

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

**SECOND ASSEMBLY
(FIFTH SESSION)**

NCCA/TJ/PL/2021(19)

13th July 2021

PAPER LAID

Pursuant to Standing Order 131(4), I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 13th July, 2021:

- **THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON CONSIDERATION OF THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019.**

(Chairperson, Sectoral Committee on Labour and Social Welfare)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

MEMO

FROM : Senior Clerk Assistant

TO : Principal Clerk Assistant (L&P)

DATE : 12th July, 2021.

RE: NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE
MANAGEMENT AND CONTROL BILL, 2019

The above matter refers.

Herewith please find a copy of the Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 from Labour and Social Welfare Committee for tabling.



Mercy Riunga
Senior Clerk Assistant

CC: Director Legislative Services

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PREFACE

1.1. Committee Mandate

Hon. Speaker,

The Sectoral Committee on Labour and Social Welfare is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to: -

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2. Membership

The Committee comprises the following Members: -

1. The Hon. Anthony Ngaruiya, MCA -Chairperson
2. The Hon. Rose Ogonda, MCA -Deputy Chairperson
3. The Hon. Peter Wanyoike, MCA
4. The Hon. Mellab Atemah, MCA
5. The Hon. Imapet Kemunto, MCA
6. The Hon. Wilson Ochola, MCA

8. The Hon. Fredrick Njogu, MCA
9. The Hon. Stephen Gikonyo, MCA
10. The Hon. June Ndegwa, MCA
11. The Hon. Paul Ndung'u, MCA
12. The Hon. Joyce Muthoni, MCA
13. The Hon. Esther Nyangweso, MCA
14. The Hon. Fredrick Okeyo, MCA
15. The Hon. David Okello Ruogo, MCA
16. The Hon. Jared Akama, MCA
17. The Hon. Samuel Mwangi, MCA
18. The Hon. Evans Otiso, MCA
19. The Hon. Julius Maina Njoka, MCA
20. The Hon. Beatrice Gakuru, MCA
21. The Hon. Asli Mohammed, MCA
22. The Hon. Solomon Magembe, MCA
23. The Hon. Joseph Ndonji, MCA
24. The Hon. Jairus Omayo, MCA
25. The Hon. Fredrick Omondi, MCA

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee exercises its oversight role on all matters relating to labour, trade union relations, manpower or human resource planning; County Public Service; gender and Social Welfare, youth,

Executive Summary

Hon. Speaker,

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019, was published in the special issue of the Nairobi City County Gazette Supplement No. 10 on 22nd July, 2019. The Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019 was read a First Time on 12th September 2019. On 26th November, 2019, the Bill sponsored by Hon. Wanjiru Kariuki, MCA, was read a First Time and thereafter committed to the Sectoral Committee on Labour and Social Welfares for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Hon. Speaker,

Upon committal of the said Bill, the Committee placed a notice in the local dailies on 24th July, 2019 calling for representations and proposals for amendments from the public pursuant to Article 196(b) of the Constitution of Kenya, 2010 and the Nairobi City County Standing Orders 131 (3) which require public participation in the legislative and other business of the County Assembly and its Committees. The Committee also identified the following key stakeholders to the Bill and invited them to submit commends, reviews and propose amendments to the Bill;

- a) The Nairobi City County Sector of Gender, Youth Affairs & Social Services;
- b) Coalition on Violence Against Women (COVAW)
- c) Kenya National Commission on Human Rights (KNCHR)

Hon. Speaker,

Charter Hall, City Building. Following the notice and the public participation, the Committee received written memoranda from the following stakeholders: -

- a) The Nairobi City County Sector of Gender, Youth Affairs & Social Services;
- b) Coalition on Violence Against Women (COVAW)
- c) Kenya National Commission on Human Rights (KNCHR)

Hon. Speaker,

The Committee held a total of ten meetings to consider the Bill and all representations received from stakeholders. All stakeholders while supporting the Bill in principle, proposed amendments on some of the provisions of the proposed law.

Hon. Speaker,

The committee finds this bill to be a right step towards promotion of public awareness on the causes, impacts and consequences and means of prevention of sexual and gender based violence and protection of those subjected to Nairobi City county and for connected purposes.

Hon. Speaker,

The Committee considered the submissions by stakeholders as provided for in the Standing Order and had proposed amendment to the Bill in Long Title, Clauses 2,3,4,6,7,8,9,13, 14, 15, 16, 17 and 19. The Committee further proposed new clauses, sub-clauses and new paragraphs to be included in the proposed law. Some of the amendments are editorial while others are aimed at ensuring that the Bill is consistent with the Constitution and also cater for the concerns of the stakeholders.

1.3. Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to the members of the Committee to enable them consider the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019.

Appreciation is also extended to the sponsor of the Bill and the stakeholders for their immense contribution.

enabled the Committee to accomplish this task. Special thanks to the Secretariat for their support at all times.

On behalf of the Committee and pursuant to Standing Order 131 (3), I now have the honour and pleasure to present this Report on the consideration of the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019.

SIGNED

HON. ANTHONY NGARUIYA, MCA

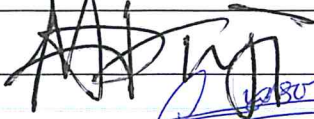
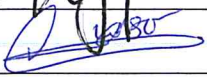

(CHAIRMAN, LABOUR AND SOCIAL WELFARE COMMITTEE)

Dated this 13.....day of July....., 2021

ADOPTION OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE REPORT ON THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019

The following members appended their signatures to signify their agreement with the report:-

No	NAME	SIGN
1.	Hon. Anthony Ngaruiya	AS
2.	Hon. Rose Ogonda, MCA	ROgonda
3.	Hon. Peter Wanyoike, MCA	PW
4.	Hon. Mellab Atemah, MCA	MAtemah
5.	Hon. Imapet Kemunto, MCA	IMapet
6.	Hon. Wilson Ochola, MCA	WOchola
7.	Hon. Peter Wahinya Kimuhu, MCA	
8.	Hon. Fredrick Njogu, MCA	FNjogu
9.	Hon. Stephen Gikonyo, MCA	SG
10.	Hon. June Ndegwa, MCA	
11.	Hon. Paul Ndung'u, MCA	P.N
12.	Hon. Joyce Muthoni, MCA	JMuthoni
13.	Hon. Esther Nyangweso, MCA	ENyangweso
14.	Hon. Fredrick Okeyo, MCA	FOkeyo
15.	Hon. David Okello Ruogo, MCA	DOkello
16.	Hon. Jared Akama, MCA	
17.	Hon. Samuel Mwangi, MCA	SMW
18.	Hon. Evans Otiso, MCA	
19.	Hon. Julius Maina Njoka, MCA	
20.	Hon. Beatrice Gakuru, MCA	
21.	Hon. Asli Mohammed, MCA	
22.	Hon. Solomon Magembe, MCA	

23.	Hon. Joseph Ndonji, MCA	
24.	Hon. Jairus Omayo, MCA	
25.	Hon. Fredrick Omondi, MCA	

2.0. INTRODUCTION

Pursuant to Article 185 of the Constitution of Kenya, 2010, the legislative authority of a County is vested and exercised and the County Assembly. Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019, was published in the special issue of the Nairobi City County Gazette Supplement No. 10 on 22nd July, 2019. The Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019 was read a First Time on 12th September 2019. On 26th November, 2019, the Bill sponsored by Hon. Wanjiru Kariuki, MCA, was read a First Time and thereafter committed to the Sectoral Committee on Labour and Social Welfares for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

3.0. CONSIDERATION OF THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019

1. While examining the Bill, the Committee noted the following;

i. Objective of the Bill

The principle objective of the Bill is to promote public awareness on causes, impact consequences and means of prevention and response to sexual and gender based violence and protection of those subjected to in Nairobi City County and for

connected purposes in line with existing laws and regulations which address sexual and gender based violence.

The bill also positively addresses and seek to address conditions that aggravate sexual and gender based violence by promoting and advocating for social justice.

The Committee observed that since the Bill seeks to provide protection to victims of gender based violence in the County in line with existing laws and regulations which address sexual and gender based violence, it will help in prohibiting harmful cultural and traditional practices, outlawing gender discrimination in all its forms and subtleties & providing witness protection. In addition, the Bill will support and facilitate the gathering of desegregated data (by age, sex, ethnicity and disability), establish a clear reporting and referral system to enable victims of and witnesses to sexual and in line with existing laws and regulations which address sexual and gender based violence know to whom they should report.

ii. **Part I: Preliminary Provisions**

Part I of the Bill sets out the preliminary matters with respect to the Bill. Clause 1 sets out the short title of the Bill. Clause 2 provides for definition and interpretation of terms as used in the Bill while Clause 3 gives object and purpose of the act and summary of the scope of application of the proposed law. Clause 4 provides for coordinated multi-sectoral approaches to sexual and gender based violence.

Clause 5 provides for determination of sexual and gender based violence coordination mechanism. Clause 6 provides for establishment of sexual and gender based violence county management committee. Clause 7 provides for term of office. Clause 8 provides for functions of county sexual and gender based violence management committee. Clause 9 provides for removal from office. Clause 10 provides for county sexual and gender based violence and information.

Clause 11 provides for county sexual and gender based violence education and information. Clause 12 provides for county sexual and gender based violence

based violence education as a health care service. Clause 13 provides for county sexual and gender based violence education in the workplace.

Clause 14 provides for county sexual and gender based violence information in communities. Clause 15 provides for access to health care services. Clause 16 provides for establishment of safe houses/ shelter. Clause 17 provides for functions of safe houses/ shelter. Clause 18 provides for management of safe houses/ shelter. Clause 19 provides for funding.

On the short Title some stakeholders who commented on the Bill raised concerns on the definition of the title. For instance, the Kenya National Commission on Human Rights(KNCHR) argued that the title was misleading therefore should be renamed "The Nairobi City County Sexual and Gender Based Violence Prevention and Response Bill, 2019."

The Committee agreed with the proposal amendment to the short title of the Bill to as the content of the Bill is on Sexual and Gender Based Violence Prevention and Response mechanism. Prevention and Response cover a wide scope of service to the victims of gender based violence.

On Clause 3, various stakeholders who commented on the Bill were concerned with widening the scope of the bill. For instance, the Coalition On Violence Against Women (COVAW) proposed adding a new sub- clause 3 for **Prevention and response to trafficking of persons for purposes of sexual exploitation and or forced labour' and 'Promoting safe working environment for employees free from discrimination and harassment on the basis of gender'**

iii. Part II: Administration of justice

Part II of the Bill contains the provisions relating to coordinated multi -sectoral approaches to sexual and gender based violence.

On Clause 4(4), KNCHK proposed to include the 'perspective of intersex persons rights' after the word 'violence' as most intersex persons face SGBV due to their vulnerability. The Committee agreed with the proposal amendment in order to avoid any form of lacuna in law.

iv Part III: Sexual and gender based violence County Management Committee

Part III of the Bill contains the provisions relating to establishment of sexual and gender based violence County Management Committee.

v. Part Iv: Sexual and gender based violence eduction and information

Part Iv of the Bill contains the provisions relating to county sexual and gender based violence education and information.

On Clause 6(1), stakeholders proposed to add a representation from the Civil Society of Kenya as CSO's representatives working with SGBV will enhance their effectiveness. The Committee proposed the need to agree on the maximum number of the committee which we propose a minimum of seven and maximum of nine members.

On Clause 6(1)(a), the County Executive proposed that the chair should not be a county staff member and Should be a person with experience on gender issues. The Committee in concurring with the County Executive was of the opinion that the CEC with the approval of the County Assembly to appoint a person with experience on gender issues to be the chairperson.

On Clause 6(1)(b), the County Executive proposed to Include a secretary to the Sexual and Gender Based Violence County Management committee. The Committee in concurring with the County Executive was of the opinion that the Director, social services department to be the secretary to the committee.

On Clause 6(1)(e), the County Executive proposed to include the specialized skills on gender which should be specifically from gender section of social services and the secretary of the committee. The Committee disagreed and proposed that the Director social services to be the secretary to the committee.

On Clause 6(1)(g), the County Executive proposed to remove the representatives from the Inter-Religious Council of Kenya. The Committee disagreed with the proposed amendment stating no reason given for their removal.

requirements of the constitution' after the word 'inclusion' as it's a constitutional responsibility. The Committee agreed to the proposed amendment as Chapter 6 deals with leadership and integrity.

On Clause 6(4), the County Executive proposed to include State the mode of remuneration of the committee members. The Committee agreed to include remuneration to be in accordance with the SRC guidelines.

On new sub-clause 6, KNCHR proposed to Include a new clause on reporting requirements by the advisory committee. The Committee agreed to enhance oversight and stock taking of various intervention undertaken to implement the law and identify the challenges and areas that require improvements.

On Clause 8(d), the County Executive proposed to include the accounting officer to be able to facilitate trainings. The Committee disagreed with the County Executive proposal to avoid repetition as trainings are already captured under clause 8(d).

The Committee disagreed with the County Executive proposal to remove **Clause 8 (e)** citing importance of the management Committee's meeting regularly with the Chief Officer in charge of gender and social services.

On Clause 9(A-H), stakeholders proposed to Make it more comprehensive to ensure sustainability. The Committee agreed to the proposed amendment as It caters for vacancy that may arise as a result of death, legal processes etc and to Include, when one dies, resign from office,

On Clause 10 (3), various stakeholders who commented on the Bill proposed to Remove participation of sexual offenders. The Committee argued that sexual offenders need to be educated too so that they cannot repeat the same offences. The Committee agreed to the proposed amendment to Include persons with disability, children, youth, the intersex persons and women in the education and information as these are the most vulnerable groups.

On Clause 11(3) COVAW proposed to Include universities, schools and colleges both private and public. The Committee argued that this was outside the mandate of the County Government.

On Clause 12, the Committee agreed to add the quality services provision and response, including their role and availability in courts as expert witnesses for clarity purposes.

On Clause 13, the Committee agreed to include the perpetrators and cases after the word violence so as to include the mechanisms of reporting both the perpetrators and victims at the work place

vi. Part v: Access to Health Care Services

Part v of the Bill contains the provisions relating to access to healthcare services.

On Clause 15, the Committee agreed to the Proposal that all the major health centers to have Gender Violence Recovery Centre If funds are available, no harm in having a GVRC. The Committee disagreed with the stakeholders' proposed amendment to define "unnecessary impediments" as the word is clear, defining it will limit its interpretation.

Vii. Part vi: Safe Houses/ shelter

Part vi of the Bill contains the provisions relating to safe houses/ shelter.

On Sub-Clause 16(2) and (4), the Committee agreed that the sub-clauses were misplaced and Should be placed under part V as they address issues of access to health care.

On Sub-Clause 17, the Committee agreed to define the word 'temporary stay' In the interpretation section, include the period to be between 0-6 months.

Viii. Part vii: Funding

Part vii of the Bill contains the provisions relating to funding.

On Sub-Clause 19 the Committee agreed to Add 'and response' and the word 'prevention' and delete the words 'control and management' for clarity purposes.

'Remuneration of the committee shall be in accordance with the Salaries and Remuneration Commission guidelines'

2. The Committee deliberated on the Bill as follows: -

- Short Title - proposed amendment
- Clause 2 -Agreed to
- Clause 3 - proposed amendments
- Clause 4 - proposed amendments
- Clause 5 -Agreed to

Clause 6	- proposed amendments
Clause 7	-Agreed to
Clause 8	- proposed amendments
Clause 9	- proposed amendments
Clause 10	- Agreed to
Clause 11	- Agreed to
Clause 12	- proposed amendments
Clause 13	- proposed amendments
Clause 14	-Agreed to
Clause 15	- proposed amendments
Clause 16	- proposed amendments
Clause 17	- proposed amendments
Clause 18	-Agreed to
Clause 19	- proposed amendments

4.0 RECOMMENDATIONS

Mr. Speaker sir,

The Committee recommends that in accordance with Section 8(1) (e) of the County Governments Act, 2012 and provisions of Standing Order 191(6): - that;

This Assembly approves the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019 with the following recommendations;

1. That past, present and future ventures in regards to Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 be done within the framework of the Nairobi City County Sexual and Gender Based Violence Management and Control BILL, 2019 and the recommendations of this report;
2. That the County government submits to the Assembly within 60 days of adopting this report, a Regulation on the same, amongst other proposal contained in the Bill; and

3. That the Bill be amended as proposed by various stakeholders captured

5.0 PROPOSED COMMITTEE STAGE AMENDMENTS

NOTICE is given that the Chairperson of the Sectorial Committee on Labour and Social Welfare intends to move the following amendments to the Nairobi City County Gender Based Violence Management and Control Bill, 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'

CLAUSE 2

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

- (ii) 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"

- (iii) Definition of "minimum package of healthcare services" delete the word, 'minimum' and replace with 'essential'

(iv) By adding a definition of what constitutes the sex interest groups as persons with disability, children, youth, and women

(v) By defining 'temporary stay' to include 1-6 months

CLAUSE 3

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 government agencies;'
- (v) By deleting the word, 'ethnicity' in 3 (d) immediately after the word 'sex'

NEW CLAUSE

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; -

- (v) By deleting the words, "and procedures" after the word, 'training' 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'

- (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; -

- (1) 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 20

- (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

THAT First Schedule be added by inserting the words as follows;-

FIRST 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-
 - (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. (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 of Procedure and minutes 5. The Committee shall -
(a) determine rules of procedure for the conduct of its business; and
(b) keep minutes of its proceedings and decisions





MATRIX OF STAKEHOLDER COMMENTS AND FINAL COMMITTEE PROPOSED AMENDMENTS TO THE NAIROBI CITY
COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019

STAKEHOLDER	CLAUSE	PROPOSED AMENDMENT	RATIONALE	LEGAL COUNSEL'S COMMENTS	COMMITTEE CONCLUSION
Nairobi City County	Title	Delete, 'management' and replace with, 'prevention and response'			Agreed
		In the first paragraph, after the word, 'victims', delete the word 'of', and replace with the phrase, 'reintegration back to the community'	Ensure that the bill provides for reintegration of victims into society		
	Preliminary	Definition of 'gender-based violence' delete and replace with the definition <i>"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</i>	A more inclusive definition	Agreed	To be defined in line with the term as defined in national government policy – Kenya Strategic Health Plan

		<p><i>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"</i> In line with the term as defined in national government policy – Kenya Strategic Health Plan</p> <p>Definition of "minimum package of healthcare services" delete the word, 'minimum' and replace with 'essential'. Delete and replace wherever the same appears.</p>		
		Add a definition for "Community Based Organization"		

Clause 3	<p>(b) (iii) Delete and replace with, 'Ensure protection and the maintenance of confidentiality for victims'</p> <p>(iv) delete the word, 'minimum' and replace with 'essential'</p> <p>(vi) delete the word, 'guaranteeing' and replace with 'ensuring'. Insert the phrase, 'safe spaces' after the word, 'of'</p> <p>(vii) delete the word, 'providing' and replace with the phrase, 'assist victims' access'.</p> <p>Delete semicolon after the word 'protection' and add the phrase, 'in collaboration with the national government agencies;'</p> <p>Add a clause,</p> <p>(ix) assist victims reintegrate back to society</p>	For clarity of purpose	Agreed	Agreed
Clause 6	<p>(d) delete the word, 'ethnicity'</p> <p>(1) (a) delete, 'the County Executive Committee Member responsible for Gender and Youth Affairs' replace with, 'a person having more than ten years' experience in gender affairs nominated by the National Council for Gender Affairs and appointed by the Governor'</p>	The CEC member cannot be a member of a body for which he exercises oversight; encourage transparency in appointment		

		(b) Delete clause			
	Clause 8	Clause (a) after the word "all", insert the phrase, "prevention and response activities"	To clarify that it is the coordination of prevention and response activities.		
		(c) delete the words, 'Chief Officer responsible for Gender and Youth Affairs' and replace with "County Executive Committee Member on policy implementation, prevention and response strategies"	The Cecm is responsible for policy formulation and implementation. County Government Act		
		(d) delete the words, "and procedures"			
		(e) delete the clause.	Covered in (c) above		
		(i) Insert after "basis to the" the following, "County Executive Committee member and an annual report to the" and after the word, 'violence', insert 'prevention and response'	To include periodic reports to the CECM		
		(j) after the word "county" insert, 'sexual and gender based violence prevention and response'	For specificity		
	Clause 9	(a) Delete the word, 'body', replace with, 'committee'	Typo		
		(g) delete the word, 'not', after the word of	Typo		

Clause 10	<p>(1) Delete "government", and replace with, 'Executive Committee member'</p> <p>After the word, 'promote', add the word, 'periodic', and</p> <p>After the word, 'awareness', add the word, 'campaigns' delete the word, 'through', and replace with, collaboration with relevant', and delete, sexual and gender based violence', and replace with 'state and non-state departments, agencies', to read,</p> <p><i>"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"</i></p>	Rephrased for clarity		
	<p>(1) add the following,</p> <p>(e) include ways of combating discrimination and fostering cohesion</p>	Added to involve marginalized groups and to combat		

		(f) include interventions for marginalized groups affected by sexual and gender based violence	discrimination to deal with inequalities		
	Clause 12	(3) after the words, "treatment, and", add, 'procedures on how to',			
	Clause 13	(1) delete "County government", and replace with 'committee' (3) delete and replace with, <i>"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"</i>	The role of sexual and gender based violence education in the workplace is specifically assigned to the Committee rather than broadly to the County government		
1. Nairobi City County	Clause 6(1)	<ul style="list-style-type: none"> ▪ The committee to be referred as County Sexual and Gender Based Violence Advisory Committee ▪ Members of the committee to be appointed by the CEC Member responsible for gender issues. 	Its main role is advisory	Agreed	

		<ul style="list-style-type: none"> NGO'S and civil societies to be given slots in membership 		Disagreed, they can be co-opted by the committee under sub-clause (j))	
Clause 6(1)(a)	The chair should not be a county staff member		Should be a person with experience on gender issues	Agreed, the CEC with the approval of the County Assembly to appoint a person with experience on gender issues to be the chairperson.	
Clause 6(1)(b)	Include a secretary to the committee		Not included	Agreed. The director social services department to be the secretary to the committee	
Clause 6(1)(c)	County Commissioner to be a co-opted member			Disagreed, not clear he/she should be co-opted by who	
Clause 6(1)(e)	The specialized skills on gender should be specifically from gender section of social services and the secretary of the committee			Disagreed, director social; services to be the secretary to the committee	

	Clause 6(1)(f)	Two person representing the Chief Security Officer	Not clear	Agreed, for clarity purposes Chief Security Officer should be specific	
	Clause 6(1)(g)	Remove the representatives from the Inter-Religious Council of Kenya		Disagreed, no reason given for their removal	
	Clause 6(1)(h)	The youth representatives to be from the One Stop Youth Center of the County		Disagreed, the representation by the youth should be any youth with the county	
	New Clause 6 (4)	State the mode of remuneration of the committee members	Not included	Agreed. Remuneration to be in accordance with the SRC guidelines	
	Clause 8 (d)	The accounting officer should be able to facilitate trainings.		Disagreed, this will be repetition, trainings already captured under clause (d)	

		Remove sub-clause (e)		Disagreed	Commented [MM1]:
Clause 8 (e)					
Clause 9(a)		(a) Delete the word, 'body', replace with, 'committee'	Typo	Agreed	
Clause 9 (g)		delete the word, 'not', after the word of	Typo	Agreed	
		Other proposals by the Executive can be included in the Regulations			
Clause 10 (1)		Delete "government", and replace with, 'Executive Committee member' After the word, 'promote', add the word, 'periodic', and After the word, 'awareness', add the word, 'campaigns' delete the word, 'through', and replace with, collaboration with relevant', and delete, sexual and gender based violence', and replace with 'state and non-state departments, agencies'	Clarity		
Clause 12		(3) after the words, "treatment, and", add, 'procedures on how to',	Clarity		
Clause 13(1)		(1) delete "County government", and replace with 'committee'	The role of sexual and gender based violence education in		

			the workplace is specifically assigned to the Committee rather than broadly to the County government		
	Clause 14	(1) delete "county government" and replace with "committee"	The role of sexual and gender based violence education in the workplace is specifically assigned to the Committee rather than broadly to the County government		
	Clause 15	Add a definition of what constitutes special interest groups as per the constitution to clarify the provisions of this part (1) delete "without unnecessary impediments" free of charge in all county institutions. (2) After the word "facilitate" and the phrase, "collaborate with relevant	Removal of impediments to access to healthcare services and include special interest groups.		

		national government agencies and the County Chief Commandant in"	(3) Delete "county government" and replace with "committee" after the word "ensure", add the word, "free" after the word "violence", add "special interest groups"			
Clause 16		Delete "county government" and replace with "committee" wherever it appears in this part (1) Delete the phrase, "at least one safe house per county" and replace with, "shelters and safe spaces" (2) Delete the phrase, "at affordable prices" after the word, "services" and replace with "for victims within the safe house" 3.)Delete the words "county Government" and replace with the "the County Executive Committee Member"	Remove of financial impediments to healthcare in safe houses and shelters for survivors to improve access to safe houses. Addition of safe spaces. Budgeting is directly the responsibility of the sector and the CECM	Agreed		

		Clause 17	<p>Delete clause (b) and (c) replace with (b) hereunder-</p> <p>(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</p> <p>(b) Numbering replace (d) with (c)</p> <p>(c) Delete the clause marked (e) and replace with "Take consideration of the context of the community environment in terms of culture, sex, religion, disability, mental health."</p> <p>(d) Replace (f) with (e)</p>			
		Clause 18	<p>1. Delete, "the Governor" and replace with "The County Executive Committee Member" replace "appoint a person" and replace with</p>	Transparent recruitment of staff for the shelter in line with government policy		

			“competitively recruit a manager” (3) Delete, “bi annually or upon request” and replace with, “quarterly”		
Clause 19	Delete “the County Government” wherever it appears in this part and replace it with, “the County Executive Member in charge of Finance” (3) after the word, “violence” add, “prevention and response”, After the word “activities” at the end of the sentence, “to the county assembly”	The CEC member for Finance is the member responsible for Financial dealings in the county.			
Clause 20	“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	To ensure operationalization of the Act			

		<ul style="list-style-type: none"> 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 <p>.....</p> <p>Add a declaration of personal interest by the committee members</p>			
2. Coalition on Violence Against Women (COVAW)	Key Issues	<ul style="list-style-type: none"> ▪ Replace word Victim with Survivor ▪ Expound the definition of SGBV ▪ Include mitigation strategies by the county Government, like street lighting, use of CCTV etc 	Survivor comes out strong	Disagree Agreed Agreed	

County Executive, Social Services and Gender Sector	Short Title	<p>The short title to be renamed as Nairobi City County Sexual and Gender Based Violence Prevention and Response Bill, 2019</p> <p>In the first paragraph, after the word, 'victims', delete the word 'of', and replace with the phrase, 'reintegration back to the community'</p>	Prevention and Response cover a wide scope of service to the victims	Agreed.	<p>For clarity as to the purpose of the bill</p> <p>Ensure that the bill provides for reintegration of victims into society</p>
	Clause 3	<p>Include:</p> <p>a) Prevention and response to trafficking of persons for purposes of sexual exploitation and or forced labour</p> <p>b) Promoting safe working environment for employees free from discrimination and harassment on the basis of gender</p>		Agreed- To widen the scope of the Bill	

	Clause 8	In sub-clause (a) and (i) add prevention and response and the word violence		Agreed	
	Clause 9	Include gross misconduct		Already include under sub-clause (c)	
	Clause 10 (3)	Remove participation of sexual offenders		Disagreed- They need to be educated too so that they cannot repeat the same offences	
	Clause 11 (1)	Include universities, schools and colleges both private and public		Disagreed- This is outside the mandate of the County Government	
	Clause 12 (2)	Add: quality services provision and response, including their role and availability in courts as expert witnesses		Agreed- For clarity purposes	
	Clause 13 (2)	Include: perpetrators and cases after the word violence		Agreed- so has to include the	

					mechanisms of reporting both the perpetrators and victims at the work place	
	Clause 15	Propose that all the major health centers to Gender Violence Recovery Centre Sub-clause (3) and post after the word essential			If funds are available, no harm in having a GVRC Agreed- the services are after the act has taken place	
	Clause 16 (2) & (4)	Should be placed under part V	Address issues of access to health care		Agreed- The sub-clauses are misplaced	
	Clause 19	Add and response and the word prevention and delete the words control and management			Agreed- For clarity purposes	
	Short Title	Change the short title	It is misleading		Agreed. Redrafted for clarity	
3. Kenya National Commission on Human Rights						

	Clause 4 (4)	Include- perspective of intersex persons rights after the word violence	Most intersex persons face SCBV due to their vulnerability	Agreed. To avoid any form of lacuna in law We should also define the term Intersex Persons	
	Clause 6 (1)	Add a representation from the Civil Society of Kenya	CSO's representatives working with SCBV will enhance the effectiveness	Agreed-The committee need to agree on the maximum number of the committee which we propose a minimum of seven and maximum of nine members	
	Clause 6 (2)	Add: as well as compliance with Chapter 6 requirements of the constitution after the word inclusion	It's a Constitutional requirement	Agreed: Chapter 6 deals with leadership and integrity	
	Clause 6	Include a clause on reporting requirements by the advisory committee		Agreed- to enhance oversight and stock taking of various intervention	

				undertaken to implement the law and identify the challenges and areas that require improvements	
Clause 9 (Marginal Notes)	Substitute "Removal from Office" with "Vacancy of Office"	Sub-Clauses (a) to (h) are limited	Make it more comprehensive to ensure sustainability	Agreed. It caters for vacancy that may arise as a result of death, legal processes etc Agreed: Include, when one dies, resign from office,	
Clause 10 (3)	Include- persons with disability, children, youth, the intersex persons and women in the education and information		These are the most vulnerable groups	Agreed	

		Clause 15	Define "unnecessary impediments"	For clarity purposes	Disagreed, the word is clear, define it will limit its interpretation	
		Clauses 17 (a)	Define the word 'temporary stay'	For clarity purposes	Agreed- In the interpretation section we can include the period to be between 0-6 months	
Nairobi County	City	FIRST SCHEDULE Meetings	Include: (1) The Committee may meet at such place in Kenya as the chairperson may determine and the meetings will be convened by the Chairperson. (2) 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 (3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing		Agreed	

			<p>of a meeting shall be given to every member by the Secretary of the Committee</p> <p>(4) 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.</p> <p>(5) The chairperson shall preside over all Meetings however, in his or her absence, the vice-chairperson shall preside over the meetings.</p> <p>(6) The members of the Committee shall elect a vice-chairperson from among themselves-</p> <p>(a) at the first sitting of the Committee and,</p> <p>(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson</p> <p>(7) Where the chairperson or vice chairperson is absent, the members shall appoint from</p>		
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		among themselves, a person to chair the meeting of the Committee. (8) 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	(1) 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. (2) A disclosure of interest under (1) above shall be recorded in the minutes of the meeting at which it is made.			

	Quorum	<p>(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.</p> <p>(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.</p>			
	Voting	<p>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.</p>			
	Rules and Procedure and minutes	<p>The Committee shall – of Procedure (a) determine rules of procedure for the conduct of its business; and</p>			

		and minutes (b) keep minutes of its proceedings and decisions			
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FIRST SCHEDULE

THAT First Schedule be added by inserting the words as follows:-

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Conflict of

2. (1) 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.

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