

MURANG'A COUNTY ASSEMBLY THE HANSARD

Tuesday, 31st March, 2015

The House met at 9:38 a.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I am sure you all know about the tragedy that befell our brother, the MCA for Kakuzi, Hon. Kiarie, who lost his mother. I think on your behalf, I wish it to be recorded that we all join him in mourning his mother.

PAPERS

REPORT OF THE FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE DEBT MANAGEMENT STRATEGY PAPER

Hon. Joseph Kimani: Thank you Mr. Speaker sir, I am the MCA Ithiru and the Chairman, Finance and Planning. I beg to lay the following paper on the table of the Assembly today, Tuesday 31st March 2015; the Report of the Finance and Economic Planning committee on the Debt Management Strategy Paper.

(Hon. Joseph Kimani laid the paper on the table)

Thank you Mr. Speaker sir.

AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE'S REPORT ON VISIT TO MERU

Hon. Isaac Kamote: Mr. Speaker sir, I represent Wangu ward and the vice-chairman of the Agriculture and Livestock committee. I stand to lay the Report of the Agriculture, Livestock and Environment committee on the committee's visit to Meru.

(Hon. Isaac Kamote laid the paper on the table)

Thank you, Mr. Speaker sir.

NOTICES OF MOTION

REPORT OF THE FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE DEBT MANAGEMENT STRATEGY PAPER

Hon. Joseph Kimani: Thank you Mr. Speaker Sir. I beg to give notice of the following motion:-

That, this Assembly adopts the Report of the Finance and Economic Planning committee on the Debt Management Strategy Paper, laid on the table of the Assembly today, 31st March 2015.

Thank you, Mr. Speaker sir.

MOTION

DEVELOPMENT OF A COMPREHENSIVE POST RAPE CARE POLICY FRAMEWORK

Hon. Caroline Njoroge: Thank you, Mr. Speaker. I am the MCA Kigumo Ward and also the Chairperson representing Youth, Culture and Social Services in the County Assembly of Murang'a. I wish to move the following motion:-

Aware that Article 29 (c) of the Constitution of Kenya 2010, states that every person has the right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources, and Article 53 (1) (d) which states that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour, cognisant of the fact that sexual and gender based violence has become rampant in Murang'a County; this Assembly urges the County Executive Members for Health and Sanitation and Finance and Planning to develop a comprehensive post rape care policy framework to complement the national government's efforts in addressing rape incidents in the county by establishing a forensic laboratory for gathering and storage of DNA samples after reported rape cases, establish proper co-ordination and collaboration among law enforcers, hospitals and community through all inclusive sensitization, prevention and management of post rape care, abolish fees charged to the victims for services rendered, and put in place mechanisms on engagement with national government for establishment of specialized sexual offences unit within the investigating police stations in the county.

Hon. Speaker, I would wish to state that I thought of this motion after an incident happened last year in our county. These are incidences that are occurring each and every day, even in the country. We are all aware, as Hon. Members, that it has become very serious that people are being defiled, women are being raped. There are cases of sodomy. When I remembered a case of one child, the five year old who was raped and defiled in Murang'a, I decided to come up with a motion, bearing in mind that the committee that I chair deals with children affairs; we need to protect our children although there are laws in place.

Mr. Speaker, I also felt that we need to come up with a way of having a county post rape care policy framework to complement the national one so as to ensure that those that are defiled or are raped in our county feel protected and justice prevails for them. We are all aware that when these vices are committed to women above 18 years, that is when we call them rape but when the act is done to a child below 18 years, it is referred to as defilement.

The rate of these acts which are taking place, not only in Murang'a but also in the whole country, is worrying, and unless this county stands to condemn these kind of acts, we may tarnish the good name that has been branded on to our County in the past years. Maybe one day you may realise that this is a vice that may be rated as second from the alcohol menace in the County. Also, the suicide acts that are happening in the county may be rated the third.

That is why I am passionately asking and urging my Hon. Members in this County Assembly to support me in this kind of motion today because it is going to help us a lot. It is going to make our county safe to live in. Mr. Speaker, you realise that if these cases continue like this, it will even affect the education of our children because you realise that

the school going children are the most affected. Even the teachers who are supposed to be their protectors are the ones who are perpetrators of this act.

Our animals, Mr. Speaker, are also not safe. Although I did not cite that in the motion, you can bear me witness that we can even declare that our animals are endangered species. I will give in my address some of the incidences that have happened; the rape incidences, the defilement, sodomy and the bestiality incidences in our county because I do not want this Assembly to be cited among the Assemblies that do not give facts. I would like to stand by the facts that have happened because you know that all these things are highlighted by the media whenever they happen. We even hear the perpetrators when they are being charged in court. We see them in the media and this one has really robbed our women and young boys and girls their worth and self-esteem. That is why I am passionately bringing this motion to this Assembly because I believe that it is going to help us, it is going to help a lot Mr. Speaker.

I want to cite one of the incidences that happened in Murang'a last year in the month of September whereby a 25 year old man waylaid a five year old girl at Kandundu village. This is the incident which, I, and some members of my committee visited the girl, a five year old who was hospitalised in Murang'a district hospital. Two corrective surgeries had to be performed on her. The 25 year old man who did this act used some blunt objects to cut the small girl because he could not manage to penetrate her.

It was very painful, Mr. Speaker, because that girl could cry a lot and I felt a lot of pain. Even the media called me to give my views as the chair who represents the children affairs in the County. I felt so pained but I promised that we are going to do something as the Assembly of Murang'a and that is what I am doing today to see to it that we enforce our laws that we have at the national level by bringing them at the county level. You will realise that the County post rape care policy is going to help a lot because we are going to devolve all these things to our health centres because they can only be found in the district hospitals.

Luckily, the suspect was arrested a few hours later and the matter is still pending in the Murang'a court. Mr. Speaker, you realise that we are also not safe because in 2012, a prison officer, supposed to even secure us, attached to the GK prison was alleged to have raped a 20 year old who had gone to get money she had loaned to him. The officer was said to have lured the girl into his house before forcing himself on her.

Mr. Speaker, I have so many examples and I would wish that they are filed for the members so that they realise that these are things that are happening every now and then. I will cite some of them to ensure that these members realise that this is something that we need to curb as early as possible because as a representative of the children, and also representing the women affairs and the people living with disabilities, you realise that there is a mentally challenged girl right now as we speak who was alleged to have been raped by a neighbour from Mukuyu market. She is fighting for her life in the hospital as we speak, she was raped.

You realise that nowadays we have those people of unsound mind, especially women, loitering around the streets and they are not safe. It is our responsibility to make sure that our people are safe and that their cases are going to be looked at because they may not be having money to be able to pursue these cases. But when they are followed up in this manner, I am sure there shall be justice.

On the cases of sodomy, Mr. Speaker, I would wish to cite of the recent case that involved a seven year old boy also a standard two pupil at Gitige in Wangu ward, Kahuro sub-county. The person who did this act escaped the custody of Murang'a police station but was arrested a few hours later, it was even in the media. The MCA representing the area went there to condole with the family and we all know that.

I also want to talk about the bestiality acts which I also mentioned to be also happening in our County. Mr. Speaker, you realise that men have even gone to an extent of doing beasts; not only men but also women; even to the dogs, and hens. You even wonder how they do that, but because it is happening, we will not shy away from talking about it. I remember there was a time when Murang'a county used to have incidences of kidnapping and when we talked about them in the media, and everywhere, they became a bit low, they are not happening every now and then.

Mr. Speaker, we shall not shy off from talking about these bad things even if they are not going to make our county look as good because you realise that our people are not very well protected, reason being that the security officers that we have cannot be in a position to guard each and every one in our county. We are the people to come up with proper laws and even be able to protect our people, and ourselves. I do want to say that I am sure that if these things can be looked at in Murang'a, or if we talk about these issues, people are going to fear doing them and they are going to be aware that these are not good things that they are doing.

Some of them come as a result of alcohol, substance abuse or even idleness. It is the high time that we came up with a way of engaging these people, especially the youth who are engaged in these barbaric acts. I believe that after we pass this motion, it is going to help us a lot, it is going to help our children.

Mr. Speaker, I wanted to cite one of the bestiality acts that happened in Maragua sub-county, at Nyati village in Kamahuha ward, where an unknown number of men were alleged to have had sex with a male donkey. That was not a good act. I was called to talk about it as a member who represents the youth but I decided not to talk about it. Mr. Speaker. The donkey died from what was believed to have been struggling because it was tied to a tree and there were several condoms that were lying on the ground. You remember that the mango tree was cut down and inter-denominational prayers were later held at that stadium in Kamahuha to cleanse it.

Mr. Speaker, I would wish to say that there have been a lot of challenges to deal with this stigma by the victims who fear to speak about these issues who keep silent once they are done onto them because they feel it is ridicule to them. Some of them do not want legal processes to take place. Unfortunately, most of the sexual abused victims are faced with poverty and they may not be able to follow up on these cases or follow up on the perpetrators to face justice.

Mr. Speaker, when the children are abused, some of the parents use that to solicit funds from the people who have done the acts and you also, unfortunately, realise something we also need to condemn as a County; that, some of the chiefs and assistant chiefs solicit for funds, sorry to say, and the police officers are forming some kangaroo courts to try and arbitrate these matters outside the courts, which is wrong. Hardly a week that we have in our three courts in Murang'a these cases of rape or defilement. We have so

many people in our remand that are there jailed of either sexual offenses or maybe waiting to be charged with the offenses.

With that, Mr. Speaker, I wish to rest my case because I know that the Hon. Members may have a lot to contribute to this motion of today. My high hope is that this motion is going to be implemented by the Executives who are in charge so that we will be able to help our people and so that we will bring services closer to the people and even counselling to our people who these acts are done unto them and that these cases are followed up. I do wish to call upon Hon. Benson to second my motion. Thank you, Mr. Speaker.

Hon. James Kagoni: Thank you Mr. Speaker, I stand to second this motion because we all agree with the mover that these acts have become very rampant in our county today. The much we can do for now is first to speak about them and condemn them because we hear of these issues from the media. Sometimes back, we only used to hear of such issues from Naivasha in Karagita, but the spirit has moved here.

Late last year, and this year, that is what we have been experiencing. The sexual acts have been varying; whether it is between an old man and a child, or a young man to an animal, and especially those ones of young men to animals have been seen and heard of in this county many times.

Mr. Speaker, it is sad when you hear of a young man having been found somewhere with a donkey, just like the mover has mentioned. When you think that even the chicken are not safe because of the young men, and you realise it is not because they will be stolen, but because of what will happen, you can only fear. Recently, someone found one of the chicken dead in his home and could not touch it because he suspected all manner of things, including that someone perhaps had an act with it. It is that serious.

Mr. Speaker, just like the mover has mentioned some of these issues are happening because of hopelessness among our people, drug and substance abuse, among many other things that are happening. When you listened to the mover, she mentioned some of the cases that have happened. I still remember somewhere in Gathuki-ini, late last year, where an 80 year old woman was raped by a 20 year old man who was actually a neighbour just around there. When you think of somewhere in Kianjogu, a 65 year old man also had sexually assaulted a 14 year old daughter. The man is even said to be working with one of the religious organisations, so you even wonder who is better than the other.

Mr. Speaker, these acts have been there just like the one that the mover has mentioned happened recently of that man who even went ahead and killed the seven year boy and dumped his body somewhere near the river bank so that he could not be traced, and even when he was arrested, he still looked for ways of escaping from the police custody, though he was later caught. You will also find neighbours here and there also wanting to defend such a person doing those kinds of acts.

We have a role as an Assembly to speak about these issues clearly and openly and to condemn them so that they do not repeat and that, even the ones who do so, are aware that nobody is supporting them and that the arm of the law will reach them wherever they will be. It is that serious. These cases are so many. It is not just one section of the county. They range from Gatura, all the way to Gaturi, Kiru and anywhere else. You will always find one case and all that.

But the biggest challenge, Mr. Speaker, and that is the reason why I second this motion, is actually the prayers that have been made by the mover in the motion today. They

are five of them. She has made the prayer to have a post rape policy as a county on how to deal with the victims themselves in terms of how they can be assisted. The other thing is on how they can also be assisted and whether we abolish the charges they have to pay, both in the county institutions like the hospitals and where else they are supposed to report because of these cases.

The challenges we have been experiencing is where you find, besides the stigmatization that goes on, Mr. Speaker, is that one, the victims themselves are not sure how to carry on after that because sometimes you will find that they went and took a shower and that now rubs off the evidence or the exhibit itself or whatever could be used.

You also find where the chiefs are handling these cases doing so very casually and they arbitrate at home. You also find other parents, because of the greed of money, want to arbitrate or reach into an understanding with the people who did this to their kids, and for that reason, they also realise that they can also solicit for some money from those people.

Mr. Speaker, because of these challenges, it looks like there is no standard way of handling these matters. The County has a role because we need to defend our young ones, the women themselves and even the animals so that even when we find donkeys, we will know that they are safe. I do not know whether, at some point, we might borrow the Kirinyaga slogan that wherever the donkeys are reared we put, 'respect the donkey' because some of these things might need to be indicated until they get into the minds of the people because of the challenges that are there.

Some people do not know how to go ahead with it, Mr. Speaker. We have also experienced another challenge and this one has been spoken of, where you find during the hearing day in the court, the officers who are supposed to go and give evidence or be witnesses are not available or they require some money to go and attend those cases. Unfortunately, the people from whom they ask the money, and who are the victims, cannot fund their transport or cannot manage to facilitate them to move from point A to B or to go to a court in Kigumo or a court in a Kangema so that they can go and produce evidence. So, by the end of the day, the case is lost. The prosecution is not able to put up enough evidence on the case they had raised and the case is lost.

By the end of the day, we have so many kids, Mr. Speaker, who are victimised and have a stigma. The challenge even to the ones who have tried to recover is that some of these sexual assaults remain in the mind of the individual for so long and they have an issue with low self-esteem. Some people feel like they are neglected and this is not what we want, especially on the things that are happening. We can send a very strong message even to the ones who are thinking that they can do this at some point and run away with it. They need to realise that they cannot do it and that the leaders in the Assembly are serious about it. We will not allow that kind of a thing to happen at all.

If possible, Mr. Speaker, the prayer that has been made by the mover is that we can also have a unit where, perhaps, we can negotiate with the national government. We have some officers who will deal specifically with those issues alone where they are facilitated and funded and we can even have collaboration with the County Government. They get some money so that their office is running and in case they require going somewhere for evidence or they require assisting anyone, that office is able to do all those manner of things without really relying on the national government or without relying on the victim to be able to facilitate these kinds of things and all that so that we can bring these cases to

zero or to completely where there are no such cases. With those many remarks, Mr. Speaker, I stand to second the motion. Thank you very much.

(Question proposed)

Hon. Beth Ngugi: Thank you Mr. Speaker sir, I am a nominated MCA Murang'a county. First, I would like to congratulate the mover of the motion for being bold enough to talk on this subject which has been taboo and normally, has been shelved by the community at large.

When we talk about rape, defilement and sodomy, it is not a confinement of just women. It affects men, women, children and even animals as we have heard. In fact, I remember when I was working in Kangema I witnessed a case in the Kangema law courts whereby a young man was charged with having carnal knowledge with a goat. When he was asked why he did this, he had the audacity to tell the judge that the goat looked at him with sexual eyes. Seriously, Mr. Speaker, you can see the rot that we have in this County of ours.

So, by establishing this post rape policy in Murang'a, we will be starting a point of addressing this menace that has haunted our people and this falcon has refused to go away. It is there, and unless we do something to actually kill it, we are not helping Wanjiku at all. The prayers of the mover of the motion are those five points. I would also like to say that by establishing a forensic laboratory where DNA samples can be gathered and stored will actually be helpful in following up such cases so that culprits or the perpetrators who engage in these acts are prosecuted where found guilty and when evidence is there.

In fact we have qualified forensic detectives in this country, we have young men and women who are qualified in this field and this will complement what the government already has, and these young people will have a window of employment either in the government institutions or maybe engage in private practice in forensic.

With proper co-ordination as asked by the mover of the motion when this policy is in place between the law enforcers the hospitals and community at large we will be able to handle such situations.

Rape victims find themselves stigmatized, for example a victim will go to report a case in police station and you allow me, I will interject a bit in Swahili language. A woman or a man whoever it is will go to a police station and report.

When she goes there will go to occurrence book anaulizwa yes madam unataka nini and he she responds nimekuja kupiga ripoti nimenajisiwa ama nimebakwa and so the police officer asks eti umenuswa ama umepakwa, umepakwa mafuta ama nini.

Some of these things are so frustrating and then she will be told to go and report to another office and may be to another office and you find that she has to repeat this story to may be like ten people making her more agonized than she is. And then she asks herself why did I come to report here, if I am telling my story to ten people is this the way it should be. Proper co-ordination should remove some of these things that you have to tell your story to ten people.

I would like to talk about sensitizing the community about the rape. Some of them as we have heard from the previous speakers are afraid to report the perpetrators because they are afraid of repercussions. Sometimes they want to come to a compromise with them.

But when they are sensitized they will know that the right thing to do is to have the victims helped, and not to hide the perpetrators or engage them in dialogue.

With that I would like to say that the CEC who will be engaged with this task I believe it is possible to come up with good policy framework to help rape victims in this county. We may not be advantaged like developed countries in the world but I believe we can have a starting point and this is one of the good starting points, I support this motion.

Hon. Florence Nyambura: I thank you so much Mr. Speaker sir for giving me the privilege. I would like to thank the mover of the motion and congratulate her and I wish she had brought the motion like yesterday because it is a very important motion with significant recommendations to our people.

On people with disability, I had a very serious case last year at Weithaga where a disabled lady in 30's is having a baby; it is good to have a baby because it is continuation of life, but when you compare the suspect responsible and then look at the lady you sympathise with her. The man is very able while the lady is an orphan and disabled. Right now her sister in Nairobi is the one responsible to provide for the lady and her child.

We need to protect even the aged women, sometime back an old woman was raped and when men were caught they were told to go to the chief and they discussed the issue and matter was concluded there.

This county should set an example by implementing the motion and the government should provide a lawyer who will assist the very needy victims to prosecute their matters in a court of law.

I remember I was handling a case where a boy was sodomized and the accused provided a very strong lawyer, the case is still pending but the community was saying that if that man will be released from the police cell they will kill him.

I came to realize that some of these things are happening because some of our youth do not have jobs, so it is also good for our government to come up with programs which will engage our youth and keep them busy.

There is a proverb that says that an idle mind is devils workshop so when those men are seated outside there doing nothing they think of how they can do these acts. When I was in school we were taught that if you are not going to utilize your energy in positive activities may be you will utilise it in such deeds. Our boys have eaten a lot of food they have energy and they are doing nothing so they will utilise their energy by carrying out such bad deeds.

As I conclude I will say that I am very glad because the mentally disabled will not be at risk and when those things happen let even the parents be taken for counselling. Counselling should be done to all victims to help them cope with the situation because there is a lady who was raped when she was seven years, that is back in 1990's and even today when she sees men walking towards her she starts to cry.

I stand to support the motion, congratulate the mover and to ask the CEC to act on it so that our people will be on safe side, I thank you.

Hon. Joseph Machiri: I rise to support this motion bearing in mind that there have been cases of rape in my ward Kamacharia. It is prudent for us as a county to find the root causes of this problem because we might come up here say there are rapes, bestiality but we do not emulate the foreign countries. They have a data office where they scrutinize the cases where they are coming from and the kind of people who are carrying out such acts.

As a county we have to deal with alcoholism, the other thing is opium. Though sometimes back there was something called opium wall of China. We should have an opium wall of Murang'a because the many people who are caught in rape cases are people who

consume bhang in our county. The biggest percentage is people who consume bhang, alcohol and illicit brews in our county.

If we can counter the consumption of illicit brews and bhang we can minimize rape and bestiality cases. There is no sane person who can stand up and be intimate with a cow at night that man be maybe there is something wrong upstairs.

When these people are taken to court, somebody lamented on that. We have so many kangaroo courts with our chiefs, assistant chiefs and even police stations where once you report the matter the case is settled there.

The other hue and cry is in our courts. How I pray that this county can have a court of its own like Nairobi they have a county council court, they had it sometime back where these cases will be taken and we can monitor how the judges are prosecuting these cases.

The other issue is about leadership. The people have to emulate what their leaders are doing. Now in the papers last week and the week before last there were cases where members of parliament are the ones raping wives of the people. We heard condoms are scattered all over the parliament. That is a very big shame to parliamentarians and we have to castigate that. I hope Murang'a County Assembly is not in that category.

Leadership is the essence of leading people and the electorate follow what their leaders are doing. Now if the leaders are the ones raping wife of somebody what about people at the grass root level, they will rape animals and children.

My last sentiment is about implementation. We can sing songs here for many days and without implementing what we approve in this House we are doing nothing.

I will state as a member of Kamacharia while standing here that it is high time the CEC health is sacked by the Governor, for she has done nothing from the word go from time she joined the county government only earning salary for herself and her family.

We cannot allow that even this motion will not see the light of day because there is nothing that she will do on implementation. So it is high time we censure somebody who is sleeping on her or his job in this county. I rest my case saying we have to be serious on implementation.

Hon. Danson Mburu: I start by thanking the mover of the motion because of bringing it here on time. The issue we are talking about surprises me quite a lot sometimes because the victims are exposed to the danger because they cannot protect themselves.

Take a case for example of a person in police cells where police would come at night and take that person to a place and rape her. That is very sad. Also talk of a doctor who would go in a ward and gets a patient and rapes her, this is very disappointing.

Take a teacher who is entrusted with children by the parents, county and country and the teacher would take a child and rape her. A close relative and sometimes the father who is left with the child by the mother, the wife would go to the market to buy some food and the father would turn and defile the child. Then you wonder who will protect this child.

Take a case of a preacher entrusted to lead a flock and then he would turn around and get some of the people he is supposed to lead and rape her, it is very sad.

I end by saying that the CEC should take this motion with the seriousness that it deserves, so that some changes can be seen in Murang'a County and some classes of people as it has been said mentally handicapped being raped, this is a person who does not know anything but somebody would take advantage of the situation and rape her.

It is a serious as it has been said that MP's, the people who make laws who are supposed to lead the country would go to that extreme of raping women. You wonder who else is going to set an example. I support and I congratulate the mover of the motion, I thank you.

Hon. Mary Waithira: I start by congratulating the mover who has brought this motion. I also want to thank the hon. men who are supporting this motion because the women we are talking about belong to them and the girl child we are talking about belongs to them.

I want to start by saying that women and the girl child are endangered species by the fact of the gender violence and the sexual harassment. Many of the women are raped and many of the girls are raped. The people who do this are none other than men, the men that we were given to by God. But then that same man has decided to eat the very sweet thing that was given to him by God.

I want to remember a girl from Kamahuha ward, Nyati village who was raped and pieces of wood were forced into her sexual part and later on killed. Today as we speak the person who did that was released.

I also want to talk about another class six girl from Gakarati in Kahumbu and the man who did this is from Muthithi ward two years ago. The baby who was born is two years old and that case up to now is not determined.

You can see the way the girl child and women are endangered and more so to the mentally challenged children that we have. Men do not see the mental disability in the girls but they only see the good thing that the mentally challenged girl carries in her.

We are getting many cases where these mentally challenged girls are raped as they get from school and not only by one person but at times they organise and it is done by several people at the same time.

You can see the seriousness of this case not even to the normal woman but insane woman who normally moves around the markets. At night you will hear these women scream because of the men who go there to rape them. You wonder where they get children from but you can imagine the same act we are talking about is the one that happens to them

The law enforcers and many administrators are men, so, even when the women go to report these cases the people whom they get are men. When we go to chiefs we get men, when will be the girl child's cry will be heard?

When the same is taken to parliament, I remember the case that was taken by Njoki Ndung'u and the recommendation she had given to make sure we are out of the risk, but due to the fact that most parliamentarians are men you can see it never saw the light of the day. Who are we going to turn to?

Most of the cases are done by drunkard men out of alcohol influence. Unless we fight this menace the same is going to be repeated. I support the points that have been raised by the mover A, B, C, D and E. If all this is done by the CEC in the concerned docket I think this will be helping our people here.

Many of the children and the women who are raped are the ones living in poverty, because it is known there is nowhere they can be able to go because the men will corrupt their way and the poor woman, poor girl will be left with their cases unheard.

Not unless we do something as the mover suggests the forensic laboratory to gather and store DNA samples so that at least we can assist them we may not go far as far as these culprits are concerned.

Mr. Speaker sir let us not cheat you even in many married women, the rape cases are still there, even though they are husbands when we talk of sexual harassment and that time I am not willing when it is done I am raped, but this one goes untold because it is our husbands but the same also happens in our homes.

The broken marriages and it is because of the unfaithfulness, the man goes and collects all kinds of diseases and thinking that I am safe I am forced to eat, so when are going to fight the HIV? If by virtue of being married I cannot resist, I cannot scream, because it is known that it is my husband who is in the house.

I want to request the chairperson of implementation and committee members, even as we say that many motions that we are passing here are not being implemented let this one not be left.

I request the committee together with the mover of the motion, let us push this motion and see that we are helping that poor girl and that poor woman who is raped, because many are the cases where most are corrupted in the court and in police while others are corrupted at chief's level. The woman is told collect this much and let us forego this case.

Unless we wake up and we see that this motion sees the light of the day that is the time that the poor woman and the poor girl there will see the work that is being done by this assembly.

I congratulate the mover and Mr. Speaker sir let us support this motion so that even the poor woman and girl can see that the hon. members who are in this Assembly are in support and may be it can give a leaf to other Assemblies to do the same.

Our dear men we love you support women. When we come with the sentences pertaining to the acts that are being done please support us. We love you in our homes and that is why we give birth to children let us protect all. I support.

Hon. Erick Kimani: I rise to support this motion and as the mover has stated in the motion, it is very painful for some of these ugly men who run for the less harmful animals and run for innocent children but not trying for some of the most harmful animals like dogs. They only run for the less harmful and the innocent children.

The law enforcers should also implement the law fully. Some of the members have stated that some of these officers are the ones who are gearing up some of these acts to be done today, tomorrow and the day after, because if they do not apply the law fully it means that we are accelerating these acts.

However, I recognize we have other bodies like the churches, community groups which should take up sensitization workshops to sensitize our young boys and girls on how to interact with other members of community.

At times you move along in our rural areas and you will find young girls playing around in areas where they are at risk of being raped. As you will find some men lying idle or sitting idle some taking drugs and illicit brews and these girls never know that these are dangerous people once they get addicted.

Good spiritual grounds should be enhanced and our children should be taught these good spiritual lessons in churches. Also leaders in community should be advising the children so that they can run away from this behaviour.

I am happy because the mover of the motion was not criticizing the sexual act but was criticizing the unlawful sexual act and violence, I support the motion.

Hon. Jesse Mburu: Thank you, Mr. Speaker. I represent Nginda ward. First of all I would like to congratulate the mover of this motion because it was long overdue and that is why I stood to support it.

Secondly, I would like to mention that I am a member of powers in previous committee of this House and we have never dealt with a case of a member misbehaving, who had taken that avenue. I want to congratulate the Members of this Assembly if what is happening with our mother Assembly is anything to go by. We are God fearing people and we have got moral authority to talk about in this motion.

Mr. Speaker these things are happening in every ward and it is painful that the under privileged are the people who have been victims and again when it is reported to police stations the treatment that the victims get is pathetic.

It is my suggestion that the committee would do no harm if it one day makes an appointment with the county administration officers so as to meet them and discuss the way forward.

Mr. Speaker sir, this is a wide investigation when it is reported to the police because it involves many people. It involves the doctors in hospitals, the police, the victim, the parents and the residents of where the act happened. So, the committee has quite a lot of work to do. They need to talk to the people who can assist in investigations and who can bring this menace to an end.

Once again, Mr. Speaker, we must also think why this act happens. There is no normal person who can do that. We must ask ourselves why it is happening. The reason as to why I am saying that it is something complex is because the people who behave this way are under the influence of one item or the other like alcohol or drugs, so, there is another arm that is involved, those who check and those who fight the menace of drug and alcohol.

Mr. Speaker it is quite complex and I would urge the committee to also go one step forward to see that all these people are included in fighting the menace.

Thank you, Mr. Speaker. I congratulate the committee once again and the mover and I support the motion. I would request the members of the committee to support this motion and go ahead and become an example to other counties that we are not mentioned in any way in this field. Thank you Mr. Speaker.

Hon. Samuel Wandia: Thank you Mr. Speaker. I represent Muthithi. Mr. Speaker I highly support this motion. It has come at the right time. I support and congratulate the mover of this motion. It has come quite late since the Assembly came up quite a long time ago, it is about two years old.

We have talked about rape; it has cut across humanity and animals. We can sit here and talk for a long time but the bottom line is not only to those who are under the influence of alcohol and other substances. This is because it is happening to Members of Parliament. I do not know whether the member had taken other drugs or was alcoholic. I tend to doubt that, he was normal. In raping, it does not matter whether you have taken drugs or not. At this juncture, we should not...

(Hon. Joseph Kimani rose on a point of order)

Hon. Joseph Kimani. Thank you Mr. Speaker for catching my eye. This is my point of order, is the Hon. Member correct to just speculate when he does not know whether the MP was influenced or not?

Hon. Samuel Wandia: As point of information, Mr. Speaker, I think the member does not know what is happening today. He should sit down and learn from us. What I am trying to say is that this thing cuts across humanity and animals.

As I was saying before I was interjected, the only way is to go by these recommendations from the suggestion by the mover. I do not know why my colleagues are in fear but castration is the answer.

(Laughter)

Mr. Speaker castration is the answer. This is because once the population of this country knows that there is a law that once you rape a youngster, any type of person or an animal the end result is castration, this thing will die and be forgotten.

If you go to a country like China and others, there is no robbery with violence. I hear in China that once you rob violently, one of your hands is cut so that you do not do it again. That is the reason why there is no robbery there.

If in our country and in this Assembly we do not have that authority to recommend for castration, we can appeal to the Senate to move a motion in it that we have those who misbehave in this way castrated. By so doing, this thing will rest forever. Thank you Mr. Speaker for giving me that opportunity.

Hon. Rebecca Mwicigi: Thank you Mr. Speaker, I stand to support the motion and the five requests that the mover of the motion has requested to be supported. It is sad that we have people of such moral decay in this county and it seems to be very rampant. Every time and every week we are hearing that people have raped women, animals and whatever.

Mr. Speaker there are homes which are set for such victims and I congratulate the ACK church for setting a home in Mathioya called Kiota. I had an opportunity to take a group of my friends from Nairobi with the name Kwetu women there, they visited these girls, some of them are ten years and we heard moving stories. A girl said that her father raped her and after that her mother never wanted to see her again and that is why she was rescued by the home. Sometimes even the brothers who raped these girls, at a very tender age, hanged themselves after realizing what they had done and that the girls were pregnant.

Mr. Speaker these children after being raped are told to come back home after they give birth leaving the child at Kiota to be adopted by people. That will be a corrupt home, even if she goes home she is stigmatized, she will never want to see a man who would either marry her, her father or her brothers anywhere near her.

If our County wants to tame this menace, we need to have policy framework for post and pre-rape. We need to have the education for our children in primary school, now that sex subject is being taught in primary school, that raping is wrong, immoral and punishable. I support Hon. Dishon when he says that they be castrated. I know Justice Njoki Ndung'u brought this and it was fought in the House. But let us put it here as he said, he recommended that these people be castrated. When we have somebody who is castrated, advertised and put in the medias that he has been castrated because of rape, that act will be a thing of the past.

Mr. Speaker there should be a court, a court should be established. I know we keep on singing that we do not have money in the account but this is becoming too much. Our county is being named with jiggers and rape. That court would address these issues because the animals and children cannot talk for themselves. When the parents are approached by rapists, they are given some money and they compromise. They are paid on

behave of those children. When the children grow up and know what makes them not have children, they condemn their parents forever and that home is no longer a home.

If that court can have people and prosecutors who cannot be reached or compromised, that will help our children. Since we have seen that in Nairobi county council which had courts that could convict people and they go to jail, I think we should have it as well. I recommend that we have it and also have a group which will be going to the schools and round to people who refuse to go to school so as to tell them that raping is bad. Before I sit, Mr. Speaker, we need to look for something for these people to do so that they are not driven to those immoral acts. I support.

Hon. Cecilia Gitu: Thank you Mr. Speaker. I was wondering whether I would say something today. This motion is very important. When we talk about sexual violence and rape, it is a subject that is very dear to me. I have handled it in a forum for African Women Education. It is a subject that has so many stakeholders yet no solution has been found.

Why are our children being raped? Why are the girls endangered species? Why are our animals, the goats, the cows and chicken I hear, endangered? It is because the social fabric has broken down. The social fabric where men used to sit down with young men and teach them how to behave as men, where boys were counselled together and taught, where girls were put into groups and taught how to behave has broken down.

I remember when we were in school we knew right from primary school how to behave with men. We were taught how to behave with men. We were told how far to go with them. These days we are too busy as parents, we are not advising the girls. Men are not advising the boys, that is why the social fabric has broken down. We have become like animals. We are reacting like raw animals. That is why the dogs, cows, goats and our own children are in trouble.

Case in point, in Kahumbu, I am sorry Hon. Member I forgot to mention, we are dealing with a case where a father raped a three year child until she was paralyzed on the lower side. The girl is in Kenyatta. It is animal behaviour at the worst.

I want to say that the mover of this motion really did a good job because we are suffering from such problems. The society is crying out because we are wondering who is going to tell our men that the sexual act to a woman, leave alone a girl, happens in the mind. It is not just a physical gratification. It affects the mind. If a woman is raped, she will hate men forever and she needs a lot of counselling to come out of it. Men think that it is physical and once they attack a woman that is it. It keeps on haunting the lady forever such that she cannot even relate with her husband in future. We are saying that it is a very serious offense and we need to put checks and balances in the society.

I like it when men take charge, I like it when I hear that men have a certain gathering in the elders council so that they take charge and educate our young men. Even if they are taken to hospitals and not circumcised like in the past, they should be talked to. They should be counselled.

I appreciate what the church is doing. The churches are putting the young men together. They are physically circumcised and counselled, even the girls are invited to come and graduate, that is a very good step. That way, the two sexes will know how to behave towards each other.

I think when this policy comes to being it will set checks and balances so that we create awareness in seminars and in *Barazas*. It is important even to tell the rape victims how to

behave after rape. They are not supposed to clean themselves or wash the clothes because the evidence goes. When we have these forensic laboratories, those materials can be taken there and the offender can be apprehended faster.

The fee is also prohibitive. When a woman is raped, she has no money to go to the hospital, she has no money to even pay for the checks in the laboratory. The mover of the motion, I think this is a very good step. If you prohibit any fees in the hospitals for rape cases, even the poor will be helped.

Incest is so live in our society, I do not know why men have suddenly turned against their own children. I do not know whether women are not available. I do not know what is wrong with our men. There is something mighty wrong as you are seeing, that has broken the children's trust. The children can no longer trust their fathers because they have heard that fathers are raping. I think it is time to have a shake up so that men know that women look upon them for trust and protection but not for molesting. When you molest a woman who is looking upon you to protect her, you have really abused the trust that that woman or child had in you.

Some of the women have trauma that were inflicted far down the line. Sometimes you do not remember who raped you a long time ago. This goes on affecting your life and the way you relate to people. I am saying that I support this motion and I believe that when it is put in place we will curb the rape cases and our society will be better and habitat to live in. Thank you Mr. Speaker.

Hon. Martin Mwangi: Thank you very much Mr. Speaker. I represent Murarandia ward. I am also standing here to congratulate the mover of this motion and also to support it. I do not want to repeat what has been said in this House because the motion has been debated deeply.

But according to the route that the motion has taken, we are concentrating on men raping women, 99.5%. We are having some cases where women are raping men. I have one such a case. Also, last week in the media we saw a case where a woman has raped a young boy. This is happening mostly to women who have contracted HIV and AIDs.

The majority of men do not have more interest with women as they cannot be trusted so much due to fear of diseases, thus, we have women who see that no men are attracted to them and have opted to rape the small boys. These are the things which are happening. In fact we have another case where a woman has taken a primary school kid in her house for two weeks. So, Mr. Speaker, when we say that we castrate men, what about those women who are raping small boys?

I support that men should be castrated but I do not know what we are going to do to those women. I do not know what we are going to do to them so that we stop that rape from the women who are raping our young boys.

Mr. Speaker this is a very good motion and I am sure that this must be supported by everybody. Murang'a County should lead in this war because our name has been dragged to many things.

In Murang'a, especially in my ward, people are committing suicide. After one month, a young man commits suicide. Those are the things that have been happening in this County. We are talking about drunkenness; people are taking beer and taking drugs.

Mr. Speaker, we need to join together as a team so that we win in this war. This is a war that we will not blame men or women. We need to know the root and the cause of all these

things. The most important thing to do so as to win in this war is to pray. We can even have county prayers for all denominations. We need to pray to God and then we act on our side. By so doing I am sure that we shall win. Thank you Mr. Speaker.

Hon. Gachui Mungai: Thank you Mr. Speaker. I represent Kihumbu-ini ward. As I stand to support, I also want to say the words that have been said by Hon. Member for Murarandia. The issue of sexual harassment is two way, it can be either way, so it is good for our Hon. Members, to note that men also at times fall prey to the ladies due to some influence like money or others that come in that.

I want to congratulate the mover of this motion. As we talk today, last week but one in Kihumbu-ini, there was a little girl of five years who was raped by one of the beneficiaries of 'Wings to Fly' who actually scored an 'A' in Murang'a high school. That boy raped a very little girl and the grandmother to that boy did help him to dump the dead girl into a pit latrine. That case was broadcast in electronic and print media and actually the issue that the members have raised about negotiations has been there.

As a member of Kihumbu-ini ward, I confronted some of the law enforcers who were trying to persuade the grandfather to the deceased to accept a settlement out of court.

Mr. Speaker because much has been said by Hon. Members in support of this motion, as a way forward, we know there is a national legislation that can be able to handle this. I wish the mover of the motion can move a step forward to come up with a bill because after we debate this motion, it is not implementable the way it is. The mover should come up with a bill that will go with the national legislation, because we have the very punitive Sexual Offences Act, so that we can be able to engage the executive to implement the same.

Mr. Speaker, there are so many lobby groups at the national level. These are the ones who fight for the rights of the children. In our County, I doubt whether there is one. The Hon. Members can formally sit somewhere and see the formation of a lobby group that will be able to deal with such cases. This is because when defilement or rape case is published, even the law enforcers have the fear of unknown since they cannot be compromised by the perpetrators. The mover of the motion, I know that you are a very good mobilize. It is a high time that you move very fast so that we can establish a lobby group that can fight for the rights of the children.

I know we have been passing very many motions. At times we have to blame ourselves, once we pass a very good motion we need to move forward. This is legislative arm of the Government. We have to move forward and make a proper legislation so that it can be implementable. I stand to support.

Hon. Caroline Njoroge: Thank you very much Mr. Speaker. Thank you very much, Hon. Members. I want to state that I am greatly impressed by the way the Hon. Members have supported today's motion and my proposals. I do hope that as they are suggesting, all these will be implemented.

You realize from the way the Hon. Members have spoken that nobody is safe including the infants, old women and men, the small boys and everybody. We must dig deeper to establish the root causes of all these problems. We need to know whether it is all about the moral decay in our society or it is something to do with alcohol and substance abuse.

Mr. Speaker I know that very soon we are going to start on the implementation of Alcohol bill that we passed in the Assembly. I know this issue of alcohol and substance abuse is being looked at in that Bill that we passed in this House and I am sure that were it

not for the fact that it took a lot of time to be implemented, all these issues to do with alcohol abuse in Murang'a County could have been dealt with.

Mr. Speaker I know, and the Hon. Members in this House have stated, that the rape victims and survivors have been neglected. Others have been infected with HIV out of the myth that if you sleep with or rape a virgin the HIV virus will be wiped out. That is why most of the things like rape among the children are happening as the perpetrators do say that.

I also want to support what the members are saying that we must lead by example. Recently we have heard the alleged case of the MP who assaulted a lady. Mr. Speaker I am glad that this Assembly is not one of those which can be mentioned in such cases. I am sure that we will never be mentioned in such cases. I am a young lady in this House and I have never been harassed by any member in this House

(Applause)

Therefore, I am very glad that we are really Christians and we lead by example. That is why we all want to work together and be the first ones to form this lobby groups. I know the Hon. Members are going to support me. I know the Hon. ladies in this House are going to support me in this so that we shout out, name and shame this act for it not to happen again in our County.

Mr. Speaker I know that if this motion abolishes the charges on the rape survivors, it is going to help them a lot. If we offer counselling, equip our health facilities with adequate trained personnel and we establish a trained special offences unit in our police station we are going to help in this. I am sure that if we come up with a policy framework, it is going to be shared among the police stations that we have through the County Commissioner who is a lady. I know she is very passionate and she is going to make sure that we are able to sit together, we as ladies in the Assembly and as the committee, with the security officers so as to discuss the way forward and come up with a good Bill, especially the one that we are trying to formulate as a committee on children affairs, and make sure that we incorporate all these issues. I know we will have a safe County. Thank you, Hon. Members. Thank you, Mr. Speaker and those who stood by me.

(Question put and agreed to)

(Applause)

ADJOURNMENT

The Speaker: That being the case this House stands adjourned until 2:30 pm in the afternoon.

The House rose at 11.14 am