

**REPUBLIC OF KENYA**  
**MURANGA COUNTY ASSEMBLY**  
**THE HANSARD**

Thursday, 26<sup>th</sup> July 2018

The House met at 2:50p.m.

*[Temporary Speaker (Hon. Alex Ndunda) in the Chair]*

PRAYERS

STATEMENT

REQUEST ON THE SUB-COUNTY ALCOHOLIC DRINKS REGULATIONS COMMITTEE

**Hon. Ibrahim Ngundo:** Thank you Mr. Speaker Sir, I wish to give the Statement of the Sub-County alcoholic drinks regulations committee.

Pursuant to Standing Order No. 46 (2) (c), I hereby request for Statement from the Chairperson Health Services Committee on the following;

1. Can the Chairperson furnish this Assembly with a list of members of the Sub-County Alcoholic Drinks Control Committee for each Sub-County established under section 9 of the Murang'a County Alcoholic Drinks control Act?
2. With the lapse of three Years since the committees were established, has there been any re-appointment of the members pursuant to section 9 (9) of the Act?
3. When will County Public Service Board submit to this Assembly the nominee for the position of Director of the Alcoholic Drinks Control Directorate for vetting and approval?
4. Can the Chairperson provide information on the number of licensed bars per ward?
5. Can the Chairperson inform this Assembly the type of liquor licenses being issued by the Alcoholic Drinks Control Directorate and their charges?
6. How much is the County Government proposing to introduce as the rehabilitation levy that will be charged in all liquor beverages to support treatment of addicts and has there been stakeholder's consultations and consensus on the same?

Thank you Mr. Speaker.

**Temporary Speaker (Hon. Alex Ndunda):** Chair Health Services to respond.

**Hon. Kibe Githuka:** First I would like to congratulate member for Muguru ward and I would request him to give the Committee at least 14 days so that we come up with the conclusive answers. Thank you Mr. Speaker Sir.

**Temporary Speaker (Hon. Alex Ndunda):** Honourable member are you okay with that?

**Hon. Ibrahim Ngundo:** I am okay with that.

TENTATIVE BUSINESS OF THE ASSEMBLY FROM THE WEEK COMMENCING  
TUESDAY JULY 31 TO THURSDAY AUGUST 2, 2018

**Hon. Milka Ngari:** Thank you Mr. Speaker Sir, I stand here and beg that pursuant to Standing Order 46 (2) the House Business Committee, at their last meeting, approved the following tentative business that will come before the Assembly from the week commencing Tuesday July 31 to Thursday August 2, 2018 as contained in the program. Members, as it is in the files;

Tuesday Morning; there will be a paper laying on a report by the Auditor General on the proposed of Kahuti Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June 2017.

That will be the Chairperson Public Investments and Accounts Committee. There will be a Paper as well County Government of Murang'a quarterly report and financial Statements for the period ended 30<sup>th</sup> June 2017, Chairperson Finance and Economic Planning Committee. Notice of a Motion; policy on establishment of Murang'a Youth Service by Hon. Joyce Wambui. Notice of a Motion; rabbit rearing program by the Chair Agriculture Hon. Charles Kahoro. There will be a Motion as well, establishment of cottage industries in the ward by Hon. James Kabera.

Tuesday Afternoon: Motion, Adoption of the report of Financial Statements of Gatamathi Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June 2013 by the Chairperson Public Investments and Accounts Committee.

Wednesday afternoon: request for Statement on the status of the Alcoholic Rehabilitation Program by Hon. John Ruoho Wangeci. A Motion; rabbit rearing program I suppose by Hon. Charles Kahoro.

Thursday Afternoon; Motion, a policy on establishment of Murang'a Youth Service by Hon. Joyce Wambui.

Thank you Mr. Speaker

### **MOTION**

#### **ADOPTION OF REPORT OF YOUTH, CULTURE, GENDER AND SOCIAL SERVICES COMMITTEE ON MAINSTREAMING CHILD PROTECTION IN THE DEVOLVED SYSTEM OF GOVERNANCE**

**Hon. Elizabeth Wambui:** Thank you Mr. Speaker Sir. I beg to move the following Motion;-

That, this House adopts the report of the Youth, Culture, Gender and Social Services Committee on mainstreaming child protection in the devolved system of governance laid on the Table of the Assembly this Tuesday July 24<sup>th</sup>, 2018.

Mr. Speaker on behalf of myself I wish to thank the members of the Committee for their commitment to the business of the committee. Secondly I am most grateful to the secretariat for their diligent input in the course of their work. The Committee wish to record its appreciation to the Office of the Speaker and the Clerk of the County Assembly for facilitation in fulfilment of their mandate.

On behalf of the Members of the Departmental Committee on Youth, Culture and Social Services and pursuant to the provisions of Standing Order 204 5 (f), I have the honor and pleasure to Table the Committee Report on mainstreaming child protection in Murang'a County. This report is very broad I may not go through the whole of it I will just highlight. The 2010 Constitution of Kenya (Article 52) recognizes the need for all children to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and exploitative labour.

It affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care. These provisions are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory.

The Government of Kenya recognizes that child protection is not preserve of the National government but one which is multi-sectoral, multi-disciplinary and requires the involvement of diverse stake holders.

The County Child Protection Systems Guidelines spells out an agenda for co-ordinated action at

County Level and provides work practice direction for all formal and informal actors so that they are able to deliver more co-ordinated and professional services within the area of child protection systems thinking. This is to guarantee more sustainable actions and responses towards children and their families.

We have a policy that was formulated by the National Council for Children Services. This policy defines a child as any person under the age of 18 years. Children nurture and well-being is the responsibility of key stakeholders who include parents, wider family, the state (central and devolved government) and civil society.

Kenya, upon recognition that children rights are human rights, has taken great strides in advancing and advocating for them. In this respect, Kenya is a signatory to various international conventions including the United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and the Hague Convention on the protection of children and cooperation in respect of inter-country adoption.

The country has gone further and domesticated the same instruments by enacting the Children Act 2001, and participated in the various sessions reporting the progress made in implementing the said instruments. It has the following principles;

- 1) To uphold the best interest of the child in all situations.
- 2) To ensure respect for human dignity, accountability, non-discrimination, equity and equality in relation to children.
- 3) To ensure accessibility of services and participation by children in governance
- 4) To commit every individual adult to take responsibility to protect the rights of the child regardless of the individual's relationship with the child

All children regardless of their socio-cultural, economic and political status have right to the highest attainable standard of health and appropriate health facilities and services. It shall be the obligation of the County government to provide adequate and quality health services to all children during ante-natal and post-natal periods and throughout the child's lifetime.

Players in the private and public sectors, parents and other caregivers have an obligation to ensure that children access quality preventive, promotive, curative and rehabilitative services. In addition, special measures ought to be put in place by the County Government and all duty bearers to mitigate the impact of Human Immuno-deficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDs) and other diseases on children and embrace reproductive health concerns. This shall be realized through several measures:

- i. Measures to reduce infant and child mortality.
- ii. Measures to prevent and manage childhood illnesses, disabilities, injuries and domestic accidents.
- iii. Measures to reduce micronutrient deficiencies.
- iv. Measures to control practices prejudicial to the health of the child.

In education sector, the County government should take into account the foundational significance of the Early Childhood Development Education (ECDE), which is a devolved function and some of the targeted interventions include several provisions that we have. I am not going to read them all, we have adequate access, quality education access with safe drinking water and separate sanitation facilities for the boys and the girls, standardized early childhood curriculum, elimination of hidden barriers detrimental to access to free early childhood education and promote appropriate and child friendly physical education and other types of recreational as well as culture and scientific activities in schools, community centres and other institutions, examining the relevant sustainable development goals. We have several goals, end hunger

achieve food security, improved nutrition and promote sustainable agriculture, ensure healthy lives and promote wellbeing for all, ensure quality education and promote lifelong learning opportunities for all.

Ensure availability and sustainable management of water and sanitation for all. There are emerging issues of child abuse in this County, a child is being defiled every week in Murang'a and the vice threatens to destabilize an already fractured society. Studies have shown that in the past month four girls were defiled and killed in the County.

It is saddening that a four year old girl was found defiled and her tongue and nails removed at Kihiu-mwiri, Gatanga constituency. Murang'a County. In Muthithi village, Kigumo constituency, another family lost an eight year old girl whose body was found dumped in a maize plantation.

Experts and police are blaming the surge on drug abuse, dysfunctional families and lack of action by the police.

In Muthithi village where the cases of defilement have been on the rise, use of bhang has been common among the youth and old men. If we rid the society of the menace of drugs and minimize drug abuse especially bhang which is common, then we can address the surge on child defilement.

According to Sergeant Moses Kimenzo, professional counselling and Administration Police officer, use of bhang affects the central part of the brain which controls decision making, leads to defilement and murder thoughts.

We came up with some observations; this Committee makes the following observations with regards to child protection, aware that Article 53 (1) (d) of the Constitution of Kenya 2010 stipulates that, every child has the right to be protected from abuse, neglect, harmful cultural practice, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour, cognizant that some individuals are starting up childrens homes in the County through donor funding and later abandoning the children after benefiting from the funds, leaving them to suffer; this Assembly urges the County Executive Committee Member in charge of Youth, Culture and Social Services to identify all private children homes in the County, partner with the childrens department and come up with a policy framework on management of childrens homes and c establish a County board which will look in to all matters relating to children affairs for both the public and private children's home in the County.

In the performance overview of financial year 2016/2017, under the social development programme, two childrens homes (Kandara and Koimbi) for the Orphaned and Vulnerable Children (OVC) were renovated and the children supported through provision of enabling environment for their education and retention in schools and social support. Financial year 2017/2018 was to benefit 150 at Kandara, 50 at Koimbi and 500 across other childrens homes in the County.

2013- 2017 County Integrated Development Fund (CIDP) child protection issues are broadly aligned with Vision 2030's social pillar, though they are not specifically articulated.

2014-2018, child protection is one of the areas of intervention under the objectives for gender, youth and vulnerable groups.

The lack of a legislative framework for County Government intervention, limited human, financial and technical capacities and growing numbers of orphan and vulnerable children have impeded progress to address child abuse. This mapping facilitated the drafting of the Child Protection System Strategy (2011-2014) a policy intervention by the County Executive Committee Member for Social Services.

There is need for a baseline survey in the County in collaboration with other agencies. A shortage of funding is the most significant bottleneck to enhancing the protection of orphans and vulnerable children in Murang'a County.

Despite reducing children malnutrition, reducing maternal motility and access to safe water and sanitation was found insufficient to reach the 2015 target. Children's Act No. 8 of 2001 revised edition 2012 does not have devolved units but that of predecessor local authorities as provided in section 40 to 46 of the Act.

For a start Children's bill 2017 has a clear provision and it is something that parliament needs to fast track to give priority in County Government.

Murang'a County is a home to high poverty level which is according to 2005/2006 Kenya Integrated Household Budget Survey 36% of the population live below the poverty line. The poor are not able to access basic necessities such as food, shelter and education.

Development partners should partner with County Assembly to ensure development of the capacity for the Members of the County Assembly to engage more effectively in child budget, advocacy and oversight.

Mr. Speaker we came up with some recommendations which are enhancing child protection in our county as follows; that the County Executive Committee Member for social services develop and table an orphan and vulnerable children policy intervention.

That county executive should consolidate gains and attention and budgetary allocation to ECDE in order to improve enrolment rate and overall child development.

That the County Executive Committee Member responsible for social services to furnish the Committee on Implementation of the status of the above stated Motion.

That the County Executive Member responsible for Social Services pursues co-operation with National Council for Children Services and Interior Co-ordination to implement policies on areas of child protection as provided for in Article 189(b) and (c) in Constitution of Kenya 2010.

That the County Executive should take a needs survey of all childrens home in the County to come up with a data base on the same.

That our development partners should seek to partner with civil society organizations to enhance the capacity of the community and the Members of the County Assembly to engage more effectively in child budget and advocacy and oversight.

That the County Public Service Board should address shortage of personnel on thematic areas of children protection including the care givers, teachers in all ECD centres, counselling, and psychologists among others progressively.

That the County Executive ensures that annual Budgets are child responsive, orphaned and vulnerable children are aligned to a sector wide planning budgeting, financing, implementation and performance review.

That the County Executive Committee Member for Social Services liaise with County Executive Member for Health to roll out rehabilitation programs similar to that one of 'Kaa sober' for alcoholics.

Mr. Speaker, I wish to quote Mahatma Gandhi one of the respected the world over as one of history's most transformative and inspirational figures said that, "If you want real peace in the world, start with children." That is the motivation that inspired this report.

Mr. Speaker that we have Koimbi and Kandara children's home under the support of the county government is hardly enough, we must do more in child responsive Budgets in future. Poverty levels in our County are relatively high and it accelerates of child abuse.

Mr. Speaker Article 189 (c) provides that government at either level liaise with government at the other level for the purpose of exchanging information, co-ordinating policies and administration and enhancing capacity.

For this purpose the County Executive Committee Member for Social Services is empowered to co-opt the directorate of children services, interior and national co-ordination to curb child abuse. It is sad that Female Genital Mutilation is still being practiced secretly in some of our Wards though despite the Female Genital Mutilation Act, 2011. These are some of the areas we need to seek linkages.

Mr. Speaker the legislative framework as it is requires a review but it is something that is beyond the mandate of this House. Parliament will have to amend the Children Act, 2001.

The other day, the Cabinet Secretary (CS) for Labour, Social Protection, Ukur Yattani, confirmed that the Children Act, 2001, was being reviewed and a Bill is currently at the Attorney General's (AG) Office. With the enactment of the law, I hope that the County Government will have clarity on their mandate. I now wish to call upon Hon. Duncan Muturi to second the Motion. Thank you, Mr. Speaker.

**Hon. Duncan Muturi:** Thank you Mr. Speaker, I represent Mbiri Ward. I believe that you have heard more from my fellow Hon. Member and it is my request to the Hon. Members of this House to support the Motion. I stand to second the Motion.

*(Question proposed)*

**Temporary Speaker (Hon. Alex Ndunda):** Hon. Members, the Floor is now open for debate.

**Hon. Ruth Wambui:** Thank you Mr. Speaker, I am nominated to represent the youth and also a Member of the Youth, Culture, Gender and Social Services Committee and I stand to support the Motion on adoption of the Report on mainstreaming children protection in the devolved system of governance.

I stand to support this Motion because we understand one thing, that we are getting a lot of cases about child abuse in our Wards. Data may not be correct because there are some cases which are silent in our villages. If we adopt this Motion, we will be able to protect our children.

Mr. Speaker, children are very vulnerable. They are also very peaceful and that is why Jesus said that we have to be humble like children for us to get to the kingdom of God. Children are very humble and we need to protect them and if as adults we are not able to protect them, they will have nowhere to run to for protection. I feel it will be so much in order for us to adopt this Motion and the County Executive Committee Member (CECM) for Early Childhood and Development Education (ECDE) to try all his best to make sure that the budget allocated to the ECDE has been improved.

Mr. Speaker, we had a case of a child who fell in a toilet and passed on. If we have enough budgets, we can improve on the facilities that we have in our ECDE. These children are very innocent; they cannot understand where they can get risk. Therefore, if we support them, we will be doing something good to them. We have also seen that the issue of child abuse has come due to the use of bhang and if this CECM can liaise with the CECM for Health to enrol our youth and we try to assist them by seeing if we can rehabilitate them, we will, at least, see the cases of defilement decrease in our County by the end of the day. I stand to support the Motion.

Thank you, Mr. Speaker.

**Hon. Stephen Chege:** Thank you, Mr. Speaker, I am the Chairperson for the Youth, Culture, Gender and Social Services Committee and I stand to support the Motion. Of late, the cases of rape and defilement against our children have been all over the media. After a long research, that is how my Committee came up with the Motion. I thank Hon. Elizabeth, Hon. Muturi and Hon. Ruth for supporting the Motion. I support. Thank you, Mr. Speaker.

**Temporary Speaker (Hon. Alex Ndunda):** I now call the Mover to respond.

**Hon. Elizabeth Mwangi:** Thank you Mr. Speaker, I appreciate the comments of my fellow Hon. Members because for real, we are undergoing a lot of challenges against our children and being Hon. Members, we need to take care of them. I request this House to adopt the Report that is proposing integrated approach on some of the issues touching on orphans and vulnerable children. We expect the CECM for Social Services to start a policy on the issue and await Parliament to fast track review of the Children Act, 2001. Thank you, Mr. Speaker.

*(Question put and agreed to)*  
*(Applause)*

#### ADJOURNMENT

**Temporary Speaker (Hon. Alex Ndunda):** Hon. Members, there being no other Order, the House stands adjourned until Tuesday 31<sup>st</sup> July 2018 at 9:30 a.m.

*The House rose at 3:30p.m.*