COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FOURTH SESSION

Thursday, 13th March, 2025

House met in the Main Chamber at 2:30 p.m.

(The Temporary Speaker (Hon. Emily Oginga) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Oginga, Nominated Member): Clerk, could you please take us through the order paper of the day?

The Temporary Speaker (Hon. Oginga, Nominated Member): Next order!!

MOTION

JOINT COMMITTEE ON EDUCATION, TECHNICAL TRAINING, INNOVATION AND SOCIAL SERVICES AND THE COMMITTEE ON SPORTS, CULTURE, GENDER AND YOUTH AFFAIRS ON THE KISUMU COUNTY CHILD PROTECTION POLICY 2024

BY

HON. SETH OKUMU, MCA, EAST SEME

(CHAIRPERSON, ON EDUCATION, TECHNICAL TRAINING, INNOVATION AND SOCIAL SERVICES COMMITTEE)

The Temporary Speaker (Hon. Oginga): Yes, Honourable Seth Okumu.

Hon. Okumu (MCA, East Seme): Thank you, Madam Speaker. Allow me to move a motion that this House adopts the report on the Kisumu County Child Protection Policy 2024. Madam Speaker, both the policy and the report have been shared on the pages of the Members for Reference.

Madam Speaker and Honourable Members, the Kisumu County Child Protection Policy 2024 was tabled before this House on the 20th of November, 2024 and passed on to Standing Orders No. 193, committed to the Joint Departmental Committees on Education, Vocational Training, Technical Training and Social Services and the Committee on Children, Culture, Gender and Youth Affairs for consideration and a report to be tabled to the House as per the requirements of the Standing Orders.

Honourable Member and Madam Speaker, the principal object of this policy is to shift the focus from service delivery systems on child protection that focuses on single issues or problems to approaches that identify and address the root causes of vulnerability and risk, build resilience, recognize individual strengths and empower children and families in order to promote child protection.

Honourable Member and Madam Speaker, the policy therefore proposes a system-strengthening approach which involves enhancing the capacities of institutions and systems to protect and safeguard the rights of children, effective understanding of roles and responsibilities within the system, and coordination and communication across sectors and services. Honourable Members, The system's approach to child protection proposed by this policy further acknowledges that children face complex problems that require a multidisciplinary response. An individual child can be confronted by multiple needs, violations and vulnerabilities of differing durations and severity in both stable and emergency settings.

A single child might suffer from severe neglect, exploitation, family separation and sexual violence, and the exposure to multiple risks can greatly increase the likelihood of harm to the individual child. Because of this, the aim of this policy is to move away from fragmented single-issue responses and instead aspire to more holistic, comprehensive and sustainable interventions that take into account the multiple risks that children confront in different contexts and at different stages of their lives. Honourable Members, The policy further provides guidelines and mechanisms for the facilitation, management, coordination and financing of the county child protection systems as a function within the county governance system.

Honourable Members and Madam Speaker, The policy therefore proposes to provide a mechanism to facilitate effective administration and management of child protection within Kisumu County, and accordingly give effect to the Children's Act 2022 and Section 5, Part 3 and Section 6 of the Early Childhood Education Act 2021. In order to achieve the vision and policy objective of this policy, the policy has identified the following key areas. Madam Speaker,

1. Strategic Leadership on Child Protection
2. Evidence-Based Planning on Child Protection
3. Resource Mobilization on Child Protection
4. County-Level Social Services Workforce for Child Protection
5. Prevention and Early Intervention on Child Protection
6. Multisectoral Integration of Social Services and Welfare
7. Community Structures on Child Protection
8. Child Protection in Emergency
9. Data Collection on Child Protection

Honourable Members and Madam Speaker, pursuant to Article 118 of the Constitution on 17 and 31 December 2022, the Joint Committee conducted public participation for the policy in accordance with the advertisements made in National Dailies on 6 December 2024.

Consequently, the Joint Committee retreated alongside the Committee on General Oversight on 16th to 21st January 2025, where it considered the submissions and memoranda submitted to the general public on the Kisumu County Child Protection Policy, and that is found in pages 13 to 17 of the oral report. In light of the oral presentations made before the Committee and the Committee deliberations on the Committee, the Committee recommends that the policy be adopted and approved by this Hon House in accordance with Article 185 of the Constitution of Kenya for implementation.

Madam Speaker and Honourable Members, may I therefore take this opportunity to thank all the Members of the Joint Committee for their input and valuable contribution and time during the deliberation of the Kisumu County Child Protection Policy, 2024 and the writing of this report. The Joint Committee also takes the opportunity to thank the offices of the Speaker and the Clerk for the technical support accorded during the exercise.

On behalf of the Joint Committee of Education, Vocational Training, Social Services, and Committee on Children, Culture, Community Services, and pursuant to the provision of the County Government Act 2012, read together with Standing Orders No. 123 and Orders No. 193 of the Kisumu County Assembly Standing Orders, it is now my duty and privilege to present to this House this report of the Committee on consideration of the Kisumu County Child Protection Policy, 2024.

Madam Speaker, this report is coming at the right time when there was a story, in the media, of a mother, who has been molesting her own child, according to the media reports. As a County Government, we need to have a policy on what we can do to such children, how we can take them away from such harm, and how we can treat them and provide them safety after being taken away from those situations. Therefore, Hon Members, this policy gives us a guideline, and it is on this basis that we can also know how to treat our children in the ECD centers that have

been devolved; the kind of classrooms we can build for them, the number of teachers they need, the time they should report to school, and the kind of food they should be given when they are in school, the kind of teachers are we supposed to have in those schools, and the characters should be looked into when we are employing teachers. This policy tries to address all those

Honourable Members, I believe you have gone through the policy, and this was just a summary of what is in the policy and why we are asking you to adopt this report so that this policy can be out for implementation, and several legislations that can be derived from this policy.

Honourable Members, may I now take this opportunity to ask the Hon Chair for Youth Sports Culture to second the adoption report. Thank you.

The Temporary Speaker (Hon Oginga): Yes, Honorable Nancy Matara.

Hon Matara (Nominated Member): Thank you Madam Speaker. I rise to second this report, and before I do this, I just want to say that the Child Protection Policy comes at the right time, and this is just a manual that is going to help us tackle the issues of the children, the problems that vulnerable children face in the community.

Madam Speaker, it is my belief that this Policy will also guide us and also make us establish children desks at each and every police station, because most of the time if you go to our police stations, like if you report a case, you have to be told to take the kids with you. With this development, we are going to have a policy that will allow us to get space where the kids can be taken care of.

Madam Speaker, I want to say that this will guide us during the domestic violence, which do happen within our society. However, sometimes you find there is nothing we can do because somebody will tell you to mind your business. Madam Speaker, now that this Policy in place, Madam Speaker, there is something to guide us. I second. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, and now that the report on the Kisumu County Child Protection Policy 2024 by the Joint Departmental Committee on Education, Technical Training, Innovation and Departmental Committee on Children, Culture, Gender and Youth Affairs has been presented and seconded, and as per our Standing Orders, I want to propose a question. And I propose that this report is now open for debate.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Ouko.

Hon Ouko (MCA, West Kisumu): Thank you so much Madam Speaker. I arise to support this Motion. Madam Speaker, the Policy has come at the right time. One of our roles is to legislate. Most of the time, we dwell so much on the representation and oversight roles. Madam Speaker, the future of any generation lies with the children. If we fail to plan for tomorrow that is by protecting the interests of our children we shall have failed. We should protect the future generation, who are the children.

Madam Speaker, if we come up with a Policy for the Kisumu County concerning the children, it means that, we are protecting the interests of the children. We are safeguarding their future. It is also very clear that we are putting laws in place to also help protect them. Madam Speaker, I believe that we must commend these Joint House Committees of Education and that of Sports, Culture and Social Services for coming up with this Policy.

Similarly, it is my opinion that when we are done with this work of the Assembly by 2027, Madam Speaker, we shall have achieved a lot in terms of legislation. I really commend the Departmental Committee on Education for this. They have come up with Bills and Policies that actually support the child. Our child, which is now a Kisumu child that is our future. Madam Speaker, I beg to support. Madam Speaker, somebody is trying to mimic me, but anyway, there is no problem.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes, Honourable Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme): Thank you, Madam Speaker. I am not sure what Honourable Member, the one seated next to me, why he is making fun. Madam Speaker, I want to support the Child Protection Policy, the report from the Joint House Committees of Education, Technical Training, Innovation and Social Services and that of Sports, Culture, Gender and Youth Affairs.

Madam Speaker, I want to start by stating that the definition of a child according to our Constitution puts a child as somebody who is below 18 years. When we talk of 18 years, it means no one of us here is a child. Madam Speaker, the Kenyan 2010 Constitution recognises the right of children to be protected from the following. That, children need to be protected from abuse. When we talk of abuse, what do we mean? We have quite a number of cases where children have been abused, even by their own guardians and their own parents. When we have a policy in place, when a guardian or a parent abuses a child, the law will deal with that parent or guardian.

Madam Speaker, the Constitution also recognises that the right of a child to be protected from harmful cultural practices. When I talk of harmful cultural practices, and we have a policy in place, we have cultures where children below 18 years of age go through the mutilation of their

private parts, and that is a form of abuse. I can see some people closing their eyes, Madam Speaker, when I mention that.

Madam Speaker, there is also exploitation. With a policy in place, I believe the children that are exploited, and we have quite a number of children that are working for people in their own houses. I do not know how many of us have employed children below 18 years. However, now that we have a policy in place, even those children that are working as babysitters in this county, are going to be protected.

Madam Speaker I do not want to exhaust everything, but I want to say that every child has the right to access to education, and with this policy in place, there are children that do not even go to school. You meet children during daytime, you ask a child why they have not gone to school, and they will tell you that the parents sent them away from school because they have been chased away from school, they do not have fees. So, the parents decide that these children are taking care of the young ones. With this policy in place, Madam Speaker, quite a number of children are going to be protected, and I want to support the motion in place. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes, Honourable Regina Kizito.

Hon. Kizito (Nominated Member): Thank you Madam Speaker. I want to support this policy on Child Protection. There are so many cases that I, myself, have handled through the Regina Kizito Foundation in Muhoroni-Koru ward, we have had cases. For instance, two weeks ago, we had a case of a child who was staying with the uncle, and she stopped going to school because the uncle was misusing her. So, through the foundation, we solved this amicably. We have had so many cases in this county on child issues, child matters, and so I am so happy with this policy that is going to address a lot of issues concerning children. I rise to support. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes, Honourable Tom Nyaoke, please proceed.

Hon. Nyaoke (MCA, North Nyakach): Thank you Madam Speaker. As you can see, this document before us is likely to attract a lot of, possibly a lot of debate, because we are happy that we are getting somewhere. Madam Speaker, this particular policy, I must commend the Joint Departmental Committees because it has given us proper outlines and guidelines that is going to help us. Actually it shows the commitment we have as a County on the protection of the children's rights.

Madam Speaker it is a normal occurrence that we have got various issues that affect children, particularly not only in Kisumu County, but even at the national level. Madam Speaker, coming up with this particular policy, and the fact that as we go through, we have seen the alignment with the National Child Protection Laws, and we must be able to be grateful that this one now conforms even to other United Nations demands on our children's protection policies that we

need to put in place. Madam Speaker, the several abuses that our children go through are going to be deterrence by the presence of this policy. In most cases we talk of things like physical abuse, emotional abuse, sexual abuse, neglect. Madam Speaker, some children are born and then they are just left neglected, even without proper care, Madam Speaker. With this policy in place, we are going to bring back sanity where our children are going to be protected from such and various abuses that they normally undergo.

Madam Speaker, bringing up children in the right way is by giving them the protection that we are sorting and these Departmental Committees have given us a good report on this, Madam Speaker. I therefore appeal to all of us as Members to quickly support this motion for adoption, and then we move forward from there. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Oginga Nominated Member): Honourable Pamela Oyoo, I have noticed you then Honourable James Were, you will be coming next.

Hon. Oyoo (MCA, Migosi): Thank you Madam Speaker. The Child Protection Policy is a very important policy for safeguarding the Kenyan children. The child protection policy has the six Ps, which is protection, preserving, caring and all that. It includes responding to allegations and suspicions over children, providing better environment to children so that they can learn in a safe atmosphere. I want to say that, this is a very important motion for this county because children are suffering from many things.

Madam Speaker, children are suffering from parents and relatives who are living with them, and in most cases the offences that take are never reported. So, when the majority of the population is sensitized that the children have a right to live in a safer atmosphere, those who are abused in places will get an idea and will know where they can report those cases. I want to say we need to sensitize the community, the society so that the parents, the guardians know what to do when their children are affected and I stand to support.

The Temporary Speaker (Hon. Oginga Nominated MCA): Honourable James Were.

Hon. Were (MCA, Nyalenda "B"): Thank you, Madam Speaker; I also rise to add my voice to this report. Madam Speaker, we know that a child protection policy is very crucial in Kenya and especially when domesticated by our county, Kisumu. Madam Speaker, there are various reasons why we should be having a child protection policy.

First, it makes us have a legal compliance and alignment with the national laws. It ensures that Kisumu County aligns with the Kenya Children's Act 2022 and international conventions like the United Nations, which talks about the rights of a child and African Charter on the Rights and

Welfare of a Child. Madam Speaker, this will help strengthen the implementation of the National Child Protection Unit, which is very important for our children.

Madam Speaker, this policy will also ensure that there is protection against child abuse and exploitation. This means that it provides framework to prevent and respond to issues such as child trafficking, child labor, sexual exploitation, and even gender-based violence that will help curb all those and with the enforcement of this policy, the welfare of our children will be protected.

Madam Speaker, it will equally help in strengthening our Social Protection Programmers. We support the education of the vulnerable children by improving access to health care, access to education, and even nutrition. Madam Speaker, I therefore beg to support. Thank you.

The Temporary Speaker (Hon. Oginga Nominated MCA): Honourable Benson Adega.

Hon. Adega (MCA, Kajulu): Thank you Madam Speaker. Looking at the mood of the House, may I call the mover to reply?

The Temporary Speaker (Hon. Oginga Nominated MCA): Yes, Honourable Seth Okumu.

Hon. Okumu (MCA, East Seme): Thank you, Madam Speaker. Please allow me to thank the Members who have contributed to this report that is requesting the House to adopt the Child Protection Policy of 2024. Madam Speaker, I have heard and listened and I have seen how much members have interest with the kids.

Madam Speaker, it's not just about passing this policy. I want to beseech them that after passing the policy, it comes with the budget for its implementation. So, as we are going into the Budget Estimates for 2025/2026, please consider some of the proposals that will bring to help us implement this policy.

Madam Speaker and Honourable Members, you have heard my sister, the Honourable Regina Kizito, mention that she has been struggling with her own foundation to help address issues of children. However, this is only happening because we have not put structures in place to help us address these issues. All this is found in this policy, including reporting mechanism when a child is abused, all the way from the villages up to the county level. Madam Speaker, I beg to reply.

The Temporary Speaker (Hon. Oginga Nominated Member): Honourable Members, now that the report on the Kisumu County Child Protection Policy 2024 by the Joint Departmental Committees on Education, Technical Training, Innovation, and Social Services, and that of

Sports, Culture, Gender and Youth Affairs has been presented, seconded, and debated, and it's time for me to put a question.

(Question put and agreed to)

The Temporary Speaker (Hon. Oginga Nominated Member): Honourable Members, the report on the Kisumu County Child Protection Policy 2024 by the Joint Departmental Committees on Education, Technical Training, Innovation, and Social Services, and that of Sports, Culture, Gender, and Youth Affairs is hereby adopted today, Thursday, the 13th of March, 2024 at 15.04 hours. I direct that the House Committee report together with the Hansard be submitted to the relevant department for purposes of implementation. Thank you.

The Temporary Speaker (Hon. Oginga Nominated Member): Next order!

MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY SITTING UNTIL TUESDAY, 25TH MARCH, 2025 AT 2.30PM TO FACILITATE ATTENDANCE AT THE LEGISLATIVE SUMMIT

BY

HON. KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY)

The Temporary Speaker (Hon. Oginga Nominated Member): Yes, Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA Ahero): Thank you very much, Honourable Speaker. I rise to move a motion of adjournment.

AWARE THAT, the County Assembly Forum (CAF) has convened the Legislative Summit 2025 in Nairobi from 14th to 20th March 2025, which calls for adjournment of the county assembly sittings to facilitate attendance.

FURTHER AWARE THAT, Orders No. 26(3) of the County Assembly of Kisumu Standing Orders provides that on a day when the county assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the motion of adjournment shall be moved by the Leader of the Minority Party or another member of the

County Assembly business committee. This motion shall be debated for not more than three hours, after which the county assembly shall adjourn without a question put.

ACKNOWLEDGING THAT, this summit provides a unique opportunity for members of County Assemblies to not only engage with experts but also learn from the experiences of other Assemblies.

It will serve as a platform for knowledge sharing, allowing all members to exchange ideas, discuss challenges, and identify innovative solutions that have been successfully implemented in other counties. For it is through benchmarking and peer learning that members can borrow best practices that have strengthened legislative functions, enhanced public participation, and improved governance in various counties. This cross-learning experience will be instrumental in shaping more effective policies and refining legislative approaches within the county assembly.

FURTHER ACKNOWLEDGING THAT, full participation in the summit will not only enrich individual members' legislative knowledge but will also contribute to strengthening the collective effectiveness of the County Assembly. Engaging in discussions on National and County governance issues, emerging legislative trends, and oversight strategies will enable members to return with valuable insights that can inform better legislative practices and promote more accountable governance structures.

THEREFORE, this Assembly now urges Members to adjourn the House until Tuesday, 25th March, 2025 at 02.30 p.m. to facilitate attendance at the Legislative Summit pursuant to Order No. 26 (3). Madam Speaker, I would like to call upon Honourable Mickey to second.

The Temporary Speaker (Hon. Oginga Nominated Member): Yes, Honourable Mickey.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. I second. Thank you.

The Temporary Speaker (Hon. Oginga Nominated Member): Honourable Members, now that the motion on the adjournment of the county assembly for... Sorry. And now that the motion on the adjournment of the county assembly sitting until Tuesday, 25th March, 2025 at 2.30 p.m. to facilitate attendance at the Legislative Summit has been presented and seconded, and as per standing orders, I want to propose a question. I propose that this motion is open for debate. Thank you.

Hon. Ajumbo (MCA, Central Seme): Madam Speaker, I would like to call the mover to reply.

The Temporary Speaker (Hon. Oginga Nominated Member): Yes Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you Honourable Speaker. I want to thank all the Members for supporting this motion of adjournment. I believe as we travel to Nairobi for this summit, we will come out of that summit very knowledgeable on issues to do with governance, legislative functions, public participation, as we share with members of other assemblies. We'll also come up with some solutions that are affecting our Assembly, as we gather from other County Assemblies. Honourable Speaker, I do reply. Thank you.

The Temporary Speaker (Hon. Oginga Nominated Member): Honourable Members, in accordance with our Standing Orders, specifically Standing Order No. 26 (3), it states that and I quote;

"On a day when the County Assembly is scheduled to adjourn to a date other than the next normal sitting day, as per the County Assembly calendar, a motion of adjournment shall be moved by the Leader of the Majority Party, the Leader of the Minority Party, or any member of the County Assembly Business Committee. This motion shall be debated for no more than three hours, after which the County Assembly shall adjourn without a question put.

ADJOURNMENT

Honourable Members, with that provision in place, this House now stands adjourned until Tuesday, 25th March 2025, at 2:30 p.m. Thank you.

(House rose at 03.18 p.m.)

Addendum

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