



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT
Wednesday, 14th November, 2018
The House met at 10:41a.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Hon. Members you may be seated, yes Clerk.

NOTICES OF MOTION

Yes Hon. Mohamed Hatimy please give the notice of Motion.

PROHIBITION OF BARS AND NIGHTCLUBS OPERATING IN RESIDENTIAL AREAS AND EDUCATIONAL INSTITUTIONS

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker Sir, I beg to give the following notice of Motion on prohibition of bars and nightclubs operating in residential areas and educational institutions. Mr. Speaker Sir, I beg to give the following notice of Motion:

WHEREAS bars and night clubs are allowed to operate in the County subject to certain conditions and restrictions;

WHEREAS the operation of these entertainment establishments emit noise pollution and have adverse influence to youths and other residents;

WHEREAS if the current status of the affairs whereby these entertainments are left uncontrolled will continue to pose a big threat to safety, tranquility and good moral the youths and the faithful in residential areas;

Now THEREFORE, be it RESOLVED by the County Assembly of Mombasa that the County government of Mombasa to prohibit the operation of bars and night clubs within the radius of 300 meters in all residential areas and places of worship after due notice has been served.

Mr. Speaker Sir, I wish to apply leave under Standing Order 45 to include some words. Mr. Speaker with your permission.

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy you can take that leave.

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker I want to include after residential area to read that any nursery, primary, secondary or other learning institution included in the notice. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Clerk.

MOTION

RESPONSIVENESS ON GENDER BASED VIOLENCE

Yes Hon. Milka Moraa please move the Motion.

Hon. (Ms.) Ngare: Thank you Mr. Speaker for giving me that opportunity to move the following Motion, responsiveness on gender based violence. Mr. Speaker Sir, I beg to move the following Motion;

THAT AWARE that the right and fundamental freedom is well stipulated in part two Chapter Four of the Constitution for Kenya, 2010 which place significant emphasis on human rights, equality and justice;

FURTHER AWARE THAT the sustainable development goals include a specific target to eliminate all forms of violence against women and girls in the private and public spheres;

CONCERNED THAT the phenomenon of gender based violence is rampant within our County and with no specific dedicated body to address the complexities of gender based violence, no safe houses or shelters, no specific budget or basic health care service. This means many victims do not get much needed services;

I therefore urge this Honorable House to RESOLVE that;

1. The County government provide adequate resources and enhance partnership for comprehensive response to incidence of gender based violence;
2. There is need for our County to have a technical gender working group to address issue concerning gender based violence in our County to do home visiting programs to combat this issue;
3. Gender violence responsive unit at Coast Provincial General Hospital should be open 24/7.

4. The Health department to have trained nurses who can be on call to early forensic exams to collect evidence for possible using prosecution of the offenders and most importantly provide psychological support treatment for possible STIs and refer them to social services to help get resources for continued *cancelling*, am sorry the word has been misspelt but I hope you can correct later.

5. The Health department needs to do collaboration with other more established health facilities within and outside the country for greater achievement.

Mr. Speaker I want to ask Hon. Thoya to second the Motion.

The Speaker (Hon. Khatri): Thank you Hon. Milka Moraa. Yes Hon. Thoya.

Hon. Thoya: Thank you Mr. Speaker Sir, I second.

The Speaker (Hon. Khatri): Thank you Hon. Thoya. Hon. Members I now propose the question that the Motion on, Responsiveness on Gender based Violence by Hon. Milka Moraa be considered by this House in the same terms as moved.

(Question proposed)

Hon. Members the floor is open now for debate, yes Hon. Amur.

Hon. Murfad Amur: Thank you Mr. Speaker.

(Loud consultation)

The Speaker (Hon. Khatri): Yes Hon. Milka Moraa.

Hon. (Ms.) Ngare: Mr. Speaker Sir there is one point I want to make it clear first before I continue debating; that gender does not only define the women. It is about male, female, men and women, boys and girls...

(Loud consultation)

I know they were waiting for me, especially our Majority Leader and Hon. Amur so that is why I am saying i want to make it clear that gender does not only mean women, it is about men, women, boys and girls. So together as a House we should put measures that are going to protect our men, our women, our boys and our girls; we have seen many instances where even men have been clobbered not only by their wives but also by other people even in this House alone I know that we have visited victims of violence at various hospitals...

(Off microphone)

Thank you I did not realize that I had gone off until I saw Members looking at me and like...what is she talking about?

So I am saying that even in from this very House we have had Honourable Members visiting hospital like Coast General Hospital where there were victims of violence to try and give some moral support, to try and find out what transpired but then after we have visited, after we have given moral support what next? It ends there so we need to have a centre, a concrete center where we can have these victims taken to for treatment first and then later they are sent to rescue centers where they can get further support, they can get counselling so that they are not psychologically affected for the rest of their lives. And when I say not psychologically affected throughout their lives we have seen victims who after getting infections from rape cases on certain abuses in our social sphere they even ran mad. This is because they did not get the much needed support which was going to calm them down and accept themselves as normal human beings that nothing ever happened to them and they carry on with their lives. So that is why I am urging this House that you all have wives most of you, you have husbands, you have daughters and sons at home; we do not want our daughters, our husbands, and our wives to go through such suffering without getting the support that they are supposed to get in life for them to continue living a comfortable life like you and I are doing.

Finally, I want to say that having a nation free of violence means having a nation that is going to develop; having a nation free of drug cases, rape and such kind of thing means the people in the nation are going to have more time and they are going to dedicate more time to build the development issues so that our country can prosper, specifically now our County can prosper because we know that at Mombasa County we do have various issues that have come up on drug abuse, rape cases, battering of wives and children and girls and boys either by people who are care givers or people at their homes who are not taken seriously, the consequences of violence towards the young people or their partners.

So am begging this House that we do have, we pass this Motion so that we can now go to that next stage of implementation to help our young boys and girls and also to help ourselves and our people at home who are undergoing such kind of violence. And Mr. Speaker I hope that I have made myself clear and also finally the last point, that when we do pass this Motion and people get a chance to meet other departments in other Counties or technical working groups in other Counties or even out of Country we even have donors who can set up base at the Coast General, give us donor money that can be able to carry out this kind of work like for the technical working group I know that they are donors who may will be willing to assist us set up this base at the Coast General Hospital and other Sub-County hospitals as far as Mwakirunge where we have violent cases of women and young girls and boys being battered with no prosecution that has taken place and no rescue centre around that area. Thank you so much Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Milka Mora. Yes Hon. Amur.

Hon. Murfad Amur: Thank you Mr. Speaker. Mr. Speaker I am in support of this Motion, the major problem is not only about the gender based violence issues it is that the system of this country is whereby the victims do not get fair hearing in our courts, the cases take a lot of time to the tune that at the end of the day those who have been dealt with such issues the offenders go free after two to three years, the cases take so long, so our system of law is not that active. Mr. Speaker we need to emphasize and make our laws that on such cases when we have such cases the cases should not take too long, two years, three years, the offender is set free when these cases take long.

So we need to enforce the laws as much as we have all these departments but the law enforcers it is where we fail; the offenders are let free some of them after two years, three years. A case like rape has to be dealt with within one week or a month and that is it, we need to emphasize that the whole enforcement of law be also included in this Motion Mr. Speaker. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Amur, yes Hon. Mwamwiri, Leader of Minority...

(Laughter)

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika, japo naomba kuweka mambo sawa; ya kwamba mimi nilichaguliwa kwa chama cha wengi katika Jumba hili chama cha ODM na haijatokea kujiuzulu na kurudi na chama chengine. Kwa hivyo waliochaguliwa na vyama vya watu wachache ni miongoni mwao Mheshimiwa Nyundo na Faith lakini mimi chama changu ni cha ODM.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri for correcting me on that thank you.

(Laughter)

The Speaker (Hon. Khatri): Yes you may continue.

Hon. Athman Mwamwiri: Mheshimiwa Spika kwa vile umenitanguliza na kunipa sifa ya uchache ama upinzani itabidi nipinge hoja hii...

(Laughter)

Na naipinga kwa sababu haipendezi kama serikali kufanya marudio ya *duplications* kwa ile lugha nyengine; haya yanazungumzwa hapa itakuwa ni aibu katika karne ya sasa tangia tuanzishe vita vya dhulma za kijinsia alafu sisi kama Kaunti gatuzi ama Serikali gatuzi 001 ama nambari moja iwe haya yanayosemwa kwetu hayapatikani. Hii ni aibu na haipendezi maswala haya kuletwa kwetu; ninavyofahamu mimi kila kituo kikuu cha polisi kwa kila *Sub County* kunayo dawati la kushughulikia maswala haya ya kijinsia ambalo liko na *free call* ama simu ya bure na hatua hufunguliwa mara moja taarifa inapofika kuhusiana na utekelezaji wa maswala ya dhulma ya kijinsia.

Mheshimiwa Spika katika hospitali zetu kule Makadara tunao wahudumu walioboba katika nyanja tofauti na tukisema ya kwamba twaajiri tena manesi wenye mafunzo ya kushughulikia wagonjwa walionyanyaswa kijinsia na walioko pale hawana ufahamu ama hawana ukabambe wa kutekeleza majukumu ambapo itakuwa tunawahini wananchi wa Mombasa kuhudumiwa na wafanyikazi madaktari na ma nesi ambao hawajahitimu katika tajriba ile. Hoja zengine kama hizi zinaturudisha nyuma tunaonyesha kama Mombasa hatuna wataalamu wa kutekeleza baadhi ya majukumu na zaidi tumekuwa tukiwahadaa wananchi wanaolipa ushuru lakini huduma kabambe hazipatikani. Hoja hii Mheshimiwa ni hoja ya kichekesho ya kuhitaji kuwekeza zaidi katika maswala ambayo tayari serikali imeshachukuwa hatua na yanatekeleza.

Kadhalika Mheshimiwa kuna *vote* nzima katika ofisi ya Mwakilishi wa kina mama ambayo wanapata mgao maarufu *Ngaf* ama *National Government Affirmative Action* fund inayopewa dhamana ya kufwatilia maswala haya ya dhulma za kijinsia. Ingekuwa bora kama mdhamini wa hoja hii angefanya utafiti wake kabambe na akakaa na ofisi ya Mwakilishi wa kina mama akajua *vote* ile ambayo serikali kuu inapeana mashinani kwa ajili ya kukabiliana na maswala haya inatekelezwa, inatumikaje na kufikia sasa wamepiga hatua gani pengine angepeana mawazo yake kabambe katika ofisi ile ya kuona pesa hii inatumika barabara kuliko kutundukizia lawama serikali gatuzi ya kuitaka itekeleze majukumu ambayo tayari yapo, na kama hayapo basi itakuwa hakuna sababu yoyote ya sisi kujivunia ya kwamba tuko katika serikali gatuzi ya Mombasa na huduma muhimu kama hii kwetu haipatikani. Kwa hayo naomba mdhamini wa hoja hii wakati mwengine amakinike na kufanya utafiti kabla kutuletea hoja katika Bunge hili ambazo ni za kinaya kwetu. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Feddis.

Hon. (Ms.) Mburu: Ahsante sana Mheshimiwa Spika. Mimi naiunga mkono hii hoja; kati na mwenzangu kwamba anapinga amesema sababu zake lakini kusema kweli hazieleweki sababu zake ni kama kuna...Mheshimiwa Spika analeta hoja hii kusema kweli alimakinika na alifanya utafiti kwa sababu kila uchao hua tunaingia Makadara tunaingia mahospitalini tunaenda polisi lakini huduma kusema kweli bado ziko chini na tukiangalia hapa kwa hoja yake amesema kwamba anaomba Coast General Hospital iwe wazi masaa 24, kumaanisha huduma iko lakini haijatutosheleza sisi kama wamama...

(Applause)

Mimi pia ombi langu ni kwamba sote tukaunge mkono kwa sababu kama ni vituo vya *gender based* Mwakirunge hakuna iko Coast General hata huko Likoni anakosema sio vituo vyote vya polisi viko na vituo vya *gender based* nakwambia mheshimiwa ujue. Kwa hivyo watoto wetu wa kisichana wanapodhulumika hua wanapata shida, watoto wetu wa kisichana wanapodhulumika hua ushahidi unapotea maanake kuna masaa 72 yakiisha ushahidi unapotea. Kwa hivyo nataka kumkumbusha mwenzangu aliyesimama kwamba hii hoja ni nzuri tuiptishe ili tutie mkazo hizi huduma zipatikane mashinani na kuna kesi nyingi sana kama alivyosema Mheshimiwa mwenzangu kwamba kesi hizi zinapofika polisi wakati mwingi kesi hutupiliwa mbali wakati mwingi ule mhalifu hutolewa anapotolewa akionekana tena mashinani mtoto yule aliefanya dhulma kusema kweli akikosa kuingia wazimu hua anachanganyikiwa. Sisi tunaomba katika Bunge hili tuweze kuweka mkazo ili hizi dhulma ziweze kupungua, dhulma hizi zipate tiba kwa hivyo tafadhalini tuweze kuititisha hoja hii tuokoe jamii mashinani tuwache siasa ndogo ndogo, ahsante sana Bwana Spika.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Feddis. Yes Hon. Hamisi Musa Mwidani the Leader of majority party.

The Leader of Majority (Hon. Mwidani): Ahsante sana Bwana Spika. Mimi nasimama kuunga mkono hii hoja...

(Applause)

Kunacho kitengo kinachoshughulikia hili jambo lakini ukitazama nimeshukuru aliyeleta hii hoja kwa sababu utakuta maombi yake ombi la tatu na nne hata tukiwa kwenye Kamati ya afya walisisitiza sana tuweze kuweka sheria ya kuweza kupata hicho kipengele...

(Applause)

Kwa hivyo Bwana Spika ni kweli saa zengine mtoto anajisiwa Ijumaa jioni unakuta Jumamosi hakuna hicho kitengo hakifanyi kazi Jumapili hakifanyi kazi mpaka Jumatatu ndio maana imewekwa kuwe na angalau masaa 24 iwe mtoto akihujumiwa sasa hivi anapigiwa saa hio hio na pia ukiangalia nambari nne ni kweli ni wachache sana wanaojua kuangalia hicho kitengo. Sasa ni vizuri hata manesi wakipewa mafunzo iwe hakuna shida ya kusemekana kwamba daktari anayeweza kutatua hili tatizo yuko *off* mpaka Jumatatu. Kwa hivyo Bwana Spika ni vitu ambavyo pia mimi naviunga mkono na ningependa hii hoja ipite kwa sababu ni mambo yanafanyika kule hospitali na yanahuzunisha sana kwa hayo ningeomba sana bunge letu tuiptishe hii tuweze kuwasaidia watu wetu wa Mombasa. Ahsante sana.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Ogutu.

Hon. Ogutu: Ahsante sana Bwana Spika mimi ningependa kuunga mkono hoja hii moja kwa moja sababu ya kwanza tangu ile *Gender and Equality Commission* iundwe wanaume wamekuwa hawana amani na hii hoja itakuwa inatutetea sisi kama wanaume maanake leo sisi ndio twapigwa ndani ya manyumba tuko mabingwa tukiwa huku nje tukirudi kwa nyumba zetu unakanyagwa na hakuna mahali waweza kukimbiwa, sasa hii ombi la pili inatusaidia hata na sisi tutembelewe tuangaliwe ili angalau tusiwe *totally mental*. Ahsante sana Bwana Spika.

The Speaker (Hon. Khatri): Thank you yes Hon. Renson Thoya.

Hon. Thoya: Mheshimiwa Spika mimi nasimama nikiunga mkono hoja hii lakini wakati naunga mkono nataka nimuambie alieweza kuileta hapa ni vizuri tukumbuke kwamba jinsi itakavyotekelezwa ni muhimu sana. Hii ni kwa sababu wengi walioko nje ya kuwa mambo ya jinsia inaangaliwa ni nini ama ni jinsia ya kike na unaweza kutangulia ukaeleza jinsia inaweza kuwa ya kike au ya kiume na jambo hili limeanzishwa hapo juu tukaambiwa mtoto wa kike hajasoma na mikakati yote ikawekwa kwa mtoto wa kike. Sasa tunaona watoto wa kiume wanabaki majumbani hawaendi shule, sasa tunarudi hapa hatutaki tuiptishe hii kisha baadae irudi iwe ni wanaume wanapigwa, wanalawitiwa, Maanake nashukuru mulienda Makadara lakini nataka muende Makadara kwa sababu kuna mwanamme alipigwa makofi au mtoto wa kiume amelawitiwa kesi nyingi ambazo munaenda kuzishuhudia ni kesi za ubakaji na hoja hii iweke hata vigezo maanake hata wakati mtu anaenda kumbaka mtu itatusaidia kama itatusaidia jinsi hata wasichana wetu wanavyo vaa pia ni kitu cha maana zaidi maanake utasema kwamba umebakwa lakini wewe pia umechangia vipi ubakaji wako, iwe ni kitu ambayo inaangaliwa zaidi sana.

Ambacho nasema katika Jumba hili ni rahisi mwanamke anapopigwa kutoka nje kusema lakini wanaume wako kimya ndani ya nyumba, ni mikakati gani ambapo hizi sauti ambazo hazisikiki nje ya nyumba mutazifikia? Hilo ndilo jambo la maana kwa sababu kufikia saa hii ile idadi ya wanaume kwa wanawake yaweza kuwa iko sawasawa lakini kuna sauti za wanaume hazijatoka nje ya nyumba mukazisikia, lakini idadi ya wanaume ambao wanapigwa makofi, wanacharazwa na mabibi imekuwa kubwa lakini anapotoka kule nje kuelezea wanaume wenzake hata hajui atanzia wapi ama itakuwa vipi. Ni lazima kuwekwe mikakati ya kuhakikisha zile sauti za wanaume ambao wanacharazwa viboko na mabibi zao zinapatikana na tunatia shime kwa sababu tumeangazia sana upande wa kubakwa kwa mtoto wa kike, je mtoto wa kiume tuna mipango gani, ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Renson Thoya. Yes Hon Nyiro.

Hon. Nyiro: Ahsante sana Mheshimiwa Spika. Kama mzazi na mwalimu na kwa sababu hiyo hoja imetoka Bamburi hoja za Bamburi huwa zimeenda shule siku zote, nataka kusimama kusema kwamba hii hoja imeenda shule imefanyiwa utafiti wa kustahili...

(Applause)

Nataka niongezee hii hii hoja ambayo imeletwa na Mheshimiwa Milka, katika wakati huo wa mtihani ikiendelea; nafikiri kuanzia siku ya kwanza Mheshimiwa Milka naomba unipe masikio, kuanzia siku ya kwanza mtihani wa KCPE ukianza tulianza na mtoto, amezaliwa KCSE ilipoanza siku ya kwanza kuna mtoto alizaliwa, wanaozaa ni wanafunzi na ikiwa tunataka kuangalia jinsi tunaweza kuwafuatilia watu ambao wamepita katika dhulma ya jinsia naomba ile dhulma nyengine ya ubakaji tumeangazia sana lakini je hawa watoto hawa ambao wanazaa wakati wa mitihani ama wakati wa shuleni baada ya kuzaa je kuna njia yeyote ambayo wanafuatiliwa? Naongea hili katika mantiki hii, mimi mwenyewe nilipokuwa shuleni niliwahi kusomeshwa somo la baolojia na kemia na mwalimu wa kike alikuwa anaitwa Mlombo msichana wa Kiduruma ambae alizaa akiwa darasa la saba na alipozaa babake kama kawaida mzazi wa kiume mtoto inakuwa mzigo wa mama. Mamake akamfanyiwa *counselling* akamuhifadhi akamwambia huyu mtoto wako nipe mimi sasa ni wangu, mtoto akamnyonyesha kwa miezi sita kisha baadae akamuachia mamake akamwambia rudi shuleni ukasome, na mtoto yule aliezaa darasa la saba ndio yule ambae alinifundisha mimi baolojia na kemia. Kwa sababu gani alifanyiwa *counselling* na mamake na ile alikuwa amefanyiwa ni dhulma? Lakini mbali ya kwamba alikuwa pengine amebakwa pengine alikuwa ametungwa mimba na mwalimu wake mbali ya kwamba alikuwa amefanyiwa dhulma pengine ile kesi ingeendelea pengine mwalimu angefungwa lakini kufungwa kwa yule aliyefanya ile dhulma sio kwamba umemsaidia mtoto wa kike, je maisha yake baada ya kupitia ile dhulma inakuwa namna gani na hapo ndio mahali ambapo wazazi wengi hawafuatilii wanafuatilia mtoto kama amebakwa yule ambae amefanya ile kosa amefungwa halafu basi. Yule msichana ama yule mvulana anaachiliwa na maisha yake yanakuwa yameharibika bado ile dhulma imemuathiri hatarudi tena katika maisha yake japo haki ilipatikana yule amefungwa.

Kwa hivyo mimi nataka tuangalie katika hali ya kwamba je baada ya kwamba tumemtetea haki yake amepata na yule aliemuathiri amefungwa na yeye je ataendelea kuwa mwanadamu kuafikia malengo yake ya kimaisha? Hilo ni jambo ambalo twatwaka tuangalie katika kuongezea nguvu hii hoja ili katika wale wanafunzi ambao...

(*Interruption*)

The Speaker (Hon. Khatri): Yes Hon. Mwamwiri.

Hon. Athman Mwamwiri: Mheshimiwa Spika naomba kumpa...kumtaarifu mzungumzaji ya kwamba sisi kama Bunge la Kaunti tukiangalia Kanuni za Bunge hili nambari 45, 44 ile sehemu ya pili na ya tatu b inapeana maelekezo ya aina gani ya hoja zinapaswa kuja katika Bunge hili na kujadiliwa. Moja wapo ya sababu ambazo zinampa nguvu Mheshimiwa Spika kupinga hoja kuja hapa ni hoja ambazo zinakeuka kanuni za Serikali Kuu ama Katiba ya Jamhuri Kenya na ukiangalia katika sheria ya 2015, *the protection against domestic violence Act number 2 of 2015* imezungumzia maswala yote ya dhulma za kijinsia na majukumu ya kila mmoja katika utekelezaji wa maswala yale ambayo haya yanayoendelea, kwamba polisi msimamizi wa ushahidi yote yako katika sheria ya 2015. Kwetu sisi kuijadili hoja hii kwanza ni kinyume na sheria kisahihi; isingepaswa kuingia katika Bunge hili kwa sababu sheria tayari ipo na ilitiwa sahihi tarehe 14/4/2015 na ikaanza kutenda kazi tarehe 4/6/2015, kwa hivyo haya tunayoyapitisha sisi kwa mujibu wa Kanuni za Bunge nambari 44 3b haistahili Mheshimiwa Spika. Ahsante kwa kunipa fursa ya kutaarifu.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Nyiro you continue.

Hon. Nyiro: Ahsante kwa hiyo taarifa, ukweli wa mambo ni kwamba Mheshimiwa aliyeleta hoja hii habuni sheria mpya...

(*Applause*)

Anaangazia mambo ambayo kisheria yangekuwa yanafanyika lakini hayafanyiki, hivyo ndivyo anavyofanya wala ha *duplicate* anasema mambo haya kwa mujibu wa sheria yanafaa kuwa yanafanyika lakini haya mambo hayapatikani na yakipatikana ni kwa uchache ndio maana kuna maombi hapa ya kwamba dhulma ya kinjisia iwekwe pale masaa 24, dawati iko pale twajua iko ukifika pale saa kumi hizi huduma hupati na mimi mwenyewe nishaenda pale na mtoto ambaye alilawitiwa na nikafika pale saa kumi nikaambiwa njoo kesho mtoto amepasuliwa huko nyuma unaambiwa uje naye kesho na haufai kumuosha. Kwa hivyo tunsema haya mambo yamekuwa ni matukio ya kila siku hivyo basi tunaomba hizi huduma ziwekwe kila mahali...

(*Applause*)

Polisi *gender desk* ziko, lakini saa nyengine utaenda pale utapata afisa hayuko inabidi ungoje na ilhali tunasema huduma! Jukumu la Bunge hili ni kutunga sheria na pia kufuatilia je kama zile *gender desk* ziko, je zinatenda kazi? Na kama hazitendi kazi tutapeanaje sauti katika hili...

(*Applause*)

Kwa hivyo Bunge hili limetoka sauti yake katika yale mambo yanafaa yafanyike na hayafanyiki tunasema haya mambo yafanyike kwa sababu huduma zimeongezeka na ndio maana ninasema tuyafikirie kwa mapana mambo haya.

Tufikirie pia wale wanafuatilia kwamba wanao athiriwa kwa haki kupata haki si ule aliyekuathiri tu afungwe lakini je baada kuwa amefungwa je wewe mwenye maisha yako yanaweza yakaendelea? Kwa hivyo tuongeze tuwapatie counseling na tuonyesha kuwa tunaongea nao ili maisha yao yaendeleo kama kawaida, Mheshimiwa Spika naomba kuunga mkono na kama kuna yeyote anayepinga tueleza vizuri kwa kufikia sasa sijaona kuna umuhimu ama kuna la msingi ya kwamba hoja hii haistahili kupita kupita Bunge hili.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Nyiro. Yes Hon. Mwaka?

Hon. (Ms.) Mwaka Bakari: Ahsante sana Bwana Spika. Hoja hii naiunga mkono...

(Applause)

Mia fil mia aliyelea hoja hii ni mama na kwa kusema kweli ni jambo hili sana sana linagusa mama, muathiriwa yeyote anatokana miongoni mwa mama hata yule ni baba, kijana, mtoto wote wamegusa mama. Mheshimiwa Mwamwiri anapinga sana sijui kwa nini anapinga ambao kwamba yeye ni kijana anategemea mama na hata pia kuna vijana pia hubakwa kama yeye hajafikiwa na mambo haya sisi yashatufikia kwa hio...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Mheshimiwa Spika namuheshimu Mheshimiwa alieko katika sakafu na ninamuomba kwa heshima na taadhima ambayo mimi namuheshimu kwa hayo ajenge hoja yake wala asisimame na jina langu na kunikosoa. Mimi nimenukuu vipengele vya kisheria ambapo kisheria kwa mujibu wa Kanuni za Bunge 44 3b, hii hoja isingepaswa kuja katika Bunge hili kwa sababu aliyelea hakufanya utafiti kabambe kwa sababu tayari Serikali Kuu ishahitisha sheria ndio yenye kila hatua inayofuatwa kuchukuliwa jukumu ni utekelezaji. Sasa yeye alipitisha hapa Mheshimiwa Spika maswala mengine ni ya kutuonyesha sisi kutojifahamu kwetu nasikitika kutumia lugha hiyo ama kutojielewa kwa sababu tunafanya vitu ambavyo ni *duplication* hili suala liko mpaka nakala ilikua ni tarehe 4/6/2015 na leo hii bado yaletwa. Mheshimiwa ajenge hoja yake pasi, naomba unilinde Mheshimiwa Spika...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Milka?

Hon. (Ms.) Ngare: I am shocked that the honorable Member who has just sat down is referring to some of us especially myself as people who are uninformed yet many people have gone through my hands whom I have taught including the law that he is trying to produce in this House. I have taught many children who have gone to schools and have performed excellent and I do not need to be informed anymore...

(Applause)

The Speaker (Hon. Khatri): Hon. Milka we will give you the chance to respond so let the Hon. Mwaka continue, then Hon. Mwaka when you are debating let us debate on this Motion let us not debate on personality if someone has said something he has said himself so let it...

(Interruption)

Hon. (Ms.) Mwaka Bakari: Ahsante sana kwa kunijibia...

(Interruption)

The Speaker (Hon. Khatri): And he will have his own vote if he thinks she is the only one not agreeing with this Motion so he will be the only one, so Hon. Mwaka please, yes Hon. Renson Thoya?

Hon. Thoya: Bwana Spika ni sawa kweli ulivyosema lakini nafikiri Mheshimiwa Milka alikua anapendelea sana itakuwa ni vyema Mheshimiwa Mwamwiri aweze kuondoa kwamba Nyumba hii kuna watu ambao hawana ufahamu. Hapo ndio alikuwa amelenga na nafikiri ataweza kuendelea tungeomba aweze kuondoa maanake ndio alikuwa anajitetea kwamba yeye amekua Mwalimu amefundisha watu kwamba yeye ana habari kamili. Kwa hivyo mimi nakuomba hata kabla Mheshimiwa Mwaka kuendelea Mheshimiwa Mwamwiri aweze kuondoa kama hawezi kujieleza kikamilifu kwamba ni jinsi gani sisi hatuna ufahamu ama tuko hapa kimakosa.

The Speaker (Hon. Khatri): Thank you. Hon. Renson Thoya again you know for Hon. Mwamwiri has his opinion it is his opinion, you have no right to tell him to go this way even your own son when he reaches 18 years he has his own freedom he can do whatever he wants. You know this House has procedures and there is Hansard capturing; in years to come maybe 50 years to come people will know that Hon. Mwamwiri was against this thing so there is Hansard here, there is everything capturing so let him speak whatever he wants to speak it is him. Are you on a point of order? Yes.

Hon. Thoya: I think Hon. Mwamwiri has a right but he does not not have a right to introduce or to tell us we are not informed, that is our area of concern ana haki kabisa ya kujielezea lakini hana haki ya kusema sisi hutuna ufahamu. Mimi nimechaguliwa na watu elfu tisa na wale watu wa Mikindani wanaelewa kuwa nina ufahamu mpaka niko hapa leo naambiwa sijifahamu...

(Interruption)

The Speaker (Hon. Khatri): Hon. Thoya...again Hon. Mwamwiri he did not even say that, he said even me I am infringing on the procedures, but let him speak whatever he wants to speak it is him *wewe mwenyewe kama Mheshimiwa Renson Thoya si unajua uko na ufahamu, si unajua* what you are doing is right.

So we do not have to argue with each other let him speak his mind whatever he wants to speak but tomorrow you will know whether he is in the right order or not. Yes Hon. Mwaka you can continue.

Hon. (Ms.) Mwaka Bakari: Ahsante sana Mheshimiwa Spika mimi naona hoja hii ukiangalia Bunge hii yote ni kwamba wamekubaliana nayo kwa sababu mtu mmoja ama pengine wawili wanaweza kupinga lakini nasema sisi tunaiunga mkono kwa sababu zake ambazo tumezizungumzia na kwa kusema ukweli kila kituo cha polisi tunaambiwa kuna ile dawati la kueleza matatizo ya kudhulumiwa lakini nasema hata Mheshimiwa Mwamwiri anaweza kukubalina na mimi Likoni kwetu polisi hilo dawati hakuna ni *show* tu. Ukifika pale imewekwa lakini haiwezi kusaidia wananchi, kwa hivyo nasema naunga mkono hoja hii na ninaomba Bunge hili kuweza kuunga mkono hii hoja ya Mheshimiwa Milka. Ahsante Bwana Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwaka. Yes Hon. Maimuna?

Hon. (Ms.) Maimuna Salim: Ahsante sana Mstahiki Spika mimi nimesimama kuunga mkono hoja hii iliyoletwa na mwenzetu. Mheshimiwa Spika hili si jambo la watoto wa kike hili ni jambo la watoto hata wa kiume na hata watu wazima kwa sababu kuna wakati bahati mbaya wezi wanaweza kukuvamia na wakanajisi watoto wako hakuna hospitali nyingine yeyote ambayo inachukua hao waathiriwa isipokuwa ni Makadara. Ukienda saa nane za usiku utapata pale pamefungwa na kesho ukienda utapata ya kwamba daktari mhusika wa hapo hayuko, kwa hivyo wale ambao ni walala hoi kama sisi tunaona huduma haipatikaniwi ki haraka halafu hilo dawati ambalo linatakiwa kuwa kwa kila stesheni ya polisi mimi nina ushuhuda ya kwamba dawati laweza likawa lipo lakini wale wahusika hakuna.

Kwa hiyo sisi tusiangalie tu haya mambo mengine lakini tuangalie haki itembee kwa hiyo sisi tunajua ya kwamba ni majukumu yetu sisi kukumbushana na kuangalia hizi shughuli Serikali kuu walizopitisha zinafanyika na ikiwa hazifanyiki sisi kama Kaunti tunafanya majukumu gani? Pia sisi tunaweza kuchukua majukumu ya kwamba tunaenda kwa polisi kama kina mama na vijana wetu hawa ambao tuko nao kama Bunge tuangalie wanafanya kweli kwa sababu wananchi wanaumia na sisi hapa kila jambo hapa tunalifanyia ya kwamba ni huko mwananchi hamjui yule Mbunge anamjua MCA na sisi majukumu yetu ni kufuatilizia majukumu haya muhimu ambayo yaweza kuwasaidia wale wananchi. Kwa hivyo mimi naiunga mkono na nasema mtu ikiwa hajanyolewa atanyolewa akishanyolewa atajua dharubu ya kile kitendo kwa hiyo sisi twaiunga mkono...

(Applause)

The Speaker (Hon. Khatri): Ahsante. Naam Hon. Fadhili, Naibu wa Spika?

The Deputy Speaker (Hon. Mwalimu): Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika kwa maneno aliyoyazungumza Mheshimiwa aliyetoka yamenifaya hata mimi niamke niunge mkono...

(Applause)

Hoja hii kwa kuhofia huko kuja kunyolewa maana inadhihirisha wazi lau ningesimama na kupinga ungeona mfano hapa ndani ya Bunge hili ya mmoja kuanza kunyolewa.

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Mheshimiwa Spika kwa kusema ukweli hoja hii imekuja wakati mzuri na aliyeketia hoja hii tumesikia kuwa hoja za kutoka Bamburi huwa zimesomewa vizuri zimeenda shule na ninawakumbusha kuwa kule kwangu Port Reitz kuna hospitali ya wenda wazimu nafikiri pia itakuwa ni vizuri Waheshimiwa pia tuweze kupitia pia katika hospitali kama ile tuweze kuangalia wale walioko kule pia maana wale ambao akili zao si timamu watu huchukua fursa kama ile kwa sababu hawajielewi na wakaweza kuwafanyia mambo mabaya, mambo machafu na wengine huweza kuathiriwa na magonjwa ya zinaa na akawachwa bila ya huduma zozote.

Kwa hivyo Mheshimiwa Spika twaomba ikiwa hoja hii itaweza kupita basi hata sehemu kama zile hospitali kama ile pia ziwe zitaangaziwa; wauguzi wawe watawekwa katika hospitali zile kushughulikia mambo kama haya na twaelewa sisi twapenda watu wetu na twataka jamii iwe itakua ni jamii bora. Twaomba Mheshimiwa Spika pia tuweze kuelimisha watu wetu ili wasiweze kujiweka katika majanga haya, twaona kweli tumeelezwa hapa mitihani imeanza na mitihani ilipoanza tumeona kila siku ya kwanza watoto wanaweza kujifungua hatujui wanao watia mimba watoto wale ni kina nani. Mheshimiwa Spika yaweza kuwa ni wanaume wenye akili zao ama vilevile ni wale wanaume ambao wanahitajika kwenda hospitali ya Port Rietz ya wenda wazimu...

(Applause)

Mheshimiwa Spika katika hali kama hii ambayo ipo na katika hali ya kuweza kuwalinda watoto wetu na kizazi chetu kutokana na magonjwa ya zinaa na mimba ambazo hazina mipangilio. Tungeomba pia Serikali yetu ya Kaunti iweze kutoa fursa na kuenda chini mashinani ili kuepusha watu wetu waweze kujitoa katika janga hili ambalo limekumba nchi nzima ya Kenya yetu. Tunaona kila uchao Mheshimiwa Spika hali inazidi kuharibika na nina imani lau hoja hii itapita na mambo haya yaweze kutekelezwa basi tutaweza kupunguza kwa asilimia kubwa sana visa kama hivi na vile vile tuna imani lau litokeapo la kutokea itakua si yale mambo tena ya kuambiwa nenda urudi tena siku ya pili kwa sababu kazi itakuwa inafanywa masaa 24 hakutakuwepo na wakati ambapo aliyedhulumika ataweza kufika katika idara hizi na aweze kukosa huduma na tunaona tumeelezwa na waliotangulia kutuambia kuwa kuna masaa yake ya kuweza kushughulikia. Kwa hivyo Mheshimiwa Spika mimi naomba Waheshimiwa wenzangu tushikane pamoja tuunge mkono ili tusiweze kunyolewa vichwa vyetu. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Yes Hon. Samba?

Hon. Samba: Thank you Mr. Speaker for giving me at least a chance also to contribute to the Motion. Hon. Speaker I just want to inform the House or to at least echo the sentiments made by colleague Hon. Mwamwiri. Hon. Speaker as it has been stated before that Standing Orders No. 44 (3), we have protection laws against Domestic Violence and I can just request Members as we debate this issue we should always be sober if there is no one who is *(Inaudible)* to any other it is the Mombasa County residents according to him. Hon. Speaker if you go through Act No. 3 of the same Act protection against domestic violence No. 3 A 1 to 8 it states the prayers that Hon. Speaker he is requesting. Hon. Speaker I do not think that where there is negligence we need to create more laws; like for Governor's Sonko's case we saw that Doctors are supposed to operate 24hours, when Governor Sonko visited Pumwani Hospital he found that they were some of the Doctors who were not on shift.

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He never brought a Motion in the House or no Members of the Assembly brought any Motion; what they did, I know Coast General operates 24hours and if there is negligence we just need to adjust where there is necessity let us even fire but about the prayer I would request Hon. Milka that she should go through the Act and then you will see all those rules that have been stated here are well articulated in that protection against domestic violence Act. Another issue Hon. Speaker there is negligence; it has been always my prayer that we should at least get these Motions and order papers before time we could have done some research...

(Interruption)

The Speaker (Hon. Khatri): Hon. Samba on the same note you are saying under Standing Order 44 (3)b right, is that what you are saying?

Hon. Samba: Yes Mr. Speaker.

The Speaker (Hon. Khatri): Do you know what is the meaning of contrary?

Hon. Samba: Yes I know.

The Speaker (Hon. Khatri): What is the meaning of contrary?

Hon. Samba: Going against.

The Speaker (Hon. Khatri): So is Hon. Milka going against that Act?

Hon. Samba: No, but we are debating that Act it exist...

(Interruption)

The Speaker (Hon. Khatri): No, but she is going against it?

Hon. Samba: Hon. Speaker can we create an Act that is...

(Background noise)

Can you create an Act...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy, is a Motion an Act? Can you just express to us Hon. Hatimy since you are the senior here.

Hon. Mohamed Hatimy: Kidogo hapa watu hili jambo haimanishi kitu kikiweko kwenye ya Act hamuwezi kuijadili hapa...

(Applause)

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Nasema kuwa kitu ambacho kitakuwa *against*...

(Interruption)

The Speaker (Hon. Khatri): It is an opposite, contrary is opposite.

Hon. Mohamed Hatimy: Kitu ambacho kitakuwa *against our Constitution* ama *Act* haiwezi kutumika lakini ikiwa kwenye *Act* tena inatilia nguvu kile kitu chenye *Act* kifanyike...

(Applause)

Hon. Samba: Hon. Speaker let us leave it if the Speaker is of the opinion that any proposed Motion is contrary to the Constitution of an Act of Parliament or of the County Assembly without expressly proposing appropriate amendment to the Constitution Act. He should...

(Interruption)

The Speaker (Hon. Khatri): Hon. Samba, Hon. Members we are not fighting here let us just understand ourselves. Maybe Hon. Samba might be right, maybe Hon. Milka may be right that is what we are debating now we are not fighting here. Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Mheshimiwa Spika hapa sisi hatu *amend the Act*. Hapa tunatilia nguvu...

(Applause)

Yale maneno yaliyoko kwenye *Act*, wale watekelezaji waifanye ile kazi vile inavyotakikana. Kwa hivyo hatutaki ku *amend Act* yeyote.

The Speaker (Hon. Khatri): Yes are you on a Point of order?

Hon. Nyiro: A point of information.

Hon. Samba: No, I do not want to be informed.

(Laughter)

The Speaker (Hon. Khatri): But he is informing the House he is not informing you.

Hon. Nyiro: I am informing the House.

The Speaker (Hon. Khatri): He is not informing you.

Hon. Samba: Hon. Speaker you need to protect me...

(Background noise)

I think you can hear...

(Interruption)

The Speaker (Hon. Khatri): Come on, Hon. Members please this is a House of procedures stop behaving like you are in a market here, let the Hon. Member speak his mind, just know that everyone has the right to speak his mind. Yes Hon. Nyiro.

Hon. Nyiro: Thank you Mr. Speaker. You are the one who should guide this House from where Hon. Samba has made; he says if the Hon. Speaker..., so is Hon. Samba the Hon. Speaker or you are the Hon. Speaker because it has been brought to you and found that they is no fault in it and you are the Speaker so you have the mandate to come here because in your own wisdom you were satisfied that is ok. So as he had said if the Hon. Speaker then he should *Inaudible*.....you are the Hon. Speaker here.

The Speaker (Hon. Khatri): Thank you Hon. Nyiro. Yes Hon. Samba.

Hon. Samba: Yes Hon. Speaker we learn by day; every day you learn even sometimes Hon. Speaker might sometime be outside the norm but at least we are learning. Hon. Speaker if you look at the prayer No.4 the Health Department to have trained nurses who can only carry forensic examination. Hon. Speaker if you go to Standing Order No. 44 3(f) it says, *calls for commitment of public funds for which no provision is made in the annual estimates as adopted by the County Assembly*. We never even passed this Hon. Speaker. Hon. Speaker I am not against this Act, I am not against this Motion...

(Interruption)

The Speaker (Hon. Khatri): But Hon. Samba again, you know this Motion came a long time ago and we referred it to Budget, I think and Health as well both so that they look at it and they brought it back. The Committee brought it back and said it is ok.

(Interruption)

Hon. Samba: So it authorizes...

(Interruption)

The Speaker (Hon. Khatri): That is what they say. I remember very well I referred it to the Health Committee and even always when there is a Motion I remember even the Chief Whip can confirm for we always refer them to the budget if the money is being budgeted for that thing or whatever you are going to discuss here. So we always look at those measures Hon. Samba.

Hon. Mohamed Hatimy: Mr. Speaker again I confirm there is a budget.

(Applause)

The Speaker (Hon. Khatri): Thank you. Yes Hon. Samba.

Hon. Samba: I can see we will have to prove later on whether it is in the budget in writing though but Hon. Speaker...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Renson. Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Mr. Speaker when we passed the budget for 2018/2019 we directed the Department of Finance not to employ anybody but Health Department...

(Applause)

...focused we need mid wife, we need everybody to come on board so that we do not have enough staff to help *mwanauchi* so we granted permission to Health Department to employ more staff.

The Speaker (Hon. Khatri): Thank you Hon. Mohamed. Yes Hon. Renson Thoya are you on a point of order?

Hon. Thoya: Point of information.

The Speaker (Hon. Khatri): Point of information.

Hon. Thoya: Mr. Speaker I think the reason as to why Hon. Samba is looking in on airtime is contrary to the Standing Orders; when you are discussing (??) you have seen either (??) maybe the Motion that is here is not contrary to the Act that was passed by the House to National Assembly and into (??) that he was supposed to give airtime (??) was to collapse at that end and we see the reasons why he still (??), because when he is standing and addressing the wrong Standing Order and you have seen that the Motion that is here today is contrary to the Act but enhancing the services at Makadara (??) at the Police station you were to stop him at that point I do not see the reason as to why he is still been given airtime...

(Interruption)

The Speaker (Hon. Khatri): Thank you Hon. Renson Thoya. Yes Hon. Samba you may continue.

Hon. Samba: Hon. Speaker I hate...

(Interruption)

The Speaker (Hon. Khatri): Hon. Samba one minute, Honourable Members if Hon. Samba has his own opinion let him speak, let him finish whatever he wants to tell us...

(Background noise)

Yes.

Hon. Samba: They do not read Act..., Hon. Speaker they do not read Acts and it is the first time some of us are hearing about...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Ogutu again we just said that let the Honourable Member...

(Interruption)

Hon. Ogutu: Mr. Speaker a point of information. As much as he is speaking his mind but rules and procedures are to be followed...

(Applause)

The Speaker (Hon. Khatri): Yes.

Hon. Samba: Hon. Speaker when I am on the floor and so many dissenting questions are coming up, I sometimes seat down and give an Act for myself. Now men can now wake up, Honourable members can now reason. Hon. Speaker when I stood, I stood with an Act I never brought an Act from Tudor it is an Act of the Parliament 2015 and that is the same same Act that I quoted Hon. Speaker...

(Interruption)

The Speaker (Hon. Khatri): But Hon. Samba this House is being guided by the Standing Orders so before you stand with an Act first give us the Standing Order which is 44, you said 44?

Hon. Samba: I stood on the same Act of which the same Standing Order I am not yet still convinced but if I can see the mood of the House you will pass it is okay, the same way you have been passing their Acts after all, but I am on record to state very well that I am not party to pass a Motion that will exist on rape, that is not me. What you need to do is we should strengthen our system; every Committee should do site visit, they should go to Coast General Hospital, and ascertain the shortcomings, they should bring for us the report and then we will move from that point. But bringing more Motions...

(Applause)

I am not party to it Mr. Speaker, I oppose. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you. Yes Hon. Fatma.

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii. Mheshimiwa Spika nimesimama kidete kwa kuweza kuunga mkono hoja iliyoletwa na Mheshimiwa Milka Moraa Ngare...

(Applause)

Mheshimiwa Spika nazungumza kwa uchungu na masikitiko na majonzi sio kwamba nimesimama kuunga mkono hoja tu kwa vile Mheshimiwa ni rafiki yangu, la! Naunga mkono Mheshimiwa kwa sababu tunaobakwa ni sisi kina mama na watoto wetu na wabaji ni hawa hawa ndugu zetu...

(Laughter)

The Speaker (Hon. Khatri): Yes Hon. Amur.

Hon. Murfad Amur: Mr. Speaker I want to inform the House *wanaobakwa si wanawake peke yao hata wanaume wanabakwa* so it should be very clear that *wanaobakwa ni watu wote si wanawake pekee yao hata wanaume wanabakwa*.

The Speaker (Hon. Khatri): Thank you Hon. Amur. Yes Hon. Fatma?

Hon. (Ms.) Fatma Swaleh: Ahsante sana Mheshimiwa Amur lakini wanaume mkibakwa huwa hamjitokezi huwa mnanyamaza, sisi kina mama ndio tunaandamana tukibakwa. Kwa hivyo Mheshimiwa Spika nashukuru mwenzangu kwa kunirekebisha tunabakwa sote kumbe wanawake na wanaume...

(Laughter)

Lakini Mheshimiwa Spika nazungumza kwa majonzi si jambo la kufurahia hili ni jambo la kuhuzunisha maana yake watu wengine wakibakwa hawasemi hususan wanaume, wananyamaza na wabakaji hawajulikani kama ni wagonjwa ama ni wazima. Mheshimiwa Spika iko hoja kabisa ama inafaa wanaume... nazungumzia kuhusu wanaume wale wabakaji lakini mimi najua ndugu zangu hapa hawabaki watu. Mheshimiwa Spika nazungumzia wale wabakaji, wabakaji wanatubaka sisi naomba unilinde naona Mwenyekiti wa Fedha ananichongonoa chongonoa Mheshimiwa Spika.

(Background consultation)

Mheshimiwa Spika mimi naunga mkono hoja hii maana yake ni jambo ambalo ni la kuhuzunisha na vile vile Mwenyekiti amesema ya kwamba fedha ziko na vile vile wafadhili wako. Wafadhili pia wako na dawati zitakua nyingi katika kila hospitali kuanzia *Level 4* mpaka *Level 5* na itakua masaa 24. Mheshimiwa Spika nimesimama kuunga tena naunga mkono hoja hii na wanaopinga hoja hii nawasikitikia maana yake kabla hujanyolewa bila maji ujitayarisha na kama kidonda unacho na unaogopa kukisema kitanuka.

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Hakuna wodi ambayo mtoto ama mama hajabakwa lakini mimi nashangaa wengine hapa wanapinga pinga ambapo ni jambo la kusikitisha na ni jambo la kuhuzunisha hii hoja mimi naomba ipite sasa hivi. Ahsante sana Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Fatma Swaleh Mote. Yes Hon. Moses Aran.

Hon. Aran: Ahsante Mheshimiwa Spika. Mimi nasimama kuunga mkono hoja iliyoletwa na Mheshimiwa Milka...

(Applause)

Na kusema kweli Mheshimiwa Spika waheshimiwa wenzangu wamejadili hoja hii na kama kweli twafikiria tunataka mazuri hapa mjini Mombasa sioni haja mtu aweza simama aje apinge hoja kama hii...

(Applause)

Wajua saa zingine Mheshimiwa Spika waweza kuwa waongea ukaona watu wanasikia raha wanapiga makofi, haya makofi yanapigwa vizuri kumbe tu wataka umalize na uende! Mheshimiwa utakuwa unashangaa huyu chizi freshi yuwasema hivi...

(Laughter)

Mheshimiwa Spika mimi naona tusiendele...

(Interruption)

The Speaker (Hon. Khatri): Hon. Aran I think there is a word you have used which is not parliamentary. I had something like *chizi freshi*, what is that?

(Laughter)

Hon. Aran: Mheshimiwa Spika *chizi freshi* ni sawa na kusema kuna Waheshimiwa hawajielewi...

(Laughter)

Lakini mimi naona kwa sababu Waheshimiwa...

(Interruption)

The Speaker (Hon. Khatri): No, but Hon. Aran those are not parliamentary words *chizi fresh* please those are not proper words please.

Hon. Aran: Mheshimiwa Spika waweza kuwa waongea upigiwe makofi ama unafikiria watu wanakushangilia kumbe hujielewi.

The Speaker (Hon. Khatri): Yes Hon. Tobias Samba.

Hon. Samba: Mr. Speaker the House should know that there will be those opposing and there will be those proposing and if those one opposing are termed as *chizi freshi* and if those proposing are as well *chizi mafreshi zaidi*...

(Laughter)

And Hon. Speaker if you are continue to allow this un parliamentary language...

(Interruption)

The Speaker (Hon. Khatri): Hon. Samba please. I think now that it is too much you never even heard that word. So now what are you talking? You never heard it, I am the one who said that you were busy there with your other stuff.

(Interruption)

Hon. Samba: Mr. Speaker I heard it.

The Speaker (Hon. Khatri): So please Hon. Samba do not teach what to do, I know what I am doing and I have already told them so do not tell me that I continue giving them time to talk. I told him very clearly and you heard that I told him that those are not parliamentary words; so do not tell me that I am giving them a leeway to say those words. Please Hon. Samba I am here to protect everyone I am not here against you or against anyone, I am protecting everyone please Hon. Samba.

Hon. Aran: Hon. Speaker I withdraw the term I used, *chizi freshi* and I replace it with wasiojielewa...

(Laughter)

The Speaker (Hon. Khatri): Yes you may continue, I think that is part of the Kamusi, it is there in the Kamusi that word?

Hon. Aran: Yes.

The Speaker (Hon. Khatri): Swahili word?

Hon. Aran: Kwa hivyo Mheshimiwa Spika naomba tafadhali kwa heshima na tupitische hoja hii ili wananchi wetu wanaodhulumiwa wasaidike. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Rosemary Mukavi.

Hon. (Ms.) Mukavi: Thank you Mr. Speaker, reading the mood of this House this Motion has already passed...

(Applause)

Mr. Speaker the Hon. Member who brought this Motion to this House had experience in Coast General Hospital with Hon. Milka and we went their taking a lady who was raped on that day and it took a long time for us to be seen. Mr. Speaker I would urge this Assembly to pass this Motion so that we can create technical gender work groups for those who are raped and done everything. With those few remarks Mr. Speaker I support and ask the Honourable Members to support that Motion.

(Applause)

The Speaker (Hon. Khatri): Thank you. Yes, Hon. Charles Kitula, you are ok?

(Background consultation)

Yes Hon. Charles Kitula are you giving anything from this Motion?

The Chief Whip (Hon. Kitula): I am neutral.

The Speaker (Hon. Khatri): Sorry, did you say you are neutral? Yes Hon. Fadhili.

The Deputy Speaker (Hon. Mwalimu): Mr. Speaker it is as if the Chief Whip *hataki kujielewa na hataki kunyolewa...*

(Laughter)

The Speaker (Hon. Khatri): Yes Hon. Charles Kitula Members want to hear something from you since you are the Chief Whip...

(Applause)

Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi mwanzo nachukua fursa hii kumpongeza Hon. Milka kwa kuleta hii hoja...

(Applause)

Bila kusumbua sana kuuliza maswali ya kutaka kujua kabla hajaleta huu Mswada. Kwa hivyo Mheshimiwa Spika bila kuchukua muda wa hii Nyumba nasimama hapa kumpongeza na kuunga mkono hii hoja. Ahsante sana Mheshimiwa Spika.

(Applause)

The Speaker (Hon. Khatri): Yes Hon. Milka.

Hon. (Ms.) Ngare: Once again thank you so much Mr. Speaker for allowing me this time again to respond...

(Interruption)

The Speaker (Hon. Khatri): You should be replying here to the Motion. Respond.

Hon. (Ms.) Ngare: Yes, first I want to thank you for allowing this Motion to come to this House and also all the Members who have either given positive or contrary sentiments, it is a way of life and it is the way of this Honourable House. But I just want to say something that this Motion is not against the Constitution, it is about the need to improve available services of victims that are already suffering, we are not changing any Act of the Constitution. The victims have no voices we are their voices as Hon. Members and if we do not speak up for them who will? When I talked about a 24/7 vigilance at the Coast General we are aware and I have been in meetings even with Dr. Shikely and the CEC it closes on Friday; Saturday and Sunday it is not there. What happens to the victims if they are raped or if they undergo a violence during the weekend?

So Honourable Members ask yourselves is that service there on Saturday and Sunday? Then when it comes to court cases like what Hon. Amur said we only have one medical officer and this I am talking from a information point of vie. We have only one medical officer who presents reports of rape cases at the court and if you want more evidence I am making an appointment as a Women Caucus Chairlady we shall be visiting the Mombasa Headquarters for this to bring more information on the same, only one medical officer who is allowed to present the medical reports at the court. So what if on this paper to those dissenting voices is something that has already gone through a lot of research and when I brought it here I had gone through various stages of research to be able to present it here. So this Motion, I hope Hon. Mwamwiri is listening...

(Laughter)

This Motion actually seeks to enforce protection against violence acts, they are there but it looks like there are challenges, they are not being implemented fully the way it is in the Act and we are the people, we are the voices of the victims who must protect and speak for them. I am therefore not creating any Act we are only asking for improvement on the available services which do not seem to be working very well...

(Applause)

And with that I am very sure he and the one who is neutral who happens to be our Chief Whip...

(Laughter)

Will have that Motion of looking at the victims or visualizing in his head and looking at the main people, the main victims who undergo a lot of suffering. This is because somebody somewhere did not do his or her work or because a certain service was missing somewhere which of course the government has put in place but it is not enough. So we need to enforce, we need to put more emphasis as Honourable Members of this House in order for everybody to get the much needed services and with that Mr. Speaker. I want to urge this Honourable House to pass this Motion so that now we go to the next stage of asking for implementation and I assure you Mr. Speaker that once we pass this, personally I also have contacts who promised to assist us in putting this trained nurses and train them using their own funds I have donors who have promised and I am very sure that when this goes through and I do communicate back to them we are going to see a big change and donors who are going to assist. Thank you.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Milka Moraa. Yes Hon. Bwire, did you want to say something?

(Laughter)

Hon. Raphael Bwire I thought...

Hon. Bwire: Thank you Mr. Speaker but I thought once the Motion is replied then the discussion is over...

(Interruption)

The Speaker (Hon. Khatri): But it is ok if you want...

(Laughter)

Hon. Bwire: Otherwise I also happened to support the Motion.

The Speaker (Hon. Khatri): Thank you.

(Applause and Laughter)

The Speaker (Hon. Khatri): Thank you Hon. Bwire for that Hon. Members I now put the question that this House adopts the Motion on *Responsiveness on Gender based Violence* by Hon. Milka Moraa in the same terms as moved.

(Question put and agreed to)

I think the ayees have it...

(Applause)

Yes Clerk?

BILLS

The Speaker (Hon. Khatri): Yes Hon. Feddis.

Hon. (Ms.) Mbura: Ahsante sana Mheshimiwa Spika ningomba kutumia Standing Order 41 (c).

The Speaker (Hon. Khatri): Ok, yes Hon. Standing order 41 (c) about what?

Hon. (Ms.) Mbura: Niko na *statement*...

(Interruption)

The Speaker (Hon. Khatri): But Hon. Feddis...

(Interruption)

Hon. (Ms.) Mbura: Pole Mheshimiwa sikuwa ndani nilikua nimetoka kidogo.

The Speaker (Hon. Khatri): So we will do it in the afternoon because there is a procedure here which we are following Hon. Feddis.

Hon. (Ms.) Mbura: Sawa, ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): There is an Order Paper here and you have seen where there are messages.

Hon. (Ms.) Mbura: I want to have a statement.

The Speaker (Hon. Khatri): Statement is No.7, so we have already passed Hon. Feddis. Yes Clerk?

ADJOURNMENT

Hon. Members this Assembly stands adjourned until Wednesday, 14th November, 2018 at 2:30p.m.

The House rose at 10:46a.m.