

# THARAKA NITHI COUNTY ASSEMBLY

## THE HANSARD

4<sup>th</sup> May 2021

*The County Assembly met at the  
County Assembly chambers in Kathwana at 11.30 a.m.  
[The Speaker (Hon. D.J. Mbaya) in the Chair]*

### PRAYERS

**Hon. Speaker:** Honourable members let's get seated. Next order.

### MOTION

#### ADOPTION OF THE REPORT ON THARAKA NITHI COUNTY ANTI- FEMALE GENITAL MUTILATION POLICY, 2020

**Hon. Speaker:** Yes, honourable Denis Mutwiri, member for Mugwe.

**Hon. Denis:** Thank you Mr. Speaker. I rise to move the Motion on the adoption of the report on Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020. I move that the County Assembly adopts the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020.

With me I have the report of the committee and I will start with the introduction but I will skip some parts.

FGM and child marriage are outdated and outlawed cultural practices that are rampant in some parts of Tharaka Nithi County and that is why this policy has been developed to eradicate them. Developing a policy such as this one by county government is in agreement with the Constitution of Kenya Article 187 which states that a county government may, pursuant to the functions assigned to it under the Fourth Schedule, formulate and adopt a policy. On this line, the policy is articulate and timely in matters girl child in relation to the challenges related to female genital mutilation. Additionally, the policy has responded to a number of inquiries sought in this honourable House concerning the same matter in relation to morality and education of the girl child.

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Mr. Speaker Sir, The Committee would like to acknowledge your Office and the Office of the Clerk for facilitating the Committee for a report writing retreat in Embu County.

Much gratitude also goes to the Members the Tharaka Nithi County Government for their efforts in coming up with the policy which, in the view of the committee, will assist in solving the perennial challenge of female genital mutilation within the County.

Mr. Speaker Sir, last but not least, I would like to thank the members of my committee and the secretariat for their technical support offered and continuous commitment, dedication and enthusiasm demonstrated towards the Committee work in seeing the completion of the process of the policy making. Further, we look forward for continued support in all our undertakings within our committee in accomplishing the mission of oversight, legislation and representation which is our core mandate within our County.

I will now talk about the policy objectives;

The overall objective of the Anti-FGM Policy is to come up with a framework for eradication of FGM and child marriage in Tharaka Nithi County. The Specific objectives are as follows:

1. To create awareness in the community aimed at accelerating abandonment of FGM;
2. To ensure survivors of FGM and child marriage receive necessary medical treatment and psychosocial support;
3. To strengthen the existing multi-sectoral coordination, collaboration, partnerships and networking for eradication of FGM;
4. To address gender inequality associated with FGM by promoting empowerment of girls and women;
5. To promote community dialogues in the campaign against FGM;
6. To set up a robust data, information and knowledge management system to aid in research, analysis and reporting of emerging dynamics of FGM;
7. To ensure survivors of FGM and child are assisted to access justice.

We have the guiding principles;

The policy outlines the guiding principles towards realising its goals. They include;

- i. Upholding the best interest of women and girls in all situations;
- ii. Supporting community participation and people-centeredness;
- iii. Promoting gender equality and equity;

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iv. Strengthening multiagency approach in realizing the anti-FGM policy benefits.

Policy outcome;

1. Increased community awareness on dangers and illegality of FGM;
2. Reduced prevalence in FGM and child marriage;
3. Empowered women and girls to be able to make own decisions;
4. Coordinated multi-sectoral approach in the fight against FGM;
5. Enhanced research and analysis to inform Anti-FGM programming.

Committee's recommendation;

1. That, the Ward Anti-FGM Policy Committee should be formed in all wards for smooth monitoring of policy implementation;
2. That, Civic Education on the policy should kick off immediately after passing of the policy to sensitize the community;
3. That, sufficient funds for the implementation of the policy should be allocated accordingly.

In conclusion, Mr. Speaker, upon Consideration of the Policy, the Committee recommends that the County Assembly adopts the Tharaka Nithi County Anti-FGM policy, 2020.

It is the Committee's humble submission that the House adopt the report on Anti-Female Genital Mutilation ,2020.

Thank you Mr. Speaker for that time. I move.

**Hon. Speaker:** Thank you. Who is seconding your Motion?

**Hon. Denis:** Thank you Mr. Speaker. I call upon the majority leader to second.

**Hon. Speaker:** Yes, honourable Peterson Mwirigi.

*(Hon. Kathenya stood in his place and bowed to second)*

**Hon. Speaker:** Honourable members, allow me now propose the question that, the County Assembly adopts the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020.

The floor is now open for debate. yes, honourable Peterson Mwirigi.

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**Hon. Kathenya:** Thank you Mr. Speaker. I rise to support the Motion. Thank you.

**Hon. Speaker:** Thank you honourable Peterson Mwirigi. Yes, honourable member for Karingani.

**Hon. Muchiri:** Thank you honourable Speaker. I stand to support. This is a policy. We have passed several Bills in this Assembly but most of them lack supporting policies. I am happy that this is one of the best policies. When we talk about the Acts without policies it's an issue.

Allow me to thank the committee for going through the policy and also bringing a report in the House so that we can adopt it.

In this county FGM has decreased but it has gone to a digital stage where people are doing it without much publicity so we may not be aware of cases. In our county we have the CHVs who are working day and night in our hospitals and in our communities assisting our people when it comes to most issues. With this policy I believe the children and also women will get the necessary attention.

Allow me to speak on the issue of finances. When we say sufficient funds, there is no time that finances will be sufficient. It is only that the little we get in various dockets can be utilized accordingly. The best thing we can do is to have the same committee follow up especially during the time of budgeting to ensure that the implementation of this policy is funded from the department.

Secondly, when it comes to civic education on this policy, it should take off immediately to sensitize the community. A lot needs to be done in our county on civic education. I am concerned because even in this House we need to go an extra mile to finance civic education and also come up with a method of doing civic education for our people. Nowadays we are advantaged to have local radio stations and TV stations that our people are listening and watching. If we get such policies and Bills we need to be discussing them. We can have at least two people going to the local media to discuss these policies so that our people can know them and understand them.

These days we have the county government and the national government. It is very unfortunate that we have the ward administrators, the sub-county administrators but we don't think about what they do in the community. When we pass these policies they are supposed to be on the front line. We have chiefs and assistant chiefs; the DCs and when a policy comes

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from the national government they follow up and ensure that it has been implemented. When it comes to the county, I don't think the ward administrators and the sub-county administrators are doing what is supposed to be done. As per now these policies are supposed to have been taught to people when we go to burials, meetings. They should be given first priority so that our people can know that even the county has policies.

I support and I believe we are going to follow up but still we need to put our House in order when it comes to implementation. Thank you honourable Speaker.

**Hon. Speaker:** Thank you honourable Godfrey Murithi. Yes, honourable Margaret Gitari member for Chogoria.

**Hon. Margret:** Thank you Mr. Speaker for giving me this chance. First, I want to thank this committee and I also the county government because of coming up with this policy which should have come yester year because it is a policy that will really affect the people of this county. I am not talking about other places in this country because FGM is rampant in most parts of this country.

When I talk about this county, it is because this practice has been here and it continues. It only changes its style. Has it has been said, it used to be out there with people shouting and singing. These days FGM is done even in hospitals under the care of doctors or nurses and medical officers and I want to believe that this policy has touched all those areas and also the penalties that should be meted on the medical practitioners who will be doing it in their institutions.

Mr. Speaker, there has been many Bills, Motions and Statements and this is a good policy that needs implementation. I am not going to shy off from saying that that implementation is a big problem in this county. There are so many issues that have been passed but the implementation is very poor. As a member of the implementation committee we have followed issues up to the letter but implementation is not forthcoming. If this policy is implemented... and it should not be implemented by the county government only because if the national government has a policy and I am sure this is a replica of what is there in the national government, the county government should join hands with the national government represented by area managers, assistant chiefs and the chiefs to make sure that FGM is eradicated completely from our homesteads. In some villages even now it is continuing. We

may have a lot of English and Swahili here or mother tongue talking about it but out there on the ground FGM is there.

Mr. Speaker as we adopt this report on this policy it is our prayer that it is going to be implemented to the letter. We don't need to be passing very pertinent issues but they are not implemented. It is a thorn in the flesh. I believe what this committee has done is a good thing to adopt this policy and bring a report here so that we also see it. We also will have to have a look at that policy and make sure we are going to check in the wards where we come from, because Tharaka Nithi county is represented by honourable members here, so that we can have this practice eradicated once and for all.

It is not only done on young girls. You will find even on married women it is being done. It is even done in maternity wards. As we pass this policy let implementation be done to the letter so that women can be spared from this practice. For some the practice is done voluntarily for others it is involuntary and Mr. Speaker the law is there to catch all those who are involved.

Thank you Mr. Speaker. I support.

**Hon. Speaker:** Thank you, member for Chogoria honourable Margaret Gitari. Yes, honourable Justin Kithinji, member for Magumoni.

**Hon. Kithinji:** Thank you Mr. Speaker. I am a member of this committee so I reserve my congratulations to the committee now that I am a member. I don't have to keep to congratulate myself. I want to believe that each and every member in this House has the said policy because what we have presented here is just the report. The policy has all the details. In the policy it has even touched on the history of FGM in the world. It is not a single matter as we may take it or like I used to take it because it appears to be deep rooted in societies.

Mr. Speaker when it is entrenched in some cultural beliefs at times it becomes very difficult so a lot must be done. In the said policy there was a suggestion that they form committees where FGM is perceived to be rampant. We made a recommendation and of course it shall be communicated. We have also indicated in our recommendations that there should be a ward committee dealing with this all over regardless of where it is perceived to be rampant or not. Because when we touch on culture and beliefs sometimes we hear people say "it is a curse, you must do it". We may think that it is rampant in other places and we make a big mistake because it's all over.

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Mr. Speaker much as it is not in the policy I want to echo the sentiments of one honourable Godfrey from Karingani ward. He has really touched on something that many a times we do a lot we do in this House but it is never publicized. People are not made aware of what we are doing and he has even touched on the kind of administrators that we have. It was like he was reading my mind because I reached a point of feeling that it is better if we had the so called village administrators. Our people are really suffering down there and it is like our ward administrators have no informers. Most of them were transferred and brought to these particular wards. Their networks are very poor. You go to places and realize people are really having problems and sometimes they even don't know what the county government is doing. Mostly they rely on the local media to be informed on what is happening. You realize that in the local media what is there and what is ever present is criticism. There is no place for what the government has done.

I also felt good that you take it up that our communication department in the Assembly becomes vibrant so that sometimes we can also have some kind of awareness by the locals so that they get to know what it is that we are doing.

Mr. Speaker I want to rest my case at that and I do support the Motion, thank you.

**Hon. Speaker:** Thank you, member for Magumoni honourable Justin Kithinji. Yes, honourable Anita Karimi.

**Hon. Anita:** Thank you Mr. Speaker. I want to congratulate the committee because they have done something that has been disturbing us. I believe honourable Susan has brought a Statement or is it a Motion somebody else has complained of the same.

We have seen photos of people posting in Tharaka Nithi County how we are discussing the anti-FGM issues and nothing happens on the ground. I believe when this is done at the county level we will be involved. I even saw last week a ward administrator posting photos on a discussion about anti-FGM but I never saw our MCA in that forum but we were not informed we only saw photos.

Mr. Speaker as members are complaining we will not be passing these Bills, passing these policies and Motions to go and fill the shelves of the executive but to implemented for the great people of Tharaka Nithi county.

Mr. Speaker, we are very prone to insults on Facebook. I was going through the policy and it is not very much big error but I believe on page 4 they need to correct, I was told in English one word even a comma can alter the meaning of a sentence, if you go the overall objectives it is written, “the overall objective of the anti FGM policy is to come up a framework”. I believe the clerk can note here and add a “with”. On the committee’s recommendation the word Anti-FGM has been written as “Ant”. The word Ant can make get insulted on Facebook the whole day. As the Chuka says “*mumenwa ati mbaki nduru*” they will look at that and insult us the whole day because they believe we are illiterates. It needs to be corrected before it gets to the public so that may not be insulted.

Mr. Speaker I believe as members have said let us not cope immediately after the members say “Aye” I believe no member will say “nay” this should start being implemented. This is even the season for that as you know December was skipped because of Corona and students have done their exams we need to move with a lot of speed so that this can start getting implemented.

I am a very happy woman because we have been fighting this with a few people and I wish to call on our men to support us do this. Has it has been said you will go to some families and they will say their great grandmother left a curse that if you are not cut you cannot be married into that family. I can hear somebody shouting yes. I don’t how I can put in English but my great grandmother who passed away in 2004 used to tell us in Meru language “*kirumi kia ugeti gitigwataga*”. I don’t know who believes such a stupid curse would affect anybody who has gone to school and passed through education. FGM needs to be fought on all levels.

I think the health committee has passed a health Bill. But we cannot fight the mortality rate of our mothers when we are still cutting our girls. Most of them don’t know that when you are cut it becomes very difficult for you to get a baby in the normal correct way and you may end up losing blood, getting more injuries and you may end up dying and people don’t know it’s because of FGM and these other ugly and outdated cultures and stereotypes.

Mr. Speaker, as I conclude, I am praying that the committee also very quickly comes with a policy to also protect the boy child. If you listened to the KCPE results that were released last week the boy child never featured anywhere at the top. I don’t know who we are empowering our girls to get married to or to associate with. I am happy that the committee is chaired by man and a youth. It should come up very fast with a policy that protects the boy child so that



the empowered girl child will get a boy child that will be equally empowered so that we can stop crying that our girl child is being empowered but our boy child is being neglected.

With that Mr. Speaker I support but I am praying for a policy to support the boy child coming up very fast from the same committee. Thank you

**Hon. Speaker:** Thank you honourable Anita Karimi. Honourable members the floor is still open for debate. Yes, honourable Godfrey Murithi would you like to speak to the question.

**Hon. Muchiri:** No, honourable Speaker. Men have been mentioned by one honourable Anita and I am a man so I felt that having been mentioned it is good to say that we support this thing totally because we don't believe in having two men in the House. And honourable Speaker according to the mood put the question.

**Hon. Speaker:** Honourable members, regards being taken to the mood in the House allow me now, pursuant to standing Order 106(4) to call upon the mover to reply.

**Hon. Denis:** Thank you Mr. Speaker. I want to take this opportunity to thank all the honourable members for the support towards this Motion and also call upon everyone to even support its implementation because it will be of benefit for our girls and the community once it is implemented.

The honourable member for Karingani has articulated very well the issues of financing and also the issue of implementation. I believe he is the one who will guide us further when it comes to the allocation of the funds. At the same time, I wish to request him to fast tract the Tharaka Nithi County Public Participation Bill, 2020 because I believe there is a Bill like that that has not found its way into this House. When we have the Public Participation Act it will carry so many other issues on this policy.

Having said that, this policy has elaborated very well on how the stakeholders and other agencies, working with the community, will be well coordinated to ensure that there is smooth running and implementation of this policy. As we very well know most of the funding in this sector, they will be donor funds and well-wishers.

Lastly, as mentioned by honourable member for Magumoni, when it comes to the issues of civic education, FGM has found its way through cultural practices and to some level through religion. It is important that all the stakeholders work together. Once our young girls in

schools are trained on decision-making, they will be able to resist and in this way, they will be on the safe side.

Once again I wish to thank all the honourable members for their contribution and it is my wish that once we pass it, it will be well implemented. Thank you Mr Speaker.

**Hon. Speaker:** Thank you, honourable Dennis Mutwiri. Honourable members, allow me now to put the question.

*(Question put and agreed to)*

## **MOTION ON ADJOURNMENT**

**Hon. Speaker:** Yes, Honourable Majority leader.

**Hon. Kathenya:** Thank you Mr Speaker. Aware that on 17<sup>th</sup> March 2021, this House altered its calendar for the fifth session as adopted on 9<sup>th</sup> February 2021.

Further aware that the Assembly is scheduled to proceed for recess 6<sup>th</sup> May 2021 to 7<sup>th</sup> June 2021 as the calendar of the second Assembly (Regular session).

Cognizant that on 6<sup>th</sup> April 2021, this House approved the procedural Motion on consideration of any business received any time when the Assembly is not in session.

Now therefore, pursuant to the provisions of Standing Order 39(4), this House resolves to proceed for recess as per its adopted calendar (regular sessions) for the fifth session from Wednesday 5<sup>th</sup> May 2021 to Monday 7<sup>th</sup> June 2021 and resume its regular sitting on Tuesday 8<sup>th</sup> June 2021 for part II of the fifth session at 9:30 a.m.

Honourable Speaker, this morning I had a talk with the Chair Budget, and he told me that he seriously needs these honourable members for budget scrutiny. In this case, as we proceed for recess, ensure you make use of these honourable members for serious scrutiny of the budget.

With that, I move and request the honourable minority leader to second the Motion. Thank you.

**Hon. Speaker:** Thank you honourable Peterson Kathenya. Yes, honourable minority leader.

*(Hon. Derebia stood at his place and bowed to second)*

**Hon. Speaker:** Honourable members, allow me now to propose the question that, pursuant to the provisions of standing order 39(4), this House resolves to proceed for recess as per its adopted calendar (regular sessions) for the fifth session from Wednesday 5<sup>th</sup> May 2021 to Monday 7<sup>th</sup> June 2021 and resume its regular sitting on Tuesday 8<sup>th</sup> June 2021 for part II of the fifth session at 9:30 a.m.

Honourable members, the floor is now open for debate. Yes, honourable Wilson Nyaga. You reserved your comments.

**Hon. Derebia:** Thank you Mr Speaker. I rise to support the Motion on adjournment. It is in line with our calendar that we approved on the floor of this House.

Secondly, previously we have been adjourning because of other reasons especially considering that we are currently living in bad times. We are now adjourning as per our calendar. Now that the lockdown is not very tight, we have a lot of work at our committee levels. Let us continue with our committee activities for the whole of this month. The moment we come back from the recess, we should be able to have enough business to conduct in the House and we do it continuously.

I therefore support the Motion on adjournment Mr Speaker.

**Hon. Speaker:** Thank you honourable Wilson Nyaga. Honourable members, the floor is still open for debate. Yes, honourable member for Karingani.

**Hon. Muchiri:** Thank you honourable Speaker. I know that I am one of the members who opposes adjournment, especially when I realize that the House has a lot of business to conduct. Even now, I will support it because the budget has been tabled in this House. I want to remind the honourable members that this will be our last budget to implement in this House. The other one, will be for those who will be privileged to come back like me, in 2022.

*(Laughter)*

I therefore wish to tell my fellow honourable members that we need to have a good attention on these issues especially when it comes to budgeting. I know that resources are never enough as I always say. I will engage the honourable members to the fullest when it comes to this budget. In fact, I request the honourable members that when they are called upon, they should turn up in good numbers to avoid issues after that. I know that the honourable members have been consulted in one way or another by the CEC especially when we were

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coming up with the budget. I also know that every committee, has a CEC concerning that department, and I believe that even before, they are engaged by the finance committee, they will have also engaged their departmental heads and also the COs and the CECs so that we can know the projects that are on progress.

Honourable Speaker, allow me to say that it is not only the budget. I came to realize that we have a lot of pending work because we feared Corona Virus. We have currently adapted to live with it. I therefore request that especially the Statements that have been reminding the concerned committees, these Statements are still pending in this House, especially the one for Ndagani market. We are now going to the budget and I do not know how we are going to deal with it having not been able to have it discussed before.

I also think that other committees, it is the high time we get serious with what has been done in the previous budgets. We have roads, we have agriculture. Some roads that were done by the contractors have already been swept away by floods. It is not that the roads are bad, but the contractors did a shoddy job. It is the high time we understand that we are supposed to follow to the letter on what has been done.

I also want to remind the honourable members that and I do not know how you are going to help us because we have so many death cases within our wards. We are burying our people almost each and every day. This House needs a kitty enable us visit these families to condole with them, as honourable members. That is my prayer, as I support the adjournment for the one month that I will be with my people.

Thank you honourable Speaker.

**Hon. Speaker:** Thank you, honourable member for Karingani. Yes, honourable Gitonga Leonard.

**Hon. Gitonga:** Thank you Mr Speaker. I rise to support the adjournment of the House. This will give us time to consult our residents or constituents. As honourable Murithi has said, we have received our budget estimates, which are very critical at this time as we near the electioneering period. Noting that probably this is the budget that will save us all in this County. It is very necessary that we break and also talk to our people and know their aspirations and needs, so that as we come back, we can be able to solve their issues where they wanted them sorted.

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I therefore support Mr Speaker.

**Hon. Speaker:** Thank you, honourable member for Nkondi. Yes, honourable Anita Karimi.

**Hon. Anita:** Thank you Mr Speaker. I am also one of those who opposes the adjournments because we have always attended functions with over 200 people, and we only come to complain about Corona Virus in the House. And it is not that I am denying that Corona Virus is real, but we do not adjourn to go and stay in our houses. We adjourn to go in the ground to meet our residents. Even the aged whom we feared that were vulnerable.

I believe we not only have the budget, if I remember very well, we had a request to the leadership regarding the amendments of the Standing Orders. There was something to do with consulting a lawyer on the same. It is the honourable members who are served by the Standing Orders and not the staff. I believe the House leadership and the administration will sit after the adjournment, let them come up with some days that we can sit together and look at the standing orders so that at least when we get back or the next Assembly that will come, they will have something to be proud of. Not something that was borrowed, but something that was borrowed and we sat down and looked unto it.

As one honourable Godfrey has said, like now, we are praying that you read the mood of the House and adjourn the House because like myself I have three burials to attend. You cannot attend burials if you have not gone to condole with the family. Mr Speaker just go and sit down with your administration and see how you can help us be able to mourn with those who are mourning because the salary that we are paid is very little,

*(Laughter)*

And it cannot go very far.

*(Interjection)*

**Hon. Speaker:** Honourable Anita, and honourable Godfrey Murithi, as the Chair of the House leadership, I will take that issue very seriously.

*(Applause)*

**Hon. Anita:** Thank you Mr Speaker. Today I support the adjournment, but I believe we will not come here in June and then adjourn again to go to the same functions.

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**Hon. Speaker:** Thank you honourable Anita. Yes, honourable Dennis Mutwiri.

**Hon. Dennis:** Mr Speaker, I rise to support the adjournment and also request the office of the Clerk to be more kind to assist us in our activities especially when it comes to the retreats and also other committee's activities. Thank you.

**Hon. Speaker:** Thank you honourable Dennis Mutwiri. Honourable members, the floor is still open for debate.

*(Loud Consultations)*

Honourable members, regard being taken to the mood in the House and pursuant to Standing Order 106(4), I now request the mover, honourable Peterson Mwirigi to reply.

**Hon. Kathenya:** Thank you honourable Speaker. I wish to thank the honourable members for supporting the adjournment and particularly on what honourable Anita has said, it is very important since it matters more. Thank you Honourable Speaker.

**Hon. Speaker:** Thank you Honourable Peterson Mwirigi. Honourable members, for the purpose of the Hansard, allow me now to read standing order 39(3).

“On a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day, in accordance with the Assembly calendar, the leader of the Majority party or the leader of the Minority party or another member of the Assembly business committee shall move a Motion of adjournment which shall be debated for not more than three hours, after which the Assembly shall adjourn without the question put.”

## ADJOURNMENT

**Hon. Speaker:** Honourable members, that being the case, and there being no other business on the Order Paper, the House stands adjourned until the next sitting.

*\*\*\*The House rose at 12:18 p.m.\*\*\**