



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Thursday 31st March 2022

The House met at 2.30 p.m.

[Hon. Speaker (Mr Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm if we have quorum?

(The Clerk-at-the Table confirmed there was no quorum)

We do not have quorum, kindly ask you colleagues to log in.

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

I am informed that we have quorum, we can proceed.

COMMUNICATION FROM THE CHAIR

DECLARATION OF VACANCY IN THE OFFICE OF DEPUTY LEADER OF MINORITY PARTY

Hon. Speaker: Honorable Members, I have the following communication; that is declaration of vacancy in the office following the demise of Hon. Mellab Atemah.

Honorable Members, you may recall on the 21st February, 2022, this Assembly lost one of our own Hon. Mellab Atemah, Special Elect Member and the Deputy Leader of the Minority Party of the Orange Democratic Movement party (ODM) following a battle with an illness. We continue to pray for the family and may her soul rest in eternal peace.

Honorable Members, Article 197 clause 1(a) of the Constitution provides that the office of a Member of a County Assembly becomes vacant if a Member dies. As such, pursuant to Article 194 clause 1(a) of the Constitution in light with the demise of Hon. Mellab Atemah, Special Elect Member and the Deputy Leader of the Minority party of the ODM, I hereby declare the office of the Deputy Leader of the Minority Leader vacant. Thank you Honorable Members.

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STATEMENTS

Hon. Speaker: Hon. Esther Waithera Chege

REQUEST FOR STATEMENT REGARDING INCREASE IN RENT COLLECTION AT MARIAKANI ESTATE, NAIROBI SOUTH WARD

Hon. Waithera Chege: Thank you Mr. Speaker. I wish to request for a statement and the subject is increase in rent collection at Mariakani estate, Nairobi South Ward.

Pursuant to Standing Order number 45 (2) (c), I wish to request for a statement from the chairperson of the sectoral committee on Planning and Housing regarding the rent increment at Mariakani estate in Nairobi South B Ward.

Hon. Speaker, in the year 2012, the Nairobi City Council entered an agreement with the Local Authority Provident Fund (LAPFUND) whereby several properties owned by the council were transferred to LAPFUND including Mariakani Estate.

Hon. Speaker, in the recent past, the tenants at the estate have protested the increase in rent by over 200% without adequate notice contrary to the law.

Hon. Speaker, in the statement the chairperson of Planning committee should inquire into and report on:

1. Whether the tenants were issued with a notice of rent increment and if so, how long was the notice period?
2. Reason for the rent increment by over 200%
3. Measures the county executive and the Nairobi Metropolitan Services are taking to ensure tenants in the county owned estates including those at Mariakani estate are not given unreasonable rent increment from landlords considering the effects of Covid-19 pandemic to the economy.

The statement is signed by myself; Member for Nairobi South Ward. Thank you Mr. Speaker.

Hon. Speaker: Thank you. I now direct the committee of Planning and Housing to look into the matter and have a joint sitting with the Public Accounts Committee and produce a comprehensive report. Do we have either chairs of the committees to give an undertaking on how long it will take to work on this? Deputy Whip? Deputy Majority Leader, do give an undertaking.

Hon. Waithera Chege: Mr. Speaker, I need guidance on whether it is in order for the Member who has requested for a statement to give an undertaking

Hon. Speaker: It will not be in order. Let me find a committee Member to give an undertaking.

Hon. Wilfred Odallo: Thank you Speaker. Two weeks is ideal.

Hon. Speaker: Did you say two weeks?

Hon. Wilfred Odallo: Two weeks.

Hon. Speaker: Hon. Member, is two weeks okay with you?

Hon. Waithera Chege: That is okay, Mr. Speaker.

Hon. Speaker: Much obliged. Next order.

Hon. Waithera Chege: Point of order Mr. Speaker

Hon. Speaker: What is the point of order?

Hon. Waithera Chege: Mr. Speaker, allow me to raise a point of order on Standing Order 45(2) (c). I have raised several statements on the floor of this House and it is only in order especially for questions begging answers on garbage collection in Nairobi.

From where I sit, I don't think that the office of the Governor or that of the county secretary is helping. It is unfortunate that they are only collecting garbage at the CBD and in any area outside the CBD, you find the streets filled with filth. I raised a statement on Nairobi South ward state which was given a time of two weeks to respond and the answer has not been given to the floor of the House.

I am afraid Mr. Speaker that time is running out and Nairobi streets are still full of garbage. I am left without any option but to request your office to help Nairobians. I am waiting for your guidance because it seems even the chairpersons of committees are not delivering on their mandate. I request for the resignations of the Governor and the County Secretary if they are unable to offer services to Nairobi residents. Thank you Mr. Speaker.

Hon. Speaker: Thank you. I believe that you had raised the same matter before and it is really sad that there has been no response. I now direct the Chair of the Liaison Committee to take this seriously. We are not pleased and we need an answer in the next sitting so that we can get all the pending requests from the Hon. Members.

MOTION

PROVISION OF ADOLESCENTS AND YOUTH FRIENDLY HEALTH SERVICES

Hon. Speaker: We have a Motion by Hon. Millicent Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker. That, aware that Article 43 (1) of the Constitution provides that every person has the right to the highest attainable standards of health, which includes the right to health care services, including reproductive healthcare; further aware that health services including county health facilities and primary health care have been devolved to the County Governments pursuant to paragraph 2 of Part Two of the Fourth Schedule to the Constitution; disturbed that the attainment of the foregoing objective remains a challenge given the dire shortage of health workers and equipment within the County; further disturbed that while access and use of high-quality and comprehensive sexual reproductive health services could prevent or mitigate many of the poor health outcomes experienced among adolescents and youth; noting that a wide range of barriers including socio-cultural and structural barriers prevent young people from accessing these services; acknowledging that the National Government has developed the National Guidelines on Provision of Adolescents and Youth Friendly Services across the Country, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to: -

1. Develop the County Adolescent and Youth Reproductive Health Strategy Paper; and
2. Domesticated the National Guidelines for Provision of Adolescents and Youth Friendly Services with necessary modifications to improve availability, accessibility, acceptability and use of quality sexual and reproductive health services by adolescents and youth seeking services in all the County Health facilities within the County.

Mr. Speaker, the health of adolescents has largely been ignored by the health services and it is the responsibility of the County Government to ensure that these services are made available to the highest standards. If you visit any health facility within the county, there is no special desk for the young people.

Lack of privacy causes stigmatization because the people attending them are people known to them. This makes them go and pay for these services and many of them do not have money to pay for such services.

The County Government need to have clear policies that will support the provision of health care to the youth. The health providers more often than not are not clear on how to respond to the health concerns for the youth. The staff that are in these health facilities are not youth friendly and sometimes they are so arrogant that they chase away the youth who come to these health centers. The youth therefore do not come back and die in silence because no one is willing to listen to them.

The County also need the health facilities to provide health services relevant to the youth in terms of affordability and services designed specifically for the youth. The government health facilities do not accommodate the young people. For example, they have to buy medicine and sometimes the equipment's in these health facilities are not working and therefore they have to seek health services elsewhere.

One organization for example, that deals with youth friendly services and does not overcharge is the Shining for Hope and Community (SHOFCO) which is located in Mathare Constituency. They offer health services for free and they are very friendly. They are an NGO and not a government institution. If we can have such an institution in our county, the youth can access health services without paying anything.

Mr. Speaker, strategic planning on youth health care services and facilities will ensure effective and appropriate measures are put in place to improve reliability and sustainability of quality health. We do not have any sustainable health care within our county. The budget is read every year and nothing is done about this, may be after a lot of noise has been made either through legislative measures or through the community's outcry. We do not have to make noise so that we can get these services. Article 43 of the Constitution is very clear on attainable health standards that we need in our health facilities. We need the services to be offered accordingly.

Mr. Speaker, creating youth friendly health facilities will observe privacy and confidentiality. There is no privacy in our health facilities as I had indicated before. Organizations like Family Health Options Kenya are the only ones that offer the youth friendly services and have facilities that accommodate the youth. If you need psycho-social support, they have activities like the gym, playing pool or any other games that make the youth feel as part and parcel of that community. This helps in lifting their self-esteem and have that feeling of ownership and acceptability. We need these youth friendly services in our health facilities.

We have very large spaces in our health facilities that are not been utilized. These spaces can be used for recreational facilities because sometimes people go through stigmatization or trauma and these activities will help them overcome such challenges.

Lastly Mr. Speaker, domesticating the national guidelines for provision of adolescents and youth friendly services across the county will help address cultural and structural barriers and provide nonjudgmental health services to the youth. We do not have to wait for the NGOs to come and offer these services for us.

Cultural barriers affect us most because you find that if I come from a cosmopolitan community in Eastleigh where the majority of the people are Somalis. According to their culture, women do not mix with the men in some facilities. But for us wo they call 'nywele ngumu', we do not have such cultural practices.

Such cultural differences cause commotions because they want to be served in a special way, and the same with us. Yet the law does not favour anybody but cuts across and we need to be served the same way.

Mr. Speaker I urge the County Government to ensure that a strategy paper has been put in place. I call Hon. Kabiro who is on Zoom to second this motion. Thank you.

Hon. Mbugua Kabiro: Am I clear?

Hon. Speaker: Yes, proceed.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. It is a good opportunity to talk about the youth of Nairobi who represent the youth of Kenya. On a very sensitive matter like their health and wellbeing, I really support this Motion and second it strongly.

Mr. Speaker, Article 43 has been quoted time and again that we all are entitled to the highest attainable standards of health, which includes the right to healthcare and reproductive health. We are not saying that we are expanding the mandate of the Constitution; we are just saying that these are cases that need to be looked at with a keen eye. As a County Government, we would prefer that the youth are taken care of in a very slightly different way because it is their right to health and it is not a favour that the county is giving to them.

Under Schedule 4, the health component is put under the county government. For us to assure and ensure the future of our country is secure, we should be able protect our youth. There are certain groups of people who have been taken care of; the pregnant women. They have their special facilities. The other day we saw a bill and motion that was passed that took care of GBV cases and now they have safe houses. Children have secluded centers and facilities which take care of their wellbeing. When a youth comes to a facility, kindly take care of that youth to the level of their satisfaction. Otherwise, we are going to have early deaths and lack of information when it comes to healthcare, and especially reproductive healthcare which is very crucial for the future. That is the only way we get to have for the future generations.

So, I would like to second and call on the County Government to develop County Adolescent and Youth Reproductive Health Strategy Paper and present it before the floor of the Assembly even before go on *sine die*. Also, they should domesticate the national guidelines for provision of adolescent and youth friendly services with necessary modifications to improve availability, accessibility and all that so that we can have a fully pledged youth that is taken care of even in the health sector, not only in sports and any other thing.

Mr. Speaker, I wish to second and laud the Member, Hon Millicent Anyango Jagero, for bringing this good Motion and an organization called The Network of Adolescent and Youth of Africa (NAYA), for supporting this initiative to make sure that youth friendly health services are provided. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

Hon. Speaker: Hon. Anthony Kimemia.

Hon. Anthony Gathumbi: Thank you, Mr. Speaker for according me this opportunity to support and join Hon. Jagero and the seconder in this very important Motion.

On my part, I will mention some of the issues that bedevil the youth in terms of health. Our youth, especially who come from the ghettos and Eastlands, have issues of mental health----

Hon. Speaker: Hon. Member, Order! I want encourage Hon. Members who are online to click on the 'Raise Hand' so that we can be able to see whether they want to contribute on the Motion. Proceed, Hon. Kimemia.

Hon. Anthony Gathumbi: Thank you, Mr. Speaker. Mine is to just support the Motion and to encourage the mover to ensure that the Motion is supported and domesticate the national guidelines for provision of adolescent and youth friendly services with necessary modification to improve on availability, accessibility and acceptability, and use of quality sexual and reproductive health.

As I was saying, our youth are the most productive. They, therefore, need good health institutions, more so in local institutions to ensure that they receive the most accessible healthcare. They should also be private because most will not come to dispensaries that are open to everyone yet one is coming with an issue like circumcision. Our youth are the people who need to be circumcised. So mine is just to encourage and support the Motion maybe I will not add more about that and I will just say that I support the Motion.

Hon. Mary Mwami: Thank you Mr. Speaker sir for this time for me to be able to contribute to this Motion on reproductive health services for our youth. I want to support the Motion but with some modification. When the World Health Organization talks about reproductive health, it includes abortion and we realize that abortion is prohibited in our constitution.

Therefore, as we talk about reproductive health we must make sure that it does not include abortion on demand. This is more so because we have included adolescents who are children as young as 13years old. If you have a daughter or a son who would go to a clinic and they would like to get an abortion without their parents knowing I think we need to be very careful about the western adoption of such things so that our children do not get into a trap.

Secondly, I want to do some observation also on the fact that it has to be secret. I would not like my adolescent child to go to a secret place to get reproductive health services which include abortion or morning-after pills on demand without my knowledge. So as a parent I am not for this secrecy pact. It should be very cautiously done. While I believe that depending on one on one basis and together with the parents some of this can be done especially on adolescents. Probably the youth who are over 18 could be allowed to go into these places on their own and get but I think for adolescents and children who are between 13 and 17 years it must not be so secretive whereby a child can go in and get whatever they want. I think it is good for them to be in the company of the parents.

However, I would also like to bring in the fact that it is important for this education which I think it has been talked about in the ministry of education. It should be brought to the notice that it is very important for our parents especially our young parents who are coming up and getting children for them to know how to bring up children, counselling, talking to the children be very friendly with them than for the children to secretly go to reproductive health centers and getting this as a way out.

Sex is a good thing and it is beautiful and it is one of the creations of God however it is not very good for us as a society to go on the way of it just being misused and we allowing our children like we are getting out of hand so that they can have sex wherever they want and going for the morning after.

I say this as a person who has been a lecturer at the University of Nairobi and it was very sad for us to have noted that university students, despite their education, are supposed to be role models for our

country. They are the ones who misuse the morning-after pill the most which is very sad. So we must do counselling for our children and help them to know the place of sex and bring and instill good morals in them so that they can be able to live well.

When a child is on campus and can only think about taking a morning-after pill it means that they are not even afraid of HIV Aids which they can contract as they have unprotected sex. In short, what I am saying is while we need a comprehensive way of helping our youth it must not be done haphazardly because this will affect the whole outlook of society and how we view life and ourselves as people.

Therefore, I support this Motion but with some modification that parents need to be helped so that they take care of their children being able to counsel them early but at the same time if there is anything it should be with the modification of the youth and not adolescents. They are still under their parents' care and they cannot be able to set up secretive health care services.

Thirdly, and foremost is that it must exclude abortion on demand because abortion it is prohibited in our country. I support the Motion but with modification.

Hon. Millicent Okach: Thank you, Mr. Speaker, I want to thank all the Members who supported this Motion and even for the amendments that my colleague Hon. Mary Ariviza has recommended.

Hon. Speaker, when we speak about adolescents it does not necessary means that they will go to a secretive place. The reason as to why we came with the adolescents also in this particular Motion is because of the cases that we are receiving as a county especial to the young people between the ages of 9 to 15 years who are being sexually assaulted now and then. Some are in peer groups that are sexual gangs whereby they do take drugs from those particular groups and do not have anywhere to go so that the issues can be addressed.

Hon. Speaker, it is through having this legislative process that we can address these issues and in the papers which we have suggested in the strategic paper that the NMS together with the County Executive is supposed to come up with these issues to be addressed. Thank you, Hon. Speaker and everyone and I therefore reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Honorable Members, there being no other business, the House stands adjourned till Tuesday 5th April 2022 at 9.30 a.m. Thank you.

The House rose at 3.25 p.m.