

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY HANSARD

THURSDAY 17TH MARCH, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 17TH MARCH, 2022

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

I have a communication to make; Honourable members, in regard to the invitation to training members of County Assemblies on election preparedness by the Office of the Registrar of Political parties. This activity will take place between 20th and 23rd in Kisumu, so we are all called upon to be prepared, so that we will all participate in this important aspect.

PAPERS

A REPORT BY SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING, TRADE, ENERGY AND INDUSTRIALIZATION ON THE CABINET MEMORANDUM TO AVAIL LAND FOR DEVELOPMENT OF AFFORDABLE HOUSING TO COUNTY PENSION FUND THROUGH PARTNERSHIP

Hon. Humphrey Sifuna (Chairperson, Lands): Thank you Honourable Speaker. Let me begin by appreciating the honourable members who took a bold step towards a matter of substance in this county. Secondly Speaker, I now wish to table a report by the lands committee on the Cabinet memorandum to avail land for development of affordable housing to County Pension Fund (CPF) through partnership.

Mr. Deputy Speaker: Order honourable members. Can you use parliamentary language please? We are in parliament and at all times let us use parliamentary language. A report by the Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the cabinet memorandum to avail land for development of affordable housing to County Pension Fund through partnership having been laid before this House, it is now the property of this Assembly.

NOTICES OF MOTION

A REPORT BY SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING, TRADE, ENERGY AND INDUSTRIALIZATION ON THE CABINET MEMORANDUM TO AVAIL LAND FOR DEVELOPMENT OF AFFORDABLE HOUSING TO COUNTY PENSION FUND THROUGH PARTNERSHIP

Hon. Humphrey Sifuna (Chairperson, Lands): Thank you, Honorable Speaker. Once again I'm on my feet to give a notice of motion that this House adopts a report by Sectoral Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization on the cabinet memorandum to avail land for development of affordable housing to County Pension Fund through partnership. Thank you Honourable Speaker.

Mr. Deputy Speaker: Honourable members a notice of motion having been issued, I now direct the report to be circulated to all honourable members of this House for their critical analysis and consumption and it will form part of the business to be considered by the House.

MOTIONS

REPORT BY SECTORAL COMMITTEE ON GENDER AND CULTURE ON THE CAPACITY BUILDING FOR MEMBERS OF THE COMMITTEE ON GENDER BASED VIOLENCE IN BUNGOMA COUNTY

Mr. Deputy Speaker: Welcome Hon. Beatrice Wekesa, you will go to those sections that are important while avoiding those normal chapters.

Hon. Beatrice Wekesa: Thank you Honorable Speaker for giving me time to present this report to the House. Capacity building on members of Committee on Gender and Culture on Gender Based Violence in Bungoma County

PREAMBLE

Mr. Speaker Sir,

It is my pleasant duty to present the report on the capacity building on Gender Based Violence in Bungoma County.

Committee Membership

Mr. Speaker Sir,

The following are the Members of the Committee on Gender and Culture:

1. Hon. Godfrey Mukhwana Chairperson
2. Hon. Beatrice Wekesa Vice Chairperson
3. Hon. Rosemary Khisa Member

4.	Hon. Paul Wamalwa	Member
5.	Hon. Joan Lutukai	Member
6.	Hon. Jack Kawa	Member
7.	Hon. Miliar Masungo	Member
8.	Hon. Vitalis Wangila	Member
9.	Hon. Violet Makhanu	Member
10.	Hon. Jerusa Aleu	Member
11.	Hon. Hildabeda Siang'a	Member
12.	Hon. Rebah Wabwile	Member
13.	Hon. Caviny Lukosi	Member
14.	Hon. Jane Cheperenger	Member
15.	Hon. Christine Ng'elech	Member

Mandate of the Committee

Mr. Speaker Sir,

The Sectoral Committee on Gender and Culture is constituted pursuant to the provisions of Standing Order No.196 of the County Assembly of Bungoma and has executed its mandate in accordance with the aforementioned provisions of the said Standing Order; in particular Standing Order 196 (5) provides that the Committee shall:

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Acknowledgment

Mr. Speaker Sir,

May I take this opportunity to thank the Offices of the Honourable Speaker and Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate.

I also appreciate committee members for dedicating their time during the capacity building. Further, I would also like to appreciate the members of staff who worked with us for their commitment that made the production of this report a success.

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the Honourable Members of the Gender and Culture committee, to table this report and recommend it to the Assembly for consideration and adoption.

Signed by Hon. Godfrey Mukhwana, Chairperson - Sectoral Committee on Gender and Culture

CHAPTER TWO

Introduction

Mr. Speaker Sir, the Committee on Gender and Culture in her work plan for the financial year 2021/2022 planned to undertake capacity building for the members on Gender Based Violence and sensitize them on their advocacy role as the representatives of the people. The capacity building activity was conducted from 2nd to 6th December 2021 at Joventure Hotel Kisumu. Experienced consultants from the department of Gender and Culture provided the technical facilitation for the training.

Objectives of the training

Mr. Speaker, the objectives of the training were to understand:

1. The national and county legal frameworks on gender mainstreaming and gender based violence;
2. The various levels of gender mainstreaming;
3. Sexual Gender Based Violence amidst the COVID-19 Pandemic;
4. Measures put in place addressing Gender Based Violence;
5. Overview the Kenya–Finland Embassy grant on gender based violence in Bungoma County.

KEY HIGHLIGHTS DURING THE TRAINING

Definitions and Basic concepts of Gender Based Violence

Mr. Speaker Sir, the Gender based violence is a non-consensual action done to a person. The violence is directed against a person because of their gender; and it's experienced by both men and women, but majority of the victims are women and girls. Gender Based Violence is deeply rooted in gender inequality and continues to be one of the most notable human rights violations within societies.

Types of Gender Based Violence

Mr. Speaker, the committee noted the following types of gender based violence expressed in different forms:

- Sexual violence
- Physical Violence
- Emotional and psychological violence
- Harmful traditional practices
- Socio-economic violence

Levels of Gender Mainstreaming

The committee was taken through the various levels of gender mainstreaming namely:

- Policy level
- Institutional /organizational level
- Programmes/project level

The Policy Level

At the policy level the following approaches are used in attaining the objectives of gender mainstreaming:

- a) Gender mainstreaming and integration in all planned interventions
- b) Affirmative action to ensure that temporary special measures are used to address past gender inequalities and injustices,
- c) Empowerment of women, men, boys and girls to facilitate equality,
- d) Involvement of men in addressing gender issues,
- e) Institutional and human capacity building,
- f) Gender responsive budgeting
- g) Generating data and indicators that are disaggregated by sex, age and disability....

Mr. Speaker, at the policy levels various legal frameworks on gender based violence and gender mainstreaming is in place globally and nationally as outlined below:

1. Global Legal Frameworks

The following conventions and resolutions are geared towards gender mainstreaming.

- a) The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) which advocates against discrimination against women;
- b) The Beijing Platform for Action: The 1995 Beijing Platform for Action flagged 12 key areas where urgent action was needed to ensure equality and opportunities for women and men; poverty, education and training, health, gender based violence, armed conflicts, economy, power

and decision making, human rights, media, environment, the girl-child and institutional mechanisms for advancement of women.

c) The International Conference on Population and Development (ICPD)

d) The Sustainable Development Goals (SDGs): which aim to ensure there is an end to discrimination against women and girls everywhere.

e) Agenda 2063 of the African Union entitled ‘the Africa We Want’ seeking among other things to build inclusive and accountable states.

2. National Legal Frameworks

Mr. Speaker, the national legislation on gender mainstreaming are as outlined:

a) The values and principles of equality and equity set out in the Constitution of Kenya 2010;

b) The National Policy for Gender and Development of 2000 and Sessional Paper No.2 of 2006 on Gender Equality and Women Empowerment;

c) Gender-aware policies such as the National Land Policy (2009) which recognizes women’s rights to own property on an equal basis with men.

d) The National Policy for Prevention and Response to Gender Based Violence and the National Policy for the Abandonment of FGM.

e) The Matrimonial Property Act, 2013 and the Sexual Offenses Act 2006.

3. County Legal Frameworks

Mr. Speaker Sir, at the County Level, the following legislation have been proposed to be enacted to enable the department of Gender deal with gender based violence and gender mainstreaming:

a) Sex and Gender Based Violence Bill;

b) Work place Sexual Harassment Policy; and

c) Gender Mainstreaming policy.

The institutional/organizational level

Mr. Speaker Sir, the existing Government institutional frameworks for gender mainstreaming and integration include:

a) The County Gender Sector Working Group

b) Department of Gender and Social Development

- c) Gender focal persons in all ministries
- d) Sub-county offices
- e) Inter-county gender frameworks
- f) County assembly gender sector committee
- g) Partnerships with Civil Society Organizations

The programmes/ project level

Mr. Speaker Sir, gender mainstreaming is not limited to government institutions alone but also groups such as CBOs, women groups, youth groups, FBOs, Sub-location committees, Location committees on water projects, education projects can practice gender mainstreaming at their level

Mr. Speaker Sir, the County Government of Bungoma requires the following to drive the gender mainstreaming process:

- a) Clear gender policy, deliberate and practical action
- b) High level commitment by department of gender and Culture
- c) Sufficient budgetary allocations
- d) Continuous training, capacity building, awareness creation and advocacy
- e) Conducting regular gender audits
- f) Keeping sex-disaggregated data
- g) Gender monitoring and evaluation
- h) Public private partnerships

Gender Based Violence amidst COVID-19 Pandemic

Overview

Mr. Speaker sir, the Covid-19 outbreak intensified domestic and gender-based violence (GBV) globally. There is increasing evidence that the on-going global pandemic of COVID-19 is fuelling widespread violations of women's rights, including elevated risks of domestic violence and other forms of gender-based violence (GBV). Gender-based violence (GBV) increases during every type of emergency – whether economic crises, conflict or disease outbreaks. Pre-existing toxic social norms and gender inequalities, economic and social stress caused by the COVID-19 pandemic, coupled with restricted movement and social isolation measures, have led to an

exponential increase in GBV. Many women are in 'lockdown' at home with their abusers while being cut off from normal support services.

Global Situation

Mr. Speaker Sir, the emerging data shows that since the outbreak of COVID-19, violence against women and girls, and particularly domestic violence has intensified. In France, reports of domestic violence have increased by 30% since the lockdown on March 17 2020. In Argentina emergency calls for domestic violence cases have increased by 25% since the lockdown on March 20th 2020. In Cyprus and Singapore help lines have registered an increase in calls of 30% and 33% respectively. Increased cases of domestic violence and demand for emergency shelter have also been reported in Ghana, Nigeria, Uganda and Kenya.

National Situation

Mr. Speaker Sir, in respect to the national situation, there are rising reports of violence against women and girls - including rape, domestic violence, female genital mutilation (FGM) and child marriage - as a result of coronavirus restrictions. Lockdowns to curb the spread of the new coronavirus fuelled an upsurge in gender-based violence across the country, with women and girls more isolated and vulnerable to abuse and exploitation.

According to a statement raised by the Ministry of Public Service and Gender, between January and December 2020, a total of 5009 cases were recorded through the National GBV toll-free helpline 1195 showed an increase of 1411(36%) report from the previous year-2019.

Due to increased cases of GBV during the COVID 19 pandemic, H.E the President directed the National Crime Research Centre to carry out a study to establish the causes of the increased cases of GBV. The findings of the study established that; the number of GBV cases recorded between January and June, 2020 had an increase of 92% compared with previous year (2019). The study highlighted factors contributing to GBV as alcohol, drug and substance abuse; poverty; family/domestic disputes, retrogressive cultural beliefs and practices; poor parenting/upbringing and moral decadence; identity crisis among the youthful population; and inadequate support system. The most common forms of GBV identified in the study were, physical assault, rape/attempted rape, murder, sexual offences, defilement, grievous harm, physical abuse, child marriages, psychological torture and child neglect.

In response, the Government moved with resolve to mitigate and de-escalate the vice by deploying a multipronged approach. In September 2020, the Cabinet approved an inter-agency strategy that includes stakeholders to deal with the matter; six (6) Ministries (Public service and Gender, Interior, Education, ICT, Health and Labour), County Governments, development partners, and other non-state actors.

County Situation

Mr. Speaker sir, Counties that have so far recorded rising numbers of GBV cases according to FIDA-Kenya, include; Kakamega, Uasin Gishu, Taita Taveta, Vihiga, Bungoma, Lamu, Siaya, Kitui and Nakuru counties. The number of post-abortion clients in health facilities within the county has also increased. Gender-based violence and teenage pregnancies are on the rise in Bungoma County during the Covid-19 period.

Bungoma County Referral Hospital has reported that most young people do not use contraceptives while engaging in sex. Some 2,700 teenagers aged between 10 and 19 conceived in the last quarter of 2019. The number has increased in the first quarter of 2020 to 3,317 cases. On the number of post-abortion clients in facilities within the county has increased, which, means that there are many unwanted pregnancies that have been occurring in the county since schools and colleges were indefinitely closed due to the coronavirus pandemic.

During the inspection of the Gender Based Violence (GBV) rescue centre at Ndengelwa in Bungoma County, led by the Public Service and Gender Chief Administrative Secretary (CAS) Linah Jebii Kilimo, it emerged that Bungoma County recorded 6,000 teen pregnancy cases during the Covid-19 pandemic period.

Measures to Address Gender Based Violence

Mr. Speaker Sir, in resolving the problem of Gender Based Violence the following measures were proposed:

a) Prevention;

- Awareness campaigns should be undertaken by the County Department of Gender and Culture involving the media and private sector in eradicating gender stereotypes;
- Continued sensitization and awareness in the national and regional media and within the established National Government Administration Officers (NGAO), in partnership with other stakeholders. To this end, prioritized programs targeting men and boys as allies, advocates, role models and change agents, championing advocacy efforts against all forms of GBV to mobilize collective action in the communities.
- Prevention and response structures through County GBV Working Groups established by the National and County Governments which consists of: law enforcement agents, social workers, medical personnel, and non-state actors to facilitate the prevention and response to GBV;
- Engaging men and boys in the fight against GBV and in accountable practices;
- Engaging religious leaders due to their influence to play an advocacy role in preventing and managing GBV in the society.

b) Protection:

- Emergency restraining orders for perpetrators, provision of adequately distributed shelters and crisis Centres;
- Operationalize the Ndengelwa Rescue Centres for GBV to support survivors and provide a one stop centre where the victims can have access to all the services.
- Toll-free hotlines which include: the National GBV Helpline 1195, National Police Helpline – 0800730999 under Police Care, and Child Helpline-116 to provide services such as anonymous reporting, assistance to survivors, tele-counselling and referrals for medical and legal services;
- Providing psychological interventions for the survivors through individual counseling and round table dialogues.

c) Prosecution; prosecution of all the perpetrators and elimination of “honour” as a form of justification.

d) Policies; Joint action by different actors, NGOs, Parliaments and Police Service, and further appropriate adequate financial and human resources for implementation.

2.2.6. The Finland Embassy and Kenya Grant on GBV

Mr. Speaker Sir, during the training, the committee had the opportunity to engage the project coordinator for the Finish Embassy and Kenya Government grant for Gender Based Violence.

The committee noted the following with regard to the grant:

1. The Finish Government is offering a grant of Kshs.700M to help gender based violence issues as a pilot programme in Bungoma, Kilifi and Samburu Counties. The programme would be rolled out later in the rest of the counties.
2. The selection of the three (3) counties was based on poverty levels, marginalization, cultural practices and desire for balanced regional coverage.
3. The programme runs for three (3) years and it’s collaboration between the Kenya and Finland, and aims to enhance prevention and response to gender based violence.
4. The county government needs to put in place legal frameworks on gender based violence and gender mainstreaming to foster continuity of the programmes once the donor exits.

COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

The committee made the following observations:

1. That Gender Based Violence involves a multi-agency approach to effectively address the emerging issues. Currently, the county does not have coordinated approach that brings together the key stakeholders both at the national and county level, the civil society and the media.
2. The County does not have an operational gender based violence rescue centre where the survivors can be assisted, counselled and offered safe housing as they recuperate. The rescue centre at Ndengelwa is currently not serving the purpose for which it was established.
3. The county government has not enacted any legislation on gender based violence and gender mainstreaming. There is need to enact the following pieces of legislation to enable the County deal with Sexual based violence, gender mainstreaming and sexual harassment at work places:
 - a) Sex and Gender Based Violence Bill.
 - b) Work place Sexual Harassment Policy.
 - c) Gender Mainstreaming Policy.
4. That there is need for the County government department of Gender and Culture to collaborate with all the stakeholders among them; the National government, private sector and civil society actors, including community, traditional and faith-based leaders to ensure a well-coordinated and united approach towards the fight against gender based violence.
5. The committee noted that the county lacked an integrated system where county data on gender based violence could be accessed. Currently each entity i.e. the police, department of health and NGOs each maintained their own data as per the cases handled by the offices.
6. As at the time of production of the report, the committee had not been furnished with the details of the Finland Embassy grant i.e. the conditions for the grant, the start and end period for the project and the specific GBV programmes to be implemented under the grant.

Committee Recommendations

The committee recommends that:

1. The Department of Gender and Culture to coordinate with the Office of the Woman Member of Parliament and expedite on the operationalization of the Ndengelwa Rescue Centre. In addition, the department should allocate funds for equipping the rescue centre and ensure there is adequate human resource to provide the required services.
2. That the County Assembly should ensure provision of funds in the budget estimates for the FY 2022/2023 for the formulation the following pieces of legislations:
 - a) Sex and Gender Based Violence Bill

b) Work place sexual harassment policy

c) Gender Mainstreaming policy

3. The CECM Member for Gender and Culture should ensure that a liaison unit is created within the County Gender Technical Working Group to collate all the data on gender based violence from the various offices to enable decision making.

4. That all department and County entities should integrate gender mainstreaming in county programs and projects at all levels. The County Secretary is hereby directed to submit a report on steps taken by the County Government to implement this recommendation to the County Assembly within 60 days from the adoption of this report.

5. That the Department of Gender and Culture should furnish the County Assembly with the details of the contract signed with the Finland Embassy on the grant on Gender Based Violence within fourteen (14) days of adoption of this report.

6. That department Gender and Culture should provide direct and indirect support to civil society organization service providers to enhance their support in the fight against Gender Based Violence in the County.

What follows is the adoption schedule. Thank you.

Mr. Deputy Speaker: Hon. Beatrice, you can call the seconder from any member of the Gender Committee.

Hon. Beatrice Wekesa: I call upon Hon. Violet Makhanu to second the report.

(Applause)

Hon. Violet Makhanu: I second.

Mr. Deputy Speaker: The Motion having been moved and duly seconded, I now propose the question that this House adopts the report by the Committee on Gender and Culture on capacity building for the Members of a Committee on Gender and Culture on Gender Based Violence in Bungoma County. I propose

(Question proposed)

Looking at the mood, I now put a question.

Honorable Members, I now put a question that this House adopts the report by the sectoral Committee on Gender and Culture on the capacity building for the members of Committee on Gender Based Violence in Bungoma County.

(Question put and agreed to)

(Applause)

The report is adopted. Table clerks will disseminate the same to the relevant offices.

MOTION OF ADJOURNMENT

Hon. James Mukhongo: Thank you, Mr. Speaker. On behalf of our distinguished Leader of Majority, who is out on an official duty, I wish to move the Motion that pursuant to Standing Order 49(b), this House adjourns from today Thursday the 17th March, 2022 and resume sittings on Tuesday 29th March, 2022 at 2:30 p.m. for the Members of the County Assembly to attend a meeting prepared by the Office of the Registrar of Political Parties on the election preparedness Western cluster to be held in Kisumu between 20th to 23rd March, 2022.

I wish to call upon Hon. Sudi Busolo to second the Motion on behalf of the Leader of Minority.

Hon. Sudi Busolo: On behalf of my able Minority Leader, I second the Motion of adjournment.

Mr. Deputy Speaker: Honorable Members, the Motion having been moved and duly seconded, I now propose the question that this House pursuant to Standing Order 49(b), adjourns from today Thursday the 17th of March 2022 and resume sittings on Tuesday 29th March, 2022 at 2:30 p.m.

(Question proposed)

Honorable Members, let me put a question that pursuant to Standing Order 49(b), this House adjourns from today Thursday the 17th day March 2022 and resumes sittings on Tuesday the 29th day March 2022 at 2:30 p.m. for Members of the County Assembly to attend a meeting prepared by the Office of the Registrar of Political Parties on election preparedness Western cluster to be held in Kisumu between 20th to 23rd March, 2022.

(Question put and agreed to)

(Applause)

Further, there would be communication in regard to travelling and exact location where the training will be held, so the communication will come through the normal procedure through records office which will be in time so that you prepare. There being no other business, this House adjourns and resumes its sittings on 29th Tuesday 2:30 p.m.

(House adjourns)