



**COUNTY GOVERNMENT OF NAIROBI CITY**

**SECOND ASSEMBLY – (FIFTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 5, 2021 AT 9.30 A.M.**

1. The Assembly assembled at Thirty minutes past Nine O'clock.
2. The Proceedings were opened with Prayer

**QUORUM OF THE ASSEMBLY**

The presiding Chair (Hon. John Kamangu, MCA) having confirmed that there was no Quorum caused the bell to be rung for ten minutes.

There being Quorum at the expiry of the five minutes, the presiding Chair called the Assembly to order.

**3. PAPERS LAID**

The following papers were laid on the Table of the Assembly;

- i) **THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY PLASTIC CONTROL (AMENDMENT) BILL, 2021.**

*(Chairperson, Sectoral Committee on Health Services)*

**4. NOTICE OF MOTION – HON. MBUGUA KABIRO, MCA**

**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 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.

#### **5. COMMITTEE OF THE WHOLE ASSEMBLY**

Order of Committee of the Whole Assembly read;

#### IN THE COMMITTEE

**(Chairperson of Committees - in the chair)**

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

#### Clause 3

Clause                      amendments proposed –

**THAT**, Clause 3 of the Bill be amended as follows; -

(i) By deleting paragraph (b) sub-paragraph (iii) in its entirety and replacing therefor the following:

**‘Ensure protection and the maintenance of confidentiality for victims’**

(ii) In paragraph (b) sub paragraph (iv) by deleting the word **‘minimum’** and replacing therefor the word **‘essential’**

(iii) In paragraph (b) sub paragraph (vi) by deleting the word **‘guaranteeing’** and replacing therefor the word **‘ensuring’**

(iv) In paragraph (b) sub paragraph (vii) by deleting the word **‘providing’** and replacing therefor the word **‘assist victims access’**

(v) In paragraph (d) by deleting the word **‘ethnicity’** appearing immediately after the word **‘sex’**

(vi) By inserting a new sub paragraph immediately after sub paragraph (vii) as follows:

**(Viia) Assist victims reintegrate back to society**

(vii) By inserting new sub-clauses immediately after sub-clause (e) as follows:

**(ea) Prevention and response to trafficking of persons for purposes of sexual exploitation and or forced labour.**

**(eb) Promoting safe working environment for employees free from discrimination and harassment on the basis of gender.**

*(Hon. Anthony Ngaruiya, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 3 as amended be part of the Bill proposed, put and agreed to;

Clause 4

**THAT**, Clause 4 of the Bill be amended as follows; -

(i) In sub-clause (4) by inserting the words ‘perspective of intersex person’s rights’ immediately after the word ‘violence’.

*(Hon. Anthony Ngaruiya, MCA)*

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 4 as amended be part of the Bill proposed, put and agreed to;

Clauses 5

Question that 5 be part of the Bill proposed, put and agreed to;

Clause 6                      amendments proposed –

**THAT**, Clause 6 of the Bill be amended as follows; -

⊙ In sub-clause by deleting it in its entirety and substituting therefor the following sub clause:

**‘There is hereby established the County Sexual and Gender Based Violence Advisory Committee which shall consist of members appointed by the Governor with the approval of the County Assembly’**

⊙ In sub-clause (1) paragraph (a) by deleting it in its entirety and substituting therefor the following sub clause:

**‘a chairperson who shall a person having more than ten years’ experience in gender affairs and not an employee of the County**

**Government nominated by the Governor and approved by the County Assembly’.**

- (iii) by deleting sub-clause (1) paragraph (b) in its entirety and substituting therefor the following sub-clause

**‘a representative from the civil society’**

- (iv) by deleting sub-clause (1) paragraph (f) in its entirety and replacing therefore the following sub clause

**‘A representative from the Law Society of Kenya’**

- (v) In sub-clause (1) paragraph (g) by deleting the words **‘Two representatives’** appearing before the word **‘from’** and substituting therefor the words **‘One representative’**

- (vi) In sub-clause (1) paragraph (h) by deleting the words **‘Two people’** and substituting therefor the words **‘One person’** and deleting the words **‘female’** and **‘male’**.

- (vii) In sub-clause (1) paragraph (j) by deleting it in its entirety.

- (viii) In sub-clause (2) by inserting the words **“as well as compliance with Chapter 6 of the Constitution 2010”** immediately after the word **“inclusion**

- (ix) By inserting a new paragraph immediately after sub-clause (1) paragraph (a) as follows:

**(aa) The secretary of the committee shall be the Director Social Services Department**

- (x) By inserting new sub-clauses immediately after sub-clause (3) as follows:

**(3a) Remuneration of the committee shall be in accordance with the Salaries and Remuneration Commission guidelines**

**(3b) A person shall be eligible for appointment as the chairperson of the committee if the person—**

**(a) possesses a university degree;**

**(b) has at least 10 years working experience in gender based violence issues;**

**(c) is a person of integrity and meets the requirements of Chapter 6 of the Constitution of Kenya;**

**(d) is not convicted of any criminal offence whose penalty does not exceed six (6) months.**

*(Hon. Anthony Ngaruiya, MCA)*

Question of the amendment proposed;  
Question put and agreed to;

Question that Clause 6 as amended be part of the Bill proposed, put and agreed to;

Clause 7:                    amendments proposed –  
**THAT**, Clause 7 of the Bill be amended

I. By deleting the word ‘Management’ appearing immediately after the word ‘Violence’ and substituting therefor the word ‘Advisory’

Question of the amendment proposed;  
Question put and agreed to;

Question that Clause 7 as amended be part of the Bill proposed, put and agreed to;

Clause 8:                    amendments proposed –  
**THAT**, Clause 8 of the Bill be amended;

In paragraph (a) by adding the words “**prevention and response activities**” immediately after the word ‘**all**’

i. In paragraph (c) by deleting the words ‘**Chief Officer responsible for Gender and Youth Affairs**’ appearing after the word ‘**advice**’ and substituting therefor the words ‘**the County Executive Committee Member on policy implementation, prevention and response strategies**’

ii. In paragraph (d) by deleting the words ‘**and procedures**’ appearing immediately after the word ‘**training**’    iv. By deleting paragraph (e) in its entirety.

v. In paragraph (i) by adding the words ‘**County Executive Committee Member and an annual report to the**’ immediately after the word ‘**the**’.

vi. In paragraph (j) by adding the words ‘**sexual and gender based violence prevention and response**’ immediately after the word ‘**County**’.

vii. By deleting the word ‘**management**’ wherever it appears and substituting it with ‘**Advisory**’

Question of the amendment proposed;  
Question put and agreed to;

Question that Clause 8 as amended be part of the Bill proposed, put and agreed to;

CLAUSE 9 amendments proposed –

**THAT**, Clause 9 of the Bill be amended; -

(i) In the marginal notes by deleting the words **‘Removal from Office’** and substituting therefor the words **‘Vacancy of Office’**

(ii) In sub clause 1 by deleting the word **‘body’** appearing immediately after the word **‘Management’** and replacing therefor the word **‘Committee’**

(iii) In paragraph (g) by deleting the word **‘not’** appearing immediately after the word **‘of’**.

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 9 as amended be part of the Bill proposed, put and agreed to;

CLAUSE 10 amendments proposed –

**THAT**, Clause 10 of the Bill be amended: -

i. In sub-clause (1) by deleting it in its entirety and replacing therefor the following sub-clause:

**“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”**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 10 as amended be part of the Bill proposed, put and agreed to;

CLAUSES 11

**THAT**, Question that clause 11 be part of the Bill proposed, put and agreed to;

CLAUSE 12

**THAT**, **Clause 12** of the Bill be amended: -

In sub-clause (3) by adding the words **‘procedures on how to’** immediately after the word **‘treatment**

I. By inserting a new sub-clause immediately after sub-clause (3) as follows:

**(3a) quality services provision and response, including their role and availability in courts as expert witnesses**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 12 as amended be part of the Bill proposed, put and agreed to;

CLAUSE 13

**THAT Clause 13** of the Bill be amended: -

I. In sub-clause (1) by deleting the words **‘County Government’** appearing immediately after the word **‘The’** and substituting therefor the word **‘Committee’**.

ii. In sub-clause (3) by deleting it in its entirety and substituting therefor the following sub-clause-

**‘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’**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 13 as amended be part of the Bill proposed, put and agreed to;

CLAUSE 14

**THAT, Clause 14** of the Bill be amended: -

i. In sub-clause (1) by deleting the words **‘County Government’** appearing immediately after the word **‘The’** and substituting therefor the word **‘committee’**.

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 14 as amended be part of the Bill proposed, put and agreed to;

CLAUSE 15

**THAT, Clause 15** of the Bill be amended: -

i. In sub-clause (2) by adding the words **‘and collaborate with relevant National Government agencies in’** immediately after the word **‘facilitate’**.

ii. In sub-clause (3) by inserting the word **'post'** immediately after the word **'essential'**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 15 as amended be part of the Bill proposed, put and agreed to;

#### CLAUSE 16

**THAT, Clause 16** of the Bill be amended: -

i. By deleting the words **'County Government'** and substituting therefor the word **'Committee'** wherever it appears in this clause.

ii. In sub-clause (2) by deleting the words **'at affordable prices'** appearing after the word **'services'** and substituting therefor the words **'for victims within the safe house'**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 16 as amended be part of the Bill proposed, put and agreed to;

#### CLAUSE 17

**THAT, Clause 17** of the Bill be amended: -

(i) In paragraph (b) by deleting suit in its entirety and substituting therefor the following paragraph-

**'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'**

(ii) In paragraph (c) by deleting it in its entirety

(iii) In paragraph (e) by deleting it in its entirety and substituting therefor the following paragraph-

**'Take consideration of the context of the community environment in terms of culture, sex, religion, disability, mental health.'**

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 17 as amended be part of the Bill proposed, put and agreed to;

#### CLAUSE 18

**THAT, Clause 18** of the Bill be amended: -



i. In sub-clause (1) by deleting the word '**Governor**' appearing after the word '**The**' and substituting therefor the words '**County Executive Committee Member**'

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 18 as amended be part of the Bill proposed, put and agreed to;

#### CLAUSE 19

**THAT, Clause** 19 of the Bill be amended: -

(i) By deleting the words "**the County Government**" wherever it appears in this clause and substituting therefor the words "**the County Executive Committee Member in charge of Finance**"

(ii) In sub-clause (3) by adding the words '**prevention and response**' immediately after the word '**violence**'

(iii) By inserting a new Clause immediately after Clause 19 as follows:

**(19A) 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**

iv) By inserting a schedule immediately after the new clause 20 as follows:

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 19 as amended be part of the Bill proposed, put and agreed to;

#### ARRANGEMENT OF CLAUSES

**THAT**, the arrangement of clauses be amended: -

i. In Part III by deleting the title entirely and replacing therefor the following new title:

**‘County Sexual and Gender Based Violence Advisory Committee’**

ii. In the subtitle of clause 6 by deleting it in its entirety and replacing therefor the following new subtitle-

**‘Establishment of the County Sexual and Gender Based Violence Advisory Committee’**

iii. In the subtitle of clause 8 by deleting the word **‘Management’** and replacing therefor the word **‘Advisory’**

iv. In the subtitle of clause 9 by deleting it in its entirety and replacing therefore the subtitle **“Vacancy of Office”**

v. By adding a new Clause (20) with the subtitle **‘Regulations’**

### **FIRST SCHEDULE**

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

Meetings 1. (i) 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 next 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-

at the first sitting of the Committee and,

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

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

(7) 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.

(8) Conflict of interest 2. (i) If any person has a personal or fiduciary interest in deliberations interest 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.

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

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

(ii) 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 of Procedure 5. The Committee shall –  
(i) determine rules of procedure for the conduct of its business; and minutes (ii) keep minutes of its proceedings and decision.

**6. ASSEMBLY RESUMED**

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

Bill reported with amendments

Motion made and Question proposed: -

**THAT**, the Assembly do agree with the Committee of the Whole Assembly in the said report

*(Hon. Anthony Ngaruiya, MCA*

**Question put and agreed to.**

Motion made and question proposed-

**THAT**, The Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 (Bill No. 7 Of 2019) be now read **a Third Time.**

*(Hon. Anthony Ngaruiya, MCA)*

Question put and **agreed to.**

**Bill read a Third Time and passed.**

There being no other business and the time being thirty Minutes Past Ten O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**7.** **ASSEMBLY ROSE** - At Fifty five Minutes past Ten O'clock.

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**M E M O R A N D U M**

The Speaker will take the Chair on  
**Tuesday, October 5<sup>th</sup>, 2021 at 2.30 p.m.**

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