



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 14th September 2021

The House met at 9.30 a.m.

[Hon. Temporary Deputy Speaker (Mr. John Kamangu) in the Chair]

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, confirm that we have quorum. We do not have quorum. Please ring the bell for ten minutes. Whips, kindly communicate to members that we do not have quorum.

(Quorum bell rung for ten minutes)

Members, we still do not have quorum. Sergent- at- Arms, continue ringing the bell for five more minutes. Whips, please marshal your people so that we can proceed. We do not have quorum yet and that is very unfortunate. Thank you and God bless you all.

(Quorum bell rung for five minutes)

(The clerk-at-the Table confirmed there was quorum)

We have quorum. Proceed Clerk

MOTION

DEVELOPMENT OF PROGRAMMES AND TRAININGS FOR REHABILITATION AND REINTEGRATION
OF EX-CONVICT YOUTHS IN THE COUNTY

Hon. Temporary Deputy Speaker: Hn. Millicent Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker. 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,

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which includes ensuring and coordinating the participation of communities and locations in governance at the local and assisting communities and locations to develop their administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. Concerned that most youths who are ex-convicts face scorn, ridicule, discrimination and isolation by the society 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 offences by the ex-convicts who get reformed while in correctional centres and the frustrations push them to the extreme, and 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 reintegration of ex-convict youths in the County.

Mr. Speaker, most youths who are ex-convicts face scorn, ridicule and discrimination from the society they were brought up in and it makes their lives difficult. Last week Hon. Mark Mugambi brought a Motion on mental disorders, and you realize that stigma leads to mental torture to people like the ex-convicts. They face so many challenges that hinder their ability to become law-abiding citizens. They become worse at crime; others engage in prostitution and end up being shot by the police.

Therefore, Mr. Speaker the County Executive ought to come up with successful crime prevention strategies to the social reintegration of the young offenders. They need to develop intervention programmes to help reduce these crimes. The programmes should represent the efforts sponsored by the Judicial system in collaboration with the community agencies and different stakeholders within the society and the non-governmental society.

Mr. Speaker, I suggest that the reintegration programmes should include;

1. Focus on specific challenges facing the offenders within the society
2. Target groups for specific offenders – because we all know that different age groups participate in different crimes. For instance, you will go to some areas where you will find young men of ages between 10-17 mugging people and in other areas, you find young girls taking part in prostitution. Female ex-convicts are the ones who carry weapons and guns for their boyfriends when police are onto them
3. To incorporate prison based programmes. For example, assistance based transition and integration through care programmes. In 2015, Hon. Mutheu had a programme on ex-convicts whereby she was training students and empowering them. Some ended up taking their weapons to the police and some to technical schools where they were trained on hairdressing and catering

Hon. Speaker, I urge the Assembly to approve this Motion by urging the County Executive to develop programmes and trainings for rehab and reintegration of ex-convicts within the County because we want to live in a country that will be an example to the rest of the world.

I therefore call upon Hon. Silas Matara to second this Motion. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Matara

Hon. Silas Matara: Thank you Hon. Speaker for this opportunity. I wish to extend my gratitude and congratulations to Hon. Millicent Jagero for this well thought out Motion. As a Special Elect Member of this House, they represent such segments of our society from the youth, women and vulnerable members of the community.

With these Motion, I wish to highlight on three points that I think are of importance. When we were elected, we took an oath to protect their interests, taking cognizance of the fact that due to one way or another, we have a failed justice system. You find that some of the convicts jailed are innocent and when they are released after serving their terms, reintegration is very important. When they come from jail, they find their families to have disintegrated to other places to other places.

Therefore, if the Executive is going to implement this Motion by putting up rehabilitation centers, it will be a home where these people can go to, a source of livelihood where they can begin life. It will be a start for them to start building for themselves.

Finally, the Budget committee should make provisions so that this programme is financed for it to see the light of day. With those few remarks, I second the Motion. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Ongwae
(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Members, debate!

Hon. Peter Imwatok: First, let me thank Hon. Millicent Jagero for bringing this Motion. I saw it in my office and I said I have to come to the assembly to speak on it.

Hon. Speaker, for some of us may be today we would be convicts; I can say that we have heavy hearts. Those who have never been convicts may not understand what Hon. Jagero is talking about in this Motion.

Hon. Speaker, I have been into courts for more than ten years and just by the warden standing beside you while waiting for the judgement itself is a prison behind bars. I can imagine a young person who has been in Kamiti Maximum Prison for more than five or ten years – for those who do not understand in prison by 6 p.m. you are already in bed and by 5 or 4.30 o'clock a head count is taken on a daily basis. When you leave prison, you have trauma imagining what society you are going to integrate with. The society does not respect you and think that you are a bad person whether you are innocent or guilty.

More importantly Mr. Speaker, if you look at the statistics of all those people suffering in prison, most of them are innocent. I speak from experience because two weeks ago I was in a blink of going to prison. Not because I was guilty, it was because a few individuals felt that I am not the right person to be the MCA for Makongeni. This Motion must be taken with the urgency it deserves. The integrating of the ex-convicts should be a priority of every government.

If you look at the history of this county, the then Governor Evans Odhiambo Kidero lived part of his life in courts expecting to be imprisoned because at a stroke of a pen by the Judge he can be convicted - Wakili is hear and can attest to that, and by a stroke of a pen he can be released. There is no worst day than the day you are given a sentence especially on a criminal matter. You will find more than ten prison wardens ready for that word from the Judge, 'I hereby convict you'. The moment the Judge says 'I hereby release you' you will never see any prison warden behind you. That what it takes.

You can imagine a person who was arrested when 19 years and spent may be five or ten years for capital offence without bail. For instance, robbery with violence can happen when you go for a meeting and then scuffle happens and then you pick somebody's watch or phone and you are innocently looking for the owner and the police arrest you for robbery with violence. You are arrested because a phone was stolen during that violence and it was found with you.

Hon. Speaker, after my release from the court on 24th last month, I went personally to Kamiti Prison to see what happens there. We have young men and women who are suffering innocently in prison. You can imagine suffering innocently for five years and coming out here and people hate you.

This Motion by Hon. Jagero is very timely and I urge the government of the day if possible they do all they can to have a partnership between Nairobi Government and prisons. Before they release any young person because they have records for those people who have been arrested and if one is from Makongeni the first place he will go is Makongeni.

Before releasing this person from Industrial Area or Shimo La Tewa, what is his first stop? If it is Makongeni how can we integrate this young person to the community even if it is through the office of the Chief of the area so that he can be brought in, counselled and can now explain himself what he did and why he deserves the punishment. But you find that most of them did not commit the offence and need counselling and need to be integrated back to the society.

Hon. Speaker, I must appreciate my sister for bringing this Motion and urge Hon. Members to pass this Motion if not for them some of us who have experienced this know that you can be in court innocently but guilty. Thank you Hon. Speaker.

Hon. Speaker Temporary Deputy: Thank you. Do we have anyone else? I don't know the two lawyers that you were referring to. *(Laughter)* but let me give this chance to our dear sister.

Hon. Silvia Museiya: Thank you Mr. Speaker. I start by congratulating Hon. Millicent Jagero for a very well thought out Motion. I stand in support of this Motion and I will only speak on a principle in law we call "double jeopardy" where when a person is convicted and sentenced and has finished his jail term, it is only fair that the society accepts him back and give him a chance to write his life again.

But as my senior Hon. Imwatok suggested, the guilt face never leaves and we continue to perceive the young men and women as offenders. When the prison reforms were being undertaken by the late minister Moddy Awori, the idea was that a criminal serves time in jail and should be given skills, capacity to be integrate in the society. If the society is not ready to accept that prisoner, then it becomes a very sorry state of affair because the government is committing a substantial budget to build the capacity and the skills of these people.

Young men, as I said, should not be faced with double jeopardy where they have been imprisoned and life has been hard enough for them to come out and face harder circumstances. It is very sorry and especially when the criminal justice in this country is so skewed that a number of them are innocent but will forever live with guilt badge on their head. I think it is a very timely motion.

Rehabilitation is a function of the devolved units of government. I see and pre-empt that the second Motion is still on rehabilitation of the youth and that former convicts are a group of people that is highly neglected. If we continue to neglect and segregate them, then they don't become part of the society and that

is why they cannot live with us. If they don't want to live with us, they continue to be criminals because we do not accept them to be normal members of the society. That is why you see serial murderers or people who continuously do the same mistakes over and over because we never gave them a chance to change.

I rise to support this Motion and I think it is a very well thought out Motion. Over a time, we will be thinking over and above the youth group because if you serve ten or fifteen years in jail, by the time you are coming out you are past the youth age bracket and you still need to be accepted by the society and to be a functional human being. I support this Motion, thank you very much Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Mheshimiwa.

Hon. Peter Wanyoike: Thank you Mr. Speaker. I rise to support this Motion. First, let me thank Hon. Jagero for coming up with such a good Motion. This Motion is urging the Executive to come up with programmes and trainings for rehabilitation of our youth. This will prevent our youth from taking drugs, betting and other non-economic activities which is a result of being idle.

Mr. Speaker, if this Motion is implemented, it will save our youth from being convicted for bad behaviors caused by lack of employment. With that I beg to support this Motion. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Wanyoike. Hon. Ogeto, you have something to say? Karibu.

Hon. Moses Ogeto: Thank you Hon. Speaker. First, I want to thank you for giving me this opportunity to elaborate on the last sentences of this Motion which is very substantial. I also want to thank Hon. Jagero for bringing this Motion and I hope that the Executive will implement it.

She has clearly said that those who come out of prison after conviction regularly and irregularly, turn to drug abuse and other bad behavior in the society. But she has clearly stated that what is supposed to be done as part of rehabilitation is that such youth need to have environmental management, you remember our former Governor had the Sonko Rescue Team which was helping in making the youth busy through unclogging the drainages for the various wards – they were called ten out of ten.

Hon. Speaker, such programmes should be introduced in collaboration with NMS to engage our youths. During Governor Kidero 's time, there were sporting activities starting from the ward level to the county level. This was catered for by the tax payers' money.

I believe that the function of sports has not been taken by NMS and the Chairman of sporting activities should move with speed so that he starts that thing to engage the youth in sporting activities so that they avoid going back to do illegal things in the society.

Mr. Speaker, with those few remarks, I want to thank her. We should not be hoodwinked by this thing called 'bottom-up' which doesn't bring up the gist of the Republic of Kenya. If you take the youth to push wheelbarrows, it will be ridiculous. If we engage in these serious activities, it will make them to think outside the box. I beg to support this Motion.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ogeto. I haven't heard of late from our Minority Leader. Although I am not pushing you to support the Motion, but it is important to hear your voice. Welcome.

Hon. Michael Ogada: Thank you, Mr. Speaker, and thank you for giving us this opportunity for our voices to be heard. I want to start by congratulating my dear sister, for the timely Motion that she has brought across.

One thing we need to appreciate is that there is serious lack of employment in this country. That is why you find every person who wants to be elected will promise jobs to the youths because they know that for you to win elections, if the youths are on your side, then it is a sure bet you have to win elections.

They know that the youths do not have jobs, and telling them that will definitely hoodwink them, only to realize that once they are elected, it becomes a difficult task of where to place them because of the problems we are facing in our third world countries. They cannot incorporate everyone who has left school to be employed. This is where you will find that most of our youths, after losing hope but they must live and eat, they have to resort to other avenues. They don't engage in crimes because they don't like, but in order to live.

This is where they go to the wrong side of the law. Once they are arrested, they will be taken to court and then to prison. It depends on how long they will stay in prison. If he comes out when he is still a youth, then what my sister has brought comes in handy. If they have left prisons when they are still youths, what do you expect them to do? When they come out, still there will be unemployment. They will only be afraid of crimes for only two weeks, after which they lack what to eat and start eating from people who have something. Since you are not willing to give them that money for free, they will try to pick it from you.

The only thing the government can do is to come up with programs which my sister is talking about. When these people leave prison, there must be a program of how to bring them back to the community and how to give them hope in life.

The National Government and the County Government should give these youths hope by establishing firebrand rehabilitation centers, and not the ones like one in your ward. I don't know whether it is operational or not. There must be something which when people come out, they know there is a rehabilitation center in Nairobi County where we can take certain number of youths. When they are there, they are not just locked within the compound and nothing is happening. There must be programs inside like carpentry, mechanics etc. When they come out of the center, they can be beneficial to the society and fend for themselves.

I think it is in handy that the government needs to be urged to give proper allocations for this program so that the centers can be fully funded to come up with good programs.

Mr. Speaker, with those many remarks, I support the Motion. It is timely and good for our nation. Thank you very much.

Hon. Temporary Deputy Speaker: Thank you, Minority Leader for your contribution. May I call upon Hon. Majiwa to contribute via Zoom.

Hon. Geophrey Majiwa: Ahsante sana, Mheshimiwa Spika. Ningependa kuunga mkono mswada huu. Kwanza, nashukuru Mheshimiwa Jagero kwa kukumbuka vijana wetu ambao mara kwa mara wanapatikana kwa mkono mbaya wa serikali na kuwekwa gerezani. Kitengo hiki kinatajikana kuwekwa ili hao vijana wanapotoka gerezani wawe na nafasi nzuri ya kutangamana na wenzao ambao wanaishi maisha ya kawaida. Lakini kuna changamoto kidogo katika hali hii kwa sababu mara nyingi ninaona vijana wanapotoka gerezani, kulingana na sheria za serikali, bado wangali gerezani. Nafikiri kuenda gerezani ni marekebisho ya kutosha, wanapotoka inaaminka kuwa wamerekebisha tabia zao na ni rahia wema ambao wanaweza ishi na watu wengine kwa njia ya kawaida. Lakini hii sehemu ya sheria ambayo inasema kuwa

unapotaka kupata kazi za serikali, kuna baadhi ya vyeti ambavyo vinahitajika kwa Mkenya yeyote. Kando na vyeti vya masomo, kuna cheti cha kutoka kwa DCI amabayo inahitajika kwa vijana---

Hon. Temporary Deputy Speaker: Hon. Majiwa, I can't get you well, there is a problem with your network. Can you hear me, Hon. Majiwa? ICT team, please unmute Hon. Majiwa.

Hon. Geophrey Majiwa: Nakupata vizuri, Mheshimiwa Spika.

Hon. Temporary Deputy Speaker: Endelea.

Hon. Geophrey Majiwa: Ningependa Mheshimiwa Jagero aongeze pamoja na mawazo haya mazuri anayo, kungekuwa na namna ambayo serikali kuu ingeweza kupewa ujumbe au arafa kuhusina na hawa vijana ambao wanawekwa katika ile sehemu ya kupewa mawaidha ili wapate nafasi ya kupewa kazi za serikali kwa namna ile wale wengine wanapata. Hii inawezekana tu ikiwa sehemu ya DCI inaweza kuwaruhusu wawe raia wa kawaida, maanake utapata wametoka gerezani, lakini kwa DCI, bado wako gerezani. Hawawezi kupata kazi zozote za serikali kwa sababu vyeti vya DCI vinaonyesha walifungwa gerezani. Huo ni mchango ambao ningependa kuchangia katika mswada huu mzuri sana. Napongeza, Mheshimiwa Jagero. Naunga mkono. Ahsante sana.

Hon. Temporary Deputy Speaker: Thank you, Hon. Majiwa for your contribution. Hon. Ngengi.

Hon. Daniel Muturi: Thank you very much, Mr. Speaker. I would like to support this timely Motion by Hon. Jagero. I would also like to congratulate her on her upcoming marriage.

Hon. Speaker, it is very sad that the laws that we have are geared towards taking the youths to prisons. First step that we should be discussing is how to avoid to be in this situation. I must castigate the parents because some of us have not been observing or paying key attention on what is going on in our families, hence when our children get into bad company and this kind of thing happens, they will end up in jail.

Hon. Speaker, the churches also need to play a big role so that our youth are brought up righteously. We still have youth groups in schools, this will help in avoiding these problem.

Hon. Speaker, the government should have programs that limit people going to jail----

(Technical hitches on the audio)

Hon. Temporary Deputy Speaker: Hon. Ngengi, would you please switch off your radio or TV, it is interfering with the communication.

Hon. Daniel Ngengi: Hon. Speaker, I would also like to congratulate you because when you were a councilor of Ruai I remember visiting there with Githae who became an Ambassador of America. You had very good programmes, Hon. Speaker, when youths were arrested, the punishment was around the police station, sweeping and keeping the place clean and because most of these were petty crimes.

Hon. Speaker, when we take our youths to jail because of petty crimes they end up being hardcore criminals. Therefore, I would like to support the Motion but also we need to come up with how to avoid youth who are caught up because of petty crimes ending up in jails because they end up being hardcore criminals. Hon. Speaker, I support the Motion thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ngengi. Hon. Antony Karanja the Bishop.

Hon. Anthony Karanja: Thank you, Hon. Speaker, I would also want to support this Motion and would congratulate Hon. Jagero for having such a nice and timely Motion. Hon. Speaker, I would also like to

urge Hon. Jagero as a sign of goodwill, I think as an Assembly and Countyre move the requirement of a certificate of good conduct as a precondition of getting a job in the County and the County Assembly. This is because just as the way my colleague Hon. Majiwa has said a certificate of good conduct can only tell you about history, not about your future.

Therefore, Hon. Speaker with that small contribution I would like to support the Motion.

(Background noise)

Hon. Temporary Deputy Speaker: Thank you, Hon. Bishop and I think you are done.

(Background noise)

Hon. Anthony Karanja: Yes, I am done and Hon. Speaker, I think that is the voice of clerk Adah, I think someone should try to mute her.

Hon. Temporary Deputy Speaker: Okay, are you done! Hon. Karanja?

Hon. Antony Karanja: Yes, I am done.

Hon. Temporary Deputy Speaker: Thank you, Hon. Karanja can I have Hon. Mbote Wanjiru! Are you with us?

Hon. Wanjiru Mbote: Thank you, Mr. Speaker, I would like to support this very important Motion brought by one of us Hon. Jagero and I would like to congratulate her also for calling us to attend her wedding which is also very important and I thank God for that.

As I support this Motion, I know everyone is important in this country and when it comes to human nature these young people are important. This is a great Motion and when implemented it could change our young generation. As a mother and a parent, the children are important to us. These youths are the target especially when it comes to police since some are always on crime, which they have committed, or not committed.

There is also a lot of money in the County that can cater for these youths by providing them with employment and taking care of them especially when they come out of prison since no one care about them and then they return to prison. This becomes a habit because when they come out of prison and go back to prison and they have not done anything, which can lead them to lack interest in their life. We must take care of our youths especially when the parents are involved but talking to them about the life that they are living.

This County and other Counties can implement this with speed to take care of this young generation by providing them with employments because most of them are educated and no one knows that, and because they are never heard and given a chance to express what they have learned as some are graduates and they know what they are doing. The National Government should be engaged too so that they can get good jobs from them so that they can work for them very well and they can be able to change their behaviour.

Parents should also be concerned when they are with these youths. It is also good to communicate with them. As I repeat, again I would like to say that it is the duty of the parents and every one of us to see that this community is looked to and given care too.

What I would like to request this County to do is to implement this Motion with speed because when our Motion goes to the implementation stage it is not implemented as it stays there. Our Implementation Committee should work fast to see this Motion is implemented and worked for and the money that is in the

County should do something for these youths since it will change them and their habits and lives and they will become important people in future.

Therefore, I support Hon. Jagero for this great Motion and I thank God for it. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Wanjiru Mbote. The mover, please.

Hon. Millicent Jagero: Thank you, Mr. Speaker, I would just love to finish by giving an example of myself. When I completed high school many years ago, I engaged myself in so many activities within the community and this is because at that time they were available. If we would go to represent the youths of my area at that time we were asked if we had any degree or any papers to show the work we did I would proudly tell them that I graduated from the street university.

Today, I would stand here proudly to say that it is through those activities that enhanced the advocacy skills that I do today. Mr. Speaker, I register my gratitude to all Members of this Assembly for their support of this Motion. I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business the House stands adjourned until 2.30 p.m. I would like to urge all Members to be on time as we shall start our sitting exactly at 2.30 p.m. today. Please let us be there at that time. Thank you and God bless you all.

The House rose at 10:40 am