

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Tuesday, 7th July 2015

The House met at 9:37 a.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

PAPERS

SPECIAL AUDIT REPORT ON THE FINANCIAL OPERATIONS OF MURANG'A COUNTY GOVERNMENT AND FORMER DEFUNCT LOCAL AUTHORITIES

Hon. Erick Kimani: Thank you Mr. Speaker sir, I wish to lay a paper on the table of the House; it is a Special Audit Report of the Auditor General on the financial operations of Murang'a County Government and former defunct local authorities for the period January 1, 2013 to June 30, 2013.

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

NOTICES OF MOTION

FORMULATION OF A POLICY ON PROVISION OF SUBSIDIZED GOODS AND SERVICES

Hon. Jesse Mburu: Thank you Hon. Speaker, I would like to give the following notice of motion:-

That, aware, that Article 201 (d) and (e) of the Constitution of Kenya 2010, states that public money shall be used in a prudent and responsible manner, cognizant of the fact that financial management shall be responsible and fiscal reporting shall be clear, further aware that Section 102 of the Public Finance Management Act implores on each county government to adhere to the principals of financial management and financial responsibility and also aware that the culture of offering free services and payments for the exercise of the citizens' democratic duty will not only encourage corruption but will also create a breeding ground for the culture of over-dependence on the county government ; this Assembly urges the County Executive Committee Member (CEC) in-charge of Finance, IT and Economic Planning to formulate a policy for the provision of subsidized goods and service as opposed to free services to the residents of Murang'a County.

Thank you Mr. Speaker sir.

STATEMENTS

PAYMENT OF VALUATION DEBT OWED TO MUIYURO, MUIRURI AND COMPANY ADVOCATES CARRIED FORWARD FROM MARAGUA TOWN COUNCIL

Hon. Samuel Wandia: Thank you very much Mr. Speaker, I wish to

The Speaker: Apparently, you are not prepared to answer the question.

Hon. Samuel Wandia: Mr. Speaker, I would ask the mover to give us at least two weeks to respond, we do not have the answer.

The Speaker: You should not have stood if you did not have the answer, however, let us move on to the next order.

RECOVERY OF RENT FROM THE DEPUTY GOVERNOR FOR HIS OFFICIAL RESIDENCE

The Speaker: Same? No response? It appears that there is no chairman to respond.

(Loud consultations)

Hon. Samuel Wandia: I am present but I do not have the answer.

The Speaker: There is no chairman to respond because if the chairperson does not have the answer, then he is not there to answer. I would like to make a short statement about these statements; that to avoid the kind of confusion we are having here, and pursuant to standing order number 45 (2)(c) which states that a member may request for a statement from the committee chairperson relating to matters under the mandate of the committee, I would like to notify you that, although those statements are requested from the chair, he responds as a spokesperson of the committee which is required to investigate and compile a comprehensive report in writing.

In other words, the chairperson reports as a representative of the committee. That means that the committee will have gone through the answer and be satisfied with it. Therefore, we shall not have the kind of occasions we are having where the chairman stands and says he does not have the answer because the statement should have already gone to the committee and discussed and owned the committee.

Once the response is ready, the chair should alert the Hon. Speaker through the Clerk to be allocated time on the Order Paper by the House Business committee when to respond to the statement. Once you are satisfied that you have the answer, you ask to be allocated time to come and answer it so that we do not have a situation where a chairperson stands and says they have no answer or they are still looking for an answer. It is the responsibility of the chair and the committee to ensure that statements requested for in the Assembly are responded to comprehensively.

Further, following a resolution of the House Business committee on statements, response to statements must be issued within 14 days from the date of their request. Once due, the said response will be listed on the Order Paper. I hope it is now clear that no response will come on the Order Paper unless those steps are followed. Next Order

MOTIONS

FORMULATION OF A POLICY FRAMEWORK ON MANAGEMENT OF CHILDREN'S HOME

Hon. Florence Nyambura: I beg to give notice of the following motion;-

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 children's 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;-

1. Identify all private children homes in the county
2. Partner with the children's department and come up with a policy framework on management of children's homes.
3. Establish a county board which will look into all matters relating to children's affairs for both the public and private children's home in the county.

Mr. Speaker, thought of coming up with this motion after I went around the whole county and came across private children's homes and I was very worried. Most of those people thought of establishing those institutions because we have very few public children's homes such as the Koimbi children's home that was previously being managed by the defunct local council. The home was established very many years ago. Later on, the Kandara children's home was established by the church, a private entity, and had to be taken over by the county government which has been funding the homes.

Mr. Speaker, we have two children's homes in the county so far that are under the government, however, many of them are owned by private individuals. I congratulate and thank those people who have started that noble job.

I saw the challenges that our children are undergoing when I went to some churches and saw them begging. The book of God says that the true religion is that which serves the widows and orphans and we are therefore doing the work of God. It is sometimes a matter of abandoning those children when they are told to go from one church to another to beg for food, that is punishing them. The owners of such homes should take the responsibility of such actions.

Mr. Speaker, our item number one is clear that it is good for the county government to know how many children's homes we have and how many of them are registered by the department of children. I came to understand that for every private entity to establish a children's home, or for the government to start a public children's home, they have to go and register with the children department because it is the one that issues the license and the letter to start such institutions. If I am asked how many children's homes we have in Murang'a county, I can only say that we have two public institutions; I cannot tell how many private such institutions we have. Therefore, the first point is that all of us should know how many children's homes we have and that is good for our records.

Mr. Speaker, if you go to point number two; our CEC Member for Youth, Culture and Social Services to partner with the children's department and come up with a policy framework where they are going to regulate the children's homes. They maybe cannot be in a position to regulate because I, for instance would want to start a private institution. In such a case, I could go there, convince them and they would give me a letter for a go ahead. A written agreement or Memorandum of Understanding (MoU) is therefore important.

Mr. Speaker, there is a children's home that started in Gacaraigo and their staff requested me to visit the institution. The home that was started to cater for the mentally challenged children had not been in existence for more than one year and I planned the visit but when I called one of them, he told me that the home had been closed down. It was a very touching story because when the owner closed down the home, the children were left there without anybody to take care of them.

There were four children with mental challenges who were taken to the Koimbi children home. One of them was mentally and physically challenged. When I tried to research and know where the children came from, I realised that some were from our area. When I was talking to the parents of those children, they were crying because their children were left there without any care. If there was a policy or MoU in place, action could have been taken against the owners of that home because it is very wrong to have abandoned and punished those children yet the home had been established through a donor. It was wrong to desert the children after becoming rich.

Mr. Speaker, we have our very good children's home known as Kenya Network of Women with Aids (KENWA) which has been the talk of county because their children are in the newspapers often. Somebody somewhere started that home and benefited. I know that because I was doing investigations on that home. They said that it was a program that was

initiated by donors and later on, the donors withdrew. I cannot imagine that anybody can start a short term project of bringing all the children from all over the country to one area and later on say that the donor stopped sponsoring it. Therefore, I came up with this motion because I have a lot of bitterness.

I remember that in early May, I went to Mukuyu ACK church where the chairman of the church said that there was a body of a child which was lying at the Murang'a mortuary for one month because there was no record or document to show where that child had come from. To make the matter worse, most of the children in the institution were taken back to their homes after several years but most families rejected them because the children had been taken from their families when they were very young and they were not allowed to visit their families during mid-term. They were therefore neglected by their families. It is a very sad story because some of them were HIV positive and departed from this world.

I know that there is a Children's Act in our country and if our CEC Member partners with the children department, they will come up specifically with an Act or a policy framework of our county whereby if I as Florence Nyambura wants to start a children home, I have to make an MoU that I am going to sustain those children, with or without food because I cannot sit here and start a project that I will not manage. There was an incident in our area, Wangu ward, where one of our people started a children's home but the community noted that the children were being abused. We went through the chief, the District Officer and the County Commissioner for the children's home to be closed down, that was done and the children were taken back to their families.

Therefore, Mr. Speaker, that is a very noble job but let our people know that we can get a curse through abandoning those children. I am not saying that those which exist are bad; there are various children's homes that I visited, in fact, I have taken three children to Rehoboath in Kangema, I talked to the owner of that children's home and through the Hon. Member of that area, Hon. Ndehi, the county has also managed to pay school fees for those children. We have another one in Mathioya, known as Imani children's home and though the area MCA and my able Hon. female MCAs, we managed to visit the home and we saw that the children are not in a very bad condition, however, let us prevent any problems that may arise in future.

Mr. Speaker, we talked about the board in number three, the CEC may form a board that comprises of community members, the Assembly representative of that area and the administration itself. That board should be looking at the welfare of those children because in some cases, the children are told to go out and look for food. It is sympathetic when a young child is told to go out and look for food. The CEC may therefore form that board so that it can be looking into all those issues. The board may be looking for money, for allowances.

The Youth department was given a budget of Kshs 10,000,000 for the children's homes. The sitting allowance may be given and may not be given because it is the work of the Lord. There are well-wishers who volunteer in doing such noble jobs. It is therefore upon our CEC to take up this matter urgently and it is my prayer that this county government will take the KENWA children's home as the third public children's home in the county. If you went to that home, you would cry because those children need good health, they also need good nutrients because some of them are HIV positive and require a lot of care. The county government may buy land or talk with the owner of those houses and buy them in instalments. That way, I think we will help those children and God is going to bless our county. With those few or many remarks, I call Hon. Mary Watiri to second the motion. I urge the Hon. members to support it for the betterment of our children. Thank you Mr. Speaker.

Hon. Mary Watiri: Thank you Mr. Speaker, I stand to second this motion. It is our right and it is right of every Kenyan to ensure that every child is protected from abuse, negligence and violence from all sources.

It is high time that this Assembly feels it is important for every child to be protected. We have witnessed issues in the county where these homes are established by some individuals who have their own interests, who only want to enrich themselves and abandon the homes.

Mr. Speaker, I have encountered a very critical situation where an individual started a children's home and stayed there for six months, rented a house and employed caretakers. After six months when the donor funds came the lady disappeared and left the little children there without food or anything and we as the community had to take care of those children until we found their parents and sent them home. Until today we have never seen that lady who had started that home.

So, I feel it is important to come up with a policy on how to start those children homes. I feel they need to be vetted, their accounts have to be looked into, whether they can take care of those homes or not. I second the motion.

(Question proposed)

Hon. Beth Ngugi: Thank you Hon. Speaker, first I thank the mover for remembering our children who are less fortunate and they find their way into children homes. First and foremost by identifying private children homes in the county it will be good because the county government will be able to know the genuine ones and the questionable ones because there are those homes that masquerade as real ones yet they take advantage of the children homes to solicit for funds.

If I may cite a few children homes, I am sure all of us are familiar with Dr. Barnados, we have Mama Ngina children home, Mama Fatuma in Eastleigh which have been genuine homes for so many years and so many children, less fortunate have gone through these homes and they have become people of status in this country.

Secondly, by identifying all these children homes, they will be able to partner with children's department that is the county government and if they partner, the government will come up with policies to protect those children because you find that in some of those homes which are not genuine, you will have some volunteers who abuse these innocent souls. We have had cases of volunteers sexually molesting the children; we have had cases of people in these homes making pornographic movies and then these movies do rounds on the internet. When this policy framework is made, protection of these children will be acquired.

Finally, the board which is going to be established as the mover has said is going to work with children's department thus seeing that there is protection, there is no abuse in these homes and the policy will be adhered to and that way we will be able to take care of our innocent children who are orphaned and those who are less advantaged. I support.

Hon. Cecilia Gitu: Thank you Mr. Speaker, I was waiting for that nod. Children are a very important factor in society and we say time and again that a society that cannot take care of their children is a sick society because they have no tomorrow.

It is unfortunate that more and more of our children are getting their way into children's homes and falling into the arms of predators. We know what happens in some of those fake NGO homes where children are even mistreated sexually, exploited by the very people who should be protecting them. So it is in order and I want to thank the mover of this motion Hon. Nyambura because taking care of our children is a concern for all of us. Partnering with the county government the children's department will be so important because we will be able to

monitor what is happening in those homes, we will be able to set standards and we will be able to follow the policies set by the board to the letter.

It has been a free for all cash cow for most of the NGO's which have been setting homes; I know some of those homes and some of those people are nay- do- goods who can misuse the children and even leave the children unprotected even from other negative influences.

I think it is high time we started monitoring what is happening in those homes, started vetting those homes so that we know that our children are taken care of by people who are professionals and people who we know and we can take them to account as to what they are doing with our children. I stand to support.

Hon. Mary Waithira: I rise to support the motion and commend the mover for the passion she has for the children and the less fortunate. From the contents of the motion it is true that many are starting children's home as a business and then they lose the image, the passion and the commitment about what these children really require and if we do not come forward to make sure they are treated like normal children and also benefit like the normal children they may not see the light of the day.

Mr. Speaker, those who usually start because we still have genuine people who start them because of the passion they have so that they can help these children but we mostly want to address those who are taking the children's home as a business and as a cash cow and the moment they do what they want to do they just leave innocent children without anyone to take care of them or even sent to the where they got them.

Mostly there are private homes started in name of orphans' children home and also as a street children's home. You find that these children are supposed to be taken to those homes and are taken through the normal education curriculum when they attain the age to join schools but mostly you find that these children are left unattended and they just play around and they are denied their basic education rights. If we do not address this issue by the end of it and by the time these children mature, we will be adding a section of illiterate children while we are saying that we have free education for all in country and by the year 2015 all our people are supposed to be literate.

The moment we have a policy on how to manage these children's homes we will make sure that there will be a section addressing the integration of the children who are in these homes to the normal primary and secondary schools that are near. For those who are able to start up the kindergarten, the nursery, pre-unit, up to secondary, then we are supposed to make sure there is a board that is visiting that school to make sure the teachers who are there are trained and are following the curriculum so that by the attainment of eight years in school they will be able to sit for national exams for class eight and form four so that they can also be integrated into colleges and they can also benefit from that.

But the moment we do not do that it means our children might be taken advantage of and that is why the mover of the motion is talking about sexual abuse and even neglect and for the many homes we have visited, you find that those children are suffering from malnutrition because they are starving because this person is depending on donations and the moment they are funded very little food is given because he or she want to make business out of it.

That is why I am supporting the motion so that we may come up with a policy to make sure that there is a certain committee that is visiting those homes to ensure that those children are taken care of and I think that is within our mandate as a county government, that we cannot be denied the right to visit those private homes and make sure that the conditions that our children are subjected to are good.

Mr. Speaker, we have social workers, we have CDA's, children's department and County Education Board and I know when we join all these, we can be able to come up with a policy and I am seeing a scenario whereby in the County Education Board we can have a

committee that will be going to these homes to make sure the proper curriculum and teaching staff meet the standards.

When we go to social workers we look at whether the homes are looking after the welfare of these children so that we do not have anywhere that our children are being taken advantage of

I support the motion and I support that the CEC member in charge of youth, culture and social services formulates the policy and brings it to the committee for scrutiny and approval. to. As well as borrow a leaf from the kind of help they can get from County Education Board pertaining to kind of education that these children will be subjected to.

Hon. Esther Ngugi: Thank you Mr. Speaker, I stand to support the motion and thank the mover for bringing this issue to light. I support the motion especially the partnership between the children's department and private children's homes. There is always this confusion that children's homes are functions of the national government. It is not clear who is supposed to oversee or take care of everything that goes on in private children's homes.

As a result these children are neglected, exposed to child abuse, drugs and alcohol and sometimes they die unnoticed. I also recommend the formation of a board to come up with a policy and also regulate all the issues to do with children's homes.

Hon. Rebecca Mwicigi: I stand to support this motion and I am happy that all the mothers are supporting the motion; the ladies are supporting the motion because they feel the pinch of the children when they are neglected.

Donor funding is a fund where a donor withdraws support when there is no accountability and we have seen the children are neglected because they depend on donor funding only.

I would suggest that when the board is established, that the little money that has been voted for the children's welfare that something be given to those homes when they are identified so that it can be of help when the donor funding is scarce, the person running the home can have something to rely on.

It is true that many people start homes as a business and they have no supervision so establishment of the board and terms of reference should be made very clear that they have authority to supervise the children's homes.

I remember when I was young we had a supervisor of schools and we knew he was coming on Friday and every Friday the school was very clean, all of us were told to wear very clean clothes and even the teaching because the supervisor could come in class and just check what you have been taught, whether it was true or not, there was a lot of sanity and we excelled in whatever we were doing.

So human beings are subject to supervision, are subject to being managed by other people and that is why this board is very important and they should be answering to CEC and we should also as an Assembly be getting the reports from this board

Mr. Speaker, the children sometimes are very vulnerable. We should separate the children who are HIV positive and the normal children, the reason being that they need special care and if all of them are given the same diet, same care, I do not think some will survive and the mortality will be very high in these homes.

We should have people who are employed there by this board to be health minders and they should know when these children are okay and when they are not okay. And also early childhood education staff who can also take care of their early childhood education as one of the contributors said. I support the motion whole heartedly and the three prayers should be granted, thank you.

Hon. Samuel Wandia: Thank you Mr Speaker, I support the motion. There are some individuals in this country who are out to enrich themselves. One time I was a victim and I

remember before elections I met a group of people who told me they have a children's home at Maragua ridge. I went out of my way to look for these children and I bought the clothes, shoes and everything that was required from me. Once the donor funds were received, I am very sorry that after the first and second terms of the year the home was closed, I could not see the people who received the children. The children were left mid-way and I had to go for those children and put them in public schools, so I feel the pain.

I am one of the people who feels the pain because this country is losing people who could be ministers, very intelligent people and they can hold very senior positions if at all they are catered for. I am saying this because even here in Murang'a we have people of that caliber.

We should formulate a policy and bring all the children's homes on board; once we come out with this we shall control them. We also need to form a board of professionals; this is not a question of going there and picking anyone. We need professionals in childcare so that there can be order in this sector.

The county government should require the board to file returns on the status on the ground, they should be told what to do, so that these children can have a future. If all of us keep quiet and observe people running children homes without supervision, the lives these innocent children will be ruined, thank you.

Hon. Peter Kihungi: I stand to support the motion and congratulate the mover. I see this as an important motion and I think the implementation may be slow, but for this one, we need speed.

On public homes that we have, specifically Koimbi, the children homes are for desperate children, some of them have been collected along the streets, whatever services or food they are given, they cannot complain. You will find KCB supporting it, individuals organize themselves and take support there but nobody accounts for them.

There is a day we went there and somebody had donated sufurias but we were told that they are unable to make enough food for the children because there are no sufurias. The mismanagement is real, these children are unable to complain.

I remember Upendo home, privately owned by a former politician. They came to the county council requesting for land. We had given them earlier given them the land that they were currently occupying but they wanted 5acres more and we told them that for the government to come in, the board members must include government staff. But since the board was composed of the father and his children, they insisted that they could accept our proposal.

As a government, we need to start coming in by force and through legislation to be able to assist these children, They suffer a lot, and they cannot riot or complain unlike our children in boarding schools who are able to tell their parents that they never got food or anything else. However, the children in these homes are orphans; they have no one to tell whatever they are going through.

It is important to have structures to assist the children. I support and wish we can come up with a Bill to bring sanity in the management of children's homes.

Hon. Martin Mwangi: I support this motion and congratulate the member for her hard work and for bringing a motion that is touching on the lives of those people who cannot be able to do many things that we do as ordinary people.

I support identifying and scrutinizing so that we can know who the crooks are and who have the spirit of assisting these needy children.

I support that we need a policy to manage both private and public; even in our public children's homes we have challenges. We need a policy to know who is donating, whatever comes to be registered. There is need to establish a county board that will know the day to

day operations of the home and formulate a policy on how we will adopt these children into those schools, the criteria and a management policy.

As I conclude I challenge this House, when children's homes in Kenya ask for assistance, they are taken as marginalized, they are taken as crooks and nobody trusts them. I have the experience of these children who are candidates of children homes. For 13 years, I have lived with orphans; even now I have two in my house. They have grown up in difficult conditions, the community is not accepting them, in schools, they are not accepted by primary schools kids, and they therefore live a difficult life.

I want to challenge us as leaders in Murang'a county, we are many, how many leaders have adopted one kid in their home? That child needs love, food, shelter and clothing, nothing else. We are throwing food away, we have so much wastage in our homes and yet we are now bringing a policy to take them to a children's home which is almost like a prison. Those children live in very poor conditions, whether we give them a policy, I challenge leaders to adopt a child, they only need food. You have unoccupied rooms, our children are now grown up and we are dying of loneliness. Why not just pick two children, give them food and make them go to the nearest primary school so that we reduce the number of these children in the county, if we do this, we may not even need a children's home in Murang'a. There are many people living in Nairobi with beautiful homes, what we need is to just provide food, in fact the *shamba* itself can provide food, so you just need to give them permission to live in your home and I am sure we will have God's blessings, your house can be a children's home with two children.

We have seen it in Upendo, owned by the political class in this county, the person supporting Upendo has constructed a storeyed house in Dandora and any coin from the house goes to Upendo children's home. They have now accommodated many children, what they now need is a policy, we can see the effort. Even if the donors have been there, we see the efforts of that family. I am sure now they have been requesting the county to take over the home, but how can we take it? We will take it just as the motion states, when we have a policy, regulations and a board which will give directions.

There are other donors, in my ward there are some American preachers who want to establish a children's home and they said that they want to establish it on public land so that when they have supported it, they can hand it over to the county government. They told me that they have supported many projects but in the end they end up being private property. They are saying that we need to construct a dispensary for those children because most of them are HIV positive, build a small church, build infrastructure but after they complete they want to hand it over to the county government for management and ownership purposes so that the whole project can be owned by the community. I support the efforts to save these children. We should show them care and love.

As an example, I adopted a child from Koimbi and stayed with the boy until he was in form three then he said he cannot continue with education and I assisted him become a driver and he is now a senior truck driver in Mombasa. Last Christmas, he visited me, driving his own car, and in the boot there were Christmas supplies. It pays to support these children, thank you

The Speaker: Mover to respond

Hon. Florence Nyambura: I thank all the Hon Members for supporting this motion. Children are a touching issue in our county and I know apart from me, every Hon. Member here has a child, but I am still waiting for the Lord.

As one of the members said, some people are starting children's homes as businesses; we need to oppose this because children are the hope of this county. A member has talked about placement of children, that board will be able to decide on this.

We visited Imani children's home where we met a child with disability, the child cannot be able to go to school, there is no school nearby and if the child is placed where he can acquire education, this will be good. In Koimbi children's home, I had a case of an HIV positive child; the mother said that the child will not go back to the home. I told the children's home mother that if we get a chance we will place the child with Kenya Network of Women with Aids (KENWA) because she does not want to disclose to the other children, the child herself is aware that she is positive, but it is wrong to disclose the status.

As one member stated, there are children from Koimbi who dropped out of school because the local county council said they do not have funds. There are many prominent people in this county, we have good staff that are products of Koimbi children's home, there are many nurses, doctors and preachers.

Mr. Speaker, I wish to state that as the last member who spoke about supporting the children, let us pay visits to the children's in our private capacities. Let this county take KENWA children.

I realized there are buildings in Maragua started by the community and Constituency Development Fund but they have ended up not being used by anybody. If this county government can take children there, we have a resourceful Hon. Member here who has identified someone, the county government can partner with them for a start. This is a sympathetic case, I went there and saw children, they are in pathetic state, I had to sacrifice a lot to help them, I do not want to continue with this because I know these Hon. Members will visit that KENWA home, the children come from all over the country, but children do not have boundaries, children do not have counties because they are the future and hope of this nation. Thank you Mr. Speaker for allowing this motion to be debated on the floor of the House.

(Question Put and agreed to)

ADJOURNMENT

The Speaker: There being no other business, this House stands adjourned until 2:30 p.m. this afternoon.

The House rose at 10:43 a.m.