



**REPUBLIC OF KENYA**

**NAIROBI CITY COUNTY ASSEMBLY**

**SECOND ASSEMBLY – (FIFTH SESSION)**

**ORDERS OF THE DAY**

**THURSDAY, AUGUST 5, 2021 AT 2.30 P.M.**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8. \*BILL – COMMITTEE OF THE WHOLE ASSEMBLY TO CONSIDER THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019**

***Subject: Committee of the Whole Assembly***

The Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 (Bill No. 7 of 2019).

(Committee of the Whole Assembly)

*(Hon. Wanjiru Kariuki, MCA)*

**9. \*MOTION – HON. MILLICENT JAGERO, MCA**

***Subject: Strategic Water Points for Residents***

**THAT**, aware that Article 43 (1) (d) of the Constitution of Kenya, 2010 states that every person has a right to clean and safe water in adequate quantities; further aware that paragraph 11 (b) of the Part Two of the Fourth Schedule to the Constitution stipulates that the County Government is to provide County public works and services including water and sanitation services; concerned that most parts of the County

especially informal settlements lack clean, safe, sufficient and affordable water, which has led to introduction of untreated water supply businesses within the County; acknowledging that the Nairobi City Water and Sewerage Company has continuously rehabilitated various sources of its water to ensure clean and adequate water supply; noting that the increasing population in the County implies increasing demand for basic amenities such as water supply, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to establish strategic water points across the County to enable residents to have access to adequate, clean and safe water.

**10. \*MOTION – ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY**

***Subject: Adjournment of the Assembly (Regular Sessions)***

The Speaker will today call upon the Leader of the Majority Party to move a motion for adjournment of the Assembly to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions)

**(Thereafter, the Assembly to adjourn without question put)**

**THAT**, pursuant to the provisions of Standing Orders 28 and 29 (3), this Assembly adjourns until **Tuesday, 7<sup>th</sup> September, 2021 at 9.30a.m.** in accordance with the Calendar of the County Assembly (Regular Sessions).

# **NOTICES**

## **I. THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019 (BILL NO. 7 OF 2019).**

NOTICE is given that the Chairperson of the Sectoral Committee on Labour and Social Welfare intends to move the following amendments to The Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 (Bill No. 7 of 2019), at the Committee Stage: -

### **SHORT TITLE**

- (i) Consider renaming the short title, the Nairobi City County Gender Based Violence Management and Control Bill by deleting the word, ‘management’ and substitute therefore with, ‘prevention and response’
- (ii) By renaming the ‘Sexual and Gender Violence Management Committee’ with ‘County Sexual and Gender Based Violence Advisory Committee’
- (iii) By deleting the word, ‘of’, after the word, ‘victims’, and substitute therefore with the words, ‘reintegration back to the community’
- (iv) By deleting the numeric “2019” and substituting with the numeric “2021” thereof.

### **LONG TITLE**

**THAT**, the Long Title be amended by deleting the numeric “2019” and substituting with the numeric “2021” thereof.

### **CLAUSE 2**

**THAT Clause 2** of the Bill be amended as follows; -

- (i) Definition of ‘gender based violence’ delete and replace with the definition “Any act of violence visited upon a person and results in, or is likely to result in, physical, sexual or psychological harm or suffering to the person including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life and shall include physical, sexual, verbal, emotional, and psychological abuse, threats, coercion, and

economic or educational deprivation, whether occurring in public or private life including rape, domestic violence, stalking, sexual slavery, incest, sexual harassment, acid throwing, reproductive coercion, female infanticide, prenatal sex selection, obstetric violence, and mob violence; as well as harmful customary or traditional practices such as honour killings, dowry violence, genital mutilation, virginity testing, widow cleansing”

- (ii) Definition of “minimum package of healthcare services” delete the word, ‘minimum’ and replace with ‘essential’
- (iii) By adding a definition of what constitutes the ‘self interest groups as persons with disability, children, youth, and women
- (iv) By defining ‘temporary stay’ to include 1-6 months

### **CLAUSE 3**

**THAT**, Clause 3 be amended by inserting the following new Clauses immediately after Clause 3 as follows;-

#### **NEW SUB-CLAUSE 3 (f)**

‘Prevention and response to trafficking of persons for purposes of sexual exploitation and or forced labour’

#### **NEW SUB-CLAUSE 3 (g)**

‘Promoting safe working environment for employees free from discrimination and harassment on the basis of gender’

### **CLAUSE 3 (b)**

**THAT Clause 3 (b)** of the Bill be amended as follows; -

- (i) By deleting and replace with, ‘Ensure protection and the maintenance of confidentiality for victims
- (ii) By deleting the word, ‘minimum’ and replace with ‘essential’
- (iii) By deleting the word, ‘guaranteeing’ and replace with ‘ensuring’. Insert the phrase, ‘safe spaces’ after the word, ‘of
- (iv) By deleting the word, ‘providing’ and substitute thefore with the phrase, ‘assist victims’ access’. Delete semicolon after the word ‘protection’ and add the words, ‘in collaboration with the national
- (v) government agencies;’

- (vi) By deleting the word, ‘ethnicity’ in 3 (d) immediately after the word ‘sex’

### **NEW CLAUSE 3A**

By inserting the following new Clauses immediately after Clause 3 (b) (vii) as follows; -

3 (b) (viii) Assist victims reintegrate back to society

### **CLAUSE 4**

**THAT Clause 4 (i)** of the Bill be amended as follows; -

- (i) By inserting the words ‘**perspective of intersex persons rights**’ immediately after the word ‘violence’

### **CLAUSE 6**

**THAT Clause 6 (1) (a)** of the Bill be amended as follows; -

- (i) By deleting the words “the County Executive Committee Member responsible for Gender and Youth Affairs’ substituting therefore with, ‘a person having more than ten years’ experience in gender affairs nominated by the Governor and approved by the Assembly’

**THAT Clause 6 (1)(b)** of the Bill be amended as follows; -

- (i) By adding the words ‘a secretary to the Sexual and Gender Based Violence County Management committee, who will be a director in the social services department’

**THAT Clause 6 (1)(e)** of the Bill be amended as follows; -

- (i) Delete the words ‘one person having specialized skills or knowledge on gender issues’

### **NEW SUB-CLAUSE 6 (4)**

#### **NEW SUB-CLAUSES**

By inserting the following new sub-clause immediately after sub-clause 6 3) as follows; -

- (ii) ‘Remuneration of the committee shall be in accordance with the Salaries and Remuneration Commission guidelines’

### **CLAUSE 8**

**THAT Clause 8 (a)** of the Bill be amended as follows; -

- (i) Insert the phrase, “prevention and response activities” after the word “all”,

**THAT Clause 8 (c)** of the Bill be amended as follows; -

- (i) By deleting the words, ‘Chief Officer responsible for Gender and Youth Affairs’ and substituting therefore with the words “County Executive Committee Member on policy implementation, prevention and response strategies”

**THAT Clause 8 (d)** of the Bill be amended as follows; -

- (i) Delete the words, “and procedures” after the word, ‘training’

**THAT Clause 8 (e)** of the Bill be amended as follows; -

- (i) Delete the clause

**THAT Clause 8 (i)** of the Bill be amended as follows; -

- (i) Insert after “basis to the” the following, “County Executive Committee member and an annual report to the”, after the word, ‘violence’, insert ‘prevention and response’

**THAT Clause 8 (j)** of the Bill be amended as follows; -

- (i) Insert, ‘sexual and gender based violence prevention and response’ after the word “county”

## **CLAUSE 9**

**THAT Clause 9** of the Bill be amended as follows; -

- (i) By substituting the words, “**Removal from Office**” with the words, “**Vacancy of office**”
- (ii) By deleting the word, ‘body’, substituting therefore it with, ‘committee’
- (ii) By deleting the word, ‘not’, after the word ‘of’

### **NEW SUB-CLAUSE 9 (i)**

- (i) ‘When one dies, resign from office’

## **CLAUSE 10**

**THAT Clause 10 (1)** of the Bill be amended as follows; -

- (i) By deleting the word “government’, and it substituting therefore with the words ‘Executive Committee member’ After the word, ‘promote’, insert the word, ‘periodic’, and immediately after the word, ‘awareness’, insert the word, ‘campaigns’ delete the word, ‘through’, and replace with, ‘collaboration with relevant’, and delete, ‘sexual and gender based violence’, and substitute it with ‘state and non-state departments, agencies’, to read,

- (1) *“The County Executive Committee Member through multi-sectoral approaches shall promote periodic public awareness campaigns about the causes, impacts, consequences, means of prevention and response to sexual and gender based violence through a comprehensive countywide educational and information campaign in collaboration with relevant state and non state departments, agencies and stakeholders”*

**NEW CLAUSES 10 (2) (e)**

- (i) Insert the words, ‘ways of combating discrimination and fostering cohesion’

**NEW CLAUSE 10 (2) (f)**

- (1) Insert the words, ‘interventions for marginalized groups affected by sexual and gender based violence’

**CLAUSE 12**

**THAT Clause 12 (3)** of the Bill be amended as follows; -

- (i) Insert the words, ‘procedures on how to’, after the words, “treatment, and”

**NEW CLAUSE 12 (4)**

- (i) Insert the words, ‘quality services provision and response, including their role and availability in courts as expert witnesses’

**CLAUSE 13**

**THAT Clause 13 (1)** of the Bill be amended as follows; -

- (i) By deleting, “County government”, and substituting therefore it with ‘Committee’

**THAT Clause 13 (2)** of the Bill be amended as follows; -

- (i) By inserting the words, ‘perpetrators and cases’ immediately after the word, ‘violence’

**THAT Clause 13 (3)** of the Bill be amended as follows; -

- (i) By deleting the words, ‘The County Government shall develop Anti-sexual and Gender Based Policy within the work place to address the problem’, and substitute therefore with, “*The Committee shall assist county sectors develop sector-specific sexual and gender based violence prevention and response policies within the work place to address the problem in the County*”

**CLAUSE 14**

**THAT Clause 14** of the Bill be amended as follows; -

- (i) By deleting, “County government”, and substituting therefore it with ‘Committee’

**CLAUSE 15**

**THAT Clause 15 (ii)** of the Bill be amended as follows; -

- (i) By deleting the words, “without unnecessary impediments”, after the words ‘victims’
- (ii) By inserting the words, ‘collaborate with relevant National Government agencies and the County Chief Commandant in’ immediately after the word, ‘facilitate’

**THAT Clause 15 (iii)** of the Bill be amended as follows; -

- (i) By deleting ‘County Government’ and substituting therefore with the word, ‘committee’ after the word, ‘ensure’, add the word, ‘free’ after the word, ‘violence’, add ‘special interest groups’

**CLAUSE 16**

**THAT Clause 16 (i)** of the Bill be amended as follows; -

- (i) By deleting ‘County Government’ and substituting therefore with the word, ‘committee’ wherever it appears in this part
- (ii) By deleting the words, ‘at least one safe house per county’ and substitute therefore it with words’ shelters and safe spaces’

**THAT Clause 16 (ii)** of the Bill be amended as follows; -

- (i) By deleting the words, ‘at affordable prices’ after the word, ‘services’ and substituting therefore with words, ‘for victims within the safe house’

**THAT Clause 16 (iii)** of the Bill be amended as follows; -

- (i) By deleting the words, ‘County Government’ and substituting therefore with the words, ‘the County Executive Member’



**CLAUSE 17****THAT Clause 17 of the Bill be amended as follows; -**

- (i) By deleting clause (b) and (c) and substituting with (b) hereunder-
  - (a) Coordinate with relevant county sectors and departments and shall provide the most effective and efficient services in the most appropriate manner and by a multidisciplinary team where necessary
  - (b) By substituting (d) with (c)
  - (c) By deleting the clause marked (e) and substituting therefore with the words “Take consideration of the context of the community environment in terms of culture, sex, religion, disability, mental health.”
  - (d) By substituting (f) with (e)

**CLAUSE 18****THAT Clause 18 of the Bill be amended as follows; -**

- (i) By deleting the word “the Governor” and substituting therefore with the words, “The County Executive Committee Member” and substitute the words, “appoint a person” with the words, “competitively recruit a manager”
- (ii) By deleting the words, “bi annually or upon request” and substituting therefore with the word, “quarterly”

**CLAUSE 19****THAT Clause 19 (i) of the Bill be amended as follows; -**

- (i) By deleting the words “the County Government” wherever it appears in this part and substitute it with the words, “the County Executive Member in charge of Finance”
- (ii) By inserting the words, ‘response and prevention’ immediately after the word, ‘violence’ and by deleting the words, ‘control and management’
- (iii) By inserting the words, “to the county assembly” After the word “activities” at the end of the sentence.

**NEW CLAUSES 19A**

- (i) Insert the words, “The County Executive Committee Member may make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of the foregoing, such regulations may provide for: -
- a) Management of safe houses, shelters and safe spaces
  - b) Registration and inspection of safe houses
  - c) Procedures for dealing with evidence from survivors of sexual and gender based violence
  - d) Preparation of annual action plans for the prevention and response to sexual and gender based violence
  - e) Funding for Sexual and Gender based Violence programmes
  - f) “The County Executive Committee member may make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of the foregoing, such regulations may provide for: -
  - g) Management of safe houses, shelters and safe spaces
  - h) Registration and inspection of safe houses
  - i) Procedures for dealing with evidence from survivors of sexual and gender based violence
  - j) Preparation of annual action plans for the prevention and response to sexual and gender based violence
  - k) Funding for Sexual and Gender based Violence programmes
  - l) Declaration of personal interest by the committee members

**NEW SCHEDULE**

**THAT,** New Schedule be added by inserting the words as follows; -

NEW SCHEDULE Provision for the conduct of business affairs of the Committee

- Meetings 1. (1) The Committee may meet at such place in Kenya as the chairperson may determine and the meetings will be convened by the Chairperson.
- (1) The Committee shall have at least four meetings in every financial year and not more than three months than three months shall lapse between one meeting and the nest meeting

(2) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the Secretary of the Committee

(3) The Chairperson may at his discretion or at the written request made by at least half of the members of the Committee and within seven days of the request convene an extraordinary meeting at such time and place as he may appoint.

(4) The chairperson shall preside over all Meetings however, in his or her absence, the vice-chairperson shall preside over the meetings.

(5) The members of the Committee shall elect a vice-chairperson from among themselves-

(6) at the first sitting of the Committee and,

(7) whenever it is necessary to fill the vacancy in the office of the vice-chairperson

(8) Where the chairperson or vice chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the Committee.

(9) The Committee may invite any person to attend any of its meetings and to participate in the deliberations, but such person shall not have a vote in any decision of the Committee.

Conflict of interest

2. (1) If any person has a personal or fiduciary interest in deliberations regarding any deliberations and is present at a meeting of the Committee, at which any matter is the subject of consideration, that person shall at soon as practicable after the commencement of the meeting declare such interest and shall not take part in any consideration or discussion of or vote on any question touching such matter.

(2) A disclosure of interest under (1) above shall be recorded in the minutes of the meeting at which it is made.

Quorum

3. (1) Subject to sub-paragraph (2) above, the quorum of the meeting shall not be less than half of the appointed members of the Committee.

(2) where the persons present at a meeting of the Committee do not constitute the quorum necessary to hold a meeting under this act, or where by reason of the exclusion of a member from the meeting, the number of members fall below the quorum necessary to hold a meeting, the committee shall postpone the consideration of the matter in question until there is a quorum.

- Voting           4. A question before the Committee shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of any equality of votes, have a casting vote.
- Rules            5. The Committee shall –
- of Procedure    (a) determine rules of procedure for the conduct of its business; and
- and minutes    (b) keep minutes of its proceedings and decisions

**II. The Assembly resolved on Tuesday, 9<sup>th</sup> February, 2021 as follows: -**

- a. **THAT**, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on **Bills NOT** sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.
- b. **THAT**, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

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\* **Denotes Orders of the Day** \*

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# **NOTICE PAPER I**

**Tentative business for  
Tuesday, 7<sup>th</sup> September, 2021 at 9.30a.m.**

*(Published pursuant to Standing Order 39(1))*

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, 7<sup>th</sup> September, 2021 at 9.30 a.m.: -

## **A. MOTION – HON. MILLICENT JAGERO, MCA**

***Subject: Rehabilitation and re-integration programmes for ex-convict youth in the County***

**THAT**, aware that Article 55 of the Constitution provides for the State to take measures, including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life, access employment and are protected from harmful cultural practices and exploitation; **further** aware that Part Two of the Fourth Schedule to the Constitution provides for the functions of the County Government which include ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; **concerned** that most youth who are ex-convicts face scorn, ridicule, discrimination and isolation by the society they sometimes encounter after their release which makes their free life full of misery; **further concerned** that such discrimination and isolation by the society are the major cause for the repeat offenses by the ex-convicts who get reformed while in correctional centres, the frustrations push them to the extreme, often pushing them back to crime; **noting** that the County has the potential to provide employment opportunities through programmes and trainings for such youths from environmental and garbage management to art and sports Sectors if well leveraged, this Assembly urges the County Executive to develop programmes and trainings for rehabilitation and re-integration of ex-convict youth in the County.

