

COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY-SECOND SESSION

A REPORT OF THE COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE ASSESSMENT OF APPLICATION OF LAWS GUIDING THE IMPLEMENTATION OF PROGRAMMES BY THE DEPARTMENT OF GENDER AND CULTURE

Clerk's Chambers

County Assembly of Bungoma

P.O BOX 1886-50200

BUNGOMA, KENYA

SEPTEMBER, 2023



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CHAPTER ONE

1.1 Preface

1.2 Establishment and Mandate of the committee

Mr. Speaker, the Sectoral Committee on Gender, Culture and Social Welfare is constituted pursuant to the provisions of Standing Order No. (217) (1) of the County Assembly of Bungoma Standing Orders and executes its mandate pursuant to Standing Order 217(5) which provides that the Committee functions shall be to:

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any requires the House to approve, except those under Standing Order 209(Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of the proposed legislation.

1.2 Committee membership

Mr. Speaker Sir, the Committee on Gender, Culture and Social Welfare as currently constituted comprises the following Members:

Committee report on assessment of application of laws guiding the implementation of programmes by the department of Gender and Culture

1. Hon. Jack	Kawa	Chairperson
2. Hon. Abraham	Obama	Vice Chairperson
3. Hon. Joseph	Juma	Member
4. Hon. James	Mukhongo	Member
5. Hon. Godfrey	Mukhwana	Member
6. Hon. George	Kwemoi	Member
7. Hon. Jeremiah	Kuloba	Member
8. Hon. Alfred	Mukhanya	Member
9. Hon. Metrine	Nangalama	Member
10. Hon. Eunice	Kirui	Member
11. Hon. Florence	Juma	Member
12. Hon. John	Wanyama	Member
13. Hon. Mourine	Wafula	Member
14. Hon. Sheila	Sifuma	Member
15. Hon. Mildred	Barasa	Member

1.3 Acknowledgement

Mr. Speaker Sir, the Committee wishes to thank the Offices of the Speaker and the Clerk of the County Assembly of Bungoma for the support extended to it that culminated to this report. Further, the committee is grateful to the Members of the Committee, for their Commitment before and during the retreat which contributed immensely to the success of this report. The Committee also wishes to thank the secretariat for the support extended to it.

On behalf of the Committee on Gender, Culture and Social Welfare I now have the honour to present this report on assessment of application of laws in guiding the implementation of programmes in the department of Gender and Culture before this honorable House.

Sign..........Date 9/10/2023.....

For

HON. JACK KAWA; MCA BOKOLI WARD
CHAIRPERSON, COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE

CHAPTER TWO

2.1 Background

Mr. Speaker Sir.

Addressing the programs being undertaken and the application of the law is essential to ensure that they are effective and aligned with legal requirements. Regular and comprehensive assessment of programs in light of legal requirements helps to ensure that they serve the intended purpose while upholding the rule of law and respecting the rights of the individuals involved. Identified legal issues or gaps should be addressed promptly to maintain program integrity and legality.

The Department of Gender and Culture is divided into two directorates namely: Gender and Culture. Liquor licensing programmes are run under the directorate of Culture. These directorates have distinct objectives but work in sync with the departmental objective. The sector aims to promote and preserve Culture and Heritage and to promote equity and empowerment of vulnerable groups.

2.2 The purpose of this report

Mr. Speaker Sir, the purpose of this report was;

1. To establish whether programmes implemented by the department are done in accordance with the relevant laws.
2. To establish the status of formulation of Disability Policy, Child Protection Policy, Gender Mainstreaming Policy and Culture and Heritage Policy.

2.3 Legal framework

The promulgation of the Kenyan Constitution in 2010 introduced new concepts key among them devolved system of governance. Under Chapter 11; national values and principles of governance, under Article 10 which includes democracy and participation of the people, transparency, inclusiveness and accountability.

The object of devolution under Article 174 of the Constitution is to make sure that through public participation, communities not only manage their own affairs and development but also contribute to decision making. This ensures that their rights are not only protected but promoted as well. It also seeks to decentralize government services from the capital and bring it closer to the people.

Thus, the object of devolution is to bring services closer to the people and create a platform for which women, marginalized communities and minorities can participate more effectively in decisions that affect their economic, social and political well-being.

The County Government consists of two arms: the County Assembly which exercises the representative, legislative and oversight functions of the County Government and the County Executive which exercises the implementation functions of the County Government.

The legislative authority of a County is vested in the County Assembly pursuant to Article 185 of the Constitution. The County Assembly makes laws and exercises oversight authority over the County Executive. It also approves plans and policies received from the County Executive.

Article 183 of the Constitution spells out the executive functions of the County Government. The County Executive committee is required to: (a) implement County legislation; (b) implement, within the County, national legislation to the extent that the legislation so requires; (c) manage and coordinate the functions of the County administration and its departments; and (d) perform any other function conferred to it by the constitution or national legislation; a County Executive Committee (2) may prepare proposed legislation for consideration by the County Assembly; (3) shall provide the county assembly with full and regular reports on matters relating to the county.

The Fourth Schedule of the Constitution outlines 14 functions of the County Government. Among the functions are cultural activities, public amenities and public entertainment, control of drugs and pornography. These services include developing and collecting rates for liquor licensing, maintenance of parks and recreation facilities and developing and maintaining libraries and museums at the county; prevention of harm related to alcohol and drug abuse and activities that aim at prevention of drug abuse behaviour, treatment and rehabilitation and policies on alcohol and drug abuse.

The County Governments have a constitutional mandate to raise revenue and to develop and implement budget plans, Policies and legislation in order to ensure effective delivery of services to the citizens thus improving their living standards.

Kenya vision 2030, the Medium-Term Plans (MTPS) form the basis for the preparation of Sectoral Annual Work Plans and Budgets at the County level hence the main guiding tools in formulation of the policies and legislation.

Section 108 of the County Governments Act obligates the Counties to develop a five-year County Integrated Development Plan that includes both mid-term and long-term priorities to be met by the County. In addition, County Governments are expected to prepare annual development plans to track on development progress in each financial year.

Section 104 of the County Governments Act provides that no public funds shall be appropriated outside a County's planning framework.

2.3.1 Nexus between legal framework and service delivery

Legal framework significantly enhances service delivery in devolved system. There is need to entrench the implementation of the departmental programmes in legislation so as to realize the full implementation of the Constitution 2010 in particular, Chapters 11 & 12 on devolved governance and public finance respectively. The County Government should align their programs with policy and legal frameworks in order to achieve optimal service delivery hence realizing the objective of devolved Government under Article 174 of the Constitution and adherence to the principles of public finance as stipulated under Article 201 of the Constitution which among other provisions requires openness and accountability on financial matters, prudent and responsible use of public funds and responsible financial management.

When the County Executive adequately implements County legislation and national legislation required to be implemented at the County level as stipulated under Article 183 of the Constitution, promotion of socio-economic development and the provision of proximate, easily accessible government services up-to the local level will be achieved.

2.3.2 Gender equality, inclusion and Disability mainstreaming.

2.4. Treaties, Conventions and Protocols

Article 2(6) of the Constitution states that any treaty or convention ratified by Kenya shall form part of the laws of Kenya. Kenya has ratified and domesticated both its international

and regional obligations on protecting the rights of special interest groups including; women, children and persons with disabilities. These includes the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), African Union Agenda 2063, Sustainable Development Goals (SDGs), convention on Economic and Socio-Cultural rights (ECOSOC), convention on children rights, the protocol to the African Charter on Human and People's Rights (ACHPR) and the United Nations Convention on the rights of people living with disabilities.

2.3.3. Constitution of Kenya

The Constitution of Kenya contains important commitments to gender equality and women empowerment and provides the national values and principles that binds all Kenyans in implementing public policies including those that relate to marginalized groups.

Article 10 on national values and principles of governance includes; human dignity, equity, inclusiveness, equality, non-discrimination and the protection of the marginalized.

The constitution makes provisions on the Bill of Rights which includes extensive provisions on economic, social and cultural rights and envisages enhanced institutional systems for the respect, protection and promotion of human rights including the right to gender equality and freedom from gender-based discrimination.

2.3.4. Implementation of rights and fundamental freedom

Article 21(3) provides that all state organs and public officers have the duty to address the needs of the vulnerable groups within the society including women, older members of society, persons with disabilities, children, youth members of minority or marginalized communities and members of particular ethnic, religious or cultural communities.

2.3.5 Equality and freedom from Discrimination

Article 27 provides that:

(1) every person is equal before the law and has the right to equal protection and equal benefit of the law.

(4) the state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

2.3.6 Economic and social rights

Article 43(1) states that every person has the right;

- a) to the highest attainable standard of health, which includes the right to health care services including reproductive health care;
- b) to accessible and adequate housing and reasonable standard of sanitation;
- c) to be free from hunger, and to have adequate food of acceptable quality;
- d) to clean and safe water in adequate quantities;
- e) to social security; and
- f) to education

2.3.7 Rights of children

Article 53(1) every child has the right:

- a) to a name and nationality from birth;
- b) to free and compulsory basic education;
- c) to basic nutrition, shelter and health care;
- d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment and hazardous or exploitative labour
- e) to parental care and protection which includes equal responsibility of the mother and father to provide, whether they are married to each other or not;
- f) not to be detained ,except as a measure of last resort and when detained, to be held
 - (i) for the shortest appropriate period of time
 - (ii) separate from adults in conditions that take account of the child's sex and age.

2.3.8 Rights of persons with disabilities

Article 54 provides that a person with any disability is entitled;

- a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning
- b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interest of the person;
- c) to reasonable access to all places, public transport and information
- d) to use sign language, Braille or other appropriate means of communication and;
- e) to access materials and devices to overcome constraints arising from the person's disability.

2.3.9. Right of minorities and marginalized groups

Article 56 outlines affirmative action programmes designed to ensure that minorities and marginalized groups;

- a) participate in political, social, economic and other spheres of life;
- b) are provided special opportunities for access to employment;
- c) develop their cultural values, languages and practices; and
- d) have reasonable access to water, health services and infrastructure.

2.4.0 Rights of older members of society

Article 57 outlines the rights of older members of the society;

- a) to fully participate in the affairs of society;
- b) to pursue their personal development;
- c) to live in dignity and respect and be free from abuse and;
- d) to receive reasonable care and assistance from their family and state.

2.4. National policies and legislation

2.4.1. National legislation

The National Government has enacted various laws to implement the constitutional provisions on gender equality and freedom from discrimination of marginalized groups. These includes the Matrimonial Property Act 2013, which safeguards women property rights during and upon dissolution of marriage. Marriage Act,2014 gives effect to constitutional provisions on equality between parties to a marriage and the Land Act and Land registration Act which secures women rights to land.

The counter trafficking in persons Act,2010, the prohibition of female genital mutilation Act,2011 and the sexual offence Act,2006 outlaws specific forms of violence against women and the girl child.

The persons with disabilities Act,2003 provides for the rights and rehabilitation of persons with disabilities and to achieve equalization of opportunities for persons living with disabilities.

2.5. Policy framework

National policy on gender and development

The policy aims at ensuring gender equality and women empowerment in the social-economic, political and cultural spheres as envisaged in the constitution.

The policy outlines the roles and responsibilities of County Government in the implementation of the policy as follows:

- Integrate national standards and gender indicators in the County Integrated Development Plan (CIDP).
- Formulate and ensure implementation of County specific gender policies
- Ensure allocation of adequate resources for implementation of gender equality and women's empowerment programmes.
- Ensure gender responsive budget is adopted in the budget cycle.
- Identify and implement programmes targeting gender equality and women empowerment.
- Collect, collate and disseminate County gender data; and
- Report on policy implementation and county gender activities.

The National Government has put up catalytic funds dedicated to women, persons with disabilities and youth for development programmes. These are:

- a. Women Enterprise Fund (WEF) that provides credit and other financial support for women

- b. Youth Enterprise Development Fund (YEDF) that provides credit for young women and men to enable them establish businesses to earn a living aimed at reducing unemployment.
- c. The Uwezo Fund that empowers women, persons with disabilities and youth that give seed money to the special interest groups as startup capital.
- d. 30% procurement reservation affirmative action to special interest groups that include women, persons with disabilities and youth.
- e. The National Affirmative Action Fund. Established in 2015 administered through female members of parliament to run programs targeting socio-empowerment of women, youth, persons with disabilities, children and elderly persons.

The County executive is thus obligated to promote gender equality and freedom from discrimination at the County level. The County Executive should integrate the principle of gender equality and freedom from discrimination in all administrative procedures, policies, laws and programmes.

2.6. Culture

2.6.1. International Conventions

Kenya adheres to the UNESCO definition of culture as “that whole complex of distinctive spiritual material, intellectual and emotional features characterizing a society or social group. This definition encompasses art and literature, lifestyles, ways of living together, value accepted systems, traditions and believe.

UNESCO has underscored the role of culture as an integral part of development of any nation.

Article 13 of the UNESCO Convention on the protection and promotion of the diversity of cultural expression (CPPDCE) enjoins state parties to integrate culture in their development policies, in particular, to achieve poverty eradication.

Further, Article 2.6 of the same Convention provides that cultural diversity, protection, promotion and maintenance of cultural diversity are essential requirements for sustainable development for the benefit and future

2.6.2. The Constitution

The preamble to the Constitution states that we the people of Kenya -

Are proud of our ethnic, cultural and religious diversity and are determined to live in peace and unity as one indivisible sovereign nation;

Are respectful of the environment which is our heritage and determined to sustain it for the benefit of future generations.

Article 11 of the Constitution on culture:

(1) recognizes culture as the foundation of the nation and as a cumulative civilization of the Kenyan people and nation.

(2) The state shall-

(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;

(b) recognize the role of science and indigenous technologies in the development of the nation; and

(d) promote the intellectual rights of the people of Kenya.

Part 2 of the fourth schedule to the Constitution of Kenya provides for cultural activities as one of the functions of the County Governments.

The objects of the devolution of Government in chapter 11 of the Constitution includes fostering of national unity by recognizing diversity, recognizing the right of communities to manage their own affairs and to further development, protecting and promoting the interests and rights of the minorities and marginalized communities and promotion of

social and economic development and the provision of proximate, easily accessible services throughout the country.

2.6.4. Protection of Traditional Knowledge and Cultural expressions Act

Section 4 of the Act stipulates the responsibilities of County Governments on matters culture;

(1) a County Government shall through the County Executive Committee Member responsible for matters relating to culture, be responsible for:

(a) in relation to the repository and for the purpose of collecting and compiling information relating to traditional knowledge and cultural expression;

(b) the preservation and conservation of traditional knowledge and cultural expressions;

(c) the protection and promotion of the traditional knowledge and cultural expressions of communities within a county.

(d) the facilitation of collaboration, access to or the sharing of information and data relating traditional knowledge and cultural expression between County Governments;

(e) the allocation of financial resources for the promotion of cultural activities;

(f) subject to the Act or any other law, the establishment of mechanism for using culture as a tool for conflict resolution and promotion of cohesion.

2.6.4. The National Policy on Culture & Heritage and the Kenya Heroes Act, 2014

The National Policy on Culture and Heritage is anchored on the Constitution and the vision 2030. The policy provides for the implementation of cultural programmes at the county. It requires the County Governments to put in place legislation and institutional framework to support matters of culture at the County level such as promotion and protection of cultural heritage including cultural industries.

Further, it requires the County to put in place policy, legislative and institutional framework for honouring heroes and heroines. Section 16 of the Kenya Heroes Act, 2014

mandates the County Executive Committee Member to be responsible for the administration of the heroes' honours systems in their respective Counties in accordance with the provisions of the Act.

However, there is need for a means through which the County Government can honour persons who may not necessarily be recognized at the national level but are heroes and heroines within the County.

2.6.5. The Bungoma County Cultural Heritage Act, 2023

On Wednesday 1st March, 2023, the County Assembly of Bungoma enacted the Bungoma County Cultural Heritage Act, 2023.

The Act provides for a legislative framework for purposes of promoting and protecting culture and cultural heritage in the County.

In particular, Section 3 of the Act outlines the objects of the Act which are to:

- (a) regulate, protect and promote cultural sites and cultural activities for the interest and enjoyment of the community and persons visiting the County
- (b) ensure respect for and safeguard the culture and cultural heritage of the communities, groups and individuals in the County.
- (c) create awareness of the culture and cultural heritage in the County.
- (d) protect and promote the diversity of culture and cultural heritage in the County.
- (e) encourage dialogue among persons of different cultures and cultural heritage to promote inter-cultural respect and mutual benefits.
- (f) recognize, promote and protect the distinctive nature of the different cultures, cultural heritage and the distinctive activities, goods and services for them.
- (g) uphold the constitutional provisions to preserve the dignity of individuals, groups and communities irrespective of their cultural beliefs; and

(h) provide a framework under which communities and groups within the County will receive compensation, royalties or other benefits from the 'activities, goods, services and use of their culture and cultural heritage in consultation with the National Government. The Act further outlines the responsibilities of the department responsible for cultural heritage with regard to administration, protection and regulation of cultural activities and heritage at the county level under part II of the Act.

2.6.6. Liquor licensing

The liquor licensing function was devolved to the County Governments after the promulgation of the 2010 constitution. This function was previously performed by the national government under National Campaign Against Drug Abuse Authority (NACADA).

2.6.7. The Alcoholic Drinks Control Act, 2010

This is an Act of parliament that provides for the regulation of the production, sale and consumption of alcoholic drinks.

In the Act, relevant agency means the National Campaign Against Drug Abuse Authority or its successor in law as the public body or department responsible for matters relating to alcoholic drinks.

Section 3 outlines the functions of the relevant agency which includes keeping statistics on the level of alcoholic drinks consumption and related deaths and carry out research, documentation and dissemination of all relevant information on alcoholic drinks. In addition, the agency is required to promote national treatment and rehabilitation programmes.

2.6.8 The Bungoma County Alcoholic Drinks Control Act, 2015.

This is an Act of the County Assembly of Bungoma to provide for the licensing and regulation of the production, sale, distribution, consumption and outdoor advertising of alcoholic drinks and for connected purposes.

Section 4 of the Act establishes the Alcoholic Drinks Control Directorate. The functions of the Directorate includes: support and facilitate sub-county committees in carrying out their functions; monitoring and evaluating the implementation of the Act including the operations of the sub-county committees and advising the executive member on the measures to be adopted; in collaboration with other relevant county departments, prepare and submit an alcoholic drinks status bi-annually in the prescribed manner to the executive committee member which shall be transmitted to the County Executive Committee, the county assembly and the authority.

The Directorate shall be headed by a Director who shall be appointed by the County Public Service Board.

In collaboration with other relevant county and national government agencies, the directorate is mandated to establish rehabilitation facilities and programmes in the county.

Section 9 of the Act establishes in every sub-county the sub-county alcoholic drinks regulation committee whose function is to issue licenses in accordance with the Act.

Section 10 of the Act requires an application for a license to the sub-county committee to be in a prescribed form.

Further, section 74 of the Act requires the County Executive Committee Member to make Regulations prescribing the forms of applications, notices, licenses and other documents for use under the Act and prescribe the fees payable.

CHAPTER THREE

3.1 Oral submission

Mr. Speaker Sir,

The Committee invited the County Executive Committee Member for Gender, Culture Youth and Sports to appear before it on 19th September, 2023 where the committee extensively discussed about the programmes run in the department and the relevant laws guiding the implementation of the same.

The department submitted that the Alcoholic Drinks control Directorate has never been established despite the department making two intents and one reminder to the County Public Service Board to have the position filled.

Further, the committee was informed that the Sub-County Liquor Licensing Regulation committees appointed in 2016, ceased to operate in 2019 due to lack of budgetary allocations.

The department also submitted that it has finalized working on draft policies on disability mainstreaming, child protection, Gender mainstreaming and Culture and Heritage and draft liquor licensing regulations 2016 awaiting cabinet approval and onward forwarding to the County Assembly for consideration and approval.

3.2 Written Submission

In their written submission, the department submitted that in the implementation of the programmes in two directorates, the department is guided by laws as shown below.

No.	DIRECTORATE	PROGRAMME	ACTIVITY	GUIDING LEGISLATION
1	Gender	Gender Equality and Inclusion	<ul style="list-style-type: none">Gender Technical Working Group-	1. The constitution

			<p>County quarterly meeting</p> <ul style="list-style-type: none"> • GTWG Sub- County consultation meetings • Trainings on Gender responsive budgets (ministries) • Community sensitization on gender equality and inclusion • Training /Sensitization to rural, elite women, local political class of women empowerment. • Leadership and Mentorship programs • Women leadership and empowerment academy (proposed) • Inter-institutional/multi-sectoral approaches- Kibabii University 	<p>n of Kenya 2010</p> <p>2. National policy on gender & Development</p> <p>3. Education Act</p> <p>Marriage and Divorce Act</p>
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			<p>school of gender studies</p> <ul style="list-style-type: none"> • Menstrual Health, with department of Health. • Sanitary towels donations • Bungoma women open day-showcasing availability opportunities, market linkages, referrals etc. to women • Boy child protection programs mentorship • Maendeleo ya Wanawake (MYW) support programme • Family protection and counselling programme • Sensitization to the HR department on women employment and promotion • Domestic care and labour services 	
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		<p>Women Economic Empowerment Programme</p>	<ul style="list-style-type: none"> • Sensitization of women groups. Access to government procurement opportunities (AGPO) • Bungoma county women empowerment funds(BUCOWEF)Loaning services • Women group training on financial, literacy, group dynamics, cooperative education • Food value chain and value addition sensitization and training together with the department of agricultures and partners • Market linkages together with the department of trade • House-hold economic 	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Sexual offences Act 3. Protection against Domestic Violence Act 2015 4. Prohibition of FGM Act 2011 5. Counter Trafficking in persons Act
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			<p>empowerment visits targeting homes</p> <ul style="list-style-type: none"> • Linking women groups to national women economic empowerment platforms and opportunities ss 	
		GBV prevention and response activities	<ul style="list-style-type: none"> • GTWG quarterly meetings • Kenya –Finland bilateral programme on GBV prevention and response. • Stakeholder engagements ego council of elders, boda boda women groups, schools, institutions • GBV survivors' psychosocial support • Training on GBV management • Safe –houses support services • Police engagements- Adapt a cop 	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Sexual offences Act 3. Protection against Domestic Violence Act 2015 4. Prohibition of FGM Act 2011 5. Counter Trafficking in persons Act

			<p>Initiative, gender desk support</p> <ul style="list-style-type: none"> • GBV data management and reporting • Male –GBV survivor sensitization and support programmes • Anti –FGM programme in Mt. Elgon • Work place Sexual Harassment Activities • Community GBV dialogues • Sensitization on legal frameworks women/national laws based on GBV • Mapping GBV County Calendar 	
		Disability Mainstreaming Activities	<ul style="list-style-type: none"> • Provision of assistive devices • Medical assessment activities together with the line ministry • Community sensitization on the 	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Persons with

			<p>rights and opportunities for PWDs</p> <ul style="list-style-type: none"> • Sensitization on AGPO and economic empowerment for PWDs • PWD groups, individual, enterprises, survey and research • PWD educational opportunities scholarship/Bursary /farm inputs sensitization • Training of Disability leadership • Sensitization on Disability unique experiences with GBV • Linking PWDs to National government support platform e.g. cash transfer for persons with severe disability • Sensitization on government policies, 	<p>disabilities Act 2003</p>
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			<p>procedures and practice regarding disability services, benefits and grants</p> <ul style="list-style-type: none"> • Linking county PWD services with NCPWD • Disability infrastructure and equipment grants • Job placement and advocacy, legal advisory services to PWDS • Albinism support services • PWD rights and privileges(sensitization) 	
		<p>Social Welfare and Protection programmes:</p> <p>i. Children Services</p>	<ul style="list-style-type: none"> • Street children census, rehabilitation and family tracing and reintegration services • Street children/Family economic support program 	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Children's Act 2022

			<ul style="list-style-type: none"> • Survey of the status of charitable children institution(CCIS) in the county • Community sensitization on child labour challenges • Ward - Based children survey on extremely needy cases, mapping of dysfunctional families • Consultation forum for partners focused on children's issues e.g. National government, NGO'S, CSOs, religious organization • Children policy dissemination • Community sensitization on child rights, education, Health etc. • Anti- child labor sensitization • Protecting children against violence and 	<p>3. Educati on Act</p> <p>4. Employ ment Act</p> <p>5. Anti FGM Act</p>
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			exploitation in the communities	
		ii. Elderly persons	<ul style="list-style-type: none"> • Elder Care mapping programme • Elder –care needs assessment survey • Proposed construction of elder care homes • Elder –care home support program • Liaising with health ministry to reach out to the elder persons in the communities – medical camps, family visits etc. 	
		iii. Widows and widowers	<ul style="list-style-type: none"> • Undertake comprehensive widow – widows support services in the communities 	
		iv. Celebration of	<ul style="list-style-type: none"> • Celebration of international women’s day 	1. United nations protocols,

		international days	<ul style="list-style-type: none"> • Celebration of International Disability Day • Celebration of 16 – days of Activism against GBV • Celebration of the Girl Child Day • International Mothers/Father’s Day <p>Celebration of the Day of the African Child</p>	<p>conventions and sanctions</p> <p>2. Public Holidays Act</p>
2	L	Liquor licensing public education and advocacy	<ul style="list-style-type: none"> • Sensitization meetings in all sub-counties for the following clusters: • Barowners association • Busaa brewers association • Community members and stakeholders • Community members and stakeholders • Schools and colleges 	<p>1. Bungoma County Alcoholic Drinks Control Act 2015</p> <p>2. Alcoholic Drinks Control (Licensi</p>

			<ul style="list-style-type: none"> • Alcoholic drinks regulation committees 	ng) Regulations 2010 3. Narcotics, Drugs and psychotropic substances (Control) Act 1994
		Liquor licensing Inter-agency meetings	<ul style="list-style-type: none"> • Quarterly coordination and collaboration meetings with stakeholders involved in alcohol and drug abuse control and enforcement namely: • Ministry of interior and internal coordination • National police • NACADA • KEBS • KRA • Public health • Education • Weights and measures • Border patrol • Anti-counterfeit agency 	

		Liquor licensing Institutional strengthening	<ul style="list-style-type: none"> • Capacity building workshops for staff involved in liquor licensing • Training and skill reinforcement by Nacada • Compliance and quality control training for Quality Management System implementation 	
		Liquor licensing compliance ,quality control and standards	<ul style="list-style-type: none"> • Enforcement exercises in all outlets engaged in the promotion and sale of Alcohol in Bungoma County against: <ul style="list-style-type: none"> • Non conformity with all requirements • Supply to young persons • Display of signs • Vending machines • Selling in sachets • Selling to intoxicated persons • Disorderly conduct • Breach of licence 	

			<ul style="list-style-type: none"> • Sale of adulterated drinks 	
		Liquor licensing commemoration of international days	<ul style="list-style-type: none"> • Commemoration of the International day against Alcohol and drug Abuse 	
		Liquor licensing, counseling, rehabilitation and re-integration	<ul style="list-style-type: none"> • Construction, equipping and operationalization of a county treatment and rehabilitation center(proposed) 	
		Liquor licensing, policy, research and planning	<ul style="list-style-type: none"> • Baseline survey of all outlets engaged in the promotion and sale of alcoholic drinks in the County • Preparation of the Bungoma County situational analysis report on current trends in alcohol and drug abuse 	
2	Culture	A cultural festival for all the six communities	<ul style="list-style-type: none"> • Music singing competitions • Dancing and performance competitions 	1. The Constitution of Kenya 2010

			<ul style="list-style-type: none"> • Pottery, home crafts, painting and design • Cultural exhibitions • Rope skipping, pot balancing and wrestling • Tug of war competitions • Herbal medicine clinic (diagnosis and treatment) 	<ol style="list-style-type: none"> 2. The National Museums and Heritage Act 2006 3. The national policy on culture and heritage 4. Traditional knowledge and cultural expressions Act 2016 5. Kenya Heroes Act 2014 6. Film and stage
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				plays Act 2016
		KICOSCA (Kenya Inter-County and Cultural Association) and EALASCA (East Africa Local Authorities Sports and Cultural Association)	<ul style="list-style-type: none"> • Cultural dances ,folksongs ,borrowed dances and set pieces • Football, leg ball, handball, volleyball, tug of war, pool, Ajua scrabble, squash, badminton. table tennis, Athletics • National Governing Council Planning meetings. 	
		Kenya National Cultural and Music Festivals	<ul style="list-style-type: none"> • Solos, duets, trios, quartets, chambers, set pieces, arrangements, folksongs, instrumentals, cultural dances, chanting, poems, spoken word, sports commenting, films, dramatized verses, 	The Constitution of Kenya The National policy on Culture and Heritage Traditional knowledge and Culture

			storytelling, skits and puppetry	expressions Act 2016 Film and stage plays Act 2016
		County herbal medicine day	<ul style="list-style-type: none"> • Herbal medicine clinic (diagnosis and treatment) • Herbal medicine exhibition and sale • Teaching and training on herbal medicines • Herbal medicine demonstrations on acquisition, processing and preservation. 	The constitution of Kenya 2010 The National museums and Heritage Act 2006 The National policy on culture and heritage Traditional Knowledge and culture expressions Act 2006
		County indigenous language day	<ul style="list-style-type: none"> • Indigenous greetings in all the six communities • Story telling • Traditional playground games • Art exhibitions 	

			<ul style="list-style-type: none"> • Poetry • Indigenous Language promotion campaigns 	
		Heroes and heroines recognition schemes	<ul style="list-style-type: none"> • Appointment of a taskforce of the identification and award of heroes and heroines in Bungoma County • Nomination of heroes and heroines from all the sub counties • Validation and fact finding of nominated heroes from all the sub counties • Purchase of awards and certificate design 	

			<ul style="list-style-type: none"> • Entertainment • Awards attires 	
		Sikhebo		<p>The Constitution of Kenya 2010</p> <p>The National Museums and Heritage Act 2006</p> <p>The National policy on Culture and Heritage Traditional Knowledge and Culture expressions Act 2016</p>
		Cultural exchange program	<ul style="list-style-type: none"> • Trip to a foreign country • Cultural benchmarking of existing sites, structures, museums, artefacts and 	

			<ul style="list-style-type: none"> rites of passage • Ordination ceremonies 	
		Infrastructure development at Sang'alo Cultural centre	<ul style="list-style-type: none"> • Construction of Sang'alo multipurpose hall • 	
		Promotion of Home Craft Centres	<ul style="list-style-type: none"> • County Dress code showcasing, competition and promotion in every sub county. • Training of women and youth in craft and artistry for income generation • Marketing of home craft products to local and international markets • Showca 	

			<p>sing of Bungoma Home craft wares n national and international trade fares.</p>	
		<p>Cultural culinary Arts promotion and preservation Day</p>	<ul style="list-style-type: none"> • County international food festival • Food exhibitions from all communities in Bungoma County • Eating competitions • Awards for best cultural food showcased • Training on indigenous culinary skills 	

			and food preservation and nutrition.	
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CHAPTER FOUR

4.1 Committee Observations

Mr. Speaker Sir,

The Committee made the following observations:

1. The Alcoholic Drinks Control Directorate is in operational.
2. The department established the Sub-County Alcoholic Drinks Control Regulation committee pursuant to section 9 of the Act. However, the committees ceased operations in 2019 due to lack of budgetary allocation.
3. The department has not enacted the Liquor Licensing Regulations and Regulations prescribing the forms of applications and prescribing the fees payable pursuant to Section 10 and 74 of the Act. The department only submitted a draft Alcoholic Drinks Control and Licensing Regulations 2016; being a draft it cannot be enforced.
4. The department submitted draft County policies that cannot be enforced namely: Child Protection, Gender Mainstreaming, Disability Mainstreaming and Cultural Heritage and Protection.
5. The department did not explain how they carry out empowerment programmes and the administration of honouring of heroes and heroines as stipulated in section 16 of the Kenya Heroes Act, 2014.
6. Although the department stated that they have programmes for women economic empowerment, disability mainstreaming, and programmes for the elderly persons, details were not provided to the committee on the implementation of the programmes and the beneficiaries.
7. Despite the fact that the department has programmes for recognition of heroes and heroines in the County, it never provided any information on the criteria used.

4.2 Committee Recommendations

The Committee made the following recommendations:

1. **THAT** the County Public Service Board should ensure that the Directorate of Liquor licensing is fully operational in compliance with Section 4 of the Bungoma County Drinks Control Act, 2015.
2. **THAT** the directorate once fully operational, must ensure that the Act is fully implemented including the development of subsidiary legislations referred to under Sections 10 and 74 of the Bungoma County Alcoholic Drinks Control Act, 2015.
3. **THAT** the department should ensure budgetary allocation for Sub-County Liquor Licensing committees in the subsequent budgets.
4. **THAT** the department should fast track the submission of the draft policies on child protection, Cultural Heritage and Protection, Gender mainstreaming and Disability Mainstreaming to the County Assembly for processing and approval within 60 days after the approval of this report.
5. **THAT** the department should use the legal and policy frameworks in implementing its programmes e.g., recognizing heroes and heroines in the County in order to ensure transparency, openness, accountability and prudent use of public funds/ resources.

ADOPTION SCHEDULE

We the undersigned members of the Committee on Gender, Culture and Social Welfare append our signatures adopting this report with the contents therein.

Name	Designation	signature
1. Hon. Jack Kawa	Chairperson	
2. Hon. Abraham Obama	Vice chairperson	
3. Hon. Joseph Juma	Member	
4. Hon. James Mukhongo	Member	
5. Hon. Godfrey Wanyama	Member	
6. Hon. George Tendet	Member	
7. Hon. Metrine Nangalama	Member	
8. Hon. Eunice Yeko	Member	
9. Hon. Alfred Mukhanya	Member	
10. Hon. Jeremiah Kuloba	Member	
11. Hon. Florence Juma	Member	
12. Hon. John Wanyama	Member	
13. Hon. Mourine Wafula	Member	
14. Hon. Mildred Barasa	Member	
15. Hon. Sheila Sifuma	Member	

MEMBERS OF SECRETARIAT

- | | | |
|------------------|---------|---------------------|
| 1. Ms. Cameline | Ngaina | -Committee Clerk |
| 2. Ms. Phisher | Makokha | -Serjeant- At- Arms |
| 3. Ms. Celestine | Moshong | -Legal Counsel |
| 4. Mr. Dennis | Waswa | -Hansard Editor |

AGENDA

1. Preliminaries
 - i. Prayer
 - ii. Adoption of agenda.
2. Communication from the Chairperson.
3. Adoption of a committee report on assessment of laws guiding the implementation of programmes in the department of Gender and Culture.

MIN.GCSW/01/23/9/2023 PRELIMINARIES

i. Prayer

The meeting was called to order at 9:10 a.m. with prayers said by Hon. James Mukhongo.

ii. Adoption of agenda

Agenda for the meeting was adopted on proposal by Hon. Florence Juma who was seconded by Hon. Joseph Nyongesa .

MIN.GCSW/02/23/9/2023 COMMUNICATION FROM THE CHAIRPERSON

The chairperson did welcome Members to the meeting and thanked them for keeping time.

MIN.GCSW/3/23/9/2023 Adoption of the committee report on assessment of laws guiding the implementation of programmes in the department of Gender and Culture.

MEMBERS OF SECRETARIAT

1. Ms. Cameline Ngaina -Committee Clerk
2. Ms. Phisher Makokha -Serjeant- At- Arms
3. Ms. Celestine Moshong -Legal Counsel
4. Mr. Dennis Waswa -Hansard Editor

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MIN.GCSW/3/23/9/2023 Adoption of the committee report on assessment of laws guiding the implementation of programmes in the department of Gender and Culture.

Members were taken through the draft report on assessment of laws guiding the implementation of programmes in the department of Gender and Culture. They unanimously agreed with the contents of the report.

ADJOURNMENT

There being no other business, the meeting ended at 4:00 p.m

CONFIRMATION

Committee Clerk

Cameline Ngaina
For
CHAIRPERSON

SIGN



DATE 9/10/2023

Hon. Jack Kawa

SIGN



DATE 9/10/2023

DCI
T.P.A
4/9/23

(II) CC - Gender & Culture
1/9/23

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE C.E.C.M.

DEPARTMENT OF GENDER, CULTURE, YOUTH & SPORTS

Telephone: 07253939

County Executive Offices
Opposite Governor's Office - 4th Flr
P.O BOX 437 -50200
BUNGOMA

Our Ref: CG/BGM/GCYS/CA/VOI 111.(69)

Date: 1ST September, 2023

THE CLERK
COUNTY ASSEMBLY
PO BOX 1886-50200
BUNGOMA

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THRO'
THE COUNTY SECRETARY
BUNGOMA COUNTY
PO BOX 437-50200
BUNGOMA

COUNTY SECRETARY
BUNGOMA COUNTY GOVERNMENT
Forwarded On
Tel: 055-2030144
P.O. Box 437-50200, BUNGOMA

1/9/23

REF: ADDENDUM ON REQUEST FOR DOCUMENTS

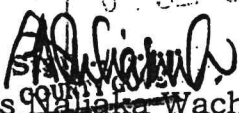
We write in response to your letter Referenced BCA/CC/SECT/3VOL II (146) dated 15th August 2023 on legislation guiding the implementation of Gender Equality and Mainstreaming, Promotion of communities' culture and Liquor licensing. The addendum is provided in the template herewith.

S/NO	DIRECTORATE	PROGRAM	LEGISLATION GUIDING IMPLEMENTATION
1.	LIQUOR LICENSING	Capacity building of Sub County Alcoholic Drinks Control Committees and Addiction specialists	<ol style="list-style-type: none"> 1. Bungoma County Alcoholic Drinks Control Act 2015 2. Alcoholic Drinks Control Act 2015 3. Alcoholic Drinks Control (Licensing) Regulations 2010 4. Narcotics, Drugs and psychotropic substances (Control) Act 1994
2.		Sensitization programs on Alcohol and Drug Abuse	<ol style="list-style-type: none"> 1. Bungoma County Alcoholic Drinks Control Act 2015 2. Alcoholic Drinks Control Act 2015 3. Alcoholic Drinks Control (Licensing) Regulations 2010 4. Narcotics, Drugs and psychotropic substances (Control) Act 1994
3.	CULTURE	Community Cultural Festivals	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. The National Museums and Heritage Act 2006 3. The national policy on culture and heritage 4. Community groups registration Act 2022 5. Traditional Knowledge and culture expressions Act 2016 6. Kenya heroes act 2014 7. Film and stage plays Act 2016

4			Kenya National community music festivals	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. The national policy on culture and heritage 3. Traditional Knowledge and culture expressions Act 2016 4. Film and stage plays Act 2016 5. Kenya Music Festivals Syllabus
5			Identification, selection and award of Heroes and Heroines	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. The national policy on culture and heritage 3. Traditional Knowledge and culture expressions Act 2016 4. Kenya Heroes Act 2014
6			Sikhebo	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. The National Museums and Heritage Act 2006 3. The national policy on culture and heritage 4. Traditional Knowledge and culture expressions Act 2016 5. National museums and heritage Act 2006
7			Herbal medicine day	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. The National Museums and Heritage Act 2006 3. The national policy on culture and heritage 4. Traditional Knowledge and culture expressions Act 2016

			5. National Museums and Heritage Act 2016
3.	GENDER	Gender equality and inclusion	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. National policy on gender & Development 3. Education Act 4. Marriage and Divorce Act
		GBV prevention and response	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Sexual offences Act 3. Protection against Domestic Violence Act 2015 4. Prohibition of FGM Act 2011 5. Counter Trafficking in persons Act 6. SGBV Bill 2019
0		Women economic empowerment programs	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Employment Act 2007 3. County Government Act 2015 4. National land commission Act 5. National gender and development policy 6. Uwezo fund regulations 2013 7. Kenya economic blue print-vision 2030
		Disability mainstreaming	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Persons with disabilities Act 2003 3. Disability policy

12		Children/ social protection programmes	<ol style="list-style-type: none"> 1. The constitution of Kenya 2010 2. Childrens Act 2022 3. Education Act 4. Employment Act 5. Anti FGM Act
13		Celebration of international days	<ol style="list-style-type: none"> 1. United nations protocols, conventions and sanctions 2. Public Holidays Act

C. E.
GENDER YOUTH
SPORTS
 01 SEP 2023


Hon. Agnes Wachie (Peng. Tech MIET)
CECM GENDER, CULTURE, YOUTH AND SPORTS