



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KIAMBU

SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

WEDNESDAY, MARCH 20, 2019 AT 10.00 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. MOTION - ADOPTION OF SOLAR POWER FOR LIGHTING
COUNTY STREETS AND INSTITUTIONS

(Hon. Samuel Kimani, MCA)

THAT AWARE that the County Government of Kiambu launched a street lighting project in 2016 in order to curb the rising insecurity and boost 24 hours economy in its urban and rural areas; Further aware that the project target was to install fifty (50) street lights and five (5) high masts per Ward; **further observing** that recently the National government launched a street lighting project which will be extended to all major towns in the 47 counties;

COGNIZANT of the fact that the County continues to grapple with huge electricity bills and power failure due to over-reliance on electricity for lighting its

street and institutions which has proven to be costly, unsustainable and not environmentally friendly; this has been aggravated by inadequate resources, insufficient power generation occasioned by failure of rains, other risks associated with climate change;

RECOGNIZING the efforts by the Energy Regulatory Commission to cut tariffs for street lights by 60 per cent between 6pm and 6am to Sh4.36 per kilowatt hour (kWh), down from Sh11 so as to ease the financial burden from the County Governments;

KEEPING IN MIND that according to the National Climate Change Response Strategy (NCCRS) 2010, it is envisaged that Kenya will become a Green Economy by 2020 and pursue energy efficient options; Such option include subsidies and other tax incentives to promote and sustain adoption of renewable energy like use of solar lamps for lighting households and streets as well as hot water heating as a viable alternative compared to electricity;

CONVINCED that use of solar power to light County streets and institutions is more economical, sustainable, with a greater lifespan and electrical efficient as opposed to electricity; **This Assembly therefore** urges that the County Government formulates and adopts a detailed policy on promotion and use of solar power for lighting County streets and institutions.

***Denotes Order of the Day**

NOTICES**LIMITATION OF DEBATE**

The Assembly resolved on Wednesday, February 13, 2019 as follows: -

THAT, notwithstanding the provisions of the Kiambu County Standing Order 120 (1) each speech in a debate on **any Motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

STATEMENTS

Tentative Response Statements For Wednesday, March 20, 2019

SCHEDULE OF RESPONSE STATEMENTS

It is notified that, pursuant to Standing Order 60 (1), the following **tentative** response statements may be disposed off today Wednesday, March 20, 2019 at 10.00 am:

You may allow the Chairperson of the Sectoral Committee on Health Services to issue the following responses statements:

- (i) **Response No.02/2019** to the Member for Ndeiya Ward (Hon. Gideon Gachara, MCA) regarding the status of the incinerator in Ndeiya Health Centre.
- (ii) **Response No.03/2019** to the Member for Ndeiya Ward (Hon. Gideon Gachara, MCA) regarding the status of the ambulance serving in Ndeiya Health Centre in Ndeiya Ward.

NOTICE PAPER

Tentative Business for **Wednesday, March 20, 2019 (Afternoon sitting)**

(Published pursuant to Standing Order 49(1))

It is notified that the following tentative business will appear in the Order Paper for Wednesday, March 20, 2019 (afternoon sitting)–

MOTION - RECOGNITION OF SHONA PEOPLE A STATELESS **COMMUNITY LIVING IN THE COUNTY**

(Hon. Samuel Kimani, MCA)

THAT AWARE that the ethnic community of Shona migrated to Kenya from Zimbabwe in early 1960s as missionaries and founded the Gospel of God Church, a registered Christian denomination which has presence in over 26 counties in Kenya;

FURTHER AWARE that the population of the said community is currently approximated to be 2000 people spread across Kinoo, Muguga, Gitaru and Githurai Wards, with about 85% of their descendants having been born and raised in Kiambu County and Nairobi City County; **Observing** that the Shona people mainly earn their living through weaving, carpentry and casual jobs;

CONCERNED that the Shona people have lived undignified lives and experience numerous challenges due to lack of legal identity documents such as birth certificates, identity cards or passports since they are stateless. This has exposed them to human rights violations like police harassment; impedes on their freedom of movement, and lack of access to government and private services. Further, they cannot register a business or enter the formal job market, own property, access education, healthcare, financial services, and relief supplies among others;

DEEPLY DISTURBED that the children of the Shona community do not enjoy their right to education at any level despite Kenya having ratified the Convention on the Right of the Child and, the African Charter on the Rights and Welfare of the child treaties which obligate the state to give nationality to all stateless children born on its territory; Furthermore, Article 53 of the Constitution and the Children Act, 2001 guarantees children right to nationality, basic education, health care and protection;

APPRECIATING that the Shona community have integrated with the local communities through marriage and recognizing them would enrich the cultural heritage of Kiambu County through their dressing, songs, artistic skills of weaving and carpentry;

ACKNOWLEDGING that immigration and citizenship is a function of the National Government under the Fourth Schedule of the Constitution; **taking into account** that sections 15 and 17 of the Citizenship and Immigrations Act stipulate that stateless persons who have lived in Kenya continuously since the date of independence and their descendants, can acquire Kenyan citizenship by registration; **further recalling that** that the 7 years

.../Notice Paper

extension deadline for the registration of stateless communities living in Kenya through the amendments of the above Statutes is fast approaching;

GUIDED BY the principles of the intergovernmental relations structure and in particular, the requirement for consultation and cooperation as provided under Article 6(2) of the Constitution as well as institutionalized protection of marginalized groups; **this Assembly** therefore urges both levels of government through the relevant Organs to:

- i.) Recognize the existence of the Shona community and their contribution to the County of Kiambu and the Republic of Kenya; and,
- ii.) Take urgent legal and/or administrative measures to address the plights of this Community including granting them Kenyan citizenship so as to ensure that their children born in Kiambu County are registered in order to access education, health care in case of admission to hospital and other public services.



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KIAMBU

SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

WEDNESDAY, MARCH 20, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8*. MOTION - RECOGNITION OF SHONA PEOPLE A STATELESS
COMMUNITY LIVING IN THE COUNTY**

(Hon. Samuel Kimani, MCA)

THAT AWARE that the ethnic community of Shona migrated to Kenya from Zimbabwe in early 1960s as missionaries and founded the Gospel of God Church, a registered Christian denomination which has presence in over 26 counties in Kenya;

FURTHER AWARE that the population of the said community is currently approximated to be 2000 people spread across Kinoo, Muguga, Gitaru and Githurai Wards, with about 85% of their descendants having been born and raised in Kiambu County and Nairobi City County; **Observing** that the Shona people mainly earn their living through weaving, carpentry and casual jobs;

.../Cont'd Order No. 8*.

CONCERNED that the Shona people have lived undignified lives and experience numerous challenges due to lack of legal identity documents such as birth certificates, identity cards or passports since they are stateless. This has exposed them to human rights violations like police harassment; impedes on their freedom of movement, and lack of access to government and private services. Further, they cannot register a business or enter the formal job market, own property, access education, healthcare, financial services, and relief supplies among others;

DEEPLY DISTURBED that the children of the Shona community do not enjoy their right to education at any level despite Kenya having ratified the Convention on the Right of the Child and, the African Charter on the Rights and Welfare of the child treaties which obligate the state to give nationality to all stateless children born on its territory; Furthermore, Article 53 of the Constitution and the Children Act, 2001 guarantees children right to nationality, basic education, health care and protection;

APPRECIATING that the Shona community have integrated with the local communities through marriage and recognizing them would enrich the cultural heritage of Kiambu County through their dressing, songs, artistic skills of weaving and carpentry;

ACKNOWLEDGING that immigration and citizenship is a function of the National Government under the Fourth Schedule of the Constitution; **taking into account** that sections 15 and 17 of the Citizenship and Immigrations Act stipulate that stateless persons who have lived in Kenya continuously since the date of independence and their descendants, can acquire Kenyan citizenship by registration; **further recalling that** that the 7 years extension deadline for the registration of stateless communities living in Kenya through the amendments of the above Statutes is fast approaching;

GUIDED BY the principles of the intergovernmental relations structure and in particular, the requirement for consultation and cooperation as provided under Article 6(2) of the Constitution as well as institutionalized protection of marginalized groups; **this Assembly** therefore urges both levels of government through the relevant Organs to:

- i.) Recognize the existence of the Shona community and their contribution to the County of Kiambu and the Republic of Kenya; and,
- ii.) Take urgent legal and/or administrative measures to address the plights of this Community including granting them Kenyan citizenship so as to ensure that their children born in Kiambu County are registered in order to access education, health care in case of admission to hospital and other public services.

***Denotes Order of the Day**

NOTICES**LIMITATION OF DEBATE**

The Assembly resolved on Wednesday, February 13, 2019 as follows: -

THAT, notwithstanding the provisions of the Kiambu County Standing Order 120 (1) each speech in a debate on **any Motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

NOTICE PAPER

Tentative Business for **Thursday, March 21, 2019**

(Published pursuant to Standing Order 49(1))

It is notified that the following tentative business will appear in the Order Paper for Thursday, March 21, 2019-

MOTION- ACCESS TO BASIC PRE-PRIMARY EDUCATION BY CHILDREN **LIVING WITH DISABILITIES IN THE COUNTY**

(Hon. Sarah Kimunyi, MCA)

AWARE THAT Article 53(b) of the Constitution guarantees every child right to education; **further aware** that Article 54 of the said Constitution provides that persons living with disabilities(PLWDs) have a right to access educational institutions and facilities that are integrated into society to the extent compatible with their interests and needs; **FURTHER NOTING** that Article 18 (4) of the African Charter on Human and Peoples Rights requires that PLWDs are accorded special measures of protection in reference to their physical and moral needs;

ACKNOWLEDGING that the Constitution confers the function and powers of special education and special education institutions to the National Government while the responsibility for pre-primary education (ECDE) is placed under the County Governments; **appreciating that** access to education by children with disabilities has been re-emphasized in other Statutes such as the Children Act of 2001, section 18 of the Persons with Disabilities Act, 2003 and the Basic Education Act of 2013;

OBSERVING THAT the 2016 Report by the National Gender and Equality Commission on access to basic education by children with disabilities conducted in six counties cited lack of a clear implementation framework of the Special Needs Education (SNE) policy 2009, inadequate funding, inadequate teachers with the right skills to teach disabled children coupled with negative attitudes, poverty, limited awareness by parents, insecurity and unsuitable institutions as reasons for children with disabilities not accessing basic education. Further findings from the said report showed that ECDE centers and indeed the County Executive Committee Members in charge of education do not maintain data on the number of children with disabilities within their catchments areas;

PERSUADED that with the adoption and rollout of the competency-based curriculum which specifies age appropriate, desirable, and relevant social, personal and intellectual competencies at all levels of education, the enrolment of special needs children in the County is set to increase;

RECOGNIZING that Kiambu County has about a hundred and twenty two (122) special units within the existing ECDE centers to cater for special need children which are equipped with teachers with specialized training;

.../Notice Paper Cont'd

CONCERNED that those special units are not sufficient and are unevenly distributed thus unable to cater for the growing number of special needs children in different parts of the County; **further concerned** that parents of these children are forced to look for alternatives such as private institutions from the neighboring City County of Nairobi which are unaffordable to most of them;

DEEPLY CONCERNED that special children who have attained the age of joining ECDE continue to face discrimination as they are viewed as being incapable of adding value to the performance of the institution coupled with stigmatisation and ridicule from the fellow pupils and the society;

DEEPLY DISTURBED that little attention is being given to this state of affairs by ensuring that the existing County ECDE centers are designed to respond to above mentioned challenges which further limits the ability of the special needs children to access basic pre-primary education;

NOW THEREFORE, this County Assembly calls upon the County department of Education guided by the National Special Needs Education policy 2009 with the assistance of the Council of Persons Living with Disability and the Kenya Institute of Special Education (KISE) to:

- (i) Conduct a survey to establish the prevalence and status of children with disabilities in the County and to maintain a database on all children with disabilities that have attained the age of joining ECDEs. Such data would be used in annual planning and programming of activities in the county ECDE centers;
 - (ii) Upgrade and integrate at least one centralized ECDE Center per ward with disability friendly equipment and facilities including providing assistive devices and ensuring that the unit is adequately staffed; and,
 - (iii) Come up with an elaborate program that will among other things promote public sensitization among residents and particularly parents with disable children to address issues of societal ridicule and stigmatization and increase awareness on needs of children living with disabilities.
-