



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – (FIFTH SESSION)

ORDERS OF THE DAY

THURSDAY, SEPTEMBER 30, 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)

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: -

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 therefor the subtitle **“Vacancy of Office”**
- v. By adding a new Clause (20) with the subtitle **‘Regulations’**

LONG TITLE

THAT, Long Title of the Bill be amended -

- i. By deleting the word **‘of’** appearing immediately after the word victims and replacing therefor the words **‘reintegration back to the community’**
- ii. By deleting the numeric **“2019”** and substituting with the numeric **“2021”** thereof.

SHORT TITLE (CLAUSE 1)

THAT, Short Title of the Bill be amended; -

- i. By deleting the word **‘Management’** and replacing therefor the words **‘prevention and response’**
- ii. By deleting the numeric **“2019”** and substituting with the numeric **“2021”** thereof.

CLAUSE 2

THAT, Clause 2 of the Bill be amended:

- i. By deleting the definition of the word **‘gender-based violence’** and replacing therefor the following 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 honor killings, dowry violence, genital mutilation, virginity testing, widow cleansing”

- ii. In the definition of the phrase **‘minimum package of healthcare services’** by deleting the word **‘minimum’** and replacing therefor the word **‘essential’**
- iii. By inserting the following new definitions in their proper alphabetical sequence:

“Community Based Organization” means any non-profit organization incorporated for the purpose of providing services or other assistance to economically or socially disadvantaged persons within its designated community.

‘Temporary Stay’ means period of stay in a safe house for the victim of gender based violence for a period not exceeding six months.

“self interest groups” means persons with disabilities, children, youth and women.

CLAUSE 3

THAT, Clause 3 of the Bill be amended; -

- (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.

CLAUSE 4

THAT, Clause 4 of the Bill be amended:

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

CLAUSE 6

THAT, Clause 6 of the Bill be amended; -

- (i) 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’
- (ii) 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 therefor 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.**

CLAUSE 7

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’**

CLAUSE 8

THAT, Clause 8 of the Bill be amended;

- i. In paragraph (a) by adding the words **“prevention and response activities’** immediately after the word **‘all’**.
- ii. 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’**
- iii. 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’**

CLAUSE 9

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’**.

CLAUSE 10

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”

CLAUSE 12

THAT, Clause 12 of the Bill be amended: -

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

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’

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’**.

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’**

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’**

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.'

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'**

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:

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-
 - (a) at the first sitting of the Committee and,
 - (b) 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.
- Conflict of interest
2. (i) 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.

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

NOTICES

II. The Assembly resolved on Tuesday, 9th February, 2021 as follows: -

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.

* **Denotes Orders of the Day** *
