

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 6TH NOVEMBER, 2024

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY, 6TH NOVEMBER, 2024

The House met at the County Assembly Chamber at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

STATEMENT

1. STATEMENT PURSUANT TO STANDING ORDER 47 (2)

Mr. Speaker: Hon. Hentry you proceed.

Hon. Hentry Nyongesa: Thank you Hon. Speaker. I hereby seek a statement from the CECM, Health on the following; number one....

Mr. Speaker: Seek from the Chair of the Committee. If you say CECM, I think... kindly.

Hon. Hentry Nyongesa: Thank you Hon. Speaker. I hereby seek for a statement from the Chair of the Committee on Health in relation to the health workers who volunteer in this County. Therefore, I request the Chair to have the following questions responded to.

1. The total amount in the budget allocated towards the Community Health Volunteers in the financial year 2023-2024 and the current financial year 2024-2025.
2. The total number of community volunteers that were engaged in the entire County for the same periods.
3. How much has been paid as stipend to the said volunteers and in particular:
 - a) If there is any outstanding stipend that is yet to be paid?
 - b) Why was the stipend not paid monthly and yet we had budgeted for the funds... I mean the subsequent financial years?
 - c) When is the government going to pay the outstanding stipend to the Community Health Volunteers?
 - d) The measures put in place to avoid the arrears from accruing.

Mr. Speaker: Any Honourable Member from the Committee on Health present? Hon. Orize on behalf of the Committee... sorry, sorry, let me give you the microphone. You require how many days?

Hon. Orize Kundu: Asante Spika ningeomba tupewe *14 days* (siku 14) alafu tupate majibu.

Mr. Speaker: Honourable Members, as you are all aware; starting tomorrow evening the House will be commencing its official recess. So when you say 14 days, the recess commences tomorrow which is on 7th and we shall resume on 18th. So we will give you... let me give you the 26th of this month to bring us the feedback.

MOTIONS

1. REPORT ON THE COMPLAINT LAID BY HON. JERUSA ALEU AGAINST HON. SHEILA SIFUMA

Mr. Speaker: Hon. Tony, proceed with it.

Hon. Tony Barasa: Thank you Hon. Speaker.

Report on the complaint laid by Hon. Jerusa Aleu against Hon. Sheila Sifuma

The Committee of Powers and Privileges is established in accordance with Section 15 of the County Assemblies Powers and Privileges Act, 2017 herein after referred to as ‘the Act.’ The Committee in execution of its mandate considered an allegation referred to it by Hon. Jerusa Aleu against Hon. Sheila Sifuma.

The Committee during its internal meetings invited the complainant, the respondent and witnesses to give their oral submissions that formed part of this report. The Committee was guided by the Powers and Privileges Act, 2017, Bungoma County Assembly Standing Orders (2nd Edition), Leadership and Integrity Act, 2012 and Public Officers Ethic Act, 2003.

Committee Membership

Section 15 (1) of the County Assemblies Powers and Privileges Act, 2017 provides that:-

There is established, for each County Assembly a Committee known as the Committee of Powers and Privileges consisting of:

- (a) The Speaker, who shall be the Chairperson of the Committee; and
- (b) Such other members of the County Assembly as may be provided in the Standing Orders of the County Assembly.

The Committee of Powers and Privileges as currently constituted comprises of the following Members:

| Name | | Designation |
|------------------|---------|----------------------|
| 1. Hon. Emmanuel | Situma | Speaker /Chairperson |
| 2. Hon. Brigid | Katasi | Vice Chairperson |
| 3. Hon. Ali | Machani | Member |
| 4. Hon. Miliah | Masungu | Member |
| 5. Hon. Vitalis | Wangila | Member |

| | | |
|-----------------|---------|--------|
| 6. Hon. Tony | Barasa | Member |
| 7. Hon. Eunice | Kirui | Member |
| 8. Hon. Jack | Kawa | Member |
| 9. Hon. Moureen | Wafula | Member |
| 10. Hon. Orize | Kundu | Member |
| 11. Hon. Benard | Kikechi | Member |

Acknowledgement

The Chairperson of the Committee takes this opportunity to thank all the Members of the Committee for their invaluable contribution towards the production of this report. The Committee wishes to also thank the Offices of the Hon. Speaker and the Clerk of the County Assembly for the necessary support extended to it in the execution of its mandate. On behalf of the Committee of Powers and Privileges, I have the honour and pleasure to table this report and recommend it to the House for consideration.

Signed by Hon. Emmanuel Situma; Speaker of the County Assembly/Chairperson

CHAPTER TWO

Legal Framework

Conduct constituting breach of privilege

The Committee during its inquiry referred to various legal frameworks as highlighted.

County Assembly Powers and Privileges Act, 2017

Section 16 of the Act provides that the Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member:

- (a) *contravenes Sections 25, 26(1), 27 or 29;*
- (b) *commits an act mentioned in Section 28(1) (a), (b) (c) or (2)*
- (c) *wilfully fails or refuses to obey any rule, order or resolution of a county assembly;*
- (d) *contravenes any provision of the Speaker's Orders issued under Section 38 of the Act; or*
- (e) *conducts himself or herself in a manner which, in the opinion of the Committee of Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a County Assembly, or of the Members or to be contrary to the best interests of a County Assembly or its Members.*

Prohibited acts in respect of a County Assembly and its Members pursuant to Section 26(1) of the Act

Such acts include:

- (a) while a County Assembly or a Committee is sitting, a person shall not create or take part in any unlawful disturbance which interrupts or is likely to interrupt the proceedings of a County Assembly or any Committee while a County Assembly or the Committee is sitting; or
- (b) failing or refusing to comply with an instruction by a duly authorized member of staff

or a police officer regarding:-

- (i) the presence of the public in the precincts of a County Assembly including a meeting within the precincts of a county assembly; or
- (ii) the possession of any article, including a firearm, within the precincts.

A person, including a Member who contravenes the provisions above commits an offence and is liable, on conviction, to a fine not exceeding Kshs500,000 or to a term of imprisonment not exceeding two years or to both.

Section 17 (3) provides that where a County Assembly finds that a Member has committed a breach of privilege, the County Assembly may, in addition to any other penalty to which the Member may be liable under this Act or any other law impose any or more of the following penalties;

- issue a formal warning,
- a reprimand,
- an order to apologize to the County Assembly or a person in a manner to be recommended by the Committee of Powers and Privileges,
- the withholding, for a specific period of time, of the member's right to the use or enjoyment of any specified facility provided to Members by a County Assembly,
- the removal or suspension for a specified period of time of the Member from any County Assembly position occupied by the Member,
- such fine in terms of the Member's monthly salary and allowances as the House may determine,
- the suspension of the Member for such period as the House may decide, whether or not the County Assembly or any of its Committees is scheduled to meet during that period or vacation of seat pursuant to Articles 75(2)(b) and 194(1)(c) of the Constitution.

Where a County Assembly finds a Member has committed a breach of privilege, the County Assembly may, where appropriate, instead of or in addition to the imposition of a penalty highlighted above, refer the matter to the Director of Public Prosecutions.

Any fine imposed shall be paid by the Member into such bank account of the County Assembly as shall be specified by the Accounting Officer of the County Assembly, be deducted from the Member's salary or where it is not recovered, it shall be recovered by means of a civil action in court.

A Member who has been suspended for such period as the House may decide, whether or not the County Assembly or any of its Committees is scheduled to meet during that period shall leave the precincts of the County Assembly and shall not, during the period of suspension, without the written permission of the Speaker enter the precincts for whatever purpose or participate in any activity of the County Assembly or a Committee of the County Assembly.

Bungoma County Assembly Standing Orders

Pursuant to paragraph (3) of Standing Order No. 120, a Member commits an act of gross disorderly conduct if the Member:

- a) Defies a ruling or direction of the Speaker or Chairperson of Committees.
- b) Declines to retract use of unparliamentary language or offer apologies, despite having been ordered to do so by the Speaker.
- c) Fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 102.
- d) Persistently makes serious allegations without, in the Speaker's opinion, adequate substantiation.
- e) Deliberately gives false information to the County Assembly.
- f) Votes more than once in breach of the Standing Orders or persistently fails to record abstention in a division.
- g) votes on any question in which the Member has a pecuniary interest contrary to Standing Order No. 102 (2)
- h) demonstrates or makes disruptive utterances against the suspension of a named Member
- i) Attempts to or causes disorder of whatever nature during an address by the Governor or visiting dignitary pursuant to Standing Order Nos. 28 and 29.
- j) Uses violence against a Member, an officer of the County Assembly or other person in the House or Committee.
- k) Disrupts or attempts to disrupt the Speaker's procession.
- l) Removes or attempts to remove or actual seizure of the mace from its place in the Chamber.
- m) Commits any other breach of the Standing Orders, which in the opinion of the Speaker, constitutes gross disorderly conduct.

The Speaker may call a Member whose conduct is gross disorderly to order, and shall order the Member to withdraw immediately from the precincts of the County Assembly:

- a) On first occasion, for a maximum of three sitting days, including the sitting day of the suspension
- b) On the second or subsequent occasion during the same session, for a minimum of seven sitting days and a maximum of twenty one sitting days, including the day of suspension.

Leadership and Integrity Act, 2012

Section 11 of the Act on professionalism highlights that A State officer shall—

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (b) treat members of the public and other public officers with courtesy and respect;
- (c) not discriminate against any person, except as is expressly provided by the law;

(d) to the extent appropriate to the office, maintain high standards of performance and level of professionalism within the organisation; and

(e) if the State officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution or this Act.

Further, Section 46 provides that:

(1) A person shall not—

(a) without justification or lawful excuse, obstruct, hinder, assault or threaten a person undertaking his or her duties under this Act;

(b) deceive or knowingly mislead the Commission, a public entity or a person undertaking his or her duties under this Act;

(c) destroy, alter, conceal or remove documents, records or evidence that the person believes, or has grounds to believe may be relevant to an investigation or proceedings under this Act; or

(d) provide false information to the Commission, a public entity or a person acting under this Act.

Public Officers Ethics Act, 2003

Section 9 of the Act provides that;

(1) A public officer shall-

(a) Carry out his duties in a way that maintains public confidence in the integrity of his office;

(b) Treat the public and his fellow public officers with courtesy and respect;

(c) to the extent appropriate to his office, seek to improve the standards of performance and level of professionalism in his organisation;

(d) if a member of a professional body, observe the ethical and professional requirements of that body; Publication of specific Codes. Part sets out general Code.

(e) observe official working hours and not be absent without proper authorization or reasonable cause;

(f) maintain an appropriate standard of dress and personal hygiene; and

(g) Discharge any professional responsibilities in a professional manner.

CHAPTER THREE

Committee inquiry

Determination of breach of privilege

The Committee of Powers and Privileges shall inquire into the conduct of a Member whose conduct is alleged to constitute a breach of the County Assembly Privileges either on its own motion or as a result of a complaint made by any person. In considering the conduct of

a Member, the Committee may recommend any or all the sanctions under Section 17 of the County Assemblies Powers and Privileges Act, 2017 under which sub section (1) and (2) provide that:

(1) A County Assembly shall have all the powers necessary for inquiring into and pronouncing upon any act or matter constituting breach of privilege in terms of section 16.

(2) An inquiry by a County Assembly into a matter shall not preclude criminal investigation or criminal proceedings against a Member in connection with the matter concerned.

Events Preceding the Inquiry of the Alleged Misconduct

- 1) On 30th October, 2023, Hon. Jerusa Aleu launched a complaint against Hon. Sheila Sifuma.
- 2) On 8th November, 2023, the Committee of Powers and Privileges was informed of a complaint lodged by Hon. Jerusa Aleu against Hon. Sheila Sifuma.
- 3) On 13th February, 2024, a letter of invitation was issued to Hon. Jerusa Aleu to appear before the Committee of Powers and Privileges on 19th February, 2024.

Oral Submission by Hon. Jerusa Aleu

On 19th February, 2024, Hon. Jerusa Aleu appeared before the Committee. However, during the deliberations, the Committee noted that the messages from complainant were not conclusive. Members could therefore not ascertain the senders and recipients of the said messages. The Committee resolved that the complainant gets the entire conversation in its original form as captured in their forum (**annexed**) and submit to the Committee by Wednesday 21st February, 2024 and have the hearing slated for the next meeting.

On 26th February 2024, Hon. Jerusa Aleu appeared before the Committee as earlier requested. The Hon. Jerusa Aleu, MCA Milima Ward, took oath administered by the Legal Counsel. She thereafter submitted as follows:

1. **THAT**, elected female MCAs had been invited to Kericho on 11th October, 2023 through the invitation of the Deputy Governor.
2. **THAT** nominated MCAs raised complaints in reference to the invitation. She named them as; Hon. Moureen Wafula, Hon. Catherine Kituyi, Hon. Sheila Sifuma, Hon. Eunice Kirui and Hon. Metrine Nangalama.
3. **THAT**, she had raised the complaint with the Committee of Powers and Privileges after the Hon. Sheila referred to her as a bootlicker. In her submission, the terminology was utterly offensive.
According to the Cambridge dictionary a **bootlicker** is someone who praises or is extremely polite to a more powerful or rich person in a way that is not sincere, usually in order to get an advantage for themselves.
4. She further submitted **THAT**, her witnesses were, Hon. Everlyne Mutiembu, Hon. Joan Kirong, Hon. Miliah Masungu and Hon. Grace Sundukwa.

Oral Submissions of Witnesses

The complainant had named four witnesses but only Hon. Everlyn Mutiembu appeared before the Committee.

In her submission, the Hon. Everlyne Mutiembu submitted as follows:

1. The elected women MCAs had travelled to Kericho
2. Nominated women MCAs wanted to know where their colleagues were. Thereafter, they started using derogatory terms against the elected leaders. The case was forwarded to the Committee for consideration after Hon. Sheila Sifuma referred to them as bootlickers and idlers.

Invitation of the respondent

On 21st May, 2024, Hon. Sheila Sifuma was invited through a letter to appear before the committee on 28th May, 2024 to respond to allegations against her by Hon. Jerusa Aleu.

Oral submission by Hon. Sheila Sifuma

On 28th May, 2024 Hon. Sheila Sifuma appeared before the Committee. The aforementioned Honourable Member took oath administered by the Legal Counsel and thereafter submitted as follows:

1. That she is a nominated female MCA.
2. That the engagement with Hon. Jerusa Aleu was not within the precincts of the County Assembly.
3. That she did not use any abusive language in the evidence that had been submitted by Hon. Jerusa Aleu. That using the term **booty licking** was not an insult.
4. That Hon. Jerusa has a tendency of picking on her.
5. That Hon. Jerusa's accusations were out of pretence.
6. That she also deserves an apology from Hon. Jerusa Aleu.

CHAPTER FOUR

Committee's Observations

- i. The Committee noted that only the elected women MCAs had been invited to Kericho to attend celebrations of International day of the girl child which raised concerns amongst some Nominated female MCAs.
- ii. The complainant Hon. Jerusa Aleu felt offended by the utterances directed to her by Hon. Sheila Sifuma.
- iii. The respondent didn't acknowledge that the alleged utterances were offensive.
- iv. The Committee finds Hon. Sheila Sifuma to have contravened Section 26 (1) (a) of the County Assemblies Powers and Privileges Act, 2017.
- v. The general language in the WhatsApp does not depict the conduct expected of the Honourable Members and constitutes conduct unbecoming.

Committee's Recommendations

The Committee recommends the following:

- i. **THAT**, Honourable Members should treat members of the public and other public officers with courtesy and respect as provided under Section 9 (1) (b) of the Public Officers Ethics Act, 2003.
- ii. **THAT**, Hon. Sheila Sifuma should appear before the House and render an apology to the complainant Hon. Jerusa Aleu and to the entire House for her utterances within

seven days from the date of adoption of this report.

Lastly Hon. Speaker, that in the apology as recommended in two (2) above, the Hon. Speaker shall refer to Standing Order No. 120 (5).

Adoption Schedule

We the undersigned Members of the Committee on Powers and Privileges do append our signatures adopting this report with the contents therein. I take this opportunity to welcome Hon. Benard Kikechi to second the report. Thank you Hon. Speaker.

Hon. Benard Kikechi: Thank you Hon. Speaker. First of all I would like to congratulate the Member who has moved the report on the Floor, Hon. Tony Barasa. Secondly, I second the report with a few comments. First, as Honourable Members of this House, it is paramount as per the report to uphold dignity the way we relate with each other. Looking at the report and the recommendations; as a Committee, we explored all the avenues to come up with up with the recommendations which in my opinion observes fairness. As I second the motion, I urge the Members of this House to support the report.

Mr. Speaker: Thank you Hon. Benard Kikechi for seconding the report of the Committee.

(Question proposed)

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First I would like to appreciate the Committee under the leadership of the Speaker of this Assembly. I was once a Vice Chairperson of this Committee during the first regime and I have always wished to be a member of this Committee as it is the only Committee that can make such recommendations and ensure Members behave in the right manner.

The only surprise is that of the two affected Members, I can only see the complainant Hon. Jerusa but Hon. Sheila is not present. I wish they could both be present to listen to our views and not to be told what was said.

As I appreciate the Committee, allow me say that following; from this report, I have seen that women are each other's enemies. In this report, out of the four of the witnesses for the complainant, only one appeared. It shows that women are their own enemies. Even the report is talking about two women. I wish to thank Hon. Jerusa Aleu for following the right procedure in seeking for justice.

Looking at the age and seniority of Hon. Jerusa and looking of the age of Hon. Sheila, you can see the phrase that I am using that women are their own enemies because with men, age matters a lot. Even if you see the way I hold discussions with Hon. Jeremiah, one thing that will ring in my mind is to consider the age of Hon. Jeremiah and my age which will restrain me from uttering words against his age; which is a taboo.

Secondly, I see that people don't want to accept themselves. It is clear that the people who were invited to Kericho were elected MCAs but those complaining bitterly are the specially

elected MCAs. This means that where they are, and I have seen a few that are around, they don't value the positions they hold. If this scenario could apply and I was the one in this position because of colleague elected Members; so that they could also be brought on board through nominations.

Looking at the appearance of the complainant and the accused, there is no apology from the accused. It is not indicated anywhere that Hon. Sheila said sorry to the complainant regardless of seniority. As I speak I am following what the Committee has said because when the Hon. Sheila appeared, this is what she said that; "the engagement with Hon. Jerusa Aleu was not within the precincts of the County Assembly..." which implies that while outside this Assembly you can say anything to a colleague.

We are told that whether in public or private, you are still an Honourable Member. If I act in my family as a parent, I should act knowing that I am an Honourable Member. She did not agree that she used abusive language in the evidence that was submitted making it appear like the Hon. Jerusa was lying to the Committee. I thank the Committee for reading between the lines and coming up with this report.

When you check the membership of the Committee; we have Hon. Eunice Kirui and Hon. Maurine Katila who are also specially elected. Truth be told, these two members could have been witnesses before the Committee to shed light on what happened because we are not on that forum as male MCAs.

Lastly, now that Hon. Shelia is not around, let me agree with what the Committee has recommended that within seven (7) days an apology should be tendered. My worry is that in her submission, she never accepted! I wonder if she will apologize within seven days. Members we are not in these positions by accident. We should be mindful while talking because we carry the public image and the image of the institution. I support the report.

Hon. Jack Wambulwa: Thank you Hon. Speaker. As I stand to contribute to the motion as moved by Hon. Tony, I would like to appreciate the Committee for coming up with these recommendations. One thing I want to urge colleagues is that respect starts with you and respect is earned. One thing I know is that Hon. Sheila is supposed to take Hon. Jerusa as her own mum because they are not age mates. Respect starts from there; if somebody is not of your age, they must be respect.

Secondly, here is a Member senior to you, that she has been in the Assembly ahead of you; that respect should also be earned. So we expect as colleagues that we should lead by example and not to wait until we exchange words and then when you are called upon, you don't want to apologize. As Africans we are losing respect. Just saying I apologize is hard for some of us! How I wish she apologized at the Committee level. I don't think it would have reached this level. Again the Committee has made a decision that is not serious and what I know the Speaker being the chairperson, the Committee behaves like a parent. I wish to urge my colleague Hon. Sheila and those close to her that if she has been given the seven days, let her apologize in writing and reach out to Hon. Jerusa; that mum, maybe I did this because I was hurt somewhere or I was disturbed on that day. We will be happy that we co-exist as

Members. Let us not reach a level of exchanging, name calling and abusing one another. I support the report.

Hon. Caleb Wanjala: Thank you Hon. Speaker. I also rise to add my voice on the report. What surprises me is that Hon. Sheila and Hon. Jesrusa Aleu are relatives. Respect, just like my colleagues have said is reciprocated by respect. What you give is what people will also give you. The title honourable....

Mr. Speaker: Hon. Kikechi, what is the information?

Hon. Benard Kikechi (*On a point of information*): May be a point of information to the Member on the Floor; he is saying that Hon. Jerusa and Hon. Sheila are related. May he can clarify on this for the interest of the House.

Mr. Speaker: Hon. Kikechi wants you to clarify on the nature of the relationship they have.

Hon. Caleb Wanjala: Thank you Hon. Speaker. Hon. Jerusa Aleu is married to the Tachonis and Hon. Sheila is a Tachoni Mr. Speaker.

Mr. Speaker: I can verify this and I would urge that you desist from that line of argument. What I am saying is that you might be engaging in the wrong direction to a level of misleading. I might be having more information about Hon. Jerusa's family than you do. Desist from that as you proceed. Again whether they are related or not, there must be respect.

Hon. Caleb Wanjala: Thank you for the guidance Mr. Speaker. Respect is paramount and as alluded by an Honourable Member, respect is earned. The title Honourable is someone who is highly regarded by the community. Sometimes it is good to be mindful of what we say and what not to say even when provoked. We are in this House as Honourable Members making legislation that is supposed to be enforced outside there and people are supposed to follow them. We are a reflection of those laws and Honourable Members.

There are three things that might help you understand people and one of them is money which sometimes makes people to behave strangely. Another thing is power which can also make people to behave differently and surprisingly power is temporal.

I want to urge all Honourable Members who are here because wise people say that life is a teacher; the more we live, the more we learn and foolish people allow themselves to go through the process and wise people learn from the process. I think it is high time as Honourable Members to be careful with kind of language that we use which can be hindrance to greater opportunities.

When I look at Hon. Sheila, she is still young with a lot of opportunities ahead of her. Respect is good and all of us here must have respect and hold ourselves with high values; aware that everybody is important. As a House, it will be prudent that the Hon. Sheila apologizes as recommended by the Committee. Even if she apologizes, will the apology will be genuine? I don't know Mr. Speaker. The Bible says make peace with everybody and another version says make peace with your accuser before you reach the judge. Had she been

wise enough, things could not have reached where we have reached today. She should have made peace with Hon. Jerusa Aleu and today we would just be happy as one family. I support the report.

Hon. Ali Machani: Thank you Hon. Speaker for allowing me first of all to support the report. I think I am happy with the comments that Members are raising that this is a House where Members are drawn from different backgrounds. I am happy with the composition of this House and every time Members refer to each other, they mention that we have Lawyers, teachers; including retired principals. We have people who have put this country on the world map like Hon. Ndasaba. We have leaders here like Hon. Chemion, the Leader of Majority, former Deputy Majority Leader in the first Assembly- Hon. Nyongesa and including yourself as our Speaker.

Sometimes we forget that we are here for a five year contract. If you are reminded of this, you will respect colleagues. Equally, understanding the background of an individual that you are working with, relating to and having engagements with...

You have seen that there are people even misusing social media. You see young people trying to engage leaders. When I came to this House with a background of the defunct local authorities; what we used to do in those authorities is different. People have been in this House and some of them retired in serious public positions. When we are sited together, don't think that everything is okay on your table and that you can just throw words to other colleagues. Like the Hon. Rugut sited there; unless you talk to her despite having served as a principal; she doesn't engage anyhow. What we miss is to that after five years you can serve elsewhere or come back to this House.

Hon. Jerusa was here as a nominated Member and today she is an elected Member. Hon. Meshack served in this building; you can throw stones at him but was here as the Chairman of the defunct Bungoma County Council flying a county flag. As the Speaker, you are now serving a second term and we have seen Members of Parliament coming back to be Speakers in County Assemblies. Let us understand that after serving for five years and after our tenure; we will meet outside this Assembly.

Hon. Kikechi was at Nzoia Water Services and he did not know that one day we will meet here. Therefore my appeal is that this report is an eye opener for us; that let us have respect and decorum when engaging each other even on social media. I have never seen Hon. Eunice engage me like any other person, she will always call me my brother, how are you? Because she understands where we came from and when in this county you could not mention about anything to do with ODM, but we managed to bring ODM through mutual engagements.

Those days in Ford Kenya you could not mention anything, but today it is friendly and you can mention any other party. During Hon. Kombo's time you could not mention any other Party for you would be cleared not by being killed but to understand why Ford Kenya exists in Bungoma. When you use nice words and approach, you can even convince someone to come to your Party. We are here as mirrors to seduce others to join us where we belong.

Lastly, Honourable Members have mentioned about age; when today I use my age to abuse someone like Hon. Jeremiah who is older than me and on the other hand when you are elderly, don't also engage your juniors too much. I have a forum in my Ward called the 'Voice of Maraka' and their focus is on leaders. One day I tried to engage them around 9:00 p.m. and what a certain young man told me, I have never forgotten. When I met him he was not the one on the forum but the name that was used was of a young man that I have been paying school fees for in the local high school from Form One to Form Four. I remember paying school fees for 24 candidates when they were going to sit for KCSE exams in that school.

This report is an eye opener for all of us and not only Hon. Jerusa or Hon. Sheila. We should have respect for each other. In a political institution, you should not expect everything to be smooth or to work on your side. I remember last time when I was in this Assembly, my close friends whom we had worked closely were against me, but today we are together. Hon. Meshack was a serious whip who whipped us and today we are very close. Therefore, any changes are meant to harden and make you understand that you are here within a period.

Sometimes when we adjourn this House and go for recess, maybe there is a *sine die*; they are also preparing you that one day you will be at home. I don't know Hon. Metrine the senior most she was... Mildred was in this Council before some of us could understand that we will be in politics. I remember when we were doing these changes, she told me outside there that I know these things are not going to go far and we will just come back to normal; and she was laughing. But when she was commenting here, I thought she is very tough! I cannot even access her but that is how we should be as we engage each other. Whatever we are doing here, let us not take it to the public and also be ready to forgive your colleague whenever there is anything that you feel like you are offended and also learn to stay with other people. It is important that you can also know their character. Hon. Speaker I support this report. It is an eye-opener to all of us that we need to change our character which we have outside the Assembly. This is an Assembly and we must demonstrate leadership both in public life and private life.

Mr. Speaker: Hon. Meshack, you will speak then I will have Hon. Tony to reply. We have one more motion ahead of us please.

Hon. Meshack Museveni: Mheshimiwa Spika asante kwa kunipa nafasi hii nichangie kwenye huu mjadala. Nimefwatilia yale Mheshimiwa Tony amekuwa akisoma na tumeangalia jinsi mlivyokaa na mkaja na ripoti hii. Jinsi Mheshimiwa Machani ameongea; kuanzia mwaka wa 2017 nafikiri nilikuwa hapa na wenzangu wakanipa nikawa *whip* (kiranja) na hivi vitu tulisukumana na mheshimiwa Machani na *leader of Majority* (kiongozi wa wengi); kina Milliah walikuwa hapa lakini sikuona yale yanayofanyika sahihi na ninataka niombe kwamba nominated MCAs (viongozi walioteuliwa) wa huu mwaka sijui ninaona kama mtu anajiona ni kama pia ametosha, si aende tu pia apiganie aje kama Mheshimiwa

Aleu. 2017 Aleu alikuwa nominated (ameteuliwa) akaenda na sasa hivi ni *elected* (aliyechaguliwa); tulisukumana naye wakati mmoja na hakunitusi.

Hii kazi ya *whip* (kiranja) ni ngumu, si kazi rahisi! Ukiangalia Mheshimiwa Sheila unakumbuka hapo nyuma kidogo Mheshimiwa Spika, Sheila pia alikuja na alitangaza ya kwamba kwenye hii *County Assembly* (Bunge) ya Bungoma kuna kazi from *nowhere* (popote) na hata wewe Mheshimiwa Spika unajua. Vile vile hata sahii tunavyoongea, tuna Mheshimiwa Allan. Juzi tu alikuja kwangu wakati vitu vilikuwa vigumu sana akalia, akaenda kwa *Majority Leader* (Kiongozi wa wengi) akalia, akaenda kwa *Minority Leader* (kiongozi wa walio wachache) akalia kwamba mnisaidie kwa sababu alikuwa ameona korti vitu vilikuwa mara mbili; wakimwaga au wakitupilia kesi yake... sisi tukaingia ndani tukamsaidia, wacha tuseme hivyo. Leo hii Mheshimiwa Spika hapa nje huyu Mheshimiwa Allan anatembeza jina la Mheshimiwa Museveni, Mheshimiwa *Leader* (Kiongozi) Mheshimiwa Spika, Mheshimiwa *Minority Leader* (kiongozi wa walio wachache), Mheshimiwa Milliah. Ya kwamba pesa zao sisi ndio tunazila. Mheshimiwa Spika nataka mjue ya kwamba hata hapa mimi pia nala nikienda nje na saa zingine watanilipa yale niliyoenda kufanyia kazi. Leo hii nimeenda huko chini...

Mr. Speaker: Yes Hon. Tony, but I only urge Hon. Meshack to restrict the debate to the subject matter of the report of the committee, it is not meant to talk about any other member who is not here, so you are guided, so Hon. Meshack restrict your submissions on the report before the House.

Hon. Meshack Museveni: Najua mheshimiwa Spika na ninayakubali yale unayoyasema lakini unajua ukiskia yale yanayofanyika, roho yangu yaweza kuwa mbaya na wakati mwingine nifanye kitu kibaya. Mheshimiwa Spika hujawahi kuniita kwenye hii ripoti tangu mwaka wa 2017 hadi leo. Lakini nataka tu niombe ya kwamba *nominated* (walioteuliwa) wamwambie mwenzao ya kwamba alikosa na aende aombe msamaha na kama si hivyo, haya tunayo yaongea hayawezi kwisha hivyo. Lazima kitu kitendeke ndiposa mtu mwingine kesho ajue hii *Assembly* (bunge) si kitu tunachoongea tu hapa... ooh Mheshimiwa Spika, ooh Mheshimiwa Spika... tukimaliza, tunaenda nyumbani. Haiwezekani! Hiyo ninaunga mkono na ninashukuru kwa kunipa nafasi.

Mr. Speaker: Thank you Hon. Tony, you will now have the chance to reply to the motion so that we move on.

Hon. Tony Khaoya (Mover): Thank you Hon. Speaker. I would like to first of all thank your leadership. As we were doing the report, it was fatherly and the Committee saw it better to be in the middle ground and that is why we came with recommendations that are very fatherly, motherly and friendly. Hon. Speaker allow me contribute to the submissions or the contributions made by my colleagues before I request the House to adopt the report.

First I wish to thank *Mheshimiwa* Leader of Majority for his contribution and he said he has come to the realization that maybe women are the enemies of themselves. We want to call upon the leadership and our colleague Honourable Members from the other gender that let us try to respect one another and that respect is a two way. Above all, we are colleagues. I also

wish to appreciate the contribution made by *mheshimiwa* Hon. Wambulwa who said that as much as we interact, we must also consider age; the same sentiments were done by *Mheshimiwa* Joseph.

Hon. Speaker, Hon. Wanjala Caleb said that he was surprised to see Hon. Jerusa and Hon. Sheila maybe crossing paths and they are related. We all relate, we have so many kinds of relationships and I want to agree with him that above the biological relationship, as MCAs, as Honourable Members, both elected and nominated, we have what we call work relationship. So we relate in one way or another and we have to uphold our conduct both in public and in private in a dignified way. So I want to agree with that one, and I don't want to comment on what *Mheshimiwa* Museveni Meshack said because somehow he was strengthening that we need to uphold respect but among other things, Hon. Museveni went contrary to the report and so I don't want to go into details because he was mentioning outside the context.

But Hon. Speaker as I finish I want to urge; because the report in this House does not deal with issues of nominated alone, even if you are elected and you misbehave, you will be handled accordingly as stipulated by the Act and Sections of power and privileges. So this one is not only meant to punish the nominated alone. Even you as an elected member when you are being presented to this Committee with facts, the Committee will deal with any member regardless.

As I finish Hon. Speaker, Hon. Ali Machani said that be ready to forgive your colleague who has offended you. I want to finish by saying that as a father, a parent and a leader, I want also to request and join the words of Hon. Ali Machani that Hon. Jerusa Aleu, you are a mother and a parent; if it will be your wisdom and find in your heart that you can forgive Hon. Sheila Sifuma on your own. It will be the happiest moment for this House and the recommendations that the Committee has given. I also want to address Hon. Sheila.

Mr. Speaker: Yes, what is the information Hon..?

Hon. Tony Barasa: I am replying Hon. Speaker.

Mr. Speaker: You know the problem we have is that once he is replying, you cannot inform him.

Hon. Tony Barasa: Hon. Speaker, I am replying.

Hon. Jack Wambulwa: Even though he is replying, he is contradicting.

Hon. Tony Barasa: I am not contradicting. I am replying basing on submissions!

Mr. Speaker: Honourable Members, after he has finished, I will give guidance. They are not going to make apologies in a drinking venue somewhere. The practice is very simple concerning apology, you apologise on the Floor of the House here. Ask Hon. Mulongo; he knows!

Hon. Tony Barasa: ...and I was there. I am going there Hon. Speaker.

Mr. Speaker: Hon. Mulongo knows!

Hon. Tony Barasa: I am replying basing on members' submissions and *Mheshimiwa* said that...

Mr. Speaker: Yes, wind up please!

Hon. Tony Barasa: I was finishing by saying that the recommendation of this report, now the matter is with the Assembly; I am requesting Hon. Sheila wherever she is that saying sorry or giving an apology in this House is not a big deal. That is why I am saying we request basing on the recommendation within seven days for Hon. Sheila to apologize to this House. Therefore I urge this House to adopt the report.

(Applause)

Mr. Speaker: Thank you, Hon. Tony for the reply to the motion before the House. Allow me Honourable Members proceed and put a question to the motion.

(Question put and agreed to)

The Ayes have it.

Honourable Members, the practice is that once you have been asked to make an apology after the recommendations, you come and apologize from the House; and once you have made your apology, you resume your sittings. So the Clerks- at- the- Table this communication should be done to Hon. Sheila within seven days from today. If there is no compliance, there is the next recommendation after that one for seven days that will be invoked; which is very severe. Next item, please!

3. REPORT BY THE COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

Mr. Speaker: The Honourable Member proceeding is Honourable... What is the issue Hon. Chemion!

Hon. Francis Chemion *(On a point of order)*: Thank you Mr. Speaker. You have ruled but now the Member is not within the precincts. I hope whoever can communicate with her.

Mr. Speaker: Communication is very official.

Hon. Francis Chemion: There is something I wanted to add, Hon. Speaker.

Mr. Speaker: Yes please.

Hon. Francis Chemion: You know we are going out from tomorrow, Thursday and we will be out for ten days. So, maybe we see what happens if she doesn't appear tomorrow.

Mr. Speaker: You know our seven days are not seven calendar days. Our seven days are sittings of this House. That is the position. When we say we have four sittings in a week, we

only sit for three days. Tuesday, Wednesday and Thursday; but we count Wednesday as two days, morning and afternoon.

Hon. Francis Chemion: Thank you Mr. Speaker.

Mr. Speaker: Honourable, you proceed!

Hon. Benjamin Otsiula: Thank you Hon. Speaker. On behalf of the Educational and Vocational Training Committee I wish to move a report on the need for establishment of childcare centres in Bungoma County. Hon. Speaker, I am being urged to move with some speed.

CHAPTER ONE

On behalf of the members of the Educational and Vocational Training, it is my pleasure and duty to present to the House the Committee's report on the need to establish childcare centres in Bungoma County.

1.1 is the mandate of the Committee.

With your permission, the mandate is well stipulated under Standing Order No. 217(5) and therefore, I beg to move on to Committee membership.

Committee Membership

The Committee on Education and Vocational Training as currently constituted comprises of the following Members:-

| | |
|----------------------------|------------------|
| 1. Hon. Benjamin Otsiula | Chairperson |
| 2. Hon. Stephen Kaiser | Vice chairperson |
| 3. Hon. Joan Kirong' | Member |
| 4. Hon. Ali Machani | Member |
| 5. Hon. John Wanyama | Member |
| 6. Hon. Jacob Psero | Member |
| 7. Hon. Okasida Ipara | Member |
| 8. Hon. Christine Mukhongo | Member |
| 9. Hon. Abraham Obama | Member |
| 10. Hon. Aggrey Mulongo | Member |
| 11. Hon. Jack Kawa | Member |
| 12. Hon. Timothy Chikati | Member |
| 13. Hon. Angeline Rugut | Member |
| 14. Hon. Mildred Barasa | Member |
| 15. Hon. Allan Nyongesa | Member |

Acknowledgement

The Committee is thankful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during the report writing as it executed its mandate.

I wish to express my appreciation to the Honorable Members of the Committee for their resourceful input that informed the content of this report. My sincere gratitude also goes to the members of the Secretariat for their dedication towards compiling this report. It is therefore my pleasant duty and privilege, on behalf of the Sectorial Committee on Education and Vocational Training to table this report on the need to establish Child Care Centers in Bungoma County and its recommendations to the Assembly for deliberation and adoption.

The report is signed by Hon. Benjamin Otsiula, MCA- Khasoko Ward; Chairperson, Committee on Education and Vocational Training.

CHAPTER TWO

The Evolution of Childcare Facilities in Kenya

Kenya's childcare landscape has undergone a significant transformation shaped by both social and economic forces. During the colonial era and the years following independence in 1963, childcare remained primarily a family affair. Extended families provided the backbone of child-rearing, with formal care limited. Missionaries and charitable organizations offered support, but their services mainly reached vulnerable children like orphans and those from impoverished backgrounds. These early efforts, however, laid the groundwork for the development of more structured childcare systems in the future.

The late 20th century witnessed a surge in the need for formal childcare facilities. Urbanization boomed and more women joined the workforce. These economic changes created a demand for dual-income households which in turn reduced the availability of traditional extended family care. Recognizing this critical need, the government and NGOs stepped in to prioritize accessible and affordable childcare. They implemented policies and programs focused on Early Childhood Development (ECD) and community-based childcare centers often backed by local and international NGOs that emerged as a prominent feature in Kenyan communities.

These centers not only provided a safe and nurturing environment for children, but also fostered their development through structured play and learning activities. This crucial shift towards formal childcare facilities has played a significant role in supporting working families and ensuring that early childhood development receives the necessary focus, paving the way for a brighter future for Kenya's young generation.

The Situational Analysis in Kenya and Bungoma County Setting

Studies indicate that young mothers often struggle to balance work, education, and childcare, frequently having to for-go their career aspirations. Reports identify the lack of adequate childcare is a significant obstacle preventing young women from entering the workforce, which contributes to high unemployment rates among women aged 18-34.

Addressing this issue is the Tunza Bora Project by the Organization of African Youth Kenya, funded by the World University Service of Canada. This project aims to provide affordable, high-quality childcare for teenage mothers, enabling them to pursue education and careers while supporting their families.

The report conducted by OAY (Organization of African Youth Kenya) in Kisumu and Nairobi Counties in December 2022 found that 62.5 per cent of caregivers in childcare facilities lack basic training in providing quality care for young children. This research, which focused on informal settlements in these areas, highlights a broader national issue within the unregulated childcare sector, where over 60 per cent of providers are inadequately trained.

The devolution of power in Kenya entrusted County Governments with the critical responsibility of overseeing childcare facilities. However, a significant gap exists in Bungoma County as well as other counties. These counties lack county-specific Acts, policies, and regulations to govern the provision of these essential services. This absence of a comprehensive legal framework presents mounting challenges as the demand for childcare continues to rise.

The unregulated environment surrounding childcare facilities raises serious concerns about the quality and consistency of care provided. Without standardized guidelines, there is no guarantee of a minimum level of quality across these facilities. Key areas of concern include the child-to-caretaker ratio, the qualifications of childcare workers, and the implementation of health and safety protocols. This lack of standardization makes it difficult for parents to ensure their children receive appropriate care in a safe and stimulating environment.

To address this critical gap and safeguard the well-being of young children, Bungoma County requires a robust regulatory framework for childcare facilities. The development of such a framework shall involve collaboration between County Government officials, childcare providers, and the community. By working together, they create a set of regulations that meets the specific needs of the county while adhering to national childcare standards. This will ultimately ensure a more secure and nurturing childcare environment for all children in Bungoma County.

In addition to protecting children, a robust regulatory framework for childcare facilities shall also bring in revenue for our county through licensing fees, inspection fees, and potential fines for non-compliance. These funds can then be reinvested to enhance childcare services, such as professional development for caregivers or subsidies for low-income families.

Legal Perspective

The operations of any childcare facilities in a given county should be guided by various legal frameworks, including:

The Kenyan Constitution which distributes responsibilities to county governments, specifically regarding devolved functions enumerated in Schedule four (4). This schedule includes educational mandates as outlined in Paragraph nine; which tasks county governments with overseeing pre-primary education, village polytechnics, home-craft centers and childcare facilities.

Further, The Children Act, 2022 assigns clear responsibilities to County Governments in ensuring access to early childhood education and childcare facilities. This strengthens the existing provisions outlined in Part II of the Fourth Schedule of the Constitution.

These legal frameworks collectively ensure a comprehensive approach to protecting and promoting the rights and welfare of children in Kenya; aligning with both national priorities and international standards.

Comparative Analysis of Childcare Facility Laws: Mombasa and Embu Counties

Since devolution began, only five out of the forty-seven counties, accounting for 10.6 per cent have enacted laws regarding childcare facilities. The comparison methodology was based on the environments of cities and urban centers, such as the Mombasa County Child Care Facility Act, 2016 and the Embu County Childcare Facility Act, 2016. Both Acts aim to regulate childcare facilities within their respective counties but adopt different approaches.

Common Elements for Policy Framework

Objective and Scope

The policy aims to regulate childcare facilities to ensure the safety, welfare, and development of children. It provides a comprehensive and effective service delivery system for childcare.

Administrative Framework

The policies have established a governing body to oversee childcare services, such as the Safer Cities Board in Mombasa and the Childcare Facilities Committee in Embu. This body has roles and responsibilities including registration, regulation, and monitoring of childcare facilities.

Registration and Licensing

The Policy mandates the registration and licensing of all childcare facilities. It includes detailed processes for application, assessment, and issuance of registration certificates, along with regular inspections and assessments to ensure compliance with standards.

Standards and Compliance

The Policy sets comprehensive standards focusing on safety, education, health, and welfare. It emphasizes continuous monitoring and evaluation of facilities and includes strict penalties for non-compliance.

Public Involvement

The Policy includes mechanisms for public complaints and addressing them promptly; involving community members and stakeholders in policy development and implementation.

Differences between the two Acts of Mombasa and Embu County Governments

Focus Areas

The Mombasa County Childcare Act, 2016 specifically mentions the establishment of Safer Cities zones to ensure dignified care and safety of children.

The Embu County Childcare Facilities Act, 2016 does not have a similar provision but emphasizes the infrastructure and staff qualifications for childcare facilities.

Training and Capacity Building

The Mombasa County Childcare Act, 2016 includes provisions for training and capacity building of childcare facility operators and assessors to maintain high standards.

The Embu County Childcare Facilities Act, 2016 does not explicitly mention training and capacity building however; it emphasizes infrastructure and staff qualifications.

Public Awareness and Complaints

The Mombasa County Childcare Act, 2016 provides mechanisms for the public to make complaints regarding childcare facilities and mandates the Board to refer these complaints to relevant authorities.

The Embu County Childcare Facilities Act, 2016 does not clearly outline complaints mechanism however, it mandates the administration to receive and investigate complaints on childcare facilities;

Hon. Speaker, I seek for your direction on page 11. Its summary highlights of the key policy elements across the two counties as it appears on the table.

Mr. Speaker: You go through the table.

Hon. Benjamin Otsiula: I read through!

Mr. Speaker: Yes please!

Hon. Benjamin Otsiula: Thank you Hon. Speaker

Summary highlights of the key policy elements across the two counties.

| Policy Element | Embu County | Mombasa County |
|-----------------------|---|---|
| Objective and Scope | Regulate childcare facilities for safety, welfare, and development of children. | Regulate childcare facilities to ensure safety, welfare, and development of children. |
| Administrative | Childcare Facilities Committee | Safer Cities Board under the Department |

| | | |
|--------------------------------|--|--|
| Structure | under the Department of Children Services. | of Education and Children. |
| Registration and Licensing | Mandatory registration and licensing. Detailed processes for application, assessment, and issuance of licenses. Regular inspections. | Mandatory registration and licensing. Detailed processes for application, assessment, and issuance of licenses. Regular inspections. |
| Standards and Compliance | Comprehensive standards for safety, health, education, and welfare. Continuous monitoring and evaluation. Strict penalties for non-compliance. | Comprehensive standards for safety, health, education, and welfare. Continuous monitoring and evaluation. Strict penalties for non-compliance. |
| Training and Capacity Building | Not explicitly mentioned. | Provisions for training and capacity building of childcare providers and assessors. |
| Public Involvement | Mechanisms for public complaints. | Mechanisms for public complaints and community involvement in monitoring. |
| Special Focus Areas | Emphasis on infrastructure and staff qualifications. | Establishment of Safer Cities zones for dignified care and safety of children. |
| Penalties for Non-compliance | Fines and imprisonment for operating without a license or breaching standards. | Fines and imprisonment for operating without a license or breaching standards. |

Findings Based on the Comparative Analysis

Based on the comparative analysis of both Acts the following are the findings evaluated:

Both Acts recognize the importance of a governing body to oversee the registration and regulation of childcare facilities. However, the Mombasa Act, 2016 provides a more detailed administrative structure and operational guidelines for the governing body.

Both Acts set high standards for the operation of childcare facilities, ensuring the safety, health, and welfare of children.

Inclusion of strict penalties in both Acts underscores the commitment to maintaining high standards and ensuring compliance.

Mombasa Act gives provision for public complaints, highlights the importance of community involvement in monitoring and ensuring quality of childcare services.

Recommendations for Proposed Bungoma County Childcare Facilities Act Based on the Comparative Analysis

Policy Elements for Bungoma County

This section provides policy framework elements for the development of childcare facilities in Bungoma County. Drawing from the comparative analysis of childcare facility laws from Embu and Mombasa counties, this framework aims to regulate and enhance childcare services to ensure the safety, welfare, and development of children. The policy addresses administrative structures, registration and licensing, standards and compliance, training, and public engagement.

Purpose and Scope

The Policy aims to ensure the safety, welfare, and development of children in childcare facilities within Bungoma County. It shall provide a regulatory framework for the establishment, management, and operation of childcare facilities.

Administrative Structure

The Policy will establish a Childcare Service Board under the Department of Education and Children Services. It will define roles and responsibilities for the board, including oversight, registration, monitoring, and enforcement.

Registration and Licensing

The Policy requires all childcare facilities to register with the Childcare Services Board. It shall implement a thorough application and assessment process, issues licenses upon meeting required standards, and conducts regular inspections.

Standards for Childcare Facilities

The policy framework shall develop standards covering infrastructure, staff qualifications, safety measures, health protocols, and educational programs. This shall ensure facilities provide a safe and nurturing environment that promotes the overall development of children.

Compliance and Enforcement

The Policy shall establish a system for regular monitoring and evaluation of childcare facilities, enforcing penalties for non-compliance, including fines, suspension, or revocation of licenses.

Training and Development

The Policy shall offer regular training programs for childcare providers to enhance their skills and knowledge, including capacity-building initiatives to ensure providers are well-equipped to meet evolving childcare needs.

Engage Community and Stakeholders

That it shall involve community members and stakeholders in the development and implementation of childcare policies to ensure they meet local needs and conditions.

Introduce Public Complaint Mechanisms

That Bungoma County shall Implement mechanisms for public complaints and ensure these are addressed promptly by the regulatory body.

Public Engagement

The policy framework shall establish a public complaint mechanism and ensure timely resolution. It involves community members and stakeholders in the policy development process to address local needs and conditions.

Focus Areas

The Policy shall consider establishing Safer Zones for enhanced child safety and care and ensure dignified care and safety of children in the facilities.

CHAPTER THREE

General Observations and Recommendations

Committee's Observations

1. Despite it being a devolved function under the Constitution, the County Government of Bungoma has made minimal mention of plans to establish childcare centers with no actual implementation.
2. There is a significant demand in the County for affordable, standardized, and high-quality childcare centers.
3. There has been no budget allocations made for childcare programs in the County in subsequent budgets.

General Recommendations

The Committee recommends;

1. **That**, the Department shall submit a Bungoma Childcare Facilities Policy to the House for consideration within 60 days.
2. **That**, following the approval of the Bungoma Childcare Facilities Policy as outlined in Recommendation one (1), the County Assembly will promptly begin the enactment of the Bungoma Childcare Facilities Bill. If the Policy shall not be submitted as proposed, the County Assembly will initiate the drafting of the Bill.

The adoption schedule is properly executed by members of the Committee; then we have the reference page on page 17 and minutes also attached.

That being it, I wish to call upon Hon. Psero to second.

Mr. Speaker: Thank you Hon. Otsiula. Allow me invite Hon. Psero to do the seconding

Hon. Jacob Psero: Thank you very much Mr. Speaker Sir for giving me this opportunity to second this motion. First of all I would like to sincerely thank the mover of the motion who is

the Chair for Education Hon. Otsiula for moving the report eloquently and I want to believe all Honourable Members have been able to understand the motion very well. In addition to that, I have to thank my Committee on Education for compiling this report.

From the report, it is noted that during the colonial era the work of taking care of children in various homes was actually the work of the family. In case a mother wanted to visit a relative, the responsibility of the child was left to one family member. With the coming in of independence and education and working opportunities for women, it became a problem particularly for mothers to balance between taking care of children, learning and at the same time doing various activities in the family. That is why as a County and a Country, there is that need of establishing child care centers and these are institutions that will assist parents take care of children when going on with job opportunities and other activities. That is why the Committee recommends that in Bungoma County we ensure that we establish these child care centers to assist the young mothers particularly.

These centers are also very important and apart from taking care of children, I want to believe they will provide employment opportunities to the people who will be handling children. They will be able to earn a living through this activity including the people that establish these child care centers. They will get an income particularly from the people that are going to use these centers and so it is very crucial.

The mover has gone ahead to give comparisons of child care centers in some few counties within Kenya and that is why there was the issue of Embu and Mombasa. These two are some of the few counties in our country that have tried to put up better child care services and that is why as a County we need to learn and emulate what they are doing; for us to improve these child care activities in the County. You have heard of training opportunities being offered in these particular counties. Besides that, there is also the issue of issuing licenses to child care centers so that we can regulate the operations.

Bungoma as a County needs to establish these centers because right now we have very minimal centers and the parents of these children are not very sure of what will happen to their children if left under the care of these people. Otherwise, a lot of effort has to be put in by the County Government to establish these centers because we have heard already that there is no budget. For us to run these institutions we need as a County to ensure that we organize for a budget and ensure that we implement what we have in this report for our young mothers to enjoy their stay and work. Otherwise, I second the motion.

Mr. Speaker: Thank you Hon. Psero for seconding the motion. Honourable Members allow me proceed and propose a motion for debate

(Motion proposed)

Hon. Hentry Nyongesa: Thank you Mr. Speaker. I will first talk as a new member of Education and Vocational Training Committee and I will be very careful because I can be whipped again. I will contribute as a member so that I don't raise questions. Although I didn't participate in the preparation of the report, but listening keenly from the Chair, it has been

very clear that this policy could have even been done yesterday and not today because of the prevailing circumstances in the County and Country as a whole.

I remember the Leader of Majority said something when we were discussing the first motion; he made reference to the First Assembly when we were here and some of the things were not being looked at critically. The first budget that was approved in this Assembly had some good money in terms of child protection, but the government also has its challenges. We were aligning budgets as per the codes given out by the Controller of Budget and that time we had a code called pornography and rehabilitation of street children. Our role in the County here was to have money in the budgets so that we can have centers that we can use as rehabilitation and child care centers. But during that time, I think politics is a problem and that is why people call politics a dirty game. People changed and they only focused on that word called pornography. They even called it so many names, some were calling it ‘*okhwisangasia*’ (bliss) and it brought in a lot of problems.

This is where we are today and this was the direction we were to go. That this County should have set money aside specifically for setting up centers that could be used to protect children in this County. I wish to say that this report is very good and it is good to have policies first before you look for the money. Now that the policies are in and as the Chair was reading, he was emphasizing on the government verses private sectors. Some years back we had Kanduyi Children's home that was doing very well, it has gone down! We had Makutano Children home it went down; the reason was because they were relying on well-wishers, but when I look at the policy being read by the chairman, you will realize that he has a lot of things to be accomplished for the centers to run.

That to run a child care center, you must have a license, you must have qualified personnel and the environment must be conducive for those children. That means parents who have challenges will also be happy to take their children to such environments. In line with what is happening in the current institutions, you realize that even the government has allowed institutions to set up places where young mothers can even do breastfeeding so that they don't leave their children in the hands people they don't trust. I support the policy and as the Chair has said, we have to move very fast as a legislative unit to come up with a law that will guide the operations of the Child Care centers. I support.

Hon. Francis Chemion: Thank you Hon. Speaker, first of all, I would like to thank the Committee for the report; it is a good report. I look at the definition of the word child in the Constitution; a child is a person who is under 18 years, same to the Oxford Dictionary and even our laws. In our culture, the definition of a child is quite different which I may not want to define because different cultures define a child differently. We have had issues with our young children where we have been forced because of whatever we do for our daily living to leave the children at home under the care of someone. It is public knowledge that some of the people we have left to take care of our young people have really mistreated them, some of them beat them mercilessly and some of them have run away with the children if they have issues with the parents. The person who will get the feedback properly is the child left at home.

With Bungoma coming up with these child saver zones, parents will be wherever they will be working without stress; thinking about what could be happening home with the young people. It is something that we need to look into. All the budgets that are ahead of us should have focus so that we have money to take care of these young people. They will be gain even social skills when they are together because they will be coming from different backgrounds with different skills. The social interaction of the children will have grown at that earlier age and maybe for government services like when they want to immunize, they will just go to the child centers and immunize these children there. It will be easier for government programs targeting young people to be run.

Recently while at our major center here, there was a child who approached me and greeted me with a lot of confidence. When I asked him who he was, he told me he comes from my Ward and he even knows me physically. He knows where I stay and he stays in this town. I was shocked! I asked him what do you do here and he told me he stays here with his friends in the streets, a young boy... very young. I tried persuading him but he later on dodged because I went to play in the field and when I came back, he had disappeared. For such a child if we had child friendly zones here, because maybe he is running away from the cold in the mountain, he could benefit from such a facility, get education, get skills and become a very important person in this republic. We support this report that it is a good one and we thank the Committee on Education for bringing it up. The only issue I don't know if it is because of aging... there is an English word that has disturbed me in the recommendation...

Mr. Speaker: Sorry Hon. Chemion, we have elders here and so when you talk about age, talk in low tones so that they don't hear you; like the one directly facing you. He is wondering what kind of age you are talking about.

Hon. Francis Chemion: Hon. Speaker, I am not as old as they are, I am in the middle bracket. The mover of the motion will check and see if this word is correctly used under the general observation Chapter three. That there has been no budget allocation for child care programmes in the County in the subsequent budgets. The use of the word 'subsequent'... The good thing is that it is the lawyer who is going to respond and lawyers are very good in languages. He will even guide me if I am becoming old. I support the report.

Mr. Speaker: Let me ask one of the youngest members here to give his input, Hon. Aggrey?

Hon. Aggrey Mulongo: Thank you Mr. Speaker Sir for giving me this chance to contribute towards this motion that is very important. This is an eye opener for Bungoma because they have just mentioned about the colonial period. The rules were there, houses were there, offices were there during colonial times, but in these times, it is now devolved. According to the report, if a function is devolved, then we need to support it as an Assembly. I urge this House that we need to go as per our functions. We are really wasting our money on national issues. If you look at Embu and Mombasa, they are already ahead of us, what are we doing as an Assembly? We need to fast track this process as soon as possible.

The reason why we need to license such institutions is because of the protection and also getting some revenue for our County. We need to budget well because in the Education

Department, we have been allocating money to put up ECDE structures minus equipping them. We also need to come up with a budget for equipping the same.

For the trainings, we have mentioned something about it. We need to have trained people to look after our children. It is those people who have not trained that are the ones who are messing up that profession of child care. We need to have qualified, competent personnel to run those institutions. I support

Hon. Benjamin Otsiula (Mover): Thank you Hon. Speaker for another opportunity this time to reply to the motion. First of all, I wish to appreciate all the Honourable Members who have positively contributed to the motion before the House. We take keen consideration of their views as a Committee. One key issue that is well agreeable by all Honourable Members who have contributed is that we lack legislation governing child care centers in Bungoma County and therefore we must move with speed as a House to see to it that we have a Bill in place to ensure that child care centers in Bungoma County are well regulated.

To respond to the concern of Hon. Hentry Nyongesa, he was worried at the structured way of what the Committee perceived and felt that these centers must be licensed and regulated. I think it is also very important to note that children are very vulnerable and therefore any institution purporting to render child protection services at that infancy stage must be regulated; because even under the Constitution and children Act, children are well protected.

On the issue concerning the budget approval, he raised the issue of the first Assembly. That funds were approved, but he also wondered why this kind of legislation was never enacted. That means that he agrees with the Committee that if Mombasa were able to come up with such Acts as early as 2016, then Bungoma; even if money was in place had lagged behind. I believe his concern is well taken care of by the report; that we need to channel our resources as far as schedule (IV) of the Constitution is concerned.

In trying to understand the connotation ‘subsequent’ as used in this report and I think it read, ‘there has been no budget allocations made for Child care programmes in the subsequent budgets’. That word was referring to the several budgets that have come one after the other; forming a sequence of budgets that have failed to address the need to have policies put into place and taking care of childhood centers.

Looking at the nature of these recommendations, I humbly plead with Honourable Members that they support this motion because it will be for the benefit of the entire County.

Mr. Speaker: Thank you Hon. Otsiula for the reply. Allow me proceed and propose a motion for the House to make a decision.

(Question put and agreed to)

The ayes have it.

ADJOURNMENT

Honourable Members, I am told that was the last motion on our Order Paper; we will now adjourn the sitting and resume on Thursday, 7th November, 2:30 p.m.

The House rose at 4:37 p.m.