

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Third Assembly (Second Session)

Wednesday 25th October, 2023

Assembly Building

The House met at 10:00 AM

[The Speaker (Hon. Joel Karuri) In the Chair]

PRAYER

MOTION

HUMAN RIGHTS PROTECTION REPORT

The Speaker (Hon. Joel Karuri): There is a Motion by the honorable Antony Kanyere, the Chairperson, Committee on Justice and Legal Affairs.

Hon. Anthony Kanyere: Thank you Mr. Speaker. I want to move a Motion that this House adopts the Report of the Committee on Justice and Legal Affairs on the County Government of Nakuru on Human Rights Protection.

Mr. Speaker, I stand on behalf of the Committee, and the Committee derives its mandate from the Standing Orders. The Justice and Legal Affairs Committee is established pursuant to the provisions of the County Assembly of Nakuru Standing Order 194 (a). The Committee is mandated to consider all matters related to Constitutional Affairs, the Organization and Administration of Law and Justice, including Election, Ethics, Integrity, and Anti-Corruption on Human Rights as well as Public Petitions.

In our Committee Mr. Speaker, we have twenty two Members. I take this opportunity to thank Members of the Committee for their dedication and unwavering support during the Report Writing exercise and on behalf of the Committee, it is my pleasure and duty to present this Report on the County Government's role in preserving and protecting Human Rights of its Citizens.

Mr. Speaker, the Committee during its deliberations and in line with its mandate, observed that the County Government had embarked on plans to rehabilitate Street Families within the County, in line with the Governor's Agenda of upholding and protecting the Rights, Welfare, and Dignity of Street Families.

Mr. Speaker, the Committee observed that the County Government had partnered with NGOs with a view of establishing Rehabilitation Centers for Street Children in Nakuru City, for example, the Catholic Diocese of Nakuru, which had established two Centers for rehabilitation of Street Children, Mwangaza and St. Francis Rehab Rehabilitation Centers.

Mr. Speaker, in 2020, the County Government was accused of allegedly rounding up Street Kids from the Streets of Nakuru City at night and dumping them in Chemasusu Forest in Baringo. This caused a Public outcry in the manner in which the exercise was undertaken, and the violation of Human Rights.

Further Mr. Speaker, several Members of the Committee raised concern or numerous complaints received from members of the public on harassment and violation of Human Rights by the County Enforcement Officers while undertaking their duties.

Mr. Speaker, in view of the above, the Committee unanimously resolved to invite the Department of Public Service, Citizen Engagement, Disaster Management and Humanitarian Assistance, among other things to-

1. Deliberate on the Framework put in place to ensure the humane rehabilitation of Street Families.
2. Measures put in place by the Department to avert harassment of the Public by the Enforcement Officers.

Mr. Speaker, the County Executive Committee Member (CECM) of Public Service, Devolution, Citizen Engagement, Public Participation, and Disaster Management, Madam Rosaline Mungai, the Chief Officer (CO) of Public Participation and Citizen Engagement, Honorable David Gitau, appeared before the Committee on 1st August, 2023. The CECM appreciated the critical role played by the County Assembly towards improvement of Service Delivery. In view of these Mr. Speaker, sir, the Committee zeroed in on three aspects, whereby we dealt mostly with the Humane Rehabilitation of Street Families and the alleged Human Rights Violation by the County Enforcement Officers. Also, there was an issue that came up about the Municipal Court Fines.

In the first issue, Mr. Speaker, sir, on the Humane Rehabilitation of Street Families, it has come to a concern by the Public that the menace of Street Families is not only in Nakuru town, but it is all over our Country. And that is why we invited the CECM and COs to shed some light on what Measures the County Government has in place to address these issues. During our interrogation. Mr. Speaker, sir, they told us that they have some measures that are in place, whereby they are going to rehabilitate these Street Families. And of the essence, it was noted that they gave us a figure of around 8000 Street Kids across the County, but they told us only 300 Street Families or Street Kids are there permanently. But the rest they them are Day Scholars whereby, they come in in the Morning, and in the Afternoon, they go back to their places.

So having mentioned the Chemasusu issue that was there in 2020. Mr. Speaker, as a Committee, we wanted to know, what measures we have as a Government to address this issue in a humane

way, whereby we understand these Street Families are also Human Beings, and they need to be treated with some decorum and even to be given the human dignity. So, during our deliberations, the CECM and COs said that there is a facility that the County Government is putting up in Njoro Area, and in the near future, they are going to settle some Street Families.

Also, we mentioned collaborating with the NGOs especially, the Catholic Diocese of Nakuru to give it a human face, the Church, and the larger Public have to be brought into this issue, in a matter whereby as the government we are going to give it a like a Public Private Partnership whereby even the Public are going to be involved in this.

Mr. Speaker, during the deliberations Mr. Gitau further stated that the circumstance in which Streets Families find themselves, are a perfect breeding ground for Juvenile Delinquency, Unlicensed Hawking, Illicit Alcohol Brewing, Soliciting, Criminal Activities, Drug Peddling, and general... are some of the Crime Street Children engage in. The Street Children must hence make ends meet. While the older Children can sometimes feed for themselves through more honest means such as Hawking, Cult Pooling, Touting, and doing Manual jobs.

The Society mostly frowns on the idea of employing them. Further, Hawking requires a License which these Children cannot afford. They do Report on illegal Hawking which often lands them on the wrong side of the Law, and in extreme cases, injured or killed in efforts to evade the Law.

Most engage in illegal trade such as Drugs, Alcohol Brewing, and stealing and other crime. The girls and sometimes boys find themselves at the mercy of sexual predators and often in the worst form of Child Labor or Sex Workers. It is not surprising that they are a big target of Child Traffickers,

Mr. Speaker, we observed the already tense relationship with the Society as they are viewed as the major suspects of Looting and Vandalism. It has also been observed that there is an emerging trend of Juvenile crimes majorly attributed to Street Children. It is worth noting that Law Enforcement Officials had in the past demonstrated brutal attitudes toward Street Families and exploited them with impunity. Street Families had reported that they were often harassed and beaten by Police Officers and the Street Girls Reported being sexually abused by Police and County Officers with brute force and with little regard for children's welfare.

Honorable Gitau stated that to address this issue, there was a need to identify the challenges of particular groups of Street Families and design Strategies to alleviate their situations for example Psychosocial support to shun Drug Abuse, and Street Families Empowerment through Vocational Training and Talent developments. Additionally, the creation of employment opportunities should be factored into the Rehabilitation Service.

With regards to the Policy Framework in place. The CECM informed the Committee that there was no Policy Framework both at the National and County level on the rehabilitation of Street Families. However Mr. Speaker, the National Government had formulated a Draft National Policy

on the Rehabilitation of Street Families seeking better conditions, rehabilitation, and reintegration of Street Families back into Society.

The CCM further stated that one of the key Strategies of the Draft of the National Policy on Rehabilitation of Street Families was the mainstreaming of Street Family issues in all Policy Plans and Programs in Ministry Departments and Agencies, Counties, and Non-State Actors.

Mr. Speaker, she further recognised that the County Government through the Department of Social Services had embarked on plans to ensure humane rehabilitation of Street Families within the Urban Centers in the County. To achieve this, the Department had engaged the Street Families' Leadership Structure, through Sensitisation Forums aimed at creating awareness of rehabilitation benefits through Reintegration, Vocational Training and Talent Development.

Further, Mr. Speaker, the County Government had engaged Social Workers to identify areas and Streets within Nakuru where Street Children frequent or have established their Base where they reside. She concluded by acknowledging that the Department of Youth, Sports and Social Services is working in collaboration with the various NGOs, the one I have mentioned, especially the Catholic Diocese of Nakuru, there is GOMECE, and others to establish Facilities that will help remove the Families from the Streets.

Mr. Speaker, on the second issue about the alleged Human Rights violation by the County Enforcement. Mr. Speaker, the CECM acknowledged that there were Reports of cases of harassment by the Enforcement Officers to Members of the Public and similarly, cases of assault by the public against the Enforcement Officers. However Mr. Speaker, the number of reported cases has significantly reduced recently compared to the past. This was attributed to the enactment of the Nakuru County Law Compliance and Enforcement Act of 2018, which mandated the County Government to establish County Laws Compliance and Enforcement Units.

Mr. Speaker, this was assented to on 21st October, 2021 and subsequently gazzeted on 15th July, 2022 vide Kenya Gazette Supplementary Number 27. The CCM highlighted that the objects of the Act were to:

1. To improve our Framework and Standards for the establishment and operation of the Nakuru County Inspectorate Service.
2. To regulate the conduct of County Law Enforcement and Compliance Officers.
3. To deliver an independent and effective Inspectorate Service within the County that shall among others ensure compliance with County Legislation and Provisions of the Constitution.
4. To establish By Laws under Article 185 (2) of the Constitution of Kenya and Inspection Mechanism to ensure effective performance and exercise of powers conferred on the County Government under Part Two of the Fourth Schedule.
5. To give effect to the provision of Article 187 189 (1) (b) Section (iv) of the County Law Enforcement Act of 2018 respectively.

On the Implementation Status of the Act Mr. Speaker, the CECM confirmed to the Committee that the Department had undertaken measures to ensure the implementation of the provision of the Act as follows.

1. The County Government has taken Measures to design a Rapid Results Initiative that will lead to the expedited development and approval of the Supportive County Laws for tabling to the County Assembly.
2. The Department had instituted radical reforms that would ensure a cultural change within the Inspectorate.
3. The Department has stepped up efforts to enhance improvements of the Inspectorate through:
 - i. Education and Training
 - ii. Positive Citizen Engagement,
 - iii. Weekly briefing and debriefing parades, and also there is disciplinary Measures and an Alternative Dispute Resolution Mechanism.

So Mr. Speaker sir, in that issue of the County *Askaris* harassing *Wananchi*, the CECM told the Committee that they are going to take measures so that disciplinary action can be taken against the rogue Officers so that we can reduce that issue. Also, it was mentioned that even through Public Participation and Engagement, the Public Should treat the Officers with some decorum and respect, Mr. Speaker, sir, while the Officers are doing that, they always take the offenders to Court. These Courts are established under the National Government Structure, whereby when people are fined by the County Government, we do not have any mechanism to find that Money coming back to us. So, this issue was raised, it was a concern of the Committee.

Mr. Speaker, with regard to the Revenue Sharing Formula, generated from the Court Fines imposed by the Municipal Courts, the CECM was categorical that all the Revenue generated by the Municipal Court in terms of Fines were deposited in the Judiciary Account, which is a National Government Office. she regretted that despite the County Government Housing the Municipal Courts, the County does not benefit from the said Revenue. This was attributed to the fact that there was a lack of clear guidance on the issue and concluded by stating that the matter was pending before the Council of Governors.

So Mr. Speaker, during our engagement with the CECM and CO, we came across some challenges. Mr. Speaker, regardless of the above positive efforts, the CCEM stated that the Department has faced perennial challenges that hindered the effective service delivery, which I can mention.

One, it's Inadequate Resources. Just to highlight this issue, Mr. Speaker, she stated that there was a decline in the Budget received by the Department in the last three Financial Years as follows. In the current Financial Year, the Department is receiving Kshs. 685 886 940. In the last Financial Year of 2022/2023, the Department received Kshs. 9 04 291 078 and in the subsequent previous year, which was 2021/22, the Department had received Kshs. 939 126 699. Going by that figure, Mr. Speaker, you can see the decline from Kshs. 939 Million to the current Kshs 685. So there is

inadequate resources to that Department. Mr. Speaker, these declining Budget Allocations slowed down their Department's efforts of equipping its Officers with the appropriate working tools, conducting regular Work Training and Capacity Building for its Officers, and organising Consultative Meetings with Stakeholders.

Another issue that came across as a challenge was Insecurity. As I have mentioned, the Insecurity both to the Officers and the members of public. In particular, a case was mentioned for instance, on 26th February, 2023 Inspectorate Officers were attacked and harmed at *Wakulima* Market while enforcing Market By-Laws. Another incident was reported on 23rd May, 2023 where three other Inspectorate Officers were injured and two County Motor Vehicles were damaged along Geoffrey Kamau Highway while on routine operation within Nakuru City Central Business District.

Mr. Speaker, as much as we are saying our Officers are treating the public in inhumane way, it is also worth mentioning that they are human beings and they need to be protected by laws and we need even to enhance them. If not giving them guns, let them work in collaboration with the Kenya Police.

Mr. Speaker, another challenge that was highlighted was the lack of Regulations. The CECM noted that Section 30 of the Nakuru County Law, Compliance, and Enforcement Act of 2018 made provision for the formulation of Regulations. It reads: -

- The County Executive Committee Member may, in consultation with the relevant Department and Committees in the County Government, make Regulations;
- Further, prescribe and regulate the conduct of the Inspectorate Enforcement Officers
- Facilitate the implementation of the Act

Mr. Speaker, she also reported that the Department had not yet formulated any regulations and gave an undertaking on fast-tracking the enactment and submission of the Regulations to the County Assembly for approval.

Mr. Speaker, another challenge that was highlighted by the Committee was Inadequate Staffing. Although massive recruitment of Enforcement Officers was undertaken, the Committee noted that the lack of a clear Succession Plan for replacing Officers who had left office either through retirement, resignation, dismissal, or death had hampered optimal service delivery, and this is a critical issue that needs to be given attention whereby lack of Succession Policy hinders the implementation of major duties by the Officers.

Mr. Speaker, the last challenge that was highlighted was the lack of Clear Guidelines on Revenue Sharing. As stated above, the Committee observed that the County Government did not have any guidelines on the Revenue Sharing Formula of revenue generated from the Court Fines by Municipal Courts.

Having looked at the challenges, the Committee came up with some Recommendations.

1. The County Treasury should increase Budgetary allocation to the Department which will go a long way in facilitating the Department to undertake regular Capacity Building and Training for its Officers and Consultative Forums with the relevant Stakeholders
2. The Department of Public Service to fast-track the formulation of Regulations as provided for in the Act to bridge the gap in Legislation. This will enhance the optimal implementation of the Act, especially in matters of enforcement.
3. The Office of the County Attorney through the Forum of County Attorneys should engage the Council of Governors on fast-tracking a Revenue-Sharing Formula between the County Government and the Judiciary.
4. The Department of Public Service should formulate a clear Succession Plan for replacing Officers who exit the service either through retirement, resignation, dismissal, or death to ensure a flawless transition.
5. The Department of Public Service should spearhead sensitisation and Civil Education Campaigns in collaboration with grassroots leaders for the purpose of creating awareness of the County Legislation. This will be instrumental in not only creating awareness but also ensuring smooth implementation of the law.
6. The County Government through the Department of Youth, Gender, Culture, Sports and Social Service should fast-track the formulation of a Policy on the protection of vulnerable groups including Street Families in adherence to International Conventions such as the United Nations Convention on the Rights of the Child and the Children Act of 2011.

Mr. Speaker, with that submission, I would like to thank the Members of the Committee for that job that was well done. Thank you.

The Speaker (Hon. Joel Karuri): Thank you. Someone to second.

Hon. Anthony Kanyere: Thank you Mr. Speaker,. I call upon Hon. Bernard Kariuki to second.

Hon. Bernard Kariuki: Thank you, Mr. Speaker, sir. I take this opportunity to affirm that we were able to sit as a Committee and these are the deliberations that we were able to come up with. We were able to go through the Report. There are other things that we were able to engage in. I rise to support the Motion.

The Speaker (Hon. Joel Karuri): The Motion is that this House adopts the Report of the Committee on Justice and Legal Affairs on the Nakuru County Government Human Rights Protection laid on the table of the Assembly on Tuesday 24th May, 2023 during the Morning Sitting. The Motion is open for Debate.

The Speaker (Hon. Joel Karuri): The Honorable Member for London, you want to debate?

Hon. Bernard Kariuki: Yes, Mr. Speaker sir.

The Speaker (Hon. Joel Karuri): Proceed.

Hon. Bernard Kariuki: Thank you Mr. Speaker, I take this opportunity to applaud the Committee, led by our Chairperson; I am part of the Committee and I believe if this House adopts this Report and the recommendations that we were able to come up with, I believe they will fill all the gaps. Like in number one, if there is a possibility that these Officers will be taken through Training and Education sessions so that they can realise or understand how to deal with the public so that service delivery to the people can be of a higher standard.

Also Mr. Speaker, weekly briefing and debriefing I believe is a good way of encouraging operation within the entities. Like the majority of the Companies in this Country, I believe that they have sessions to sit down and have *Kamukunjis* or ways on how to engage so that they can eliminate issues or things that are arising within the Company before they build up.

The other thing Mr. Speaker, is the application of Alternative Dispute Resolution. It is not a must that if our people are arrested by the Officers they be taken to jail or to be taken to Council Cells. I believe there is a formula that they can use as to engage our people so that the people can realise what they are supposed to do and the mandate around the operation of the Officers so that to some extent, it can lessen having quagmires in between the public and the Officers.

Mr. Speaker, if all these can be taken into consideration and if the Department can ensure that these are operationalised, I believe we will be able to fill all the gaps that emanate from the said environment. I take this opportunity to thank you for this opportunity and to support the Motion. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you. The Member for Kiptororo Ward.

Hon. Alex Bor: Thank you Mr. Speaker. I want to take this opportunity to congratulate the able Chairperson of this Committee for this job well done. Being part of the Committee, I want to say that this Report is worth adopting by this Honorable House and I want to specifically stress the Recommendation of the Committee on Number 6; that the County Government through the Department of Youth, Gender, Culture, Sports and Social Services should fast-track the formulation of a Policy on the protection of Vulnerable Groups, including Street Families in adherence to the International Conventions such as the United Nations Convention on the Rights of the Children and the Children Act of 2011.

Mr. Speaker, when you look at that, we need to fast-track on this so that the rights of these Street Children can be observed. Just as the Chairperson had indicated earlier, that very many cases were reported earlier but due to several trainings that these Officers have undertaken, the cases have dropped. However, to our surprise that the Department when being allocated the monies for the job, it has been reducing. It is also one of the challenges that the concerned Department has been facing.

Mr. Speaker, when you look at how the money has been decreasing, it is shocking when in fact, it should be increasing year in and year out but in this case, it has been dropping. I just want to say that those are the two main challenges. All the challenges are of importance and need to be looked into it. I just want to say that if the money can be increased, I am very sure and I am very certain that the Department will be in a position to look into these challenges well. Otherwise, I stand to support the Motion. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you. Hon. Alex then Hon. Francis.

Hon. Francis Kuria: Thank you Mr. Speaker. First, I would like to commend the good job done by the Committee. In this Report, there is the issue of rehabilitating the Street Children. If you look at our Cities, you find that the number of Street Children has reduced and they have been taken to Rehabilitation Centers. It is very good because it reduces the issues of insecurity. In collaboration with other Stakeholders, we find that we need to look for more Stakeholders such that the issue of Insecurity can be enhanced.

Mr. Speaker, it was observed that we have Law Enforcers and if you look at the major Towns, you will find that it is being manned by City Council Askaris. Sometimes, people break the Law and when one breaks the Law, you have to face the consequences and once they are taken to Court, we find there are fines that are being charged. However, it is like there are conflicts because you find the fines are taken to National Courts when it is supposed to benefit our County. If the Governors will be able to win what is happening, that Revenue will be to our benefit. I commend the good job and I rise to support the Motion. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you. The Honorable Majority Whip.

Majority Whip (Hon. Fadhili Msuri): Thank you Mr. Speaker. As I stand to commend the Committee for the work they have done, mine is to encourage the Committee that this is just 'Part A' of the work. What is left to be done is that, they need to be active, especially in following up on those Recommendations and especially on Timelines because you have seen at times, Recommendations come but when it comes to actual implementation, it is another story. I would urge, through the able Chairperson, that the energy that they displayed during this process should transfer to ensure that those Recommendations captured in this Report are worked on according to the Timelines that they agreed together with the Department. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): The Honorable Member for Soin Ward.

Hon. Degaule Naburuki: Thank you Mr. Speaker. I stand to commend the good work done by the Chairperson and his Committee. My major concern today is that the Street Children, it seems it is not in Nakuru Town only. It has gone to all the Centers we have in our areas. This Morning while I was having my tea at the Cafeteria, I received a call that some residents of Rafiki, which is near Kampi Ya Moto, are complaining that their properties are at risk because most of the children from Kampi Ya Moto, which is in Visoi Ward do not go to school during the day. Instead,

they come to Rafiki Centre and the residents are worried. Rafiki is in my Ward and the Children bringing the menace are from Visoi Ward.

Mr. Speaker, I hereby want to say that we shall talk with my colleague so that we see a way of trying to make those children go back to School. It is because of the poverty level in that area, where parents are not able to take care of their children to go to school because maybe they lack uniforms, and other needs and so chose to go all the way to Rafiki.

Mr. Speaker, during the day time, most of the people living there go to their businesses and others go to work, and by the end of the day, these Street Children, break into houses and it is alarming. They have called me and I have promised them to have a meeting on Monday to discuss the issue. Mr. Speaker, it is very serious when I hear this Committee say that we are in total support of this Motion. The other issue which I want to say is that we need to protect our Enforcement Officers. When they are on duty, at times, they are at risk from the *Wananchi* because, at times, they are very rude, especially the *Bodaboda* men and the Matatu people.

I stand to support this Motion. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you Honorable Member for Soin Ward. Before I allow the Members, who are upstanding, the Honorable Member for Visoi Ward, Hon. Hellen Chemutai, after the Members, your Ward has been mentioned that children from your Ward are causing havoc on the side of the Honorable Member for Soin Ward at Rafiki Trading Centre. That is a serious statement. Later, you will have an opportunity to comment and give a statement on that. The Honorable Member for Keringet Ward and then the Honorable Member from Rongai, Hon. Hassan.

Hon. William Mutai: Thank you much Mr. Speaker. Let me also take this opportunity to appreciate what the Committee has done. It is a very good Report and an eye-opener in addressing one of the menaces in our County and also in the Country. Mr. Speaker, sincerely speaking, when you get into the root cause of the Street Children, you will get to know the reason why they come to the Streets is because possibly they lack food, accommodation, and care. They do not have parents who care for them. They come to the Streets where there are many people so that they can get support, food and can as well get shelter, and so forth.

Mr. Speaker, the Committee has also mentioned that the Enforcement Officers must be more serious on this. Even if you arm the Enforcement, you give them all the regalia that is required without providing another solution it will still be futile because they will still come to the Streets. After all, they need food. According to me Mr. Speaker, I have a feeling that if we can get a lasting solution of providing Shelter and Food for these Children then there is a possibility that they will not come to the streets anymore because they have what they want.

Mr. Speaker, in addition to the Recommendations that the Committee has given, I have a feeling that if the Government Lands that are available like the ADC Farms that used to be very productive can be utilised, in that these children and their parents are connected and then taken back to such

resourceful and potential lands, there can be some production and they are going to get shelter and space to stay and food as well.

Mr. Speaker, this could also help solve the problem that is prevailing, because day in and day out the Street Children are increasing in number even in small Centers like Keringet where I come from, we already have them. Thank you Mr. Speaker.

Hon. Ali Hassan: Thank you Mr. Speaker, allow me to join other colleagues to thank the Justice and Legal Affairs Committee for the wonderful Report that they did. Two issues have caught my eye, one being the issue of the Municipal Court that is housed in the Office of the Governor.

Mr. Speaker, it is very important to know that we now have a Municipality and there are Municipal Courts. It is very wrong to hear that some of the money generated or rather the Revenue generated from this Court is being taken to the Judiciary Account. As a County, we should also have a share of these Revenues because it is collected from this County and from the Department of Trade which is devolved.

Mr. Speaker, I wish to ask the Committee to make sure that they follow up with the Council of Governors so that we can get guidelines or rather have a clear guideline on how this money is going to be collected and how it is going to be helpful to this County. Mr. Speaker, at the end of the day, we need revenue so that we can support the developments in the County Government of Nakuru.

Last but not least Mr. Speaker, is the issue of harassment. As much as some of our people are complaining that the Officers are being harassed, even the public is being harassed by these law Enforcement Officers. These members of the Enforcement Team must be trained and taught how to handle the public because so many of us receive calls about how the Enforcement Team harasses the members of the public. When the public see these Enforcement Team in their Uniform they tend to run away; so they should be trained on how to handle these people because at the end of the day, these are citizens of this Country and they have nowhere else to go. Thank you Mr. Speaker, I support the Report.

The Speaker (Hon. Joel Karuri): Thank you. The Hon. Member for Kamara and the Hon. Member for Kaptembwo in that order.

Hon. John Maritim: Thank you Mr. Speaker, I also rise to support this Justice and Legal Committee Motion and to commend the Committee for the good job they did. All these Street Children do have parents and moreso mothers who have given birth to them. For a kid to grow well there is something we call Immunisation for one to two years and the majority of these Street Children are in good condition. They are healthy but they look like they have been neglected by their parents. In the Bible, in Damascus and a place called Jericho, there were beggars and street children and we heard that Jesus could sometimes say they are beggars; and these are Street Children so some People who are bound to stay in the Streets and some are bound to stay in the house. The only way we can do this is to use the money, the Kshs 680 Million we had allocated;

to trace the originality of these people because I believe they have parents. Mr. Speaker, some can be taken to school and some can be educated on how to manage a business.

Mr. Speaker, the second thing is to urge the Inspectorate and the County Law Enforcers to be a bit lenient to these people or they can take them to a given corner and tell them that this place is meant for you guys because you cannot get rid of all of them. People are giving birth and in Nakuru County, we have a lot of food so people must give birth. Some will go to the Streets and others will go to different places. The best thing we can do with the money is to subject it to Audit so that any appropriation done be utilised to the last coin and this money should save them.

Mr. Speaker, at times we could have some figures like Kshs 685 Million, or Kshs 700 Million and we still see the same Street Children there and no change has been made. I want to urge that in future they come with a Comprehensive Report, like we have allocated Kshs 200 Million, we bought some Homes for them, we have taken some to school and I think that will be great. I stand to support the Committee. Thank you Mr. Speaker

The Speaker (Hon. Joel Karuri): The Hon. Member for Kaptembwo.

Hon. Peter Kajwang: Thank you Mr. Speaker for giving me this opportunity to contribute to this Motion. I stand to support this Motion and to congratulate the Committee for having done this job well, but I would want to give my contribution in this manner. Before we start talking about Street Families, we need to understand how we grade them. We have Women who live in the Streets, we have Children and we have Street Workers, we have our Ladies who are in the Streets and we also have “*Scavengers*”, who are seeking the services of those who are in the Streets.

Mr. Speaker, what I would have expected from the Committee is to give us a statistic of how many people are in the Streets, who are these Families in the Streets, what their age groups are, and what is the motivation for them to be on the Streets. Mr. Speaker, we first understand where the problem is coming from and the magnitude of the problem so that when we now ask for financing on Programs that may assist this...

The speaker (Hon. Joel Karuri): Hon. Member, the Chairperson if I am right said that for the time, we have like 8 000 Street Families.

Hon. Anthony Kanyere: Thank you Mr. Speaker, let me stand to give some figures. I said 8000 people are living in the Street including children, and let us say the Street Families, but the total number is 8000. I also said that out of the 8000, it has been found that only 300 of them are permanent residents of the Streets and the rest are Day Scholars. They come in the Morning and in the Evening, they go back to where they came from. Thank you Mr. Speaker.

Hon. Peter Kajwang: Thank you Mr. Speaker. I stand guided by that information. When we talk of 8000 Street Families, those are individuals who are on the Street. We need to grade them on how many of them are of age between 3 and 8, between 8- 16, and how many are adults because all of them have different unique needs for them to be rehabilitated well back into Society. It is

also very unfortunate that the CECM for Public Service, Devolution, and Citizen Engagement when asked about the challenges that they are facing, she is only able to mention the Inadequate Financing of the Enforcement Officers.

Mr. Speaker, I thought she would come out and say that we need to finance Programs that should initiate these Street Families back to gainful engagement rather than *kuongezea Kanjo pesa*. They are talking about the training of County Law Enforcement Officers. If you are a Law Enforcement Officer you need basic training even before you are deployed. *Polisi wetu wanaenda Kiganjo wanatrainingwa*, so when they come to the field they exactly know what they need to do and how to protect basic Human Rights but, in our situation here, people are first employed and then they are given job training.

Mr. Speaker, in future, we need to change and maybe develop a College for training County Law Enforcers so that wale *wamepita vizuri kwa shule wakuwe* absorbed *kama* Law Enforcement Officers. I am happy that this conversation has gotten to a point where the Chief Justice Koome has proposed a Bill to decriminalise Prostitution. A number of these people who are being apprehended by County Law Enforcers, especially at night are just our ‘Smart Ladies’ who are in the Streets trying to provide for their families. Mr. Speaker, as we also stand for the support of this Amendment Bill in the Penal Code 2023 to be passed, we should come up with proper statistics of our ‘Smart Ladies’ in the Streets and also the men who buy these services so that we know, categorise, and say that they need to be registered...

(Laughter!)

The Speaker (Hon. Joel Karuri): Hon. Kajwang you can take the numbers for the ‘Smart Ladies’. How do you take for the buyers of the services?

Hon. Peter Kajwang: We need to generate this because a ‘Smart Lady’ will always tell you that she hangs around with a few clients maybe four or five and if there are 4000 ‘Smart Ladies’, you might know that the clients are even more. All these people need help...

Hon. Fadhili Msuri: Point of Order Mr. Speaker.

The Speaker (Hon. Joel Karuri): What order the Majority whip?

Majority whip (Hon. Fadhili Msuri): I am a bit lost and I am now trying to find myself in this conversation. I happen to represent an urban area and it has a lot of shops called ‘Smart’. We have Smart Classic Wear, Smart Boutiques, Smart Uniforms, and Smart Restaurants, so when I hear ‘Smart Ladies’, and the term ‘service’, I do not understand. I am trying to construct that ‘service’ so that I can understand and since we are on record, what services is Hon. Kajwang talking about and if he is a regular partaker of those services. Thank you.

The Speaker (Hon. Joel Karuri): Hon. Kajwang.

Hon. Peter Kajwang: Mr. Speaker I am not a partaker of this service but ‘Smart Ladies’ are our Street Workers who give services to willing buyer and willing seller. We cannot sanction them and assume that they are not part of this Society. Mr. Speaker, we are in this Honorable House to make life better for everyone in this County. Hon. Fadhili, you being the Town Member of the County Assembly, I know that you get several votes from ‘Smart Ladies’, and you need to stand up and fight for their rights. Mr. Speaker, that is going to be a conversation for another day because once this is done, we need proper chronological documentation of these people and their age groups so that we identify what is needed to help them salvage their situations.

Mr. Speaker, we are also talking about the County Law Enforcement Officers. I think they are Law Enforcers and we need to have a distinguished line that separates the role of the Law Enforcers and the role of the Regular Police. If for example I am walking along the Streets of Kenyatta Avenue and somebody robs my phone, who is then responsible for arresting that person; is it the County Law Enforcers or the Police? If it is a clear offence against the Bylaws of the City, then it should be prosecuted in the Municipal Courts, and anything that goes to the Municipal Court, the proceeds or the revenue therefore should be channeled to the County Accounts rather than the Judicial Accounts. *Zile kesi zinaenda Kortini ziende kwa* Judicial Account, *halafu zile zinaenda kwa Korti za* Municipal *ziende kwa* County Accounts. Thank you for that opportunity Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you. On that, there is an issue that kept coming up even as the Council of Governors are waiting for an express Policy on how the Municipal Courts are going to be governed and even how justice is going to be served. As it is now, what happens in other Cities like Kisumu, Nairobi, Mombasa, and the other Towns that is just about to be a City? What happens in Eldoret? Does it mean that when the County Law Enforcers arraign the lawbreakers before that it is an exercise in trying to raise the revenues for the National Government? As we wait for the Council of Governors to come up with a clearer Policy, the Chairperson for Finance Committee, the Chairperson for Budget Committee, and the Chairperson Justice and Legal Committee, you may have to find out what happens in other Counties. To see whether such Counties are benefiting from the proceeds of Municipal Courts. Hon. Chemutai.

Hon. Hellen Megek: Thank you Mr. Speaker for this opportunity. First, I want to comment on the job done by the Committee on Justice and Legal Affairs and since the Street Children are all over, I want to request Hon. Degaulle who is my neighbour to withdraw that statement that Street Children are roaming from Visoi Ward to Soin Ward. Mr. Speaker, these Street Children are all over Kenya or County of Nakuru. So, it seems that the people of Soin are richer than the people of Visoi. That statement Hon. Degaulle, I humbly request that you withdraw that statement.

Mr. Speaker, I support that Motion by the Chairperson of the Committee on Justice and Legal Affairs, that the Street Children be embraced. Since the Department of Disaster Management and Humanitarian Services is here in the County of Nakuru, it should assist them with Clothing, Food and Shelter where it is possible. So, I support, and that Hon. Degaulle withdraw that statement because it is very hurtful. Thank you Mr. Speaker, sir.

The Speaker (Hon. Joel Karuri): Thank you Hon. Chemutai for putting more light on that issue. The Honorable Degaulle has just stepped out; now how is he going to withdraw that? So, if he does not come when this debate is still ongoing, the matter comes to rest and it shall not be repeated anymore, but if he comes before the end of this session, then he will be able to be notified that he needs to withdraw that if he has reasons not to believe that these kids are coming from Visoi. The Hon. Member from Lakeview.

Hon. Alex Mbugua: Thank you, Mr. Speaker, I have followed the debate on the Street Families that we have. Many people are referring to them as Street Children. Mr. Speaker these are Street Families because most of them are not children. You will find that in areas like Naivasha, you find that most of us have embraced them as Casual Workers in the Department of Environment. They are the same people who are trying to clean the Town at the moment. Mr. Speaker, there is a need for the County Government to come up with plans to integrate these people into the Society because most of them have not known any other home.

Mr. Speaker, they know the jungle rules of the Towns where they just survive and one rule that they survive with is the 'Survival for the Fittest'. Nakuru has been promoted to the status of a City and I remember there was a quagmire when the former Governor, under the former Government, took some of the Children away from the City to some other Centres that were alleged to have been taken, which the entire World, the Senate the National Government castigated as inhumane at that time. However, we remain silent at the moment and do not do anything, and instead we are doing worse than the people who tried to do something at that moment.

Mr. Speaker, we should come out as a Society and look for ways. If you visit the City of Arizona in the US, you find so many Safe Houses for these people whereby the County establishes Houses and Centres, where these people can share the Shelter. We are talking about a disaster that is about to occur in the Country, the El-Nino rains, yet we are not considering where these people be staying.

Mr. Speaker, when you look at the humanitarian aspect, you will find that most of these families have no permanent structures, have no homes that they can be welcomed to, apart from corners of shops, businesses that have been abandoned or houses that are vacant and that tells us if we do not curb this within the next few years, we might have gangs that will rise from these people because all they have known is taking something, begging and when they beg and not get what they want, we shall have a catastrophe within the County.

So Mr. Speaker, I would urge Members of this Assembly to come up with a Framework and I know our Governor has a listening ear where we can work, that each Sub-County within this Region can have a Safe House for such people so that even when we tell them to get out of the streets, there is somewhere we are directing them to. Within the Safe Houses, let us have Training Programs that can help these people integrate into the real Society whereby the rule of law prevails. I support this Motion and I congratulate this Assembly and the Committee more importantly for

coming up with such a Motion which is of great importance to the people who are less privileged within the Society. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you. The Honorable Member for Maiella and then the Chairperson will respond.

Hon. Jane Gituku: Thank you Mr. Speaker. Although just on a light note that the documents have just disappeared, I think we should have something like a backup either through a Hard Copy. I wanted to refer to the Committee on Justice and Legal Affairs Report to section (e) which highlighted the need for the Department of Public Health activities within the County to remove ‘illegal touts’ from our Bus Parks. It should be noted that the Matatu Industry is one that is very complicated and if we intend to do anything about the touts or the businesses, we should have a Framework of how we are going to identify the ‘illegal touts’ from genuine ones. So, ‘illegal touts’ should be amended, so that they give us a comprehensive way of identifying them from the legal ones. Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): The Hon. Chairperson.

Hon. Anthony Kanyere: Thank you Mr. Speaker. Let me take this opportunity first to thank Members of this Honorable House for giving their positive contribution on this issue. Allow me Mr. Speaker to respond to issues that have come up. Hon. Fadhili from Biashara Ward has tasked our Committee to follow on the implementation of this Report.

Mr. Speaker, I like to stand guided saying that one of the mandates of the Committee is not on the implementation of the Motions but we are going to work hand in hand with the Committee on Implementation to see that this issue has been brought to practice. Mr. Speaker, the Hon. Degaulle when he was giving his views, he talked about Street Families and indeed I would like to concur with him that this issue is not only in the City or Nakuru Town, but has escalated to other major Centres; he mentioned his place. A common man might think that is ‘*Mashambani*’ but we have this issue even in our small towns, or our small business areas.

So Mr. Speaker, we need to focus and let us have synergy to address the issue of Street Kids because this is an issue that shows how a Society is. Mr. Speaker, another Member from Keringet has said that it is a true reflection of our Society and we cannot hide the fact that now the cost of living is up, there is no food for people and so some of the issues that are driving the families to the street is lack of food, and I would like to thank the Hon. Member from Keringet because he provided a solution whereby he said about the ADC Farms. Mr. Speaker, let the County Government come up with a strategy to address the issue of Food Security by even empowering our farmers and ensuring the ADC Farms are utilised to provide food.

Mr. Speaker, the Hon. Duale on his contribution talked about an issue which was echoed by you Mr. Speaker sir, about the Sharing Formula of the funds that are gotten from the Judiciary. Indeed, you have given us a task together with the Budget Committee Chairperson and the Finance Committee Chairperson. I think this Honorable House is going to facilitate us to go around all the

Cities to see how they are sharing that and indeed we are going to table a Report once we have gone all round and give our Report back.

Mr. Speaker sir, on the harassment by County Askaris from Hon. Duale, I would like to say that this issue of harassment has two faces whereby the County Enforcement Officers, are also human beings and as they undertake their duties, they need also to be protected. Mr. Speaker, let us not condemn them while they are doing their duties because, in my Report, I highlighted some issues whereby several County Askaris were beaten by the Members of the Public and we as Members of this House need to come up with a Legislation to protect our County Askaris.

Hon. Maritim, I think you got it wrong when I was giving the figures on the amount of Money allocated to the Department. That money was not only meant for the Street Families but was the Money for the whole Department. So, you can see that there is a very small amount of money allocated to the whole Department and the Department has many issues to deal with among others including the Street Families' issues. I think we should get that right and I want to thank Hon. Kajwang who highlighted the issue which is controversial about the so called...?

Hon. Peter Kajwang: 'Smart Ladies'.

Hon. Anthony Kanyere: Yes, 'Smart Ladies' or 'Smart Vendors'. I am being guided by the Hon...

The Speaker (Hon. Joel Karuri): What is it the Hon. Majority Leader?

The Majority Leader (Hon. Alex Lang'at): Mr. Speaker, I just wanted to urge the Honorable Member who is on the floor to address the Chair, Mr. Speaker, because he seems to be directly engaging Members and forgetting there is a Chair in the House.

(Laughter)

The Majority Leader (Hon. Alex Lang'at): Mr. Speaker. Mine is this is a House of Order, could he kindly address the Chair to avoid confrontation? Thank you Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you, Hon Chairperson address the Chair.

Hon. Anthony Kanyere: I stand guided, and let me say through the Speaker, I would like to acknowledge the sentiments of Hon. Kajwang when he mentioned the 'Smart Ladies', I think that is an issue of another day whereby I understand there is an amendment at the National Assembly.

The Majority Whip (Hon. Hamisi Fadhili): Point of Order Mr. Speaker.

The Speaker (Hon. Joel Karuri): The Hon Majority Whip.

The Majority Whip (Hon. Hamisi Fadhili): [On a point of Order] It has come to my attention that there is a Member in the House who is not in decorum, the Member for Elementaita, *Mheshimiwa* Nene.

The Speaker (Hon. Joel Karuri): The Hon. Member for Elementaita, Hon. Nene be upstanding, are you in decorum?

Hon. George Nene: Sorry Mr. Speaker I forgot my tie after a long weekend.

(Laughter)

The Speaker (Hon. Joel Karuri): Hon. Member for Elementaita you know about the decorum of this House. Kindly leave with speed, get properly dressed and come back.

(Laughter)

The Speaker (Hon. Joel Karuri): Proceed Hon. Chair.

Hon. Anthony Kanyere: Thank you Mr. Speaker, as I was responding to Hon. Kajwang, I want to acknowledge his sentiments about the ‘Smart Ladies’, and I want to tell him that I know there are some amendments which were brought to the National Parliament by Hon. Gikaria on matters to do with Penal Code on the issue of ‘Smart Ladies’, that has been highlighted and I think it is going to address the issue of Human Rights whereby we are going to protect them using a Legislation.

Also Mr. Speaker, Hon. Kajwang highlighted in my Report, it had three issues, it had to do with the Human Rights Violation of the County Askaris, there was the Street Families, and there was also another aspect of sharing of revenues.

Mr. Speaker, I just wanted to say that I did not only talk about the Street Families but also other issues. Mr. Speaker, I want to acknowledge the Member from Naivasha, Hon. Alex when he said we need to have the Department integrate these people into Society and he has given a practical solution where he suggests that let us have a Safe House in each Sub-County, and I think this is the way to go because the so called Street Families, are human beings and we need to give them a face and recognise them as part of this Society. Mr. Speaker, I just want to echo that and say we need to support that and when it comes to Budget Allocation, let us consider those people.

Mr. Speaker, the last Member who said “*Kamageras*” the touts, Hon. Jane, if you go around our Stages, you will find those small kids harassing people and that is why we are calling them ‘illegal touts’ but if you go for example at Mololine Matatu Stage, you will find the touts, they are well-dressed, dressed in a way that you feel welcomed. Those are the people we are saying even the County Askaris need to address that issue of the touts and we call them in Nakuru Town, “*Kamageras*” and I think last Monday, together with the area MCA for Biashara Ward and Nakuru Town East Member of Parliament we went round we addressed that issue and I think through the Chair, I think that is an issue that needs to be given a lot of attention because it is escalating and as we approach the festive season, I think we need to address that issue of illegal Touts. Let me take this opportunity to thank each one of you, the Members that have contributed and say that as a House, we need to support this Report so that the implementation of it can see the light of the day. Thank you so much, Mr. Speaker.

The Speaker (Hon. Joel Karuri): Thank you, Honorable Chairperson; I now proceed to put it into question.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, this House is adjourned to today at 2.30 PM

The House rose at 11.20 PM