

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 19TH APRIL, 2023

Afternoon Sitting

3rd County Assembly

2nd Session

1

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 19TH APRIL, 2023

The House met at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Honorable Members I have two communications to make;

1. RE-ORGANIZATION OF THE ORDER PAPER

During our HBC meeting and subsequent reading of the weekly programme before this House, we were scheduled to have item 5 and 6 on our Order Paper today, but a request arising from a meeting between the Leader of Majority and Leader of Minority, item 5 and 6 will not be transacted today and therefore hereby expunged from the Order. It will be scheduled afresh by the HBC in the course of this week or next week.

2. VISITING DELEGATION FROM MOI PRIMARY SCHOOL

In the Public Gallery we have class eight pupils from Moi Primary School. Yesterday I had the first load of 180 and today we have 161. You remember I said that it is a class 502 pupils. Kindly be upstanding.

(The pupils rise)

Kindly be sited.

(Applause)

The said pupils are accompanied by the following teachers;

1. Mr. Caleb Lubonga
2. Mr. Wanyama Vitalis
3. Ms. Pauline Mandila

4. Ms. Sussan Olenja; and

5. Ms. Everlyn Nateya

Kindly be sited please.

Honorable Members, looking at our Order Paper, at the appropriate time I will allow Members to make a few remarks before we go to the main issues under item 8 on our Order Paper.

STATEMENT

Mr. Speaker: Honorable Members, this is the statement hour. Hon. Jeremiah you are the host MCA of the said school. Kindly proceed.

Hon. Jeremiah Kuloba: Asante bwana Spika kwa kunipa nafasi hii na usimamizi wa *Assembly* (bunge) hili kuwaalika wanafunzi hawa wanaotoka katika mji huu kwa shule ya msingi inayofahamika kama Moi DEB. Ni kati ya shule ambazo zinafanya vizuri katika mitihani.

Langu kwa wanafunzi ni kuwahimiza watie bidii katika mitihani ili wafaulu maishani. Mkitaka kuketi kwenye kiti ambacho nimekikalia, ni lazima msome. Jambo la pili ni sharti kuweka nidhamu, kwa sababu unaweza fanikiwa katika mtihani na hauna nidhamu na popete utapita utafukuzwa. Wekeni nidhamu kwa kuwatii wazazi wenu pamoja na Mungu na maisha yenu yatakuwa sawa.

Hon. George Makari: Hon. Speaker I wish to congratulate Hon. Jeremiah Kuloba for having a school from his Ward coming to the Assembly. I also want to congratulate the teachers and the pupils of Moi DEB Primary School for having taken time to be here with us today. This school if you go back to the annals of history, it was known as Commonwealth Primary School, before the name changed to Moi DEB Primary School. Those who lived in those times went through this primary school. In fact if you were older than you are today, you would have gone through that school, but the only thing is that you are younger than me; therefore, you could not have gone through this school. Because there were no schools even from wherever you come from, and this was the only school that existed at that particular time.

I wish to commend the management of this school; the teachers plus the administration and the pupils. It is a good performing school and you cannot say a school is performing well if there is no discipline, and if the teaching fraternity is not serious with their work. Allow me commend the teaching fraternity who are here with us today; when you read, I only heard of female teachers names. I don't know if there are male teachers in this school. We will be forced to ask Hon. Jeremiah why only female teachers accompany the pupils yet the composition of the pupils is for both boys and girls...

Mr. Speaker: Hon. Makari, the list was clear; Mr. Caleb Lubonga and Mr. Wanyama Vitalis are male teachers.

Hon. George Makari: Properly noted Hon. Speaker. Allow me say something about Moi Primary School; most of the pupils in Moi Primary School and their parents, you will be surprised to learn, that their homes are in Khalaba and Musikoma. They don't reside in Township Ward. They come to learn in Township Ward where Jeremiah is the MCA. If you can ask them to stand up and say where they come from; you will find that all these pupils a half of them are from Musikoma and another half are from Khalaba Ward. As much as we are congratulating the Hon. Kuloba, I equally ought to be congratulated that a half of the pupils come from my Ward.

(Applause)

It is like we are sharing with Hon. Cornelius, Hon. Jeremiah and I; this is a school within our municipality and even Hon. Lusenaka, but we can count about three who come from Bukembe West, not a majority of them. I would wish to end by encouraging the students and the teachers, I hear they are closing on Friday and the Hon. Jeremiah has just told me what he is planning for them on Friday. I will be with him. If Hon. Lusenaka indicates that some pupils come from his Ward, he should partner with us to support the school when they are closing. Thank you as I appreciate them for coming.

Hon. Christine Mukhongo: Asante sana Bwana Spika kwa kunipa nafasi. Nachukua fursa hii kuungana na wenzangu kumpongeza Mheshimiwa Jeremiah kwa kazi nzuri. Ukiwa na shule kama hii katika wadi yako ni matumaini makubwa. Hii ni dhihirisho kwamba wadi na Manispaa ya Bungoma inaenda kuwa na wasomi wazuri. Pia nampongeza Mheshimiwa Makari kwa sababu anajipigia debe mwenyewe kwa kuwa na wanafunzi katika shule hii ya Moi.

Nachukuwa fursa hii kuwapongeza wanafunzi wetu wa shule ya Moi kwa matokeo mazuri ambayo kila wakati tunasikia kwenye redio. Hapa Mheshimiwa Kawa amekuwa mnenaji ilihali ameketi...

Mr. Speaker: Hon. Christine, just stick to the issue at hand. He is an interrupter.

Hon. Christine Mukhongo: Nachukuwa nafasi hii kuwapongeza kwa kazi nzuri mnayoifanya na pia kuwahimiza muendeleo kutia bidii. Jinsi wamesema, heshima sio utumwa. Ukiwa na heshima na pia ninapowaangalia mko nadhifu; dhihirisho kwamba mnazingatia usafi na natumai kwamba usafi huo unaenda hadi ndani mwenu. Pia nawapongeza walimu wetu kwa sababu bila usaidizi wa walimu, wanafunzi wetu hawangukuwa jinsi walivyo. Walimu kazi hii si masomo tu, bali ni kibali maalum kutoka kwa mwenyezi Mungu. Sisi kama serikali hatuwezi kuwalipa zaidi

ya vile mngenda kulipwa, lakini tunawaaombea kwa Mungu wa amani aendelee kuwapa huo moyo wa kufanya kazi; Kwa sababu nyinyi ndio mnaokaa wakati mwingi na wanafunzi kuanzia asubuhi hadi jioni. Kwa hivyo tunasema kongole kwa kazi nzuri na tunajua Mungu mwenyewe atawalipa kwa njia mbalimbali.

Wanafunzi wetu wamekuja hapa kujifunza mambo mbalimbali kuhusu Bunge la Kaunti ambalo ni sawa na lile la Kitaifa. Katika hili Bunge tunatumia lugha tatu; mmemsikia Mheshimiwa Makari akitumia Kiingereza, mimi na Mheshimiwa Jeremiah tumenena kwa lugha ya Kiswahili. Iwapo tungekuwa na wanafunzi ambao wana ulemavu wa kutosikia, pia tungekuwa na mwelekezi wa lugha ya ishara. Tukiwa hapa pia tuko na sehemu mbili; sehemu ya walio wengi na upande ambao nimesimama sisi ndio tunaitwa upande wa serikali ya Kenya Kwanza ambao ni wengi katika Bunge hili.

(Applause)

Upande huo mwingine ni wa walio wachache katika Bunge hili ambao ni mrengo wa Azimio. Mnafaa mjue kwa sababu najua katika somo lenu la Historia labda mnaweza kuuliza hivyo mnastahili kujibu sawasawa. Kwa hayo machache na mengine ambayo yataongezewa na wenzangu nasema asante. Mimi ni Mwakilishi wa Wadi ya Kimilili na nimekuwa mwalimu. Hivyo basi nimesimama hapa ili kuwahimiza kwamba pia nyinyi mnaweza kuwa hapa na mketi kwa kiti kizuri iwapo utatia bidii na kufaulu.

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir for giving me this chance to say a word to our young ones. *Mheshimiwa* (Hon.) Jeremiah...

Mr. Speaker: Hon. Mulongo, observe Standing Orders. Stick to one language which you are comfortable with.

Hon. Aggrey Mulongo: Thank you Mr. Speaker for the correction. I went to Bungoma DEB with Mheshimiwa Jeremiah; it used to be called Bungoma Commonwealth School as the original name, right now it is called Moi Primary School. That name changed during the era of the Second President of Kenya when he visited the School and the road from Post Office to Cooperative Bank used to be called Moi and I don't know if it is still the same because there is no sign post. During his visit the name was named Moi Primary and the road was also named Moi.

Bungoma DEB and the Commonwealth School used to compete and they used to call us villagers because Bungoma DEB is somehow in the interior than Bungoma Commonwealth which is just in town. At the moment what I am seeing is that the Bungoma DEB and Moi Primary are at the same level and therefore, I take this opportunity to thank the teachers of Moi Primary School.

Discipline is key and to the pupils who are here if you want to do well in your academics you must be disciplined. Discipline is paramount and is almost inherent. Discipline will make you succeed because you will listen to your teachers, parents and also the elderly. Therefore, as class eight pupils who preparing for your exams towards the end of the year; when that time comes read instructions, understand before answering. Three quarters of exams are examined in English apart from Kiswahili; therefore, if you read and understand the questions well, you will pass your exams. To you teachers, your service is a calling and I will not belabor so much on this because three quarters of our teachers will go to heaven because they teach what will be examined...

Mr. Speaker: Hon. Mulongo, are you alleging that all politicians will go to hell?

Hon. Aggrey Mulongo: You know it depends, may be a half or so. Honorable Members were taught by teachers and the reason they are here is that they passed their exams and if they were cheated, they could not be here. Therefore, I end by saying that please, make sure that you pass your exams and you will be elevated.

(Applause)

Hon. Vitalis Wangila: Thank you Mr. Speaker. First of all let me appreciate teachers for their effort to bring the pupils to this House to learn. For your information, I have learnt something as a result of their visit to this Assembly. I have learnt that Bungoma DEB used to host pupils from poor families and Moi Primary was for the rich...

Mr. Speaker: Where are you getting that information?

Hon. Vitalis Wangila: I am learning from the Honorable Member who went through that school. It is also a lesson to the pupils of Moi Primary that through education, they can become who they want to be in future like the Members who went through the school which was referred to as a school for the poor; but are now Members of this House. This means that though they came from the poor backgrounds, they are who they are now because of education. I want to urge these pupils now that they are in one of the best Primary Schools in our county, that they should work and post good results. I say this because this is a school we are proud of as it is one of the schools that performs very well in our county. Otherwise, I wish them the best in their fourth coming exams.

Hon. Cornelius Makhanu: Asante bwana Spika kwa kunipa nafasi hii ili niungane na wenzangu kuwakaribisha wanafunzi wa shule ya Moi katika chumba hili la kutunga sheria, kuwakilisha na kuangazia maswala yao. Mimi kama kiongozi wa Khalaba jinsi umesikia kutoka kwa Mheshimiwa Makari kwamba ni kama Wadi ambazo ziko karibu na Township inayoongozwa na

Mheshimiwa Jeremiah, hawa wanafunzi wanaishi katika Wadi zetu. Nachukua fursa hii kuwakaribisha hapa wajisikie nyumbani na wajue ya kwamba wawakilishi wao wako hapa.

Pia nachukua fursa hii kuwaomba wanafunzi mnaporudi nyumbani, peleka salamu kwa wazazi kwa sababu wao ndio waliotupigia kura na hivyo tunawashukuru sana. Pili nawashukuru walimu kwa sababu watoto wetu hawa kwa mwaka mzima, wanakaa na walimu siku nyingi, sisi wazazi tunapata muda mchache sana kuwa na watoto wetu. Nawashukuru sana kwa sababu nidhamu nzuri miongoni mwa watoto hutokana na walimu wao.

Mwisho nasema ya kwamba hii shule kama vile Mheshimiwa Vitalis amesema, mimi nikiwa mwanafunzi katika shule ya Msingi ya Kanduyi DEB tuliiona Moi Primary kama shule ya hadhi ya juu kuliko shule zingine. Hivyo Mheshimiwa Vitalis amesema ukweli. Mimi ni mzazi katika hii shule, pia Mheshimiwa Jeremia ni mzazi. Najua hawa wanafunzi ni wa darasa la nane na ni watahiniwa mwakani; hivyo basi naungana na wenzangu kuwatakia kila la heri katika matayarisho yao ya mtihani.

Hon. Sudi Busolo: Hon. Speaker I also wish to add my voice on the school that has been praised. I also have parents from my area who have sons and daughters as pupils of Moi Primary school and it is a good school. I just want to urge the pupils that the Honourable Members here as they are sited, we are waiting for them to perform well so that some of them may merit to have a scholarships; whereby you will be educated for free and in a school of your choice . So the ball is in your court, it is upon you to work hard so that you get that opportunity.

Don't be cheated that the scholarship is not there, it is there and it has only been restructured and it is there for you. So don't look at where you come from, you may think that even if you do well, you may not go to a school of your choice; kindly note that here, there is a scholarship for you. We are going to appropriate money for the scholarship and so work hard when you go to school, be disciplined because even if you are very good in class and you are not disciplined, then you will not go anywhere.

One time I was in a hospital then I happened to come in contact with a parent whose son scored an A and his twin got a C, then the one who got an A was indisciplined and somewhere along the way, he died. The mother said, "I wish that my son was the most foolish one! This A has made my son die." Lack of discipline cost him his life and the parents were affected. When you are good in class, then you must also be of good character because it is only character that will take where you want to be; just like if you want to go to heaven, for those who believe in Jesus, you must believe in Jesus and those who believe in Prophet Mohammed, you must be a true follower of Prophet Mohammed. So for you to change your life, the books must be your darling...

(Applause)

...and you must respect your teachers and your parents for you to excel; otherwise outside there, life is so cruel and as a student, you don't know how your parents are struggling to feed you. At the moment when cost of living has gone up, they work very hard to make sure that you have a meal as you come from school. So kindly remain focused, work hard and believe in God and you will succeed.

(Applause)

Mr. Speaker: Thank you Hon. Sudi, Hon. Kaiser the Vice Chair of Education Committee, kindly proceed.

Hon. Steve Kaiser: Bwana Spika ningependa kukushukuru kwa kunipa nafasi hii. Kwanza ningependa kushukuru waalimu kwa kuongoza wanafunzi hawa kuja katika Bunge letu la Bungoma. Pili, tunakaribisha wanafunzi wote; jana tulikua hapa na pia kesho tunangoja kuwakaribisha. Langu leo naenda kwa mwanafunzi wa kiume, dunia imegeuka kwa mtoto wa kiume kwa sababu kila mara tumepata kwamba kuna vikundi vya kuwatetea watoto wa kike. Hata leo tunao wale wanaitwa wawakilishi wa kike 47, lakini hatuna wakilishi wa kiume. Kwa hivyo mtoto wa kiume ameachwa kabisa na sasa ni wewe kupigana...

(Applause)

...na ufaulu katika maisha yako, bure hakuna mtu wa kukutetea. Ni wewe na masomo yako ambayo ni ngazi itatuunganisha sisi na wale watoto wa matajiri.

Mr. Speaker: Thank you Hon. Kaiser, the Vice chairperson of the Committee on Education and Vocational Training. Honourable Members, on behalf of others who have not been able to speak, as the Speaker, we just wish all the candidates the best of luck in their KCPE. Let them be discipline, respect each other and fear God so that they can excel in their education.

MOTION

1. REPORT BY THE SECTORAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE STATUS OF GENDER -BASED VIOLENCE CASES IN BUNGOMA COUNTY

Mr. Speaker: Hon. Kawa for the Committee, you have the floor to proceed and move the motion.

Hon. Jack Kawa: Thank you Hon. Speaker. Before you is a report by the Committee on Gender, Culture and Social Welfare on the status of Gender - Based Violence cases in Bungoma County. I will go straight to abbreviations

GBV- Gender-Based Violence

FGM - Female genital mutilation

KDHS- Kenya Demographic Health Survey

MDAs- Ministries Departments and Agencies

SOA -Sexual Offences Act

UNHCR- United Nations High Commissioner for Refugees

CHAPTER ONE

On behalf of the Members of the Committee on Gender, Culture and Social Welfare, it is my pleasure and duty to present to this House the Report of the Committee on the status of Gender Based Violence cases in Bungoma County.

Objectives of the report

The report seeks to address a number of issues among them:

1. To identify the forms of GBV in Bungoma County
2. To identify the drivers of GBV in Bungoma County
3. To have policy and legislation recommendations for improving response and interventions to GBV issues.
4. To identify gaps in the department of Gender and Culture and make possible recommendations which would help curb GBV cases.

Committee's mandate

The sectorial Committee on Gender, Culture and Social Welfare is constituted pursuant to the provisions of Standing Order No. (217) (1) of the County Assembly of Bungoma Standing Orders. Its mandate pursuant to Standing Order 217(5) shall be to:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of the effectiveness of the implementation;
- d) Study and review all County legislation referred to it;

- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) 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;
- g) To vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 209(Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of the proposed legislation.

Committee membership

The Committee on Gender, Culture and Social Welfare as currently constituted comprises the following Members:

1.	Hon. Jack	Kawa	Chairperson
2.	Hon. Joseph	Juma	Member
3.	Hon. James	Mukhongo	Member
4.	Hon. Sudi	Busolo	Member
5.	Hon. Godfrey	Wanyama	Member
6.	Hon. Alfred	Mukhanya	Member
7.	Hon. Jeremiah	Kuloba	Member
8.	Hon. George	Kwemoi	Member
9.	Hon. Metrine	Nangalama	Member
10.	Hon. Florence	Juma	Member
11.	Hon. John	Wanyama	Member
12.	Hon. Mourine	Wafula	Member
13.	Hon. Mildred	Barasa	Member
14.	Hon. Eunice	Yeko	Member

Acknowledgement

The Committee wishes to thank the offices of the Speaker and Clerk of the County Assembly of Bungoma for the support accorded to it that culminated into this report. Further, I am grateful to the Members of the Committee for their commitment before and during the retreat which

contributed immensely to the success of this report. The Committee also wishes to thank the secretariat for their utmost support extended to it.

On behalf of the Committee on Gender, Culture and Social Welfare, I now have the pleasure and honour to present this report on the status of Gender Based Violence cases in Bungoma County before this Honourable House.

Signed on 5.04.2023 by Hon. Jack Kawa; Mca Bokoli Ward, Chairperson, Committee on Gender, Culture and Social Welfare

CHAPTER TWO

Background information

Gender-based violence has been acknowledged worldwide as a violation of basic human rights. Research has highlighted the health burdens, intergenerational effects, and demographic consequences of such violence (United Nations, 2006). The UNHCR defines GBV as harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Such acts may also include any act of violence that results in physical, sexual, economic, or psychological harm or suffering to either gender, as well as threats of such acts, coercion or the arbitrary deprivation of liberty.

The consequences of GBV are devastating and can have life-long repercussions for survivors and can also lead to death.

Legal framework addressing elements of GBV

The Constitution of Kenya, 2010

The Constitution recognizes a number of important general principles that are of importance to gender equality and that have a general bearing on gender-based violence in the Country.

Article 10(2) (b) sets out the national values and principles of governance to include among others, human dignity, equal social justice, inclusivity, equality, human rights, non-discrimination and the protection of the marginalized.

Article 19(2) presupposes the importance of recognizing and protecting human rights and fundamental freedoms to preservation of the dignity of individuals and communities and the promotion of social justice and realization of the potential of all human beings.

Article 21 imposes an obligation on the State and every state organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

Further, Article 29 of the Constitution provides for freedom and security of the persons, which includes but not limited to:

- a) The right not to be subjected to any form of violence from either public or private sources;
- b) The right not to be subjected to torture in any manner whether physical or psychological;
- c) The right not to be treated or punished in a cruel, inhuman or degrading treatment;

The Sexual Offences Act (SOA), 2006

The SOA is the law governing sexual offences in Kenya. It defines sexual offences; provides for the prevention and the protection of all persons from harmful sexual acts, and enhances access to justice and psychosocial support.

It prohibits different types of sexual violence committed against men, women and children, including attempted rape, sexual assault, indecent acts, defilement, gang rape, sexual harassment, child pornography, child prostitution, child sex tourism, exploitation of prostitution, incest, deliberate transmission of HIV including other life threatening sexually transmitted diseases and cultural and religious offences.

Additionally, it provides for hefty penalties for rape and other forms of sexual violations which should have a deterrent effect on perpetrators. It further provides that the high court shall maintain a register of convicted sexual offenders. (Sections 3, 5, 8, 10, 20, 21, 26, and 29)

Marriage Act, 2014

Section 87 of the Act prohibits marrying a person below 18 years of age. It sets a mandatory minimum marriage age of 18 years for both parties to a marriage and considers void any marriage contracted with a person below the minimum age. The Act guarantees equal right to parties to a marriage at the time of the marriage, during the marriage and at the dissolution of the

marriage. It identifies offences related to marriage and sets penalties, prohibits inducing consent to marry by coercion or fraud. (Section 3, and 4)

The Protection against Domestic Violence (PADV) Act, 2015

This Act recognizes domestic violence in all its forms as unlawful behaviour. It makes provisions to ensure that where domestic violence occurs, there is effective legal protection for its victims. Section 6 of the Act empowers the police to take action against domestic violence. Further, Section 8 empowers the courts to make orders to protect victims of domestic violence, empowers the survivors and other individuals and institutions to take action against domestic violence.

Kenya's Vision 2030

The long-term development blueprint seeks to transform Kenya into providing high quality of life to all its citizens in a clean and secure environment. The plan is anchored on three pillars namely economic, social and political governance.

The social pillar prioritizes GBV prevention and response including: enhancing favourable social norms (at institutional, community and individual levels), enhancing utilization of quality essential GBV services, strengthening referral pathways and eradicating FGM. It further seeks to strengthen gender responsive budgeting in public finance management and participation of women in economic development towards realizing gender equality.

Police Service Standing Orders

Chapter 67 of the Service Standing Orders states how the police will respond to sexual violence cases. The Standing Orders prohibit any form of sexual violence by police officers while on duty and places mechanism for both reporting and investigation. Specifically, a police commander who receives a report of an incident of sexual violence or harassment should respond as quickly as the circumstances of the case may require.

CHAPTER THREE

Situational analysis of GBV in Bungoma County

GBV in Bungoma County is widespread and is a socially tolerated human rights violation which negatively affects men, women, boys and girls. GBV in Bungoma County manifests in various forms including; rape, defilement, incest, FGM, domestic violence among others. GBV disproportionately affects women and girls; however men and boys are also affected.

Prevalence of physical violence

Physical violence is an act of attempting to cause, or resulting in pain and /or physical injury.

According to KDHS 2022, in Bungoma county (62%) of women aged between 15 to 49 years have experienced physical violence, and were slightly more from the rural areas. The rate of victims of Physical Violence was high among those who had no education, followed by primary and secondary education.

Perpetrators of physical violence

The most commonly reported perpetrators of physical violence among married women or those who have ever had an intimate partner were their current husband or intimate partner, followed by a former husband/intimate partner.

The most common perpetrators of physical violence among married men and those who have ever had an intimate partner were current wives/intimate partners and former wives/intimate partners.

Mothers/stepmothers were the most common perpetrators of physical violence against women who have never been married or never had an intimate partner.

Teachers and schoolmates/classmates were the most common perpetrators of physical violence against men who have never been married or had an intimate partner...ends

Prevalence of sexual violence

Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion.

Nationally, thirteen percent of women reported that they had experienced sexual violence at some point in their lives. A slightly lower proportion of men had experienced sexual violence.

The percentage of women who experienced sexual violence increased with age being highest in those aged 40–49 years. The percentage of women who experienced violence is slightly higher among those who live in rural areas as compared to their counterparts in urban areas.

The percentage of women who experienced violence was highest among those who are divorced/separated/widowed followed by those who are married, ever had intimate partner, never married and never ever had intimate partner respectively.

Mr. Speaker: Under which Standing Order? Hon. Kawa kindly, resume your seat please!

Hon. Ipara, under which Standing Order please!

Hon. Johnston Ipara: Hon. Speaker, under Standing Order...

Mr. Speaker: Yes please, Hon. Kawa, you resume your seat; both of you cannot be standing at the same time please.

Hon. Johnston Ipara: ... *(Inaudible)*

Mr. Speaker: Hon. Ipara sorry, I think you are off HANSARD. You can come up again so that you are heard.

Hon. Johnston Ipara: Thank you Hon.Speaker. I am standing on Standing Order 96(2).

I wanted to draw your attention to the presentation being made with Hon. Kawa. Page 7 is missing on the...

Mr. Speaker: On the scanned copy?

Hon. Johnston Ipara: On the scanned copy.

Mr. Speaker: Are you having page number 8?

Hon. Johnston Ipara: Because when he was saying physical violence, we tried to look top to bottom and it was nowhere. Kindly guide.

Mr. Speaker: Even sideways...

(Laughter)

Honourable Members, I have been told by the Clerks at Table that there was a problem in the scanning process. I am very sorry on behalf of the secretariat, accept my apology. Let us go to page eight, but next time we will be doing the review before we send to the Honourable Members. Kindly accept my apology, but we have the hard copy which he is reading, we will send that single page to you so that you catch up on that area where you are looking sideways, upwards and ...Thank you.

Proceed Hon. Kawa! Your page eight!

Hon. Jack Kawa: Thank you Hon. Speaker and I think it was not a point of order but information.

Mr. Speaker: Hon. Kawa proceed! He was validly on a point of order, they were missing some information in their gadgets and it was in order, proceed!

Hon. Jack Kawa: I am lost Hon. Speaker. Let me just...

Mr. Speaker: Don't get lost, just come back to where you were... page number eight!

Hon. Jack Kawa: Hon. Speaker, page eight, prevalence of sexual violence.

Mr. Speaker: You will start on page number eight; I am the only one directing. Others kindly listen in silence!

Hon. Jack Kawa: Hon. Speaker,

Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion.

Nationally, thirteen percent of women reported that they had experienced sexual violence at some point in their lives. A slightly lower proportion of men had experienced sexual violence.

The percentage of women who experienced sexual violence increased with age being highest in those aged 40–49 years. The percentage of women who experienced violence is slightly higher among those who live in rural areas as compared to their counterparts in urban areas.

The percentage of women who experienced violence was highest among those who are divorced/separated/widowed followed by those who are married, ever had intimate partner, never married and never ever had intimate partner respectively. By County, the percentage of women who have experienced sexual violence was highest in Bungoma at (30%).

3.5 Perpetrators of sexual violence

The most commonly reported perpetrators of sexual violence among married women or those who have ever had an intimate partner were current husbands or intimate partners and former husbands or intimate partners. Similarly, the most commonly reported perpetrators of sexual violence among married men or those who have had an intimate partner were current wives or intimate partners and former wives or intimate partners.

Enabling factors to GBV in Bungoma County

The following are the drivers of GBV in Bungoma County:

Weak enforcement of laws

Non-compliance to National GBV laws, policies and frameworks by state duty bearers breeds a culture of impunity and creates lack of confidence in public service. This hinders reporting by

survivors while at the same time, perpetrators get away with their crimes and most often they become repeat offenders.

Poverty

According to the Kenya Household Integrated Budget Survey (2016), the poverty index of Bungoma County stands at 8.8 per cent against a national average of 8.6 percent. Some of the factors that drive people to poverty in Bungoma include illiteracy, lack of jobs or livelihoods, inequality and marginalization. Poverty denies most young people an opportunity to education and economic independence keeping them vulnerable to abuse.

Cultural beliefs and practices

Cultural beliefs sometimes perpetuate patriarchy and qualify gender inequalities where boys are mostly given priority in status and inheritance. Patriarchal and sexist views legitimize ...

(Laughter)

Mr. Speaker: Hon. Kawa, kindly read the way the report. This is a very serious topic and as you understand, I am the Chairman of ...Proceed please.

Hon. Jack Kawa: Legitimize violence to ensure the dominance and superiority of men. Other cultural factors include FGM, gender stereotypes and prejudice, normative expectations of femininity and masculinity, the socialization of gender, an understanding of the family sphere as private and under male authority and a general acceptance of violence as part of the public sphere.

Low awareness on available GBV services and human rights

Insufficient information at the community level on available GBV services; and where to seek support, limits the reporting of GBV incidences. Similarly, there is lack of information and skills to prevent violence from happening mostly in rural areas. Women who have low education levels and are economically dependent on their male partners remain vulnerable to GBV with men being the most common perpetrators. Parents and guardians with low literacy levels are known to encourage their children to participate in child labor, whose terms and conditions are exploitative, risky and abusive.

Beyond formal schooling, many lay people are not familiar with Kenya's laws on human rights and are unable to recognize GBV as a legal problem and seek legal redress. Many people do not know where to find information about the law, how to protect themselves against violence and when to obtain suitable legal assistance. Parents with low education level may not understand the justice process clearly enough to have confidence that the legal system will provide a remedy.

CHAPTER FOUR

Committee Observations

The Committee made the following observations:

i. Lack of a County GBV Policy

Despite the existence of national policies and legal GBV frameworks, the coordinated implementation of the same has been lacking in Bungoma County. Despite the Committee on Gender, Culture and Social welfare of the second Assembly making recommendations on submission of Sex and Gender-Based Violence Bill, 2019 and Gender Mainstreaming Policy to the Assembly, this is yet to be realized.

ii. Weak Coordination of GBV Services

The weak coherence of mandate between the national and devolved government, and between different Ministries, Departments and Agencies (MDAs) at the County level affect the County's ability to mainstream GBV interventions, carry out planning, allocate resources, deliver and monitor services in a coordinated manner.

iii. Inadequate funding

Inadequate financial resources affect the ability to prevent and mitigate GBV across state and non- state actors. Programmes cannot be well implemented where resources are either limited or are not there completely.

iv. High cost of services

GBV imposes tremendous costs on survivors and their families. Additional costs are incurred in reporting to the chief, and police. With a poverty rate of 32.4 percent, it becomes extremely costly and literally impossible for survivors of GBV in Bungoma County to seek help and services, especially if access to these services is at a cost solely to the survivor. The average cost of filling a P3 form is Kshs. 1000, which most of the victims cannot afford.

v. Weak referral processes

The lack of information by rights holders and duty bearers on the GBV referral pathway inhibits the complete access of services by survivors. A clear referral pathway should be documented and disseminated to all duty bearers in the community.

vi. Mistrust in public services

When issues of GBV are trivialized, or when cases of violence are tolerated either through action or non- action, or when customs and traditions are prioritized over the respect for fundamental freedoms and rights belonging to survivors, people lose trust that the system will enforce sexual abuse laws.

vii. Low capacity of duty bearers

The ability of the health sector in Bungoma to effectively respond to GBV is limited by the capacity of service providers to offer services, collect and document evidence; inadequate infrastructure and medical supplies, among others. The low capacity of the National Police Service (NPS) to conduct investigations, manage crime scenes and evidence is a major challenge to the successful prosecution of GBV cases. Further, few police stations have well-resourced and functional gender and child protection units, and the few that exist are limited in effectiveness and efficiency due to questionable ethics and integrity among the police officers.

viii. Lack of safe shelters

Persons experiencing violence and those fleeing violence or conflict may be at risk of experiencing further violence should they return to their places of residence, hence require safe protection. Despite the evident high prevalence of different forms of GBV in Bungoma County, not a single public safe shelter exists in the County. Shelter needs for residents include: adequate shelter space, food and clothing, psychosocial counseling, medical care, legal assistance, security from perpetrators, employment and education opportunities, and follow up services after leaving the shelter. The lack of awareness of the importance of safe shelters by duty bearers is a deterrent to investment in this critical life-saving crisis intervention.

ix. Stigma

The fear of stigma, threats and intimidation from perpetrators and family members reinforces GBV and is also a barrier to seeking help by survivors.

x. Risk areas for GBV

As per the department's data, the high risk vulnerability areas for GBV in the County include among others; South Kulisiru, Bumula, Kimaeti, Kabuchai /Chwele, Nalondo, Kimilili, Kamukuywa, Kaptama, Elgon, Kapkateny, Chepyuk, Chesikaki, Cheptais, Bukembe East, Bukembe West, Township, Khalaba, Musikoma, Sang'alo West, Tuuti Marakaru, Ndivisi and Misikhu wards.

xi. Measures to curb GBV cases in the County

The department in its response outlined the measures put in place to curb GBV cases (annexed) but much has not been realized due to failure by the department to recognize national legislation on GBV and lack of policy framework to address the issue.

xii. Partners working with County Government on GBV

According to the response received from the department, there were 11 partners dealing with GBV matters in Bungoma County (annexed) but the Department failed to provide interventions, the partners are putting in place and the areas they are operating in.

Committee recommendations

The Committee made the following recommendations:

- 1) **That**, the County Government Department of Gender should ensure adequate budgetary allocations in subsequent budget cycle FY 2023/24 for the implementation of GBV interventions. This will invest in leveraging partnerships with the private sector to enhance their corporate social responsibility, NGOs and CBOs to strengthen community-based prevention and response initiatives, and with development partners to seek out funding for GBV services. Further, there will be a deliberate effort to ensure annual allocations for GBV prevention and response from the County Government.
- 2) **That**, the Department of Gender and Culture fast-tracks the submissions to the County Assembly within 90 days from the adoption of this report the following pieces of legislation:
 - a) Sex and Gender-Based Violence Bill, 2019
 - b) Gender Mainstreaming Policy
- 3) **That**, to effectively address the multiple and cross-cutting issues related to GBV, it is important that all the relevant players participate fully in the process. There is need to strengthen collaboration and accountability within both state and non-state actors to enhance access to holistic survivor-centered response services and effective prevention programs.
- 4) **That**, the Department should create community awareness on FGM, early marriage, physical violence, sexual violence and other forms of GBV, the law etc.; promote critical reflection and dialogue on gender equality, engage in advocacy to address myths and misconceptions about GBV, report GBV incidents in a professional, ethical and survivor-centered manner that does not exaggerate the situation and cultivate safe spaces that encourage dialogue and do not condone any form of violence.
- 5) **That**, the Department of Gender and Culture in collaboration with the department of health should establish facilities and infrastructure to deliver GBV prevention and response services such as GBV recovery centers, forensic labs, one gender desk in every public hospital and safe shelters. The safe shelters should be built-in high-risk areas where community members are highly prone to GBV.
- 6) **That**, the County Government department to set up a toll-free number that would support calls and SMSs for the residents. This would enable anonymous reporting, assistance to survivors, tele-counselling and victim referrals for medical and legal services. Further, sensitization is required on the importance and proper usage of the line.
- 7) **That**, the Department of Gender and Culture should be involved in a series of sensitization activities and outreach within the 45 Wards, using various platforms including; door to door sensitization, through gender sector working groups and use of local radio stations.
- 8) **That**, duty bearers should be better resourced and frequently trained on GBV so that they can detect and handle both child and adult cases appropriately and effectively in their line of duty.

- 9) **That**, a clear referral pathway addressing how GBV cases should be reported should be documented and disseminated to all duty bearers and widely spread in the community.

Conclusion

Despite the above interventions, the County of Bungoma still has a long way to go. The Committee recognizes that the issue of GBV is complex, affects families and the County Government cannot win the fight single handedly. All sections of our society have an important role to play in preventing GBV to save the society. No one is safe until we are all safe.

It is therefore the responsibility of every person to stand against GBV before it becomes normal in violating human rights. This could be through: reporting incidences, supporting victims and speaking out against harmful and retrogressive cultural beliefs and practices.

We have the undersigned Honourable members, the 14 of us; with your guidance...

Hon. Jack Kawa: We have the annexures and Members can go through to see how our Wards are behaving. Because GBV is cross cutting for women and men, allow me call a gracious female here Hon. Florence Juma to second our motion.

Hon. Florence Juma: Thank you for the opportunity. I rise to second and before I do that, I would like to applaud my very able Chair Hon. Jack Kawa who has brought to the House a report that has been well elaborated and well explained. He has been audible enough and all of us have been able to understand. I would not like to go through so much that has been read, but I will only emphasize the fact that yes, GBV is a violation of human rights. Having a 62% rate in Bungoma County is really high and this is mostly attributed to the fact that there is a lot of poverty in the county.

Looking at the gender based cases that have been placed at the police station, there is a lot of stigma because when cases are reported at the police station, some of the questions that are asked, if you were the victim, sometimes you wouldn't like to go ahead. You can only walk backwards. So we were recommending that gender desks would be put at the hospitals.

Looking at the sexual violence cases, they are prevalent to men too. You will find that most of the boys, because of poverty and social issues, there is a lot of technology that our young boys are able to go through. They like the lifestyles that they don't want to work hard. Boys of age 15 and 16 years will even find themselves living with older women just because they want to make some money. It is so unfortunate that in some cases you will find that parents allow such cases so that their young boys can be able to feed them. It is a sorry state.

I would also like to emphasize that lack of policies is also contributing to the fact that there are so many of these cases. Most of the GBV cases are never brought to conclusion. Somebody in the village; let me talk of a primary school teacher, a case where a small girl was never told that I love you by the parents, just because the Deputy Head Teacher of a particular school told that young girl I love you...the Deputy Head Teacher defiled the young girl at the age of 15 years.

The girl was pregnant and when she was asked, the only thing she lacked was parental love. The parents never told the girl that they loved her and because the Deputy Head Teacher only said he loved the girl; that is what happened.

You will also find that they live in the same village. The Village Elder is that one person who is related to the Deputy Head Teacher. The Chief and the Assistant Chief are all related; and so such cases probably end up in kangaroo courts where the parents are maybe paid about 10 or 15,000 shillings and the cases and just disappear like that.

I would also like to say that in most of the cases especially the defilement cases or sexual assault that happens to children, even though some wives in their homes are raped by their own husbands, I would like to say that for the children, most of their parents use their children as an economic tool.

They will provide an environment; they will even bring their children to the perpetrators. A parent is paid one or two thousands shillings and they lead their small girls there. Even wives in our homes sometimes are raped. When you report to the police station, you are asked if a husband can rape a wife. It happens. Without my consent then that is rape. Even when you are married, you must consent. You cannot just have it like that.

(Loud consultations)

Mr. Speaker: Order Honorable Members!

Hon. Florence Juma: Even when we are looking for our partners, what is sad is the fact that we do not have the safe houses. When somebody...

Mr. Speaker: Hon. Florence, moderate the language because of the pupils.

Hon. Florence Juma: We need to have the safe houses because if these victims go back home, they will still go back to the perpetrators in same environment, and you might find that we have not really solved anything. The partners will again come in. It means that as a county we must begin having activities so that when the partners come in, they will find us already having the activities so that they can be able to partner with us. As I finish, I would like to emphasize that maybe we require civic education, sensitization and training on matters of GBV. I second.

Mr. Speaker: Thank you Hon. Florence for seconding the motion.

Honourable Members, I will now propose a motion for debate. Those who want to speak can hold their horses. Honorable members, a motion has been moved and seconded that the House adopts the report by the Sector Committee on Gender, Culture, and Social Welfare on the status of gender violence cases in Bungoma County.

(Motion proposed for debate)

Hon. George Makari: Why are you worried Mr. Speaker?

Mr. Speaker: I am not worried!

Hon. George Makari: I know we have an audience of those under 18.

Mr. Speaker: Yes, so you mind the language.

Hon. George Makari: I wish to support the motion. I am especially impressed by the seconder who has tried to cut down the report into very nice pieces. I want to say that as a county on the GBV front we are not doing well. As the mover of the motion Hon. Kawa who is the Chair of the Committee on Gender has said, I think we need to put in more efforts so that we can cover ground. You will find that so much is happening outside there. People are being sexually abused and I am surprised that a bigger percentage is from my friend Hon. Mutiembu's place in South Kulisiru/Malakisi- represented by a female. I don't know what is happening in her Ward. Musikoma is at the back there but then, Malakisi/Kulisiru is number one.

I was thinking the Committee could have also included that there must be gender based violence desks even in this Assembly and even at the Executive. Even in hospitals. The only place you can find gender based violence desks are in police stations.

Imagine a man of the caliber of Hon. Waiti walking in a police station with his body and reporting that the wife has really beaten him up. Do you know that the police will first of all laugh before they attend to him! They will laugh and then ask him how it happened? You of all people can be beaten by a wife?

So my sincere prayer is that all these gender based violence desks as a county, leave alone police stations, we must have them in every station. Most hospitals even don't have the GBV desks. You will find that men will not be confident to walk in hospital to report that they have been sexually assaulted, but if there would be a desk specifically for such a case, somebody will majestically walk there and report and be attended to.

My prayer is that we must be able to improve as a Committee on Gender which has membership in this Assembly; and which has an able Chair in the name of Hon. Kawa; you must suggest that we must have gender based violence desks all over the county wherever the administration of the county is represented. Recently, I was talking to Hon. Kawa and he told me that the county constructed a gender based violence centre on your way to Ndengelwa.

But the person occupying that facility is the woman representative. It is not even the County Government of Bungoma. Why can't the Committee on Gender and Culture... I wouldn't want to say that you evict the woman MP, but that is not her facility. Why can't she look for her own facility so that this one remains for the County and the county can put it to good use?

(Applause)

I also wanted to cover something but for the sake of the attendance, it is somehow sensitive I will not cover it today but maybe I will cover it on another day.

Mr. Speaker: Thank you for appreciating what I said.

Hon. Sheila Sifuma: Thank you for this opportunity to contribute towards the report that has been tabled by the Gender Committee. I just want to say that it is a sad state of affairs that Bungoma County should lead in matters of gender based violence. I think the people of Bungoma are very happy people, they are not able to engage in violence activities, be it physical, emotional or sexual violence.

I want to comment and say, on the front of poverty, I feel that poverty is the biggest reason why majority of these cases are reported in Bungoma County, because an angry man is a hungry man. At any point where you lack food to put on your table, you know you are angry that you can't provide for your family; maybe as the head of that family and you feel the need to release that anger on someone. So most of the time, I feel that is how GBV happens in this county and that calls to us as leaders to look at how we can help and empower our people in Bungoma County; especially the people in the rural area. In the report we have just seen that those in the rural areas are highly affected than those in urban places.

This is because in the urban set up, you come to work; maybe employment or you are doing business. In rural set up, you are just at home maybe farming or you are just a stay at home parent. As a County Assembly, I am urging that as we campaign against GBV, let's speak to our young boys because I have seen boy child empowerment will also be a good starting point to reduce the gender based violence.

Why am I saying a boy child empowerment? Because once the boys understand that their role in the society or the family is to provide, lead and love the family, they will not be quick to go into issues of battering and physical abuse or emotional abuse to their families. I also urge the women Honorable Members in the House. That let us be the champions. Let us start the journey because we are the mothers of the county.

Let us be champions and join the Gender Committee on being the champions of GBV. If you don't speak against something you are supporting it. So I feel like we need to speak out against gender based violence and I support the Honorable Member who has said that we need a GVB desk that is functional in all areas where the County Government is represented. As I finish, my parting shot to the women legislators, let us be on the fore front to advocate for reduction of gender based violence and as a county, let us prosper in other things other than this gender based violence.

My colleague Honorable Member from Cheptais was mentioning and saying that in Mt. Elgon, we have just noticed from the report, that all the Wards in Mt. Elgon have been covered as the top areas where...

Mr. Speaker: Just say that Mt. Elgon Sub County has been covered. It is that serious.

Hon. Sheila Sifuma: My colleague was mentioning and saying that they don't have the right language to ask some of these things and that is why it ends up in matters of gender violence.

Mr. Speaker: Hon. Sheila, find time to speak to the Hon. MCA for Chepyuk. He will teach you something that you have never heard.

Hon. Sheila Sifuma: Thank you. I stand guided.

Hon. Linda Kharakha: Thank you. I will first want to congratulate the mover of the motion Hon. Kawa. I will go straight to the point for this is a very hot debated area that is so dear to my heart. First, I will want to state that we have had crimes over sexual violence because most people do not know and ignorance has been eating us; and that is why we do not know some of our rights. I will say for instance, people go infecting others with deadly diseases not knowing that it is a crime in itself when you do it knowingly.

I will go to domestic violence. First it is our court system. Court systems are made to protect domestic violence victims by giving court orders for instance, separation order, divorce order, restraining orders, but you will realize that the courts have been overwhelmed due to the many backlog cases. Some are reported and the victims go mute. Why? They have been silenced. How so? Through bribes... So you will find that the case is filed but never goes on because few elderly men have sat down and decided to settle the matter silently and the case is delayed for that matter. Justice delayed is justice denied.

Mr. Speaker: But beware equally that justice hurried is justice buried.

Hon. Linda Kharakha: Thank you for your guidance. But I will prefer more hurried and a decision arrived at than justice never dealt with. I go to the police in terms of protecting domestic violence. This is where we get it wrong from the beginning. First is from the Chief's desk then to the police. So now a victim comes to the police station to report gender violence.

First the receiver of a victim is a put off. Two, you report a matter then everyone seems to doubt if it ever happened in the first place. So you will find that some are bribed and cases die at the police station. With the term, let the elder speak or if the other victim has come to plead. In that case, we will continue to have those cases and it might be even more than 62% as we are reporting here, because there are more cases that are lying and have never been brought to light.

I will also talk of overwhelmed cases to handle. Police receive a lot of cases in a day and that is the list I want to hear sometimes. Because of overwhelmed cases, some go unheard, some go reported and some go because one want to be the ahead between the perpetrator and the victim. I will proceed to talk about prevalence of sexual violence.

I said the percentage might be even higher for men as the report says that the most affected individuals are women. You see men do not report violence just as Hon. Makari has said, if Hon. Waiti arrived at the police station saying that my wife has beaten me, he is even confessing that he can never dare to do that. How many men have been violated by their counter parts and have never reported?

So I will say that we have only taken women because they are more social and easy to talk about their issues unlike men who suffer in silence and think that because of the societal constraints, no one wants to speak about it. That how will they see me, a man being beaten by a wife? It can never happen! So I think that men are equally violated as women and so we should not give it a go that is more for women than men. It is a half-half situation for me.

The factors that enable GBV in Bungoma are still weak enforcement of laws. As a County Assembly we have never passed any policy so far articulating the same. How I wish that this is an opportunity for this House to take up task so that we have a policy talking about GBV. That is the first way to champion and be on front line for our people.

I will still talk about how charges are framed at the police station. You and I know that if a charge is poorly framed, it can never pass at the court. Either it is amended or a person goes for a lesser charge. That happens a lot because they want to favor the party that has been accused for perpetration. Intentionally or lack of knowledge, the police will draft it in a way so that the perpetrator gets a lee way not to get the higher penalty.

Talk of poverty, I will speak of a scenario of a child or a girl who never had sanitary towels, this girl was bought for sanitary towels by a boda boda guy for exchange of... I will not say because of the young ones here...

Mr. Speaker: I said you moderate the language.

Hon. Lindah Kharakha: ...and because of that the girl was molested was infected and expectant at an early age, but at the end of the day, parents are also to blame for this violation. Your daughter will come to you say this and this happened and at first you also don't believe and you think that they threw themselves to that person and you will be the first to punish for a reason that they were not part of.

Another one is cultural beliefs and practices. Because of gender equality, I will say girls and boys are at the same par. We have heard of gender equality requirements and this House is one of it and because things are changing slowly. Particularly, the report says that because boys have been known to know their place in society, girls are being violated.

Another issue is on upbringing. A child who grows in a home of violence will learn that solving issues with violence is the only way, and so he will grow knowing that hitting a woman is the only way to make them respect you and that is why if you go and follow up the case you will find that this particular boy or girl was violated at an early stage.

Lastly, lack of awareness; most of the cases have been lost because there is no evidence for instance in the case of rape. A victim is not supposed to take a bath but you realize this girl is told to go and take a bath and when the tests are run, there is no evidence or whatever can be used to qualify it as an offense. Some sleep on the cases over 24 or 32 hours before they report the matter and, in that case, the case is lost and the perpetrators go free.

Also, some people do not know how to approach the procedure; where to begin. I have been raped or abused by my husband; how do I start? So if we grow awareness amongst our people, somehow, I think it will also help in bringing down this percentage. Otherwise, I support the motion before the House.

Hon. Ipara Okasida: Thank you, Mr. Speaker for allowing me to support the adoption of this particular motion. I start by borrowing the words of the presenter that 'no one is safe until all of us are safe'. Why I borrowed those words is because it demands that all of us need to respect human dignity, to consider equality and all of us are required to apply equal social justice. That we are required to practice and ensure there is inclusivity and we must respect human rights. The reason I am saying that is if we applied those which he quoted under Article 10(b) what we shall experience is that we shall not have physical GBV, we shall not have sexual GBV and we shall not have emotional GBV.

Hon. Speaker, I do want to agree with what the presenter said that we need to have physical gender desks across the country and not only in the county and maybe the information I want to share, with your permission, is in the police stations. Nowadays we have what we call gender desks and an independent office away from the police station. The reason is those matters they consider to be very sensitive and private, and involves a personality and both ages are involved, the young, old, man, woman, boy and girl. We have several of them, we have one called gender desk office, we have another called children protection unit and recently one was enacted at the CID and it has been spread across the country; it is gender investigation desk. One thing these particular officers have been taught is the approach on how they handle these matters because they are very sensitive and if mishandled will demonize the person who did report to the police station.

I also want to reinforce the factors he mentioned to influence GBV as my able Hon. Member Linda said the law and lack of legal protection, and that that is what has actually perpetrated GBV.

The second one is unemployment and lack of employment equality. If we applied employment equality, we could have eliminated some of these GBVs and that which has not been talked about is alcohol and most of us we remember very well the harm that alcohol does to us and you end up perpetrating GBV. The other one is drug- abuse, uneven access to education and I want to commend Moi Bungoma Primary School; when I looked behind, I saw both girls and boys, and the numbers are almost the same. Yesterday we were told that class eight has 502 pupils. That is

the total number of children at Kewa Primary School where Hon. Waiti comes from; and so we need to commend this school so much.

The other thing that drives this is poor medical care. If you went today across our country and counties, you will find that to access medical care is not possible. You will find that most of our people are influenced to go and look for unethical ways to get money to go and get proper medical care. The other one that was talked about was harmful gender norms where as a husband I say I have the authority over my wife and my children in my house, forgetting that I am also violating their rights as human beings.

The most exposed, I want to say this, is a boy child; because most of the emphasis was put on girl child forgetting the boy child. As you go out, just find out how favored is a boy child today. With that I support.

Mr. Speaker: Thank you Hon. Waiti, you don't need to respond to the issue of Kewa Primary school, just proceed.

Hon. Wafula waiti: Thank you Mr. Speaker, I don't know why you are protecting ...

Mr. Speaker: No, I am not protecting, some of us where we come from we have a half of that class as the total population of the school and so we understand.

Hon. Wafula Waiti: You can hear from the horse's mouth Mr. Speaker, that is my home school and it has a population of 2,560 as at yesterday; because today I am here.

Thank you, Mr. Speaker. As you are aware my name has been mentioned here severally being taken to police to report about Kewa Primary School and that is why I am thanking you for allowing me to speak. Although it is very hard to speak after an eloquent lawyer like Hon. Linda; at her youthful age, she has elaborated and guided her colleagues well and also talking after a law reinforcement officer like Hon. Okasida is very hard because they always stick to the law forgetting that we have culture and traditions in societies.

(Laughter)

Mr. Speaker: Hon. Waiti, you can equally speak about culture.

Hon. Wafula Waiti: Thank you Mr. Speaker. I want to commend my colleague Hon. Kawa for giving us this wonderful motion today. You know there are some mistakes we do as parents, like all of us here are parents; some of us are grandfathers. I am a grandfather of nine and so I am not as young as many may think.

Mr. Speaker: Are you competing Hon. so and so

Hon. Wafula Waiti: Some of them are younger than me. The problem with parents today, if you move in some homes this evening, you will get parents comfortably sitting with their children watching TVs as late as 10 or 11 o'clock. You will see these parents watching very bad videos

with their children. They look at movies, some are love pictures, and they don't even restrict their children. At the end of the day, they don't sleep in the same rooms with these children, what do you expect thereafter?

Mr. Speaker: Honourable Members I spoke about moderation and so I think we adhere to it.

Hon. Wafula Waiti: In ancient days, some of us were being monitored and guided by our grandmothers and grandfathers. Today, if you looked even in this Honourable House, we have grandmothers here who don't want even to accept that they are grandmothers; one is left to wonder how they will lead the young ones.

Mr. Speaker: Hon. Waiti Wafula, are you accusing my Honourable Members that they have refused to become grandmothers or what are you saying.

Hon. Wafula Waiti: I am advising them that they take this time to accept and now that we have such challenges with our young ones, they take up their role and lead the young ones well. The young ones access electronic gadgets at an early age and at they use them; they learn inappropriate things that can lead them to negative thoughts. So if we can be guided well, we guide them against accessing such things for a better future.

Otherwise, I don't know how I can rape my wife, and so in this situation, we have to teach our young ones well.

Mr. Speaker: Thank you Hon. Waiti Wafula.

I will have Hon. Meshack Simiyu then I will have Hon. Jeremiah Kuloba to close and allow Hon. Kawa to reply to the motion accordingly. That is the procedure.

Hon. Meshack Museveni: Asante sana mheshimiwa Spika pia kunipa nafasi nichangie mswada. Kwanza nataka nishukuru mheshimiwa Kawa; amesoma vizuri na kila mtu amesikia na nilikuwa tu na neno moja. Kwamba tuna mheshimiwa wakili Kharakha, wakili tunataka awe mfano kwa sababu ameongea vizuri sana. Tuna afisi hapo na nilikuwa naomba sana haswa wateule kwa sababu wengi ni akina mama, wawe mfano kwa sababu kesho hawa watoto wakipata shida wakienda kwa polisi mambo yanakuwa mengi halafu hawawezi kuwasaidia vizuri, kwa hivyo ninataka niombe waheshimiwa wateule wawe na afisi, na mtoto akipatikana...

Mr. Speaker: Honourable Member, what they were seeking from Hon. Lindah and other members here, you know you cannot just wake up one day and say this is a gender desk. There must be a policy in place saying that from today, the hospital will have a gender desk in the Assembly. So even if I ask Hon. Lindah to have a gender desk here, what will happen? Hon. Museveni proceed

Hon. Meshack Museveni: Mheshimiwa Spika sasa kwa hivyo tunataka tufanye kuwe na *policy* (sera) ili pia katika hili bunge letu tuwe na *desk* (dawati) mahali. Hawa wakienda na huyo mtoto kwa polisi, hakuna siku ambayo polisi ataruka kwa sababu anajua huyu mtoto amekuja na

waheshimiwa na haya maneno lazima yaende hadi mbele ili wapate ukweli. Kwa hivyo nataka niombe waheshimiwa wateule wawe mfano kama tumepata hiyo *policy* (sera), kazi yenu itakuwa rahisi kwa sababu hiyo pekee yake itaonyesha kazi yenye mnafanya katika hii kaunti. Ni hayo tu.

Mr. Speaker: Thank you, Hon. Museveni, Hon. Linda and Sheila you have been given that task. You are young and energetic; you take up that chance. Hon. Linda you cannot speak twice on the same motion under our Standing Orders.

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker for giving me this chance. First, I would like to thank the Gender Committee through its able Chairman for giving us a very good report. Keep it up.

Today I happened to have gone to Kibabii and I was supposed to go with the Gender Committee but I was there alone. The CS for Gender, our Mama County, the Governor plus other dignitaries were also there! They talked of very sensitive issues and I never knew that this report was going to be tabled today. They talked of the community as a whole being whistle blowers. When such things come up, we should have whistle blowers so that these issues are not covered. They said it should go through churches, mosques, Chief's offices and many other areas that they may be highlighted so that the perpetrators cannot hide anywhere.

They talked of the levels of poverty. As a community we get to homes where we get that parents and grown up children sleep in the same room. We should try to come up with proper shelter so that such violation does not happen. They talked of GBV homes being put up, but then they were talking of homes for girls, Centres for girls, they never talked of boys; but when Hon. Aisha Jumwa came up to speak, she talked of men also being given Centres because they are also molested.

They talked of having special courts, these gender-based violence cases take too long to conclude. They are talking of coming up with a policy where we shall have special courts, special magistrates, special lawyers to handle GBV cases. Otherwise, everybody here should be on the frontline to deal with these GBV cases, I support.

Mr. Speaker: Thank you Hon. Jeremiah Kuloba. Allow me invite the mover of the motion Hon. Kawa to respond to the motion accordingly.

Hon. Jack Kawa: Thank you, Mr. Speaker. Allow me congratulate Honourable Members who have contributed to this important motion. As the Chair of the Committee, I want to echo what Hon. Ipara has said that no one is safe until we are all safe. What I mean is that I alone will not go far; you alone will not go far, but when we come together as leaders of this County, I am very sure the percentage of GBV in the County of Bungoma will come down.

Hon. Makari said something to do with gender-based desk across the county. It will not come until we have the policies in place. So what we want is for the Department to be on its toes so that they furnish us with policies and bring to this Honourable House so that we pass. From that

point, I am very sure we shall have where to start and where to end. The Hon. Makari mentioned where Mama County has an office; that Centre is not for Mama County and I want to be on record that we want our Governor plus the Department of Gender, Culture and Social Welfare to assist us and make sure the woman representative leaves that place so that we use it as our Centre.

At the moment we shall have that center, I am very sure that place will be independent, the affected victims will be staying there without running away. Most of the women, when beaten by the husbands or whomever; they go where they came from and we don't want such issues. At that centre, one member said we are going to be independent; we shall have a nurse there, we shall have a lawyer, we shall have a police officer, we shall have a counselor who will be counseling victims who are taken there, so that these issues of police men and police officers and police stations and kangaroo courts come to an end.

As a Chair, I wish to confirm to this Honorable House that I am going to do what you gave me to do. With my able team, I have the Leader of Majority with me as a Member of the Committee; we have Honourable Members who are sited here, and very powerful Members. I will not forget to appreciate your office; your support and the secretariat, the office of the Clerk. For the Short time I have been the Chair of the Committee on Gender, we have seen the fruits on this Honourable House. Continue supporting us and we shall make sure the GBV in Bungoma County will come down.

Something that we forgot to mention and is also part of the things that are making the GBV to come up; we want and Honourable whip Museveni has said it, Members of this County Assembly who are nominated to various positions; nominated on youth affairs, nominated on women affairs, nominated on disability, nominated on the marginalized affairs; assist us, come up openly. Let us not sit and see things happening and that is when we come up and start saying what happened.

Let us actually start now, as leaders, let us leave a legacy. Bungoma is rated as GBV victim number one. I want to request Honourable Members that let us leave a legacy that after our five years; we reduce the percentage of GBV.

Lastly, I want to urge Honourable Leaders here; especially Honourable women leaders; let us also advice on this issue of my dress my choice. It is also contributing to this GBV. Let us advice our people to put on clothes that when you pass around here, nobody will look for a handkerchief and cover the eyes because of the dress.

I want to thank you most sincerely Honourable Speaker for your support. I want to thank my able team, the 14 Members of the Gender Committee; and I want to assure you that as your Chair that we have our fiscal analyst; she will go an extra mile to make sure that we have many activities to

bring to this Honourable House. I want to urge this Honourable House that you pass this report of GBV, and then we will know what next.

Mr. Speaker finally, as we pass our reports here and as you are all aware that Gender Department we are orphans, we do not have a CECM, we don't have a Chief Officer; so we are orphans, and as we pass our reports here, let it be implemented optimally so that we give Honourable Members easy work. Otherwise, I want to thank you more sincerely and wish that we will continue supporting one another. GBV cuts across; it will be you or me, my son, my daughter, my grandmother, your grandmother and so nobody is safe.

(Applause)

Mr. Speaker: Thank you Hon. Kawa for your reply to the motion. I think Hon. Sheila can now consult Hon. Frankline Simotwo; he will tell you the reasons behind the mentions. I think Hon. Cheseto was economical with some information, but get from Hon. Simotwo; I think it is as raw as it is.

Members allow me go to the next stage of this motion. Allow me to put a question to the motion beforehand so that the House can make its decision.

(Question put and agreed to)

Honourable Members this report has so many good recommendations, I urge that the Clerk to forward the same to the Executive for the policy to be prepared; and have the same brought back to us as soon as possible.

Secondly Hon. Kawa has talked about the issue of being orphans; I think in the near future, two weeks from now, my Committee where I am the Chair will table the nominee to the position of Gender CECM. We will be doing the vetting I think by 25th April, 2023. I hope you are going to have your CECM in office once we approve.

Members, that was the only that report we had; we will adjourn today's sitting to resume tomorrow Thursday 20th April, 2023 at 2:30 p.m.

(House adjourns)

