



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – FOURTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 29, 2020, 2:30 PM

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

QUORUM OF THE COUNTY ASSEMBLY-

The Temporary Hon. Speaker (Hon. John Kamangu, MCA) having confirmed that there was quorum, proceeded with the Business as it was in the order paper.

3. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following communication: -

**WELCOMING DETERMINATION ON THE MATTER OF SWEARING IN OF
PERPETUA MPONJIWA**

“Hon. Members, I have the following determination to make:

Hon. Members, you may recall that during today's morning sitting, Leader of Minority, under Standing Order 45 (2) (b), sought my direction on the matter of swearing in of Perpetua Mponjiwa. That there was an existing court order of the High Court directing that Miss Perpetua Mponjiwa be sworn in within 14 days, which will lapse on Thursday 1st October 2020. He further made the house aware of the proceedings of the Assembly are regulated by the rule of law, and that as law maker, they are bound by it. In the light of the said court order, the contestation by the Minority side that the said Perpetua should not be sworn in on the floor of this Assembly.

The honorable speaker therefore was unable to give any alternative direction or ruling beyond the said ruling of the High Court. However, the Constitution envisages the right to appeal to any order before a court of law,

which he therefore implored upon the Minority side, and in particular the Minority Leader who was the originator of the Statement to explore going forward, any alternative court avenue to insinuate the office of the speaker.

The speaker therefore advised the entire House that his office was committed in protection of all members, irrespective of the political affiliation as guided by the Constitution and other laws in particular, Section 19 (3) of the Elections Act, 2011. It is so directed.”

4. NOTICE OF MOTION: - HON. WAITHERA CHEGE, MCA

Subject: Establishment of a gender based violence desks and well trained staff to provide for post trauma facilities for survivors of sexual and gender based violence in the County

THAT aware Article 28 of the Constitution 2010 specifies that every person has inherent dignity and the right to have that dignity respected and protected; further aware that Article 25 (a) of the Constitution provides for freedom from torture and cruelty, inhuman or degrading treatment of punishment; **cognizant** that every person has the right to freedom and security, which includes the right not to be subjected to any form of violence from either public or private sources; further cognizant that international laws and instruments such as convention of elimination of all forms of discrimination against women, UN resolutions 1325 and 1820 replicate violence against women as it impedes the advancement of women and maintains there subordinate status; **noting** that Maputo protocol on the rights of women which states that parties shall adopt and implement appropriate measures to ensure that the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual or verbal violence; **concerned** that there has been an increase in incidences of gender based violence and sexual gender based violence in the County, which has been accelerated by Corona Virus pandemic that has maimed peoples’ lives; **further concerned** that many such gender based violence acts have gone unnoticed due to the lack of proper reporting mechanisms which has resulted in family breakups; acknowledging that the County is in the process of enacting a law on the gender based violence issues; this Assembly therefore urges the County Executive to establish gender based violence desks and well trained staff at City Hall as a central point and in all the sub counties to provide for post trauma facilities for survivors of sexual And gender based violence in the County. The matter was referred to House Business for reallocation. Clerk, proceed.

5. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (C):-

Pursuant to Standing Order 45 (2) (c) the following Members requested for Statements: -

- i) The Hon. Fredrick Okeyo, MCA requested for a statement from the Chairperson of the Sectoral Committee on Public Accounts regarding the financial statements of the Nairobi City County Liquor Board for the FY 2018/2020. **(Response due in 2 weeks)**
- ii) The Hon. Francis Ngesa, MCA requested for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding refurbishing of the stadia in the County specially Dandora stadium. **(Response due in 2 weeks)**
- iii) The Hon. Mary Arivitsa, MCA requested for a statement on behalf of Hon. Mwangi Njihia from the Chairperson of the Sectoral Committee on Transport and public works regarding the poor states of roads in the County and particularly in Woodley Ward. **(Response due in 12 working days)**
- iv) The Hon. Mary Arivitsa, MCA requested for a statement on behalf of Hon. Mwangi Njihia from the Chairperson of the Sectoral Committee on Trade, Tourism and co - operatives works regarding rehabilitation and upgrading of Woodley Jamhuri Market. **(Response due in 2 weeks)**

6. BILL :- COMMITTEE OF THE WHOLE ASSEMBLY

Subject: Consideration of the Governor's Memorandum on the Tobacco Control Bill, 2019.

The Nairobi City County Tobacco Control Bill, 2019 (Governor's Memorandum).

(Chairperson, Sectoral Committee on Health Services)

(Bill was differed to a later date)

7. MOTION: - MECHANISM FOR AFFORDABLE FERTILITY CARE SERVICES.

Motion Made and Question Proposed: -

Aware that under the Article 43(1) of the Constitution 2010 provides for the right of every person to the highest attainable standard of health including the right to health care services, including reproductive health care. **Further aware** that part 2 to the 4th schedule of the constitution provides for the functions of county government which includes provision for county health services, promotion of primary health care, acquainted that infertility is one of the key components of reproductive health, yet it remains an entirely neglected problem in Kenya whose main priority is to reduce the growing population size through the government and donor funded reproductive health care programmes in support of contraception and population control, it is not surprising that Kenya has no provision for

public fertility care. **Concerned** that there are devastating consequences of infertility where childless couples face the most severe negative psychological consequences and childless women are frequently stigmatized, isolated, ostracized, disinherited and neglected by the entire family and even the local community which amplifies the guilt and shame felt by the infertile individual resulting in polygamy and severe physical and psychological violence mitigated towards the woman hence driving some infertile women to suicide. **Further concerned** that most couples in Kenya who are struggling with unintended childlessness cannot afford in vitro fertilization due to the high cost of assisted reproductive technology services. **Noting that** an affordable assisted reproductive would allow couples to seek fertility care early before age ovarian factors affect favourable outcome thus reducing the consequences accompanying childlessness among the couples in the county. This Assembly urges the county executive in conjunction with the national government and other stakeholders to develop a mechanism to provide for affordable fertility care by integrating assisted reproductive technology into the public sector to give much needed hope to the now hopeless couples struggling with involuntary childlessness.

Debate ensued;

Mover replied;

Question put and **Agreed to**

8. **ASSEMBLY ROSE** - Ten minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, October 1st, 2020 at 2.30 p.m.

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