, Kyumbuni and Kamunyu villages.

The Petition was received in the Assembly on the 17th July, 2020. Hon. Members, the Petitioner rose the attention of the Assembly on the operations of Kithimani stone crusher as follows:

1. The emissions create health hazards to the communities causing respiratory diseases.
2. The dust adversely affects visibility reducing vegetation growth which hampers aesthetics of the environment.
3. Rocking and damaging of plant stomata so that photosynthesis and respiration of plants is affected hence reducing photosynthesis capacity resulting to low agricultural production in the area.
4. Cracking of walls of buildings resulting from the impact of sound waves transmitted during the blasting process.
5. Negative impact of noise and dust to cattle and poultry farming in the area hence leading to unsuccessful production.
6. The activities of the crushing industry are questionable because there is no sign board to either identify its name or direct their customers to the site.

Hon. Members, the Petitioner is humbly praying the Assembly to take action and stop the operation of Kithimani crusher by closing it to save the community from negative impact predominated by its operations. Hon. Members, Standing Orders 200 provides that the Speaker, may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed 30 minutes.

Further, Standing Order 201(1) provides that every Petition presented or reported pursuant to this act shall stand committed to the relevant sectoral committee. In this regard, before I commit it to any committee I would like if there are any Members who would like to comment on this Petition which has been brought I will allow a minimum time for us to be able to comment on this especially if you are a Hon. Member from the affected area who can be able to comment to this Petition before we commit it to the relevant committee.

Is there any Hon. Member who would like to comment on this stone crushing? On the outside extended chamber, is there any member who would like to comment on the issue of stone crushing in Kithimani Ward? Is there any member? Can you raise your hand if there is any Member who would like to comment on this issue of stone crushing? That is Hon.? Nobody?

In this regard this Petition is thereby committed to the Justice and Legal affairs committee. The committee has 60 days calendar days to consider and table a report on the Petition to this House pursuant to Standing Order 201(2). Thank you, Hon. Members. Mr. Clerk, proceed.

## PAPERS LAID

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have two papers to be laid. The first one is by Hon. Geoffrey Kamulu and the second one is by Hon. Fredrick Muthoka. Hon. Geoffrey Kamulu.

## REPORT ON MACHAKOS COUNTY STADIUM PROGRAM

**Hon. Kamulu:** Thank you, Mr. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 25th August, 2020; the report of Youth, Women, PWDs and Sports committee of Machakos County Stadium program. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Geoffrey. Hon. Fredrick Muthoka.

REPORT ON STATUS OF THE MACHAKOS COUNTY PERSONS WITH DISABILITIES ACT,  
2016

**Hon. Muthoka:** Mr. Speaker, that pursuant to Standing Order 155(1), I wish to lay the following Paper on the Table of the Assembly today, 25th August, 2020; the report of the Committee on Implementation on status of the Machakos County Persons with Disabilities Act of 2016. Thank you, Hon. Speaker. I lay.

**Hon. Deputy Speaker:** Thank you, Hon. Fredrick Muthoka. Mr. Clerk, proceed.

**NOTICES OF MOTIONS**

**Hon. Deputy Speaker:** Hon. Members under this Order, again we have two notices of motions; the first one by Hon. Geoffrey Kamulu and the second one by Hon. Fredrick Muthoka. Hon. Geoffrey.

REPORT ON MACHAKOS COUNTY STADIUM PROGRAM

**Hon. Kamulu:** Once again thank you, Hon. Speaker.

Hon. Speaker, that aware that Article 185(3) of the constitution of Kenya 2010 provides that County Assembly, while representing the principle of separation of powers exercise oversight over the county executive committee and any other county executive organ;

Recognizing that Youths, Women, PWDs and sports committee is established pursuant to Standing Order 190 and the Second Schedule of the Standing Orders define its mandate as follows; to deal with all matters related to youth welfare, women affairs, empowerment of women, matters of equality, affirmative action and gender related issues and sports activities and facilities;

Appreciating that the committee while undertaking its oversight role engaged the Chief Officer youth and sports on the Machakos county stadium program with an objective of ascertaining its current implementation status with regard to approved budgets and also establish the viability of the project;

Further, appreciating that the committee conducted fact-finding missions in the physical locations of the stadiums;

Hon. Speaker, I wish to give notice of the motion that this Hon. House discusses and approves the Youth, Women, PWDs and Sports committee on the Machakos County Stadiums Program.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Geoffrey. Hon. Fredric Muthoka.

REPORT ON STATUS OF THE MACHAKOS COUNTY PERSONS WITH DISABILITIES  
ACT, 2016

**Hon. Muthoka:** Notice of motion.

Hon. Speaker, that aware that Article 183 (3) off the Constitution of Kenya provides that a County Executive Committee member shall provide the County Assembly with full and regular reports on all matters relating to the County; Further, aware that Article 185(3) of the Constitution provides that County Assembly, while respecting the principle of separation of powers may exercise oversight over the County Executive Committee and any other county executive organs;

Hon. Speaker, noting that Standing Orders 188(2)(3) the Committee on Implementation is mandated to do the following:

- a. Scrutinize the resolution of assembly including adopted committee reports, Petitions and undertakings even by county executive committee and examine.
- b. Whether or not such decisions and undertakings have been implemented and where implemented the extent to which they have been implemented and whether that implementation has taken place within the minimum time necessary and;
- c. Whether or not legislation passed by the Assembly have been operationalized and where operationalized the extent to which such operationalization has taken place within minimum time necessary.

The committee may propose to the Assembly sanctions against any Member of County Executive Committee who fails to report to relevant select committee on implementation status without justifiable reasons;

Hon. Speaker, acknowledging that in executing its mandate the committee requested for information from the department of education, skills training, social welfare and civic empowerment on the implementation status of Machakos County Persons with Disabilities Act, 2016. The committee further, invited the Chief Officer, social welfare and civic empowerment to the committee meetings and discussed the Act with a view of asserting its implementation status;

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves the report on implementation status of Machakos County Persons with Disabilities Act of 2016.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, very much Hon. Fredrick Muthoka. Mr. Clerk proceed

**STATEMENT REPLY**

ENGAGEMENT OF LAW SOCIETY OF KENYA TO PROTECT VULNERABLE GROUPS WHO  
ARE VICTIMS OF DOMESTIC VIOLENCE

**Hon. Deputy Speaker:** Hon. Members under this Order, we have one Statement to be made by Hon. Moffat Maitha. Hon. Maitha, you may use the one right there. Yes, no problem.

**Hon. Maitha:** Thank you, Hon. Speaker. Hon. Speaker, a Statement was sought by Justice and legal affairs committee and it goes as here under.

Hon. Speaker, I rise to respond to a Statement request by Justice and legal affairs committee on what the department of social welfare and the civic empowerment was doing to engage entities like Law Society of Kenya in order to protect the vulnerable groups within the County who are victims of domestic violence, gender-based violence and sexual offences witnessed during this corona virus pandemic as part of the collaboration effort to support the national government dealing with coronavirus.

I therefore, want to state that the department of education youth and social welfare responded as follows:

1. That the data collected by the social welfare and the civic empowerment as annexed indicates that there is an increase in gender based violence cases during this period of Covid-19.
2. The Governor formed a government-based violence rapid response committee comprising of the Chief Officers and medical personnel to look into the matters arising. Immediately after its formation social welfare and civic empowerment organized a World Health Organization online campaign building session for all the Chief Officers---

**Hon. Deputy Speaker:** Capacity.

**Hon. Maitha:** Sorry, I repeat.

The Governor formed a gender violence response committee comprising of Chief Officers and medical personnel to look into matters arising. Immediately after the formation social welfare and civic empowerment organized for a World Health Organization online capacity building session for all the Chief Officers on gender based violence responses and prevention.

3. To add all the reported cases to date all the reported cases are handled through the multi-sectoral referral system in the relevant offices on social welfare, hospitals, police, children offices and judiciary. Some children victims of gender based violence survivors have been rescued from abusive homes and placed in safe environment.
4. The social welfare officers in all the nine sub-counties work closely with the members of the nine established gender based violence multi-sectoral committee on referral of all the reported case issues.

**Hon. Deputy Speaker:** I think we need to correct that it should be eight.

**Hon. Maitha:** Number 7?

**Hon. Deputy Speaker:** Do we have nine or eight sub-counties? It is okay I am just saying it is a correction it should be eight sub-counties.

**Hon. Maitha:** It should be eight and not nine sub-counties. In collaboration with partners the department continues to sensitize the public on---

**Hon. Masesi:** Point of Order.

**Hon. Deputy Speaker:** Point of order regarding what?

**Hon. Masesi:** Maybe they are including Kalama Sub-County to make it nine.

**Hon. Deputy Speaker:** Yes, but officially we have eight sub-counties as of now so let us maintain it as eight. I note that.

**Hon. Maitha:** Thank you, Hon. Speaker.

5. In collaboration with partners the department continues to sensitive the public on GBV through the social media and working on the production of referral posters written in the local language of Kikamba.
6. In all the Covid 19 Sub-County Committees, Social Welfare staffs continuously create awareness on the national toll free numbers and that is GBV 1195 and Children 116 for GBV survivors' psycho-social support.
7. In some incidences, the department reaches out to the multi-sectoral religious leaders like Pastors and Imams for spiritual support because of their ability to keep families together.

Although the department has a wide range of Pro bono lawyers with a toll free number 0800 720 553, as received from collaborating partners on GBV issues, there is limited judicial activities due to Covid 19. However, the defilement and rape issues that reach the police gender desk with sufficient evidence from the hospital are handled by the GBV police representatives at the courts. Thank you, Hon. Speaker.

When you look at the annexure which was compiled by our welfare officers, you can see the first column is about the date, the sub counties; the total rape cases from 20th March to May 20 are 16, defilement cases are 180 and other domestic violence incidents are 36.

When you go to the next annexure, it is about reports received from Chiefs; column one is gender, the second one is nature of incident, you can see the date it was reported action taken for the sub-county, division, location and sub location. I think Hon. Members you can see that one.

The other annexure on page 5 is the same and when you come to sub-locations, we start with Kangundo; you can see the number of reported cases in Kangundo which is one, in Machakos Sub-county has nine reported cases, Yatta 11, Mavoko 7, Katani 1, Githunguri 1, Mlolongo 7. Lastly, you can also see the number of male and female victims whose issues where reported by that committee. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you very much Hon. Maitha for that response on that Statement which has been sought concerning what is happening on GBV. What the department of social welfare and civic empowerment was doing to engage entities like Law Society of Kenya in order to protect the vulnerable groups within the county who are victims of domestic

violence. Do we have any Member who would like to comment on that statement response brought about by the Hon. Chairman before I move to the next agenda? Hon. Geoffrey Kamulu

**Hon. Kamulu:** Thank you, Mr. Speaker. It is in order that we appreciate the Chairman and the Committee because of the good work they have done by bringing the report at the right time. Mr. Speaker, it is in order to appreciate His Excellency the Governor because of the formation of the Committee to see and make sure people who are victims of this violence are catered for.

I have also noted that the department is very serious on the matter because they are able to collect data and know who have been assaulted and their location. However, my concern is we have heard of rescue and so forth and attendance but they could also have given us the verdict because if there is an assault or something is done against one's will, there might be an outcome. We should have been told of the convictions particularly to those people who have violated others.

Otherwise, it is a good response and we commend the department to continue working with the rest to ensure that this violence is decreased because we have noted in most of the regions in the county there are many people who are affected especially the female gender.

So it is a very nice report. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Annastaciah.

**Hon. (Ms.) Mutuku:** Thank you, Mr. Speaker. I want to thank the Chairman for bringing this report. Sometimes we as women leaders when we hear some things like women violence, they have a lot of issues on the ground Hon. Chairman and I understand this House can legislate some policies to protect the victims.

So, I want to request that if we can come up with a policy so that people who are violating people, children, women or whoever; to see whether they can get justice because justice is very important for the victims and again I would like to request if we can have rehabilitation centres where people can get counselling.

There is so much defilement of women and I do not know how I can say it because it is very hurtful. If you find a man raping his daughter and a small kid, and after a few days that person is set free maybe through bond or some, the parents of the victim are compromised with money and it is very hurting.

I think we need to come up with a policy to protect our people especially the girl child and women. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. This was just a response to a statement and I think most of the issues which have been raised the Hon. Chair of Justice Committee has taken them in to heed. As a guideline, some of the issues the Hon. Members have raised, the next motion which is going to be moved by Hon. Irene Mbivya is actually talking about provision of facilities. So I think that is well taken care of and it will be handled in the next motion and on the issue of Hon. Members who also highlighted that we need to get some historical figures of how much many they have been able to prosecute so that your report can be complete.

I know it is based on this period of Covid-19 specifically and we have said that the courts have not been operational for quite some time due to Covid-19 but historical data may also be useful so that we can see those mechanisms which have been put into place, going all the way to

conviction and know that the system is actually working up to the end and I am sure our wonderful Chair will be able to handle that.

**Hon. Maitha:** Thank you, Hon. Chair. My committee will revisit that issue and go back and talk to them and see how many people have been convicted and for what in regard to all these cases which are here and we shall come back to this House to report, Hon. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, able Chairman. Mr. Clerk, proceed please.

### MOTION

#### SETTING UP OF DESKS WITH SPECIFIED PERSONNEL TO HANDLE VICTIMS OF GENDER-BASED VIOLENCE IN HEALTH FACILITIES IN THE COUNTY

**Hon. Deputy Speaker:** Hon. Members, we have a motion that the County Government sets up facilities to help victims of gender-based violence to be moved by Hon. Irene Mbivya.

**Hon. (Ms.) Mwende:** Thank you, Mr. Speaker.

Hon. Speaker, that aware that the Constitution of Kenya, 2010, places significant emphasis on human rights, equality and justice;

Aware that the Constitution further establishes independent commissions to oversee the protection of particular rights and freedoms. One of these is the National Gender and Equality Commission (NGEC), which is mandated with promoting gender equality and freedom from discrimination, with a special focus on special interest groups including women, youth, children, persons with disabilities, the elderly and minority or marginalized communities;

Hon. Speaker, acknowledging that Gender based violence undermines the health, dignity, security and autonomy of its victims, yet it remains shrouded in a culture of silence;

Further aware that with the recent closure of learning institutions due to Covid-19, cases of gender-based violence have been on the rise;

Aware that media reports citing data from a government-managed health information system have stated that up to 4,000 adolescent girls may have visited health facilities for antenatal services in the county of Machakos alone between January and May, 2020;

Hon. Speaker, cognizant of the fact that none of the County Health facilities has put up a desk to handle matters of gender based violence hence exposing the victims to stigmatization;

Hon. Speaker, I wish to move the motion that this House discusses and approves that:

1. All the Level 3 and 4 Health facilities in the County should have a desk and specified personnel to handle victims of gender based violence.
2. The County Government of Machakos should establish rescue centres to take care of Gender based violence victims.



Thank you, Mr. Speaker. I wish to call upon Hon. Constance to second my motion.

**Hon. Deputy Speaker:** Thank you. Hon. Constance.

**Hon. (Ms.) C. Nzioki:** Thank you, Mr. Speaker. I second the motion.

**Hon. Deputy Speaker:** Thank you very much, Hon. Constance Mbula for seconding the motion.

*(Question proposed)*

Hon. Members, you may contribute to the motion. Hon. Moses Mitaa.

**Hon. Mitaa:** Thank you, Hon. Speaker, for the opportunity to support the motion by Hon. Irene Mbivya. I believe times are hard at the moment due to this unforeseen pandemic and it is true that our people have somehow become victims of depression because of hardships associated with this disease.

The greatest victim of this thing is in our families and It has become a norm when you visit our villages because the children are not at school; you will find that there is so much menace going around and the end result is such issues, Hon. Speaker. These are emerging issues which maybe governments had not foreseen or else the magnitude had not been calculated or estimated to be the way it is.

So, Hon. Speaker, it is important because these victims actually most of them are ending up being stigmatized others are fearing to explain the issue to the outside world and you find Hon. Speaker, this is also leading to many cases of suicide because the victims find the end result as committing suicide.

We have had so much indiscipline and I believe everything is narrowing down to the current situation our country is facing. So, through the department of health, I think it is prudent that as much as we had not foreseen these challenges, we put programs, we might not achieve in all Level III hospitals, but at least within the sub counties we can have facilities which can take care of such cases.

Recently, I was watching news and if I am not wrong it was in Kwale County; there is an organization which has come up with such a program; Kilifi County, thank you for correction. Kilifi County has come up with such a program and when you look at that clip Hon. Speaker, you would accept these issues are with us and then you ask yourself, if they are with us, where they are being taken to.

You find our people are becoming hopeless and it will be good because we represent these people and we run the budgets, it will be good if we can open up facilities. Our Level III and IV, if we can open them up and create desks; you need to ask when a teenager gets pregnant, she has to be taken through a psychological mentorship Hon. Speaker because they are not ready.

Even the young boys maybe when someone is going to claim that you have done this to me, they become violent. So, we need counsellors in these facilities so that we take through our youth and victims because it is not only the youth, even marriages are being affected by this pandemic. So I support and I congratulate my colleague for the timely Motion she has brought and I hope that the department will take care of it and act on it prudently. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Justus Katumo.

**Hon. Katumo:** Thank you, Mr. Speaker. First I want to take this opportunity to congratulate Hon. Mbivya for the passion she has had and demonstrated in this House concerning gender issues; children and women. I think it is something that I want to appreciate and she has been doing. First, we have to remember that these times are not very good and people are becoming emotional and they are doing many things. We have had cases and even statistics in Machakos and in other counties of victims of gender-violence.

The spirit I find in that Motion when she talks about a desk, I think she is looking for specialists or professionals who can handle those cases and especially when someone is traumatized. You know there is a process you have to be taken through to heal and to become yourself and therefore, it is not everybody who can handle such cases because of the magnitude and the emotion that goes into affecting victims.

Therefore, I never thought and so it that way but I think most of these hospitals we have and the staff are not able to deal with such cases and so having a desk somewhere where such cases can be handled I think it is prudent and will help. Most of us have passed through a situation and I can testify that, if you are not handled carefully, you will lead a bad life thereafter, you will not be able to live a good life. Yesterday I was dealing with a similar case at some place and it has been very difficult to handle those cases as a normal person because you try but you do not know how to navigate through.

Last two months, I handled a case and I was called in the I was called in the night by one lady in Ekalakala who was being mishandled by one of the uncles and I did not know where to take that lady; she is also studying in Mwala Girls School and therefore she could not stay there because she has been disowned by her parents and where she was living with her grandparents she was being victimized and therefore I searched I had to call a certain quarters to know where we can take search a person and I found we have some rescue centers in Machakos and in Matuu it is where we took that lady in Form Two and therefore I think as a County we need to be holistic in trying to do our development.

We are not only in building roads and hospitals as structures we need places where some of these cases can be handled and make sure that because it is something that we do not anticipate but if it happens we need to have a way on how we can handle and I think this motion comes in good time so that we can think deeply and we can see how we can help our sisters and brothers who are passing through the difficult time. I support. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Katumo. Hon. Cosmos Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker. I would first like to appreciate the mover of the motion bearing in mind that in the current Kenya today, this means to be a common norm and we have also noted that following or pursuing the formal justice in the courts, you agree with me that it takes longer times and it needs a lot of money and again time investment.

Again, we all agree that even the investigations by the police officers, in most cases you will find that they are being destructed by the issue of bribes by the accused to get their way out. Mr. Speaker, I want to agree with the mover of the Motion that we need desks within our level IVs and if possible, you will realize that most of these victims are on the grassroots. So, again if it is possible to have even within our community health centers, I want to agree this one will help

a lot and create more information and make sure that with our victims, the accused always being handled and face the full force of the law at the end of it.

Mr. Speaker, again we need to make sure that, we prevent these action from happening again in the future whereby Mr. Speaker, as a case which has been raised by Hon. Annastaciah, it hurts a lot bearing in mind that you know someone committed this and that kind of an offense and within a few days after the arrest has been made, that person is again free to walk cross-cutting even before the victims who had been harmed.

Again I do not know how we can do it as an Assembly or as a County; we need to make sure that these victims get justice at the end of it and also make sure that these police officers and all other people who handle these cases are given full knowledge and even go a step higher and make sure that they get full training on what should be happening and how to pursue these cases and we all agree that defiling of minors is currently going up which is even within relatives, an uncle, a brother, a sister. So, this is a very bad norm within us and we need action and make sure that we take care of our young ones all through as elected leaders. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Jacqueline Nziva.

**Hon. (Ms.) Nziva:** Thank you, Mr. Speaker and Hon. Members present. I wish to applaud Hon. Irene Mbivya for coming up with this motion on gender-based violence. This is a good motion where there are many forms of gender-based violence, we have alcohol abuse, we have also some of the things that make our people abuse like when they are taking alcohol also when income levels are low people can be abused in one way or the other.

Food scarcity is one of the ways of this gender-based violence and so we need to have facilities in our County in Level III, IV like two or three of them so that we can combat this menace in the County. Some of the forms of this gender-based violence are there because people seem to perceive gender-based violence as sexual violence only but a child forced to early marriage is also another gender-based violence and sexual violence but you realize that early child marriage is also one of the forms of this gender-based violence.

You realize that in this pandemic we are experiencing a lot of child abuse and some have even been married, some have even been impregnated and so I think as Hon. Moffat read it very clearly to us that there is a committee on the same which has been formed to combat the same. I think in conjunction with the committee, I think the committee can go very well and work with health facilities, our doctors, our nurses down there so that this menace can be done away with.

We also have genital mutilation and that is also a form of gender-based violence. Members, physical punishment, our people have been punished and most of them are punished and they just keep quiet and they do not even talk about it and so if there is a desk for the same I think our people can see on how we can help our people down there because they have been abused quietly and most of the times many people do not know what happens until some people get some videos of the same and maybe put it on the social media.

The impact really on this GDP will be affected economically because our country without high levels of income the GDP will be affected and how we can end the gender-based violence. Mr. Speaker and Hon. Members, it is by funding maybe women in full participation in civil society. So, I think when the facilities will be formed Hon. Members can also be involved in the same so that they can give some insights of the same so that we can see how we can end gender-based violence and also bringing gender-based violence clinical services to lower the level of

health facilities. So, I am in support of that motion and we need to see how we can help our people down there because they are suffering silently. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you. Hon. Constance Mbula.

**Hon. (Ms.) C. Nzioki:** Thank you, Mr. Speaker. First, I want to applaud the mover of this Motion Hon. Irene Mbivya. It is a motion which is due and it has been due for a very long time although we have been talking the same on other issues. Mr. Speaker, I want to say, she has talked about putting a desk or rather a reporting desk and I want to say we should not take this desk just as wood; this means a person who is going to seat there and assist people.

Mr. Speaker, I want to emphasize that in the future if this happens, whoever seats on that desk should be a woman. Get it right from me and from other people, when we come to the word "rape" there is a man and a woman and sorry to say, there is a boy and a girl, so who rapes who in our common sense? A man is a rapist, in most cases if not all, but ask yourself, a man has done this and you have gone to report it to a man who has maybe done it or is planning on doing at someday will there be any better results?

So, it should be women all over running these desks in the level III and level V hospitals and I think that will put a lot of weight to the reporters because in most cases we even report things to police stations and nothing happens because of why? You are going to report my neighbor Mr. Mutua robbed my house and you are reporting to Mr. Muthama, there will not be much help because I believe men are friendlier than women.

A man will be a good friend to his friend even when they are fought. Look at the issues of a man battering a wife and then that wife goes to report an incident to another policeman. Do you think something better will be done? We should look into these issues with a lot of seriousness and having it in mind mostly who are affected are women. There was an incident the other day that a mentally handicapped child was raped. A girl who was 15 years old just the other day and now because she cannot talk but she can see and so people including her mother asked her; what happened and who did this to you?

All she could do is point at somebody and that person happened to be her real uncle and so the audience asked what is your opinion on this because he is a real uncle to this girl and he has done it instead of protecting her, he has done it. Do you know what people said? We need to disconnect his engine and as I said men are friends. Most men said no we shall talk to him and so that went on like that and the rest was history we did not know whether the engine was disconnected or he was just left to go.

*(Laughter)*

Mr. Speaker, this is a very important issue if you ask me. I am a woman and I used to be a girl at some stage. I may have been raped and I maybe know how it feels, how bad it is, so I am speaking with knowledge that these things are very bad; in fact, it destroys a girl's interest towards men. If you come across a girl who has been raped, she will see a man and run away. She will never enjoy sex in her lifetime because she thinks it is all the same.

Mr. Speaker, the other thing is that I think the government needs to look into this part of a home for these people; some for these children, some of them are so young and we have seen a child giving birth to another because if you have no ID you are thirteen years old, you have given

birth that is a child giving birth to another child and so they need to be taken to home care and they are taught what to do there.

They are told time for giving birth is from this to this because you are born, you go to school, you work, you get married then you start doing these things of giving birth but because they do not know, they have not had a chance to know what happens today after tomorrow. So, we need that homecare and we need qualified staff to take care of the girls and more so all those staff should be women because women know much about childbirth more than men.

Mr. Speaker, I want to congratulate the mover of this motion again and say she has done a good job; I do not know whether it is because she is one of the women or something but it was a job well done. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Constance Mbula. Any Member from outside who may want to contribute? Is there any Member who would like to contribute? Yes, I can see a hand raised there. That is Hon. Musyimi Nzomo, go ahead, please.

**Hon. Musyimi:** Thank you, Mr. Speaker. I stand to support the motion that we need to put up a desk in our level IV and III hospitals. It is a good idea because in our community, our people think that when reporting such an act or when a minor is being mishandled by a mature person, it is a shame but I would like to say that we need a lot of publicity in our community that they should not be having such a feeling like it is a shame but instead see it as a way of helping the people to know that they should not behave in such an 'animalistic' manner. So, I support the motion. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. John Musyimi. Any other Member outside before I come back to the inside chamber? Hon. Francis Kioko Kalumu.

**Hon. Kalumu:** Thank you, Mr. Speaker. I want to say that then motion at hand has come at the right time because down there in Kithimani I had gone to the Assistant County Commissioner (ACC) of the area trying to see whether we can join hands and try to educate and give civic education to the young girls who are at home now because of COVID-19. Before I give you a chronology of what we wanted to do, let me first say that it is the duty of the parents to look after the kid or the daughter or son.

Many of the parents including us, even in this Assembly have not been so keen on the behavior of our children. I want to reiterate that, the stage of development during teen age is very critical in life and that is when one starts to realize himself or herself, body changing from he used to have to a different thing in his or her body and that is when the parent is needed trying to put or to engage stakeholders to come together to rescue these kids is a paramount idea.

So, what I want to say is that the motion at hand is crucial and I want to thank the mover because she has brought it at the right time because we need to intervene at this time because if we wait the future of our generation is at stake. We are looking upon the girl child but what we will face in the future is a stage of high crying because down there, young boys are involving themselves in the bad behavior of being criminals at the early stages of life and smoking bhang but this one we are not realizing.

I want to appreciate the mover of the motion because she has looked at the girl child due to pregnancies but here on the other side the boy child has been left and that is why I want to insist that we also need to look at the boy child and unless we emphasize on the boy child, the

girls will be there, good ladies, very beautiful but no husbands. The girl child has well been protected, it is only that this time has been occasioned by this Corona pandemic.

So what I suggest is that both the national government through the administration and the county government through the elected leaders and opinion leaders down there we need to engage ourselves in educating and giving civic education to the girl child and the boy child together so that we may realize a generation that is quite okay. So, with those few remarks, I would have talked for a long period but let me stop there. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Francis, Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you very, much Hon. Speaker. Hon. Speaker, I would like to applaud the mover of this motion and on a very serious note, as parents we also experiencing such issues within our community. Hon. Speaker, my contribution will be one; as our Hon. Member the mover this motion has mentioned, identifying or creating areas of a reporting desk, it is also important that as they establish those desks within our Level III and Level IV hospitals, it is important first to ask ourselves why is it happening?

We have to identify the cause of these problems. Is it a home-based violence where maybe a father rapes a girl who is over 18 years because rape comes to any woman who is over 18, or is it a defilement; a child that is ... defilement out rightly is any sexual intercourse with a girl who is below 18 years. Rape becomes to any woman with or without consent of a lady who is above 18.

So, in this case we have to identify was it done within a homestead between a father and a daughter which out rightly in law is incest. In relationship to this motion, it is very important motion that has been brought to this Assembly and my contribution is, we have to identify the investigating agencies; has it been reported to the police what have they done, was it reported by a civil society whereby for example, where the gender-based violence occur. Is it in a homestead as I am saying or was it because somebody raped a big lady by force either in an area, let us say in a forest area and the like because Hon. Speaker, such incidents of violence happen in an homestead area.

So my contribution in this Hon. Speaker is to say that we have to identify who was, I mean where the gender-based violence was done. Is it a child who should be rescued from a homestead, is it a disabled person who should also be rescued because due to disability the act was done because the disabled person could not defend him/herself because this gender-based violence may happen to a man or to a lady and in most cases, we should also base our cases in regard to gender-based violence especially to young girls and also the boys because we have been also, we have been getting cases whereby grownup ladies are taking young boys into the hotels and they induce or they go ahead and do that.

So, Hon. Speaker this is a very important motion that we should be able to stand and now identify those areas because as you say a good example is a statement that during this COVID 19 period this is where we have realized that these things are happening in the homesteads because we have known that the parents are with their kids for a longer time and because it is happening at this time what are the methods that we can use now to prevent such cases coming up.

So, Hon. Speaker, we need to collaborate with those investigative agencies like the police the hospitals where we are saying we should have a desk in the hospitals and cases reported by the police. Why do they link with the judiciary because also in regard to the children, we have

the children desk or the children department where that department is also supposed to take care of such children, Hon. Speaker.

So, this is a very intense motion that without hurry we should identify when it happens, methods that we are going to use to prevent recurrence, we should also identify after such violence has been done to the victims, what are the measures that we are supposed to take to prevent further recurrence. Otherwise, it is a good motion and I thank the mover of the motion. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you very much. Can I request Hon. Irene Mbivya to respond, please?

**Hon. (Ms.) Mwende:** Thank you, Mr. Speaker and Members, for your generosity in your contributions. Mr. Speaker you realize that the effect for GBV across they affect men, women, and children in terms of girls and boys. So we are not separating women from men because these thing affects all of us and you realize that the effects of GBV are such trauma psychologically they also go through fear, they also blame themselves and negative outlook on themselves, they could even go through fertility issues when they want to give birth and I must appreciate the Governor that they have already formed a rapid response committee to take care of such matters regarding GBV and also doing a sensitization which is a good thing.

So, the Statement that Hon. Maitha brought is also timely and in terms of my motion as well so it is, a good thing and I must appreciate that one of the contributions from the Members that justice is a real struggle and a serious responsibility in our communities. So I pray that perpetrators should be brought to book and none of them should escape because GBV is a serious crime in our society and if I can quote the good Book which says that acquitting the guilty and condemning an innocent, both the Lord detests. So let us take our mandate as leaders and follow the due process of the law and help our communities overcome such violence in our society. Thank you, Mr. Speaker; thank you, Members.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, very much Hon. Irene Mbivya.

*(Question put and agreed to)*

This motion is committed to the committee of Culture and Social Welfare and also the Justice and Legal Affairs Committee; those two committees to look at the specified legal issues connected to this and also the social welfare connected to it especially in the set up of the facilities and also the committee of Health under whose docket the desks are supposed to be set up this. So it is a multi-task joint committee action to be able to look at issues pertaining to the legality of these items. To report back to this house within the next 60 calendar days.

Just to comment on that item before we go to the next item. To me is the establishment of structures in that motion; when we read or when we heard from the Hon. Moffat Maitha we could see the legal structures have been put in place whereby if there is a problem which has come up then we have the structures to be able to prosecute to capture and prosecute the people who are doing these GBV issues.

We need to look at the other side of it; the side of counselling because these structures that we are talking about and Hon. Constance Mbula has talked about it would be easy for a lady to counsel another lady, a lady to counsel a girl when they come on that desk because counselling starts right from the time they go to hospital right from the time they are being received and therefore those recommendations which have been brought by the Hon. Members including the desks be manned by ladies and including ensuring that we have such structures present in the hospitals is key.

Hon. Nziva is talking about addressing the key issues, which are causing this GBV; what are the key issues? She talked about alcoholism; she talked about lack of food or poverty levels. So we need to address those issues if at all we are going to look at the root cause of these things. Morality has gone especially to social media and such other things like that. Our morals have gone to their lowest especially during this time and therefore it is a challenge also to the counsellors, the priests and the pastors and everybody else who deals with morality to keep up their game because morality has come very low.

I challenge our female Hon. Members, who are in this Assembly to take advantage this time when we have coronavirus and most of the girls are at home to do counselling, civic education in your own area wherever you can be; meet with these girls, talk with them, advise them counsel them in whichever forum you can get them and I believe they will be able to learn a lot and the response we are going to get from this will also be able to guide us. Thank you very much, Hon. Members.

### PROCEDURAL MOTION

ADJOURNMENT FROM 26<sup>TH</sup> AUGUST, 2020 TO 7<sup>TH</sup> SEPTEMBER 2020

**Hon. Deputy Speaker:** Hon. Members, that is the motion that the House adjourns for a short recess from Wednesday, 26th August, 2020 to Monday, 7th September, 2020 and I request the Majority Whip Hon. Moses Mitaa to move the motion on behalf of the Majority Leader. Hon. Moses.

**Hon. Mitaa:** Thank you, Hon. Speaker.

Hon. Speaker, that aware that this Hon. House approved Calendar of the Assembly to guide sittings of the House for the fourth session pursuant to Standing Order 25(1);

Noting that the approved Calendar of the Assembly for the Fourth Session indicates that the Assembly will go for a short recess from 26<sup>th</sup> August, 2020 to 7<sup>th</sup> September, 2020; aware that the recess will afford Hon. Members time to interact with their electorates;

Appreciating that the Standing Order 25(3) provides that on a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly Calendar, the leader of the Majority Party or Minority party or any member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put;

Hon. Speaker, I wish to move the motion that pursuant to the approved Calendar of the County Assembly of Machakos for the fourth session, this Hon. House goes on a short recess from Wednesday, 26<sup>th</sup> August, 2020 to Monday, 7<sup>th</sup> September, 2020.



Thank you Hon. Speaker and I call upon my senior colleague Hon. Alex Kamitu, House Minority Leader to second the motion. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Alex Kamitu, the Minority Leader.

**Hon. Kamitu:** Thank you very, much Hon. Speaker. I stand to second the motion. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Members. This is a procedural motion for the adjournment of the house in tandem with the calendar which is approved by this Assembly. Do we have any member who would like to comment on this motion, any member who would like to commend on this? Hon. Cosmus Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker. Mr. Speaker, I do agree with the motion by the Hon. Whip of the House that we proceed for a very short recess. Mr. Speaker, making sure we do attend to our committees as well as our retreats just to make sure that we do abide by getting the results of all the business we have within the committees. Mr. Speaker, these online committees are enabling the Members to get and read of all details and also site visits to make sure that at the end of the day there is enough business for this House. So I do support the motion.

**Hon. Deputy Speaker:** Thank you. Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you. Once again, Hon. Speaker, in relationship and in line with the House adjournment, I would also request our Chair for health, within the short time we are going on recess, things relating to Covid-19, he should also communicate and collaborate with the executive in regard to the masks. We are aware that we have some sub-counties who were given masks and we have others who have not been given the masks. For this period of one week we can do a lot if we are given these masks for distribution to our electorates. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Jacqueline Nziva.

**Hon. (Ms.) Nziva:** Thank you, Mr. Speaker. I wish also to comment on that procedural motion for House Business Committee where I am also a member that members have to have a break so that they can meet their electorates down there and members can continue with the committees because a House in committee is a House in progress. So I urge members when we are doing the virtual committee meeting to be very serious so that when we resume on 8th September, 2020 we can generate more business of the House. Thank you, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you, Hon. Members. Again as I said that is a procedural motion and therefore I thank you all for the active participation this afternoon.

## ADJOURNMENT

**Hon. Deputy Speaker:** This House now stands adjourned to Tuesday, 8th September, 2020 to resume at 10.00 a.m. Enjoy the rest of your week.

The House rose at 4.16 p.m.