

ANNUAL PROGRESS REPORT FY 2013/14

November 7

2014



THIS REPORT COMPRISES OF THE ACHIEVEMENTS, CHALLENGES
RECOMMENDATIONS AND CONCLUSION

Gender
Culture and
Social
Services
Committee

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CHAPTER ONE

INTRODUCTION AND BACKGROUND

Upon the promulgation of the new Constitution of Kenya on August 2010, Kenya underwent political and democratic transformation that saw the sovereignty of the people being exercised at the national and county level (Constitution of Kenya Article 1 (4)). As a result of devolution county Governments was formed whose objects are best described in Article 174 of the Constitution of Kenya, one of which is to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya ;and to enhance checks and balances and the separation of powers .Article 176 (1) of the Constitution states that there shall be a County government for each county, consisting of a county assembly and a county executive.

It is also expected that every county government shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so. County Governments draws its functional powers from Article 185 (2), 186 (1) and 187(2) and are specified on the fourth schedule part 2 of the Constitution of Kenya.

The existence County Assembly in itself cannot be effective considering the sheer bulky deliberations require detailed scrutiny, hence committees was formed to deal on various and diverse issues of policies, legislations and oversight. County Assembly committees are varied from oversight to standing committees, implementation committees and adhoc committees.

Gender, Culture and Social Services Committee was established on 28th February, 2014 following County Assembly resolutions to have committees' reconstituted .Currently it is being chaired by Hon. William Mosonik, and co-chaired by Hon. Rose Boiyon

Committee Membership

The membership of the Committee is as follows:

1. Hon. William Mosonik.....chairperson
2. Hon. Rose Boiyon..... Vice Chair
3. Hon. Samwel Bor.....Member
4. Hon. David Rotich Big Five..... Member
5. Hon. Taplelei Rotich.....Member
6. Hon. Julius Korir.....Member
7. Hon. Reuben Langat.....Member
8. Hon. Hellen Chepkirui..... Member
9. Hon. Sammy Chelule..... Member

Mandate of the Committee

County Assembly Sectoral committee draws its mandate from County Assembly standing orders no.190 (4) which state that the mandate of Sectoral Committee in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under part 2 of the Fourth Schedule to the Constitution.

The committee on Gender Culture and Social Services is mandated as per the standing order number 190 to deal with child care facilities, all matters related to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing liquor licensing, cinemas, video shows and hiring, libraries, museums and cultural activities as well as facilities and county parks, beaches and recreation facilities. They are also mandated in controlling drugs and pornography.

Functions, roles and duties of the Committee

The functions and roles of the Committee is drawn from no.190 (5) 1 and 2 and which shall be to:

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department.
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation.
- (c) Study and review all County Legislations referred to it
- (d) Study, assess and analyse the relative success of the departments as measured by results obtained as compared with their stated objectives.
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly.
- (f) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 187.
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislations.
- (h) Scrutinize the resolutions of the County Assembly (including adopted committee report), petitions and the undertakings given by the County Executive Committee.
- (i) Examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented as well as whether such implementations has taken place within the minimum time necessary

- (j) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

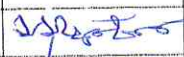
The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

Acknowledgement

I wish to thank the members of Gender, Culture and Social Services for preparing this report. On the same note, the Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support received while compiling this report.

Affirmation and approval

We, honourable members of the Gender, Culture and Social Services, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

No.	Name	Position	Signature
1.	Hon. William Mosonik	Chairperson	
2.	Hon. Rose Boiyon	V. Chair	
3.	Hon. Samwel Bor	Member	
4.	Hon. Julius Korir	Member	
5.	Hon. Hellen Chepkirui	Member	
6.	Hon. David Rotich	Member	
7.	Hon. Reuben Langat	Member	
8.	Hon. Helen Taplelei	Member	
9.	Hon. Sammy Chelule	Member	

EXECUTIVE SUMMARY

This report entails annual progress for Gender, Culture and Social Services committee during the financial year 2013/14. It highlights the key achievement of the committee and the challenges faced by the committee while it discharged its mandate. It also entails the proposed recommendations to the challenges.

CHAPTER 2

ACHEIVEMENTS

2.1 Kalenjin Culture

The committee held a meeting on 6th March, 2014 the committee sat to deliberate on the Kalenjin Culture and the support of Kipchamba Foundation. The committee discussed and pointed out that Kipchamba Foundation requires support from all county stakeholders because it boosts Kipsigis culture. All young artists should be supported by the county government so that their talents are enhanced and supported to better their lives. The committee noted that Kipsigis music is popular across the country and especially Kalenjin sub-tribes. Music industry should regulate and legislate. Music studio should be established in Bomet so as to subsidize the cost of production.

2.2 Recommendation

The committee arrived at the following resolutions:

- The county government of Bomet to support Kipsigis culture and the young artist by establishing Kipsigis cultural centre at Bomet
- The county government of Bomet to support local musicians by discouraging piracy through legislation and setting up of music studio to reduce the cost of production
- The research department to assist in research on comedians and musicians
- The county government of Bomet to set up a date for celebration for all artists in Bomet County.
- The members should set up a policy on culture in the next meeting

2.3 Rehabilitation Facilities

On 5th May the committee deliberated on the importance of setting up rehabilitation centres in Bomet County. This will support victims who are recovering from drugs and substance dependency.

The committee resolved that it was of great importance for them to bench mark with other rehabilitation centres before setting up one in Bomet County.

Table 1.Shows a Summary of meetings held by the committee during FY 2013/2014

<i>MONTH</i>	<i>ACTIVITY</i>	<i>TOTAL</i>	<i>COMMENTS</i>
<i>February</i>	<i>Committee meeting</i>	<i>3</i>	<i>Successful</i>
<i>March</i>	<i>Committee meeting</i>	<i>4</i>	<i>Successful</i>
<i>April</i>	<i>committee meeting</i>	<i>3</i>	<i>Successful</i>
<i>May</i>	<i>committee meeting</i>	<i>4</i>	<i>Successful</i>
<i>June</i>	<i>Public participations, committee meeting and report writing retreat</i>	<i>8</i>	<i>Successful</i>
<i>Others:2 bills passed , 6 motions and 1 policy</i>			

2.4 PUBLIC PARTICIPATION AND HEARINGS

2.4.1 Bomet County Protocol and Salutations Bill, 2014

The County Assembly through its Gender, Culture and Social Services Committee fulfilled the principle of public participation and the doctrine of involving the public in governance issues and legislative process as enshrined in Article 10 (2), Article 69 and Article 196 of the Constitution by engaging the public to give their views and comments on pertaining the said Bill.

Article 196 (1) b of the Constitution state that a County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committee. The process of engaging the public in this matter entails taking the public through the Bill explaining clause by clause thereafter they are given time to give their views and this task was performed by the committee under the leadership of the chairpersons. This committee collected views from the public on the Bomet County Emblems, Protocol and Salutations Bill, 2014 by visiting each sub-County, namely Chebole, Bomet.Koiwa, Mulot and Chebunyo.

Distribution of Wards and Sub-Counties in Bomet County

<i>Sotik</i>	<i>Chepalungu</i>	<i>Konoin</i>	<i>Bomet East</i>	<i>Bomet Central</i>
<i>1.Kipsonoi</i>	<i>1.Chebunyo</i>	<i>1.Boito</i>	<i>1.Longisa</i>	<i>1.Mutarakwa</i>

2.Kapletundo	2.Siongiroi	2.Mogogosiek	2.Kembu	2.Chesoen
3.Ndanai	3.Sigor	3.Embomos	3.Chemaner	3.Silibwet
4.Manaret	4.Kongasis	4.Kimulot	4.Kipreres	4.Singorwet
5.Chemagel	5.Nyangores	5.Chepchabas	5.Merigi	5.Ndaraweta

2.4.2 EXECUTIVE SUMMARY

The object of the Bill is to provide for the County flag and emblems, protocol and salutations; and to prevent improper use of the emblems, names, words, and likeness for commercial or professional purpose and for matters incidental thereto.

This Bill was prepared in accordance with section 4(1) of the County Government Act which provides that:

Every County shall enact legislation prescribing the following symbols-

1. The county Flag
2. County coat of Arms; and
3. The County public seal.

Emblem in the Bill means the flag, seal, insignia, ensign and coat of arms of a kind specified in the first schedule. The meanings of the symbols embedded in the Flag, Coat of Arms and the Seal signifies quit a lot as described in the annex. The Bill describes the circumstances, regulations and prohibitions under which the flag and emblems shall be used and offences resulting thereto as stipulated in section 2B of the National Flag, Emblems and Names Act.

The Bill also provides the salutations and where and whom it applies within the County. The Bill also provides the languages under by which the National Anthem shall be played during all opening and closing of the assembly sessions and during official functions of the County. Furthermore the Bill describes the officials who shall be permitted to hoist the County flag on their vehicles by the Act

The Bill seek to provides for the order of protocol within the County which shall be followed during any gathering attended by all or some of the persons listed on the second schedule of the Bill,2014 for example during holiday celebrations, public events.

2.4.3 Summary of Views and Comments of the Public:

The Committee in a meeting held on 21st June 2014 at a retreat in Kisumu went through the comments collected from the public during the public participation process which was as follows;

2.4.4 OBSERVATIONS FROM MEMBERS OF THE PUBLIC

The Committee held public participations in each of the five sub-counties, collecting views and comments.

2.4.5 Comments on the Proposed Flag

1. The participants wanted to know if the residents/public was invited to participate in the process of designing the flag, the Coat of Arms and the Seal. However; the members of the public were informed that the process was participatory, with the public submitting their own preferred designs. A Committee sat and examined those that the public had come up with. A final emblem was chosen as is now in the public domain to give further input.
2. The first three contestants should have their proposed designs reviewed in the presence of the public. This is for fairness in selection process.
3. A symbol of education was not captured in the flag. Should insert a graduation head gown or even a book.
4. The use of red coloured circle is NOT appropriate. Terming it as a sign of bad things or danger as well as a sign of dictatorial Government. The participants proposed another colour be used like black or golden. Others proposed tea leaf sign be used instead of red colour.
5. The white section representing peace be replaced by a picture of a dove. Others commented that too much of white colour was used in the flag.
6. Others recommended that the flag captures fully their imaginations and aspirations and reflects how the County looks like hence should be maintained as it is.
7. It was proposed by the public that the flag should capture the unique customary practices in the County.
8. There was a proposal that a picture of an athlete running be inserted on the white section. Another could be a sign of music/songs
9. Another respondent proposed that the word "Government" was omitted and should be placed down so as to read Bomet County Government.

2.4.6 Comments on the County Seal and Coat of Arms

1. The have a motto be 'for the welfare and justice for all'.

2. Most respondents were in favour of the County Seal and Coat of Arms hence preferred to have it remained as it is.

2.4.7 Comments on the second schedule on the order of protocol within the County

Most participants felt that the order of protocol given as per the Bill was fine except that the Member of County Assembly should come before the CEC, meaning the County Executive Committee Member should be number 11 as given below.

1. The President

2. The Deputy President

3. The Governor

4. The Deputy Governor

5. The Speaker of Senate

6. The Speaker of the National Assembly

7. The Cabinet Secretary

8. The Senator

9. Speaker of County Assembly

10. Member of County Assembly/County Attorney/Member of Parliament/Women Representative/County Secretary

11. County Executive Member

2.4.8 Comments on the County officials who may hoist the County Flag on their vehicles

1. Most respondents wanted to have the Governor and the Assembly speaker to be the only ones to hoist the County flag in their vehicles. The reasons being since hoisting a flag is a sign of authority. Authority cannot be given to several personnel. On top of that the Governor is the head the County Executive while the County Speaker heads the County Assembly.

2. The public also recommended that number 6 be deleted.

2.4.9 Comments on the Use of National Anthem

Clause 10(1) proposes that the National Language shall be played in English, Kiswahili and Kipsigis during all opening and closing of the assembly sessions and during official functions of the County.

Comments from the public were uniformed in all the five sub-counties visited and all rejected the use of Kipsigis language to play the National Anthem. Hence only English and Kiswahili are used. Reason being this would promote tribalism.

2.5 LEGISLATIONS

Two bills were passed:

1. Bomet County Protocol and Salutations Bill, 2014
2. Bomet County Support for the Needy Bill, 2014

2.6 Bomet County Emblems, Protocol and Salutations Bill, 2014

After the Bill was read for the first time in the Plenary, it was committed to the Committee on Gender Culture and Social Services to deliberate on the Bill. The committee is required to report back within 20 days after its committal. Hence the committee held three (3) meetings to discuss the contents, clauses and schedules in the in the Bill, to organise and decide on the venues appropriate for public hearings.

2.7 Amendments proposed by Committee in the Bill.

Proposed Amendment's on *The Bomet County Emblems, Protocol and Salutations Bill, 2014*

1. THAT clause 4 be amended by deleting the words "punishment specified in section 2B of the National Flag, Emblems and Names Act as if the offence, was committed in respect of the flag, emblems and other insignia declared in that act" and substituting thereof with the words "a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment".
2. THAT Clause 5(1) be amended by inserting the words "with the approval of the County Assembly" immediately after the word "governor"
3. THAT clause 5(4) be amended by deleting the words "a fine prescribed in the national flag, emblems and names act for the contravention of section 3 of that act" and substituting thereof with the words "a fine not exceeding six thousand shilling or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment"

4. THAT Clauses 9(v) and (VI).be deleted.

5. THAT Clause 10(1) be amended by Deleting the word "and Kipsigis ".And that the word "and" be inserted between the words "English kiswahili"

6. THAT Clause 10(2)be amended by deleting the words "and the wordings of the National Anthem in Kipsigis are as shall be prescribed"

7. THAT Clause 11 be renumbered as clause 11(1)

8. THAT a new clause 11(2) be inserted with the words "A Governor and a Speaker who is on a visit to the county or on transit may hoist their county flag on their official vehicles when they are in the jurisdiction of Bomet county"

8. THAT Clause 12 be amended by deleting the words "The officials set out in the ThirdSchedule may hoist the county flag on their vehicles" and substituting thereof with the words "The Governor and the Speaker of the County Assembly may hoist the County flag on their vehicles"

9. THAT Clause 13 be amended by inserting the words "with the approval of the County Assembly"immediately after the word "regulations"

10. THAT the third schedule be deleted.

11. That part (ii) of the first schedule the words "THE GREATEST GOOD FORTHE GREATEST NUMBER "be deleted and substituted by "FOR THE WELFARE AND JUSTICE FOR ALL".

12.THATthe second schedule of the Bill be amended to reflect the following order of protocol within the County.

1. The President
2. The Deputy President
3. Governor
4. The Deputy Governor
5. Speaker of the National Assembly
6. The Speaker of the Senate
7. Cabinet Secretary
8. Senator

9. Speaker of County Assembly
10. Women Representative/Member of Parliament
11. Leader of Majority/Leader of Minority/Member of County Assembly/
12. County Secretary/County Executive Member/County Attorney.
13. **THAT**, the flag be amended by removing the red colour in the middle of the flag and be replaced by a white colour.
14. **THAT**, there must be an explanation, clear and easily understandable signs used in description of the dimensions of the Flag in the first schedule.
15. **THAT**, clear colours must be used in describing the Flag, Coat of Arms and the County Seal.

2.8 Bomet County Support for the Needy Bill, 2014

2.8.1 Amendments proposed by Committee in the Bill.

Proposed Amendment's on *The Bomet County Support for the Needy Bill, 2014*

THAT Clause 4 be renumbered 4(1) and a new clause be inserted thereafter

4(2). There is established old persons and persons with disability fund committee which shall consist of the following;

- (a) Chief Officer finance
- (b) Chief Officer gender, culture and social services
- (c) Chief Officer of administration
- (d) Chief Officer health
- (e) a man and a woman to represent the elderly
- (f) a man and a woman to represent persons with disability
- (g) Faith based representative

4(3) The Executive Committee Member for the time being responsible for Gender, Culture and social services shall make regulations governing the operations and procedures of the committee.

THAT Clause 6 be re-numbered 6(1) and new clauses be inserted immediately after.

6(1) be amended by deleting the word 'three' and substituting thereof with the word "two"

6(2). There is established a County Bursary Fund Committee which shall consist of the following;

(a) Three members appointed by the Governor;

(i) Executive Committee Member for Education

(ii) Chief Officer of Education

(iii) Chief Officer of Finance-----

6(3) The Committee shall perform such functions as:

(a) Equitably share the funds among the 25 wards existing in the County

(b) Review allocations to ensure support offered is adequate and sufficient

(c) Approve disbursement of fee support to awarded students

(d) Monitor allocations of support to ensure needy and deserving students benefit

(e) Conduct periodic county skills survey to identify critical skills for the purpose of refocusing support and encouraging students to pursue necessary disciplines

(f) Maintain an updated database of all applicants and beneficiaries of the fund

(g) Periodically produce and share annual disbursement reports with the Governor and the County Assembly.

6. (3) The Executive Committee Member responsible for education shall make regulations governing the operations, procedures and business of the Committee.

6(4) there is established a Ward Bursary Fund Appraisal Committee which shall consist of the following;

(a) The member of the county assembly who shall be the patron

(b) The ward administrator who shall be the secretary

(c) Seven members of the public resident in that particular ward appointed by the member of the assembly in consultation with the Executive Committee Member for education which shall consist of the following;

(i) Women representative

(ii) Youth representative

- (iii) Two Persons with disability
- (IV) An educationist
- (v) Non-Governmental Organisation representative
- (vi) Faith based organizations representative

6(5) The Ward Bursary Fund Appraisal Committee shall perform the following functions;

- (a) Invite applications for fees support
- (b) Receive applications
- (c) Scrutinize and verify all applications
- (d) Nominate students to be supported with proposed amounts
- (e) Maintain an updated database of all applicants
- (f) Forward to the county bursary fund committee minutes and records of nominated fees support beneficiaries

6.(6) The Executive Committee Member responsible for education shall make regulations governing the operations, procedures and conduct of business of the committees.

THAT, Clause 8 be amended by inserting the words 'and other chronic conditions' immediately after the words "disorders" and that the word "three" be deleted and substituted thereof with the word "two"

THAT, Clause 10(1) be amended by inserting the words "for finance" immediately after the word 'responsible'

THAT, Clause 13 be amended by deleting the words 'such fine and imprisonment'

THAT, Clause 15 be amended by inserting the words ', with approval by the county assembly' immediately after the word "act"

THAT the long title be amended by deleting the word 'education' and substituting thereof with the word 'bursary' and also inserting the words 'and persons with disability' immediately after the word 'persons'

THAT, in Clause 2 the definition of the word "fund" be amended by deleting '12' and inserting '5' after '3'

THAT in Clause 2 the definition of the words 'old person' be amended by deleting the words 'seventy five' and substituting thereof with the words 'sixty five'

THAT in Clause 2 the definition of the words 'person with disability' be deleted and substituted thereof with the following words 'includes any physical, sensory, mental psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long term effect on an individual's ability to carry out ordinary day to day activities'

POLICIES

One policy was passed.

2.8.2 Bomet County Older and Aging Persons Policy Paper No.3

1. should be a clear definition of 'older persons' in order to avoid any potential conflict with the law (Constitution under Article 260)
2. **THAT** part 16.0 of the policy be amended to clearly establish the relevant ministries.
3. **THAT** the proposed relevant ministries to include;
 - i. County Administration
 - ii. Health
 - iii. Social Services
 - iv. Treasury
4. **THAT** part 16.0 is amended to include representatives from NHIF and NSSF.
5. **THAT** part 16.3 be amended to provide for the following membership in the council:
 - I. Chief Officer of Finance
 - II. Chief Officer of Gender, Culture and Social Services
 - III. Chief Officer of County Administration
 - IV. County Director of Social Service
 - V. A Director
 - VI. Chairman appointed by the governor through competitive process
 - VII. Officers appointed by NSSF/NHIF
 - VIII. Two (2) persons (a woman and a man to represent the interest of the elderly persons)
6. **THAT** part 16.3 (i) be amended to read as 'All older persons aged 60years' instead of 70 years but only those who are most vulnerable, extremely needy and without any other source of income or support.
7. **THAT** part 16.3(v) be retained to read 'next of kin' instead of 'the estate'
8. **THAT** part 16.3 (vi) be amended to read the "County Government of Bomet" instead of "Government"

CHAPTER 3

3.1 Challenges

The committee was faced with a number of challenges as it discharged its mandate as highlighted below;

- i. Submission of incomplete/incorrect documents by the executive i.e. when the committee asked to be given the expenditure for FY2013/2014 they were given work plan and programme based activities for FY2014/2015.
- ii. Lack of implementation of committee recommendations adopted by the house
- iii. Public participation. Inadequate preparation of the public participation i.e. public not informed and provided with documents well in advance
- iv. Late submission of documents by the executive
- v. Lack of capacity building and tailor made trainings for the committee
- vi. Insufficient committee rooms

3.2 Recommendations

- i. Tailored training that meets the needs of the committee should be organized
- ii. The executive must respect the separation of powers and authority of the assembly to exercise its oversight role as envisaged in the creation of the two arms of County Government. Interferences and confusion should not be tolerated
- iii. The executive must ensure full implementation of the County Assembly recommendations as adopted by the house
- iv. The county assembly must adequately prepare for public participation. The public should be informed and copies of the documents circulated well in advance. Public participation policy should be fast tracked
- v. The C.E.C for Gender should ensure timely submission of thorough and complete documents to avoid unnecessary delays
- vi. Create more committee rooms

3.3 Conclusion

The committee observed that despite the above stated challenges, it has effectively delivered on its mandate as per the standing orders. The Committee observed that to avoid unnecessary delays and to address the issue of the County Assembly being blamed for its cause, thorough documents meeting the required standards must be submitted on time from the Executive. This is one objective that the house should prioritize.

The committee however shall continue to remain steadfast in its resolutions to deliver on its mandate as per the standing orders and will continue to co-operate and work together with all the stakeholders in order to effectively participate towards the achievement of the development agenda of Bomet County.