



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 26th October 2021

The House met at 9.30 a.m.

[Hon. Deputy Speaker (Mr Geophrey Majiwa) in the Chair]

PRAYERS

Hon. Deputy Speaker: Clerk, proceed.

PAPER

Hon. Deputy Speaker: Chairman, Justice and Legal Affairs committee.

Hon. Joseph Komu: Hon. Speaker, pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly today, Tuesday 26th October 2021:

The 6th Report of the Sectoral Committee on Justice and Legal Affairs regarding inquiry arising from a request to a statement by the Leader of Majority Party on alleged unfairness, discrimination, irregularities in the administration of staff affairs at the County Assembly.

I beg to lay.

(The Paper was laid on the Table of the Assembly)

(Point of Order)

Hon. Deputy Speaker: Yes, Mary.

Hon. Mary Mwami: I bring to the public that according to Standing Order No. 94 on matters sub judice or secrets before the court, the matter is laid before us here is a matter of court contention. I want to read it to you the court order verbatim so that we know---

Hon. Deputy Speaker: Excuse me, Hon. Mary. Are you reading to me a court order or giving me a point of order?

Hon. Mary Mwami: I am giving you the fact that this particular case---

Hon. Deputy Speaker: You cannot read to me a court order. This is reserved to the Speaker.

Hon. Mary Mwami: It has been served to the House. This is a matter of Mark Kariuki vs the County Assembly. It is before the Milimani Court and its application certified as urgent. Hon. Benson Mutura was

served, attention Adah Adoyo, Clerk of the Assembly. This was received on 13th of October 2021. This matter is before the court---

Hon. Deputy Speaker: Hon. Mary, you need to substantiate what you are talking about by way of documentation.

Hon. Mary Mwami: Yes, I have it---

Hon. Deputy Speaker: Just listen to me, you seem to be holding this House at ransom. You have to substantiate before you engage us on sub judice. If you have those documents, please, can you lay them, and we are not discussing them now.

Hon. Mary Mwami: I have it on WhatsApp. I can print it.

Hon. Deputy Speaker: Please, kindly take your seat. You cannot have things on WhatsApp and hold the House at ransom.

(Hon. Mary Mwami spoke off the record)

Hon. Deputy Speaker: No, that is not the procedure. If you have not substantiated, then we cannot entertain your point of order.

Hon. Mary Mwami: *(Off the record)* ---on 14th of October 2021.

Hon. Deputy Speaker: You have not satisfied the House. Kindly take your seat. Next Order!

NOTICE OF MOTION

Hon. Joseph Komu: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this Assembly adopts the 6th Report of the Sectoral Committee on Justice and Legal Affairs regarding inquiry arising from a request to a statement by the Leader of Majority Party on alleged unfairness, discrimination, irregularities in the administration of staff affairs at the County Assembly, tabled in the Assembly on Tuesday 26th October 2021. Thank you, Hon. Speaker.

MOTION

Hon. Deputy Speaker: Hon. Mbugua, are you ready? You can proceed.

DEVELOPMENT OF COUNTY OLDER PERSONS WELFARE POLICY

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. I would like to move the following Motion: THAT, aware that Part Three of the Constitution of Kenya, 2010 provides for specific rights including the rights of older members of the society where the state is to take measures to ensure the rights of older persons to live in dignity and respect and be free from abuse, receive reasonable care and assistance from their family and the state; further aware that Article 43 of the Constitution provides for economic and social right of every person including the right to the highest attainable standard of health, accessible and adequate housing, reasonable standards of sanitation, free from hunger amongst others; concerned that majority of older people in Nairobi are faced with a host of problems that vary from economic, health, social and other personal problems most of which are not addressed conclusively; acknowledging that the County Government is committed to care for the elderly as evidenced by the establishment of Mji wa Huruma Home for the Elderly in Runda; further acknowledging the commitment by the National Government to provide monthly stipends for the elderly across the nation, this Assembly urges the County Executive to develop a county policy on older persons to provide for a comprehensive framework for guiding issues of older persons

and establish a full-fledged department to work hand in hand with National Government agencies in ensuring the protection of older persons rights, welfare and related concerns within County.

Mr. Speaker Sir, the aged are among us in the society. The old are our parents and grandparents, and live within and among us. Some are poor, some are rich. Maybe they may not know who an old person is, but according to the Constitution of 2010, Article 206 defines an old person above the age of 60. I know Mr. Speaker you are closer to the age of 60 than I am but I am so sure that I will get there one day.

I would also like to consider an example like a person therefore I seek to legislate so that by the time I get to that age I will benefit from my legislation as a youth. I sit in this House as a privileged Member to represent the interest of the youth in this Assembly and I would like to talk about the elderly. I wish that this county set legislations and processes that will ensure that the rights of the older are protected within the constitution, within the local government laws and County government laws. You can define, an older person as a person aged 60 and above and I know the Hon. Komu is also closer to that, Mr. Speaker.

Why am I trying to get a policy on the older person, it helps to logistically make sure that the resources that are channeled towards the elder persons are channeled with a purpose and there is no wastage of time at all. Hon. Speaker, I wish that the older person in the society lived with dignity. I wish that the elderly people are facilitated at some point to make sure that they are living a very dignified life.

Mr. Speaker, an international treaty is a convention that has been ratified with the Kenyan Constitution of 2010 and some of which I would just like to highlight. These include the United Nation Slum and Action of 1982, the United Nation Principle of the older persons of 1981, the United Nation Proclamation of 1992, The United Nation Plan of Action of 2002, the African Union Policy Frame Work of 2002 and the Constitution of Kenya.

Article 57 of the constitution says that we should take measures to care and reasonably assist the older person in society. Mr. Speaker the constitution, at the level of the national government the ministry of labour and the social welfare of the national government has done many steps to ensure that the aged are protected and taken care of.

Article 21 of the constitution also says that we should not discriminate against the aged. Article 43 as well Article 274 talks about the older person and protecting them within the constitution complex. I said that the objective of this policy in the county government will then be to ensure that the older persons have a favourable environment to live in with dignity. Every person sick or not sick deserve to live in dignity, every person either young or old and ageing deserves and have a right within the constitutional context to live with dignity.

I would wish that when the County Government forms this department and make sure that this policy is set, I wish that the policy covers certain things. I would wish that the policy talked about the older person and law so that they highlight certain things in the policy frameworks or certain laws that need to be done by the County Government of Nairobi to support the elderly in society.

I wish that it talks about the family, community and culture so that we do not have a situation where the older person is then discriminated from among and within their families as we have seen that, Mr. Speaker.

We have seen the OPCT (Older Persons Cash Transfer) which is been done for around 810,000 aged people within the national context and I would want to see what the county government of Nairobi is doing about the aged other than just setting up *Mji wa Huruma* Home.

What employment and income are being provided for those of the age of 60 when they retire? Looking at the number of things that happen to the people who have actual retired it is high and alarming. Therefore, we have to provide and take care of the old person to a level where they could get some form of employment in which they can utilize their knowledge and experience.

Hon. Speaker, poverty and sustainable livelihood is something that I would wish to see in that policy. For, HIV and AIDs, it is something that I would also want to see people are suffering from HIV and AIDs in the health component. NHIF has been taking care of the health but what is the commitment of the Nairobi City County Government towards the elderly person and aged? I would wish that all the aged within Nairobi City County Government are paid for NHIF; that is something that can be done since there are so many in Nairobi in the *Mji wa Huruma*.

I sit with the Education Committee, Mr. Speaker, and one of the things that I have been fighting for is that the *Mji wa Huruma* hold. We have visited *Mji wa Huruma*; the situation there is that anybody can go through the fence. We have budgeted for the fence but we have not seen that happen. They keep on complaining, now if you go and put your father or mother in the home of the aged then one day they will disappear because there is no wall. Who is there to be blame? The County Government.

So, let us hasten these processes in a way that we can assist the elderly persons in the society live a dignified life. I wish to thank you Mr. Speaker and all members and encourage you all to talk about this. I desire that we all live to see the old age. My grandmother is 102 years of age and when I visit, she tells me many cultural stories, which I desire to tell to my great grandchildren when I get old. I wish to call upon Hon. Mary Mwami Ariviza to second this Motion. Thank you very much, Mr. Speaker.

Hon. Mary Ariviza: Thank you Mr. Speaker sir. Hon. Kabiro, given that he is representing the youth and bringing forth such a motion is thoughtful and progressive. Article 57 of the Constitution states that the state shall take measures to ensure rights of older persons to fully participate in the affairs of the society; to pursue their personal development; to live in dignity and respect and free from abuse; to receive reasonable care and assistance from the family and state.

It is very unfortunate whereby we find that values that have been put are being broken down. Therefore, we as a society have to look for ways to take care of the elderly because the family structures that were present in the African society are being eroded. Especially the people who have lived in Nairobi all their lives and seem not to know where they originally came from. Therefore, it is important for us to set up structures as a community to help them.

Nairobi is a capital city where people come to in large numbers and some are not wanted and end up living in the city for very many years. Therefore, we would have to put in measures to help us understand who has lived longer in Nairobi to void an influx of the elderly here. I support the Motion that we set up structures and a department that will take care of the elderly, rehabilitate and bring children closer to their parents. The Bible in Ephesians 6:1 says, "Children, obey your parents in the Lord. For this is right. This is the only commandment with a promise. That you may be able to live long"

Hon. Speaker and Kabiro, your parents lived long because they honored and respected their parents. We are disrespectful to parents, leaders and that cuts down on our lives. I come from a heritage of people who have lived long. An aunt fought in the First World War and died in 1997 and my grandparents died in 2005. We should not live comfortably in Nairobi while the elderly suffers in the village. Let the places where the elderly will be taken be facilitated so that they get to be comfortable. The mover of the Motion said that he talks to his grandmother and gets to learn on our rich heritage, culture and history. I support and second.

(Question proposed)

Hon. Deputy Speaker: Members! Hon. Millicent Jagero on Zoom, can you hear us?

Hon. Millicent Jagero: Yes Mr. Speaker. Thank you Mr. Speaker. I support this good Motion that has been brought by Hon. Mbugua Kabiro. First, we can agree that many old people are not given proper attention and care. Most of them are leaving alone and do not have care givers to take care of them.

Despite the national government offering them a monthly stipend of Kshs. 2,000 it takes too long. Most of these people have health problems like hypertension, high blood pressure, diabetes which hinder them from doing any economical job that can help them meet their daily needs. Health care has become a challenge to them because as long as they cannot be able to access hospitals, they cannot even be able to buy medication. They are not provided free medication. In as much as the government said that it is giving medicine for free, they only get panadol and antibiotics but most of the times they need more than the panadol and the antibiotics.

For somebody who is suffering from diabetes or blood pressure, they need proper medication. All government facilities should ensure that they have these medications with them because this will help the older people even where they do not have care givers. The recently passed bill on community health care volunteers who ensure that they are given proper care. Feeding programmes should also be introduced to curb the hunger that these elderly people undergo in their homes. It also needs to be introduced in hospitals by administrators so that the food can reach all the elderly people in the community.

Lastly Mr. Speaker, the government should come up with a lasting solution in addition to the Kshs. 2,000 given to them every month, they should increase the amount so that it can be able to sustain them in paying their shelter or they come up with shelter homes (not the Mji wa Huruma) but they should be sheltered with their grandchildren because most of them especially in the informal settlements live with their grandchildren whose parents left.

Thank you Mr. Speaker, I support this Motion.

Hon. Deputy Speaker: Mover!

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker for this Motion. It is indeed a Motion that we all support in sidelines and in voice. I would like to thank Hon. Mary Mwami, Hon. Millicent Jagero, the leadership of this House, the committees that will be implementing this Motion and the Clerk Assistant who made sure that this Motion is done that is Kevin Wasike. I wish to see that this policy will help, that is the bottom line.

The aged need to live in dignity and that is why we need this Motion and policy to be provide for department to be set up within the Executive to take care of the elderly persons in our society. I know of an elderly person who goes for dialysis every week which is very costly, the psychological trauma and the

amount of trouble that their families undergoes every week to go to hospital. She has also to queue in order to get medical services availed to her. It is such a huge pity and as a county government which is charged with the responsibility of health, let us prioritize the health of the aged because one day we will be the aged.

Thank you very much Mr. Speaker. I would like to reply to the Motion.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: There being no other business, the Assembly stands adjourned till 2.30 p.m. in the afternoon. Thank you.

The House rose at 10.35 a.m.