

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
THE HANSARD

Tuesday, 8th November, 2016

*The House met at the County Assembly Chamber,
Malindi Town, at 9:00 a.m.*

[The Speaker (Hon. Kahindi) in the Chair]

MOTION

CONDOM DISTRIBUTION IN KILIFI COUNTY

The Speaker (Hon. Kahindi): Hon. Kiraga.

Hon. Kiraga: Thank you so much hon. Speaker. I wish to move the following Motion to the Department of Health Services:-

AWARE THAT, HIV/AIDS is one of the diseases contributing to most of the deaths in our county.

NOTING WITH CONCERN THAT, the prevalence rate in Kilifi County is among the highest in the country despite the fact that the County Government of Kilifi has condoms in its pharmacies.

FURTHER AWARE THAT, as a method of preventing the spread of this deadly disease and other related sexual transmitted diseases, condom use is very vital.

This House therefore urges the County Executive Committee Member in charge of Health Services to facilitate the distribution of condoms in the designated areas like washrooms of public premises and encourage the private sector to do likewise.

I call upon hon. (Ms.) Kwekwe to second this Motion. Thank you.

The Speaker (Hon. Kahindi): Hon. Pascal, you have a Point of Order? Yes.

The Leader of Minority (Hon Pascal): Thank you hon. Speaker. I would like to get clarification from the Member; is this a Notice of Motion or a Motion because he said he was moving a Motion. Thank you.

Hon Kiraga: It is a Motion just as it says in the Order Paper.

The Speaker (Hon. Kahindi): Hon. Pascal, that is as it was presented then but it is a Motion ready for debate. Yes, you had requested hon...

(Hon. (Ms.) Kwekwe seconded)

Okay. Thank you.

(Question Proposed)

Hon. (Ms.) Kwekwe: Asante Bw. Spika kwa kunipatia nafasi hii kuunga mkono Mswada huu wa *condom* ambazo nisisambazwe kila pahali ambapo kuna ofisi ya umma. Kwa kweli, afya

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ni muhimu kwa watu wa Kilifi na pia tunajali watu wetu ambao ni wawe na afya nzuri. Pia naunga mkono ziwe zitawekwa kwa vyoo ambavyo ni vya uma kwa sababu kuna magonjwa ambayo...

The Speaker (Hon. Kahindi): Order! Hon. (Ms.) Grace Kwekwe. There is a Point of Order.

Hon. Hassan: Asante mshemiwa Spika. Nilikuwa naomba sahihisho; nafikiri tukiongea Kiswahili ni Kiswahili moja kwa moja. Sasa *condom* alafu tunajua neno la Kiswahili la *condom*... Asante.

The Speaker (Hon. Kahindi): Thank you for the observation hon. Hassan. I think hon. (Ms.) Kwekwe you need to proceed in Kiswahili. Every word you have said has a meaning in Swahili so...

Hon. (Ms.) Kwekwe: A condom is a condom...

The Speaker (Hon. Kahindi): Hon. Hassan, I want you to assist the Member.

Hon. Hassan: Ni kwa sababu sijaelewa ndio maana nikaomba hilo sahihisho. Asante.

Hon. (Ms.) Kwekwe: Okay, *condom* ni mipira inayovaliwa na wanaume ili kujikinga na magonjwa tofauti aidha ya kaswende ama ya zinaa.

The Speaker (Hon. Kahindi): Okay, proceed.

Hon. (Ms.) Kwekwe: Kwa hivyo, naunga mkono hii mipira iwekwe katika vyoo ambavyo ni vya umma yaani kwa watu ambao wanatumia pahali popote pale ambapo pana watu wengi aidha pawe ni baa ama ni pahali pa hadhira ambapo watu wengi huwa wanaenda kujivinjari. Kwa hivyo, ni bora hii mipira iwekwe ili watu wakinywa vileo vyao wakienda kufanya mambo yao waweze kuchukua ili waweze kujikinga na magonjwa mbali mbali.

Kuna gonjwa hasa hili la ukimwi ambalo limeenea katika nchi yetu ya Kenya. Ukiwa unatumia mipira huu, utaweza kujikinga na gonjwa lile na pia inakinga magonjwa mengi mbali na kukinga wanawake wasishike mimba ambazo hawazitazamii. Kwa hivyo, naunga mkono hii mipira iwekwe kila mahali. Asanteni.

The Speaker (Hon. Kahindi): Yes, hon. Emmanuel Chai.

Hon. Chai: Thank you very much Mr. Speaker, for allowing me to stand and contribute against the Motion. I think the distribution of condoms at the moment is going on as we have seen in most of the washrooms and in public areas.

When I read that the CEC (County Executive Committee Member) in charge of Health is to facilitate the distribution, it means that we are going to give her at least a chance of spending some money to do the distribution of these condoms. So from here, I think I found it is not right for us to give him the power to do the facilitation of distribution...

The Speaker (Hon. Kahindi): Yes, hon. Kiraga you have an intervention?

Hon. Kiraga: Thank you so much Mr. Speaker. I want to pose two questions to the Member on the Floor. One, the meaning of facilitation; I do not believe facilitation entails money alone. Second, he is saying that condom distribution has been going on and it is almost everywhere and he is sitting in the County Assembly premises but I believe the condoms which we find in the washrooms, the Department just started distribution in the month of October. That is when we had condoms distributed in our washrooms in these premises and it took the Chairperson of Health Services Committee to compel the Department to do that. As the Mover of this Motion, I did a research and that is why I came up with this Motion so, unless he expounds...

The Speaker (Hon. Kahindi): What is your point of Order hon. Kiraga?

Hon Kiraga: Yeah, thank you very much.

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The Speaker (Hon. Kahindi): You know you are trying to inform the Member but cleverly you have not asked him if whether he needs to be informed. Hon. Emmanuel Chai, please proceed.

Hon. Chai: Thank you very much, Mr. Speaker. At least you have supported my point and I still repeat that the distribution of these condoms was done way before. Even in my area Jaribuni, we have bars with condom dispensers. So, when we say that we want to facilitate as the hon. Member has said that facilitation does not mean that we will use funds, the movement of the officer who will be distributing these condoms will need facilitation. Not only will the movement of the officer distributing these condoms need facilitation, but money will be used because they will need some fuel and government cars to be used for the distribution of these condoms in different areas. At this juncture, I ask the Mover of this Motion not to instill or put any expenses in something that is already going on.

The Chairman is telling us he had to go to the Health Department to demand the distribution of condoms. I am very sure the activity was not moved and if money was not engaged in this system, I do not think the CEC could have brought the condoms here because it is not in the budget. So, I think if we are to move in the right way, we should not make any expense for condom distribution. For that, I think I would say thank you.

The Speaker (Hon. Kahindi): Are you in support or against?

Hon. Chai: I am against the Motion.

The Speaker (Hon. Kahindi): Okay, thank you. Yes hon. Hamza.

Hon. Hamza: Asante sana Bw. Spika kwa kunipatia fursa hii ili niweze kuchangia katika Mswada huu ambao nasimama kuupinga. Ninaupinga kwa sababu zifuatazo. Labda kwanza nataka kuwafahamisha katika neno lolote ambalo nitaweza kulitaja katika lugha ambayo si ya Kiswahili; mimi ni mweledi wa Kiswahili kwa hivyo nitakua nimefanya utohozi; sitasimama kuanza kueleza jambo moja baada ya lengine. Ukiangalia Mswada huu katika hali ambayo umeletwa katika Bunge hili, umeuliza maswala ya utumizi wa mipira na ukiangalia sababu ambazo zinapelekea janga la ukimwi, kuna njia nyingi sana ambazo zinaweza kutumika kuhakikisha kwamba gojwa la ukimwi haliwezi kusambaa.

Kuna njia kama kuwa mwaminifu au ikiwezekana uwachane kabisa na mambo ya ngono; hayo ni mambo ambayo yako hapo ndani. Kuamua moja kwa moja kwamba tutumie mipira, angelituonyesha kwanza yule mwenye kuleta huu Mswada haya mambo mawili ameyaona uzito wake uko mahali gani kabla tuingie katika maswala ambayo yatajumuisha matumizi ya fedha maanake hapo hataki kupakubali lakini ukweli ni kwamba atajumuisha matumizi ya fedha na kuna njia ambazo tunaweza kutumia na zikatufanya tuwe hatutatumia fedha zozote Bw. Spika.

Labda kwa wakati huu sitaweza kutaja moja moja ni kipengee gani lakini sheria zinaturuhusu sisi pia kuheshimu maadili yetu na maadili yetu sisi kama wamijikenda sioni kama itakuwa vyema tuwe tutaanza kupeana nguvu katika idara tofauti tofauti. Watu waweze kufikia karibu matumizi ya mipira ili waweze kufanya ngono kwa uhuru. Mimi naona mwenye kuleta Mswada huu mahali kama hapa nina maswali naye mengi sana yeye mwenyewe binafsi mbali na huu Mswada maanake mambo mengine yanaelezwa na mwenyewe alivyo. Nikisema hivyo, si makosa kwa sababu ni miongoni mwa vigezo vya kuweza kutambua mtu. Mimi nimesimama kuupinga Mswada huu na sioni kama itakuwa ...

The Speaker (Hon. Kahindi): Hon. Hamza, is there anything about hon. Kiraga that we do not know?

(Laughter)

Hon. Kiraga, why are you nodding when they are raising objections?

(Laughter)

Hon. Hamza is assassinating your character and you are seated. Anyway maybe hon. Kiraga agrees with what he is saying so we will still proceed. You are done? Okay hon. Stanley Kenga.

Hon. Kenga: Thank you Mr. Speaker. I need your protection; there is a discussion...

The Speaker (Hon. Kahindi): Yes, proceed.

Hon. Kenga: Thank you. Mr. Speaker, I have risen to demonstrate my support for the Motion that is before the House. Some of the issues that Members have raised you will realize that it is only Friday last week when we officially opened this Chamber so that we can be able to conduct our business and as we transact business, I do not think we shall be in the right footing for us to start by opposing the first Motion...

(Applause)

That is one. In the African tradition, the first step that one makes has a lot to determine on the entire life of an individual. Therefore, this trend when allowed to exist may not be the best for this House. Therefore, I had wanted to make my contributions later but looking at the contributions that we are receiving from the Members that have already contributed, they are against the Motion. I now want to set the record straight that one; this Motion has already recognized the presence and the availability of condoms in the precincts of the County Government. It is not about going to buy condoms. The Motion has clearly stated that these condoms are already available in the pharmacies of the County Government.

This Motion is seeking for the CEC Member to put in place measures that will now allow the distribution to the various premises within the County Government where those who need these services will now be able to access them. This Motion does not encourage immoral behavior unlike what we are hearing from the contributions from hon. Hamza and the likes; it does not. What it seeks to is for those who feel... we know about the ABC strategy that we are supposed to use as we fight HIV and AIDS in the country and the issue of abstaining. It takes an individual who has that will to abstain. The issues of being faithful also take an individual. The issue of condoms also takes an individual. There are those who can abstain and I can give very few examples in this House.

(Laughter)

Because most cannot and there are those who are faithful and we have very few, in fact the number is declining, for the majority who cannot abstain and for the majority who cannot be faithful. We are now according them an opportunity, not encouraging them to be immoral but giving them an opportunity because Article 43 of the Constitution on the economic and social rights of an individual, one; that every person has the right to the highest attainable standard of health including the right to health care services including reproductive health care. We can only achieve that.

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In the last few years under the leadership of President Mwai Kibaki, HIV/AIDS was declared a disaster in this nation and by declaring it a disaster, it means we have to channel all resources. Lucky enough, this Motion does not seek resources to be channeled to fight this but it would even be prudent for us as a County Government. Lately we have seen in the papers that the HIV/AIDS prevalence rate is increasing unlike previous years where the rates had declined.

This is not the best. This is an alarm and we need to address that. We can only do that for those who cannot abstain and those who cannot be faithful by making sure that we are availing, at the nearest place possible, this service so that they can access and use them when need arises. Mr. Speaker, I am a Christian and I do not engage in this.

(Applause)

Looking at my brothers and sisters who are engaging in these kinds of activities, we need to protect them. I am a father and I know that we have to take care of these people. Thank you very much Mr. Speaker. I have set the record straight and I want to believe that we are going to pass this Motion.

The Speaker (Hon. Kahindi): Okay. Yes, hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you very much for this time...

The Speaker (Hon. Kahindi): You had an intervention?

Hon. (Ms.) Mbeyu: Yes, I had an intervention. Mr. Speaker, the hon. Member who was on the Floor has gone to extremes as he had said that he is faithful and he is a Christian. We are all Christians and we are all faithful but when he says that he has a big percentage of a number of us who are not faithful in this House, I think he needs to withdraw that statement. I am sure he does not have data of every Member in this House engaging in such activities.

(Laughter)

We are hon. Members in this House and we should relate to one another with respect.

The Speaker (Hon. Kahindi): Thank you hon. (Ms.) Mbeyu. I believe that is a very valid intervention. Hon. Kenga, unless you have the data to show that our Members are very unfaithful and I do not think that you should insist on bringing any data if at all you have any.

Hon. Kenga: Thank you Mr. Speaker, facts and figures and numbers do not lie. It is a fact that in this Country...

The Speaker (Hon. Kahindi): No! In this House!

Hon. Kenga: Yes, you are part of this country, when I say this country this includes this House.

The Speaker (Hon. Kahindi): No, I want to direct you to your statement hon. Kenga. You referred to the hon. Members and remember in this country not every person is a hon. Member. So you are talking in reference to the 52 Members who are currently the ward representatives including the Speaker so we are 53.

Hon. Kenga: Can I be allowed to give names?

The Speaker (Hon. Kahindi): Of those who are not faithful?

Hon. Kenga: Yes, Mr. Speaker.

The Speaker (Hon. Kahindi): Yes! Please proceed.

(Laughter)

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Hon. Kenga: Mr. Speaker, I withdraw.

The Speaker (Hon. Kahindi): Thank you.

The Speaker (Hon. Kahindi): Yes hon. Dele proceed.

Hon. Dele: Asante mheshimiwa Spika. Nasimama kupongeza Mswada huu. Mheshimiwa anayewakilisha Wadi ya Gongoni nampongeza kwa kuona kwamba kuna haja ya kutetea wananchi na hata pengine maswala yake mwenyewe pia.

(Laughter)

Mswada huu ni mwema na una maono mazuri kwa kutetea wananchi wetu ili waepuke ugonjwa huu ambao ni hatari basi Bunge hili litakuwa limepitisha Mswada ambao unaenda kusaidia wengi.

Cha msingi na cha kuzingatiwa ni kwamba vifaa hivi basi visipelekwe tu sehemu zilizotajwa bali watu waweze kufunzwa matumizi. Hii ni kwa sababu kuwapelekea ni tofauti na hali ya kutumia. Wengi wamekuwa wakitumia lakini kwa sababu hawana mafunzo bado hawajakuwa na kuepuka ule ugonjwa. Anatumia lakini bado anapatwa na ugonjwa ule kwa sababu hali ya matumizi haijui. Basi tunaomba Wizara hiyo iweze kuwa na kitengo maalumu cha kusambaza ama kuwe na watu wa kupeana maelezo ili kuhakikisha kuwa watu wanaweza kujua kutumia.

Pili ni kwamba kuna aina nyingi ya vifaa hivi. Kuna vile vinatumiwa na akina dada na nimesikia pengine naweza kuwa sijawahi ona lakini kuna zile nyingine ambazo kina mama wanaweza kutumia. Kwa ulimwengu uliopo mimi ninafahamu zimekuwa nyingi za kina baba basi zile za kina mama pia nazo ziletwe kwa wingi waweze kufunzwa zinatumika vipi. Asanteni sana.

(Applause)

Hon. Mramba: Asante Bw. Spika. Nami ninasimama kuunga mkono Hoja hii iliyoletwa na mheshimiwa ambaye anao ujuzi kidogo; si daktari rasmi lakini ana ufahamu kidogo wa mambo ya afya. Mimi nimeunga mkono Hoja hii kwa sababu ni kweli kabisa kwamba hali zinazidi kuwa mbaya na watu wengi wanakufa sana na kila uchao tunazika watu. Kwa juma moja tunaweza kuzika watu zaidi ya watano karibu kila wadi na ukichunguza utaambiwa ni ugojwa wa ukimwi. Ingawaje itikadi zetu wengi hawajaamini kwamba ni ukimwi, watasema kwamba amerogwa na mwingine amerushiwa majini na mambo kama hayo. Ukweli ni kwamba hata ingawaje kuna haja ya hii mipira ya ngono iweze kupelekwa kila mahali, la msingi pia ni kuwaelimisha wananchi wajue umuhimu wake.

Kupeleka mipira ya ngono pale si kwamba itatumika. Watu wanaweza wakazitoa na wakazitupa na nyingine pia matumizi yao yakasababisha hatari kwa watoto wadogo. Maanake mtu atatumia halafu hatatupa mahali pazuri bali anatumia na kubwaga kiholela. Watoto wanapoichukua wanafanya kama ni kibofu hivyo basi anamuhatarisha hata yule mtoto maisha yake.

Mimi naunga mkono na ikiwezekana hata kwenye mashule ziwekwe. Tukubali kabisa kwamba watoto wa shule ndio wanaolengwa na huu ugonjwa wa ukimwi maanake wazee siku hizi wamekuwa wanaangalia wale watoto wadogo na hivyo basi kwa sababu ya senti wanadanganyika. Mimi ninawajua wanafunzi ambao wako shuleni lakini wanakula ARVs (*Anti-*

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Retro-Viral drugs) mpaka wa leo. Kwa kuweka mfano bora, hata hapa Bungeni kwetu tunastahili kuweka VCT (*Voluntary Counseling and Testing*) Centre ili waheshimiwa waweze kupimwa na iwe ni lazima.

(Laughter)

Ni muhimu sana kwa sababu utakwenda vipi ukaelimishe watu kuhusu janga la ukimwi na wewe mwenyewe hujajipima? Unadhani tu wewe ni mzima; unajua vipi wewe ni mzima? Ili kuweka mfano bora, tungeweka siku moja na ikawa kwa vyombo vya habari na tuanze na wewe Spika na sisi sote tukufuate.

(Laughter)

Hii ingetoe mfano bora. Tuanze na mheshimiwa Spika, Naibu wake na Mwenyekiti wa Kamati ya Afya na sisi MCAs (*Members of County Assembly*) wote tuandamane ndio sasa tukienda nyanjani tunawaambia watu wapimwe. Hii ni kwa sababu tukienda nyanjani tunawaambia watu wapimwe maanake kuweka mipira ya ngono peke yake haitatusaidia bali kupimwa na kuweza kutoa ushauri. Asante Bw. Spika.

The Speaker (Hon. Kahindi): You know hon. Mramba just came in but I wanted him to speak because I knew what was coming. It is a good idea and I think it should be implemented hon. Mramba. Yes hon. Mwayaa.

Hon. Mwayaa: Asante mheshimiwa Spika. Nimesimaa kupinga vikali Mswada huu kwa sababu kuunga mkono ni kama kurudisha gari ya moshi nyuma na hujui ile pembe ya mwisho iko upande gani. Janga hili la ukimwi lilikuwa, na mipango kabambe ikawekwa na Serikali Kuu na hata pengine hii Serikali yetu ya Kaunti. Siwezi kusema hii haijafanya kazi ikiwa tukitoka pale nje katika vyoo vyetu tunaona mipira ya ngono.

Mimi sina akili tahira nikitoka nje naona mipira ya ngono katika vyoo vyetu, katika hospitali na zahanati zetu na pia katika ofisi za chifu. Leo hii Bunge letu hili tulilolifungua juzi tuseme kwamba tunajadili ugawaji wa mipira ya ngono. Ikiwa yeye ni Mwenyekiti wa Afya na hawezi kuona mipira ya ngono katika hizi hospitali zetu, mimi nafikiri huyu mheshimiwa tungemwangalia kwa macho mawili. Kwani hadi leo hii analeta Mswada wa kugawanya mipira ya ngono nina wasiwasi na yeye kama anatomia...

The Speaker (Hon. Kahindi): Yes, hon. Kenga, you have an intervention?

Hon. Kenga: Mr. Speaker, I just want to inform the Member that...

The Speaker (Hon. Kahindi): Hon. Mwayaa, do you wish to be informed?

Hon. Mwayaa: *No! I do not want to be informed in fact* nina maarifa mengi ya kuona mambo ambayo yanaendelea. Mheshimiwa Spika, nina wasiwasi ikiwa yeye hajaona mipira hiyo katika hospitali zetu mpaka Mswada huu analeta leo. Itabidi aanze kutembea katika hospitali hizo ili aone zile juhudi ambazo zimefanywa mpaka mipira hiyo iko.

The Speaker (Hon. Kahindi): Yes, hon. Kiraga, you have an intervention?

Hon. Kiraga: Thank you so much, Mr. Speaker. If you read the Motion carefully...

The Speaker (Hon. Kahindi): What is your intervention hon. Kiraga?

Hon. Kiraga: It is a point of...

The Speaker (Hon. Kahindi): No. Hon. Mwayaa, kindly wind up.

Hon. Mwayaa: Wacha niendelee mheshimiwa Spika. Nashukuru sana kwa kujua kwamba walikua wanajaribu kuenda kinyume na vile nataka kuongea lakini Mswada huu sioni kama unafaa katika Bunge hili.

Mheshimiwa Spika, Kilifi hii imekumbwa na mambo mengi. Kuna njaa ambayo tungeweza kujadili mahali kama hapa kuliko kujadili Mswada wa mipira ya ngono ambayo imejaa kule mtaani hata watoto wengine huzishika na kuzifanya kama vibofu. Wamesahau kwamba kazi yake ni kutumiwa na kina baba na kina mama. Mipira hiyo iko, na sisi kama Bunge la Kilifi tuna mengi ya kupitisha hapa.

Labda pengine amegundua kwamba kuna mipira ya rangi nyengine ambayo anataka kuileta basi iletwe lakini kama ni mipira imejaa na inatumika na watu wetu wanasaidika. Labda pengine tungesema kwamba tulate maswala ya kuhamasisha uma wiki nzima ili tukumbushe watu. Kama ni mipira ya rangi fulani, aseme ni ya rangi gani tunaweza kuangalia tukabadilisha ziwe za rangi ya kijani kibichi ama rangi nyengine basi pengine ningejaribu kumuunga mkono. Lakini kulingana na vile niko na *u-senior* wangu, siwezi katika Bunge hili kusimama, na ninaheshimika na kura za Kayafungo, niseme katika Bunge hili tupitisha Mswada wa mipira ya ngono.

Mheshimiwa Spika, napinga na nitaendelea kupinga nikikaa mpaka Mswada huu uanguke. Asante mheshimiwa Spika.

The Speaker (Hon. Kahindi): Thank you. Yes hon. Hassan.

Hon. Hassan: Asante sana mheshimiwa Spika kwa kunipatia nafasi hii. Nimesimama kupinga vikali Mswada huu. Nampongeza mheshimiwa wa Gongoni ambaye ni Daktari wa kutahiri.

(Laughter)

Hii imetuonyesha wazi ya kuwa kuna baadhi ya wenzetu wamelemewa sababu hili ni dhahirisho tosha kwamba inaonekana Gongoni imelemewa. Mheshimiwa Spika, naona ipo haja tukafanye; Kingereza wanaita *counseling*, tuende huko tueneze hizi taarifa kiundani tupeleke ule ufahamu na ushauri wa ziada kule mashinani hasa Wadi ya Gongoni kwa sababu inaonekana hili janga limeenea kwa kina sana.

Mheshimiwa Spika, hili Bunge tukufu lina mambo muhimu sana ya kuongea. Iwapo ni swala la ukimwi, kila mahali kufikia sasa limefika mpaka huko kwetu mashinani, vijijini na kila sehemu kufikia sasa *condom* ziko.

Mheshimiwa Spika, utakubaliana na mimi kwamba haya yaliyozungumzwa hapa katika huu Mswada ni kwamba lazima garama zitakuwepo. Utakubaliana na mimi kwamba kuna njaa sasa hivi katika eneo la Ganze na sehemu nyingine za Magarini. Ingelikuwa bora basi kile kichache labda kingetengwa kwa shughuli hii tungekipeleka upande ule kisaidie kwa sababu watu wanakufa njaa. Mheshimiwa Spika, licha ya kwamba tutakuwa tumeenda kinyume na maadili yetu lakini hata dini pia imekataa.

Ukiangalia moja kati ya zile amri kumi za Mungu inasema usifanye kitendo cha zinaa na kimepigwa marukufu. Kwa hivyo, kwa upande wangu mimi naona hii ni kama kuhamasisha. Hili swala ikiwa kwamba kuna njia mbadala ya kujisaidia...hatujengi itakuwa ni kama tunazidi kubomoa. Kwa hivyo, mheshimiwa Spika naomba ikiwa itawezekana Miswada mingine kama hii ipigwe tochi kabla haijafika na ikataliwe kule kwanza. Asanteni sana.

Hon. Nzaka: Thank you Mr. Speaker, Sir, for giving me this chance. I stand to support the Motion before the House. The economy of this great county is going to grow if the people of this county are healthy.

Mr. Speaker, condoms do not prevent HIV and AIDS only. They also control early pregnancies to our young ladies. You see, some of our school girls get early pregnancies and we cannot control them from doing the exercise because they are mature...

The Speaker (Hon. Kahindi): Yes, hon. Hamza, you have an intervention?

Hon. Hamza: Thank you Mr. Speaker. I have a Point of Order. I would want to know whether the Member is suggesting an amendment to the Motion because the prayers are very clear on the issues of HIV and right now the Member is diverting to issues of early pregnancies.

The Speaker (Hon. Kahindi): Yes, hon. Nzaka, can you respond to that?

Hon. Nzaka: Thank you Mr. Speaker. I am saying the use of condoms does not only prevent HIV/AIDS but also prevent diseases like syphilis and gonorrhea and other related diseases. I think it is captured in the Order Paper. Mr. Speaker, Sir, this hon. House...

The Speaker (Hon. Kahindi): Yes, hon. Gambo, you have a point of intervention?

Hon. Gambo: Asante Bw. Spika. Nilikuwa nataka kumfahamisha mnenaji ya kwamba Bunge hili linaruhusu mtu kuongea lugha ambayo anaweza kujieleza vizuri na hatimaye Bunge likaweza kuelewa.

(Laughter)

Hivyo Bw. Spika, nimemuuliza tu kama hii lugha ya kigeni inamsumbua aweze kuzungumza ile lugha ambayo inaeleweka vizuri badala ya kuzungumza kwa shida.

Hon. Nzaka: Mr. Speaker, Sir. Some of the hon. Members are looking for the downfall of this Motion. They are looking for any way so that they can stop this Motion from moving forward. This implies that some of the hon. Members do not encourage people to use these condoms in their areas. Every day and every time we...

The Speaker (Hon. Kahindi): Yes, you know I am...

Hon. Mramba: The hon. Member for Junju was only asking for clarification if hon. Nzaka is conversant with English language. He is not answering the question; he is diverting the attention of this House. Can you please clarify if you are conversant with English language? If not, please go back to Kiswahili as our National language.

Hon. Nzaka: Mr. Speaker, Sir, we have two languages that we are using; Kiswahili and English. If at all I am using Kiswahili, let the Members tell me to speak good Kiswahili and if at all I am using English but it is not clear, let them tell me so that I can tell them vividly what...

The Speaker (Hon. Kahindi): I think I can understand your English, so kindly proceed.

Hon. Nzaka: Thank you Mr. Speaker, Sir, for your protection because after seeing the mood of these Members who are opposing this Motion, they are finding ways to stop this Motion. This Motion surely encourages our people so that they can have good families and that they can continue with their education when they are healthy. Let Members of this House know that every day and every time people are dying because of diseases like gonorrhea, syphilis and many related sexually transmitted diseases. So, my fellow Members, put jokes aside, we are dealing with a very sensitive Motion. We don't want to lose our people; we need votes...

(Applause)

We need votes. So, let us protect the people who are going to vote for us so that by 2017 they will be alive and vote for us. I stand to support the Motion Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Kahindi): I think this is the funniest sitting we have ever had. Anyway, let us have hon. (Ms.) Mbeyu.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. May I take this opportunity to thank you for this chance. Before I give my contribution, I want to let the Members here know that everybody is trying to be at this place and I want to congratulate hon. Nzaka for the far he has come to speak in this House. We know where we are coming from; we are all learners and let the Members know that he is doing his degree at KCA; so congratulations hon. Nzaka. He is one of my friends. Thank you.

(Applause)

I stand to support this Motion with the following; as much as we may put a lot of emphasis because of the facilitation and so called expenses, it is really vital. As much as we have bigger issues to talk about in the Assembly, more so the hunger both in Ganze and Magarini, our health status is very important. If only we support people to get food and water and they are not healthy we are here as politicians, we need the votes. We need to protect them. Health comes first before water and food and if we are going to feed sick people it will not take us too long; we will not be viable in this House.

I want to support my Health Committee Chairperson. I think apart from the jokes that he is a doctor; he is one of the people who visit most of the areas where people are really playing with their lives by not taking care of their lives. I know he is a frequent visitor to Mtwapa areas which is a 24 hour economy town but some activities even hon. Bakari will support me in that we really need this...

The Speaker (Hon. Kahindi): Yes hon. Mramba.

Hon. Mramba: Mr. Speaker, I think the hon. Member for Kibarani is bringing some other issues which need to be clarified because the Chairperson for Health is said to be a frequent visitor to Mtwapa and we know what goes on in Mtwapa at night. I think hon. (Ms.) Mbeyu should clarify to this House if hon. Kiraga is a frequent visitor to Mtwapa on official duties or on other missions at night?

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker. I can clarify this. I have been a Member of the Health Committee and we did visit Mtwapa; we visited groups of sex workers in Mtwapa with him being the Chairperson and I as a Member of the Health Committee. We know how careless these ladies and men we met are; how they told us they conduct the activities without taking care. So, I am talking from a reference point because I was in the Health Committee and I want to support my former Chairperson hon. Kiraga from Gongoni Ward.

(Hon. Bakari rose on a Point of Order)

The Speaker (Hon. Kahindi): Yes, Point of Order from hon. Bakari.

Hon. Bakari: Asante sana msheshimiwa Spika. Nimesimama na nataka msheshimiwa Nixon Mramba aeleze yale matatizo ama zile shughuli ambazo anazona Mtwapa si halali aeleze Bunge hili kwa sababu naona Mtwapa ni mji ambao yale yanayofanyika pale yote ni ya sawa.

(Laughter)

Kwa hivyo ningeomba kwa umakini atueleze na ikiwa pengine ameona mabaya basi yeye ni mmoja wao katika hayo mabaya ambayo ameyatenda Mtwapa. Asante sana.

The Speaker (Hon. Kahindi): Okay, let us have order. Where are we taking this? This Mtwapa debate should end. Hon. Mramba, you need to make your clarification then we remain on course.

Hon. Mramba: Mr. Speaker, I do not wish to withdraw what I said. I have proof and this House knows very well what is going on in Mtwapa at night; it is a commercial sex hub and that is the truth of the matter unless hon. Bakari is living in denial; but we know for sure. We have been with the hon. Chairperson for Health with Hon. (Ms.) Mbeyu and the commercial sex workers confessed to us that they are commercial sex workers and they have challenges and we have tried a lot in assisting them. Thank you.

The Speaker (Hon. Kahindi): Okay, I think hon. Mramba has now put it into perspective. You cannot deny the existence of the trade. This is a trade that came before; it was there the times of Jesus Christ. These are things that are happening.

Hon. Bakari, I understand that it is in your Ward but then if the Committee on Health visited the commercial sex workers, I think it is part of the reasons why this Motion was brought up. I think it is in your favour also that we have it, proceed. Yes, hon. (Ms.) Mbeyu, can you finalize please?

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, for the protection. I stand to support because I'm even happy I found out that even at this Assembly almost all the toilets are equipped with condoms. This is very healthy; we do not have to live in denial. The only thing we need to do is support the CEC Health so that she makes sure that in every health centre and public place, toilets are equipped with condoms. I want to speak from the perspective that hon. (Ms.) Kwekwe was speaking; we have our own people who will over drink. It is one sign that they could misbehave with such acts and it will be very healthy if they can pick condoms and protect themselves.

So, as much as we want to put issues in order in Kilifi County, health comes first and I will support this Motion so that we can see our students in secondary school taught on how to use condoms. The teaching on how to use condoms is very important. This is one aspect I really want to support. I am a Christian and a Catholic; they do not allow this but we have to take care of our youths, men and women and the lifestyles coming up now and a lot of gadgets showing sexual activities.

Most students now access phones; they are able to access a lot of pornography in phones and in computers. So, it is high time that we urge our people to use condoms as much as we want to use the VCT and as much as hon. Kenga from Adu Ward was saying; he is faithful and he may say some are not faithful. It's not about being faithful; he is taking care of you. It's not about HIV/AIDS; it's about the sexually transmitted diseases which are more than 10 and we need to take care of ourselves and then take care of the hunger and famine in Kilifi County but health comes first. Thank you Mr. Speaker. I stand to support.

The Speaker (Hon. Kahindi): Thank you. Hon. Matsaki.

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Hon. Matsaki: Asante sana Bw. Spika. Mimi nami nimesimama kuunga mkono Hoja hii. Najua kabisa sisi ambao tuko hapa tunajielewa vizuri; ni watu tumechaguliwa na tunajua baya na zuri. Kusema kweli, kule nyanjani watu wetu wengi hawajali na ndio maana tunasema ikiwa itawezekana hii mipira iko lakini si kila mahali utaipata. Kwa hivyo turuhusu Waziri anayehusika ahakikishe kwamba hizi zinapatikana kila mahali. Kuna ubaya gani sisi kama Bunge tukipitisha hivyo? Kwa sababu tunajali masilahi ya watu wetu.

Mimi Jumamosi nilizika watu watano, na ukiangalia vifo vyao ni vile tu mtu anapokufa na janga la ukimwi hata ile familia hawataki kujitokeza na kusema wazi wazi. Lakini ukiangalia wale tuliowazika Jumamosi wote walikuwa wamekufa na mambo ya ukimwi. Jumapili nikawa nina mazishi mara tatu na ukiangalia vifo vyao pia mambo ni hivyo hivyo. Sisi kama viongozi ni lazima tusimame imara na tuambie watu wetu kwa sababu hizi ni kinga...

The Speaker (Hon. Kahindi): Yes hon. Ibrahim, you have an intervention?

Hon. Ibrahim: Asante sana Bw. Spika. Ningetaka kumuuliza mnenaji amesema amezika watu watano na wale watu wamekufa kwa janga la ukimwi. Ana ripoti gani ili adhibitishie Bunge hili ya kwamba watu hawa walikufa kwa ugonjwa wa ukimwi? Unajua tunazungumzia Mswada muhimu sana na wakati ukiwa unaongea kitu ni lazima uwe na uhakika. Kwa hivyo, atuambie yeye ana ujuzi gani ama alipata udhibitisho gani kwamba wale waliokufa walikufa kwa janga la ukimwi. Asante sana Bw. Spika.

(Applause)

The Speaker (Hon. Kahindi): Okay hon. Matsaki, we have a very valid question from hon. Ibrahim.

Hon. Matsaki: Mheshimiwa Spika, katika wale waliokufa mimi nimekuwa mstari wa mbele kuchukua wale wagonjwa na kuwapeleka hospitali. Kuna siku mimi nilitoka na wagonjwa wawili, nikaambiwa niwapeleke Mariakani na tulipofika wakaangaliwa na katika wale waliokufa ilipatikana kwamba ni muhimu waanzishwe madawa.

Siku ya pili ilikuwa ni lazima nitakuja Malindi na ilibidi niwachukue hadi Shika Adabu na nilipofika pale, wakaanzishwa madawa. Niko na ushahidi kamili na ikiwa mnautaka kwa sababu wale ni watu wangu katika Wadi yangu nitauleta hapa. Lakini mimi mwenyewe nimehusika kikamilifu na sitaki kupotosha Bunge hili na ndio sababu ninaunga mkono kabisa kikamilifu kwamba hii mipira ya ngono ni muhimu. Mbali na hii mipira ya ngono pia tuwaelimishe zaidi...

The Speaker (Hon. Kahindi): Yes hon. Bakari. Order! Hon. Matsaki, take a seat.

Hon. Bakari: Asante sana mheshimiwa Spika. Hili Bunge si la kuendeshwa na habari peke yake. Itakuwa vyema lile swala mheshimiwa Ibrahim ameliuliza, mheshimiwa Matsaki athibitishie na vithibitisho kutoka kwa madaktari kwamba hao watu watano walikufa kweli na ugonjwa wa ukimwi na sio maneno matupu katika Bunge hili. Asante sana Bw. Spika.

Hon. Matsaki: Mheshimiwa Spika, kama nilivyozungumza hata sitaki kuyatoa yale niliyoyazungumza kwa sababu mimi mwenyewe nilihusika, na shida iko wapi kama tunatetea watu wetu wawe na afya nzuri? Inaonekana hapa ndani kuna kikundi ambacho kimesimama kutaka kuangusha Mswada huu.

(Laughter)

Mimi nataka kusema hivi; hata wale waliosimama kupinga Mswada huu tunataka tuwachunguze sasa. Tuwaangalie misimamo yao katika maswala mengi sana. Hii ni kwa sababu hatuzungumzi sisi kama viongozi tunazungumzia watu wetu. Bw. Spika, mbali na wale wawili ambao mimi niliwapeleka, wale wengine kwa sababu ni vitu ambavyo tunaongea na ni vitu ambavyo viko mashinani, mimi nikiwa Mbunge wa Kambe Ribe...

The Speaker (Hon. Kahindi): Yes, let us take an intervention from hon. Kenga and hon. (Ms.) Mbeyu.

Hon. Kenga: Thank you very much Mr. Speaker. It is not a Point of Order and I am already in support and I want to inform the Member.

The Speaker (Hon. Kahindi): Hon. Matsaki do you wish to be informed?

Hon. Matsaki: Yes I want to be informed. Let him inform me.

(Laughter)

Hon. Kenga: As he was making contributions, he said that these condoms have not been distributed in all areas even in this place. At this place Mr. Speaker and the Leader of Minority is there, he has an office and in the office there is a toilet and we have at times used that toilet. This is because I have visited his office and when you go to the toilet you will see the condoms are not there, that is what I wanted to inform the hon. Member.

Two; the issue of deaths in the country; it is public information that we are losing a lot of people because of HIV and AIDS. Why are we denying these facts? Therefore I want to inform the House that it is said that if you see ten Kenyans only three may be safe. Not that they are safe, they may be safe but seven out of the ten are suffering from this disease. So, we need not to run away from the truth Mr. Speaker. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Let us take hon. (Ms.) Mbeyu with a point of intervention.

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, my intervention is just to caution hon. Matsaki. As much as we want to get information but I know that the stigmatization about AIDS is still lingering among our families and if a report is brought here or names are brought here that; so and so died of AIDS it can cause problems, for instance, if my brother was to be mentioned in this House that he died of AIDS. It is just a matter of giving examples but not about bringing names to the House. Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): That is exactly what I need to direct because these are very personal issues. Medical records; you have a right to access government information and not personal information. I think I will protect hon. Matsaki. He has explained very clearly that he took these people to hospital and that they were told to take medication but I think as an Assembly, it can only end there.

This is because these people do not work for the County Government; they are not public servants. They have nothing to do with the County Government of Kilifi and therefore their medical records will remain confidential and it will be unethical to demand that hon. Matsaki brings those documents here.

I mean the Constitution gives us the power as citizens to freely access government information but it has not given us the authority to go into private people's lives and demand information. For example, if I was a Member of the family I cannot give you the information, for what purpose? The person died and he needs to be given peaceful rest and again what value does

it bring? Giving us a way of example is enough to say that so and so died and who does not know that people are dying of HIV and AIDS anyway?

Yes, this County Assembly needs to be furnished with documentation and I agree with that but not information which in my view will not add value to use because we are talking about people who are dead and who are private citizens. These statistics if need be can only be obtained from the hospitals because these statistics which lie in the hospitals become public documents. You know it is very easy for you to walk into a hospital and demand to know how many people have died of HIV and AIDS; they will give you the statistics but not the names because of issues of stigmatization.

To demand that hon. Matsaki needs to go back to the families and take the medical records I think we will be digging too far and I think as an Assembly we need to be guided. So I think for all intent and purpose, I need to protect hon. Matsaki and I would simply urge you to wind up.

Hon. Matsaki: Asante sana Bw. Spika, nafikiria ndio sababu tulikuweka Spika hapa; hizo sheria unazijua. Mimi nimeongea vitu ambavyo ninavielewa na ninataka niwaambie hivi waheshimiwa katika Bunge hili tusijaribu kujiweka kando na yale yanayofanyika kule mashinani. Ukweli ni kwamba ukimwi uko na hakuna dawa.

Huu Mswada uko hapa ili kutetea na kusaidia watu wetu; ikiwa tuko hapa kama viongozi na hatuwezi tukasimama imara na kuongea ukweli, basi nina hakika kule tunakoenda hatuendi kuzuri. Mimi nataka nimalizie hivi; kwa sababu tayari Spika amesema kwamba si muhimu na hivyo basi sitashughulika tena, lakini kibinafsi nataka niwaambie kama kuna mambo ambayo kusema kweli watu wetu wanaumia ni hili janga la ukimwi. Nimejaribu kadri ya uwezo wangu katika Wadi yangu kuwasaidia sana watu kama wale, na mara nyingi watu wale wanataka upendo pia. Mara nyingine anakuambia mimi niko na shida hii...

The Speaker (Hon. Kahindi): Yes, hon. Chai, you have a Point of Order?

Hon. Chai: Thank you Mr. Speaker for giving me this chance. I just want to inform the House that I think everybody is now diverting from the Motion. The Motion was talking about...

The Speaker (Hon. Kahindi): You can only rise on a Point of Order on the subject of the person who is on the Floor.

Hon. Chai: Okay. Let me inform the Member who was talking if not the House that the facilitation of distribution of condoms has changed to facilitation of public awareness. I think everybody is diverting to facilitation of public awareness not the facilitation of condoms. If everybody has accepted that condoms are available everywhere, then we need to facilitate the CEC in charge to do public awareness. That is the only information I wanted to share.

The Speaker (Hon. Kahindi): Thank you.

Hon. Matsaki: Wacha Bw. Spika nimalize. Nataka niseme sisi kama viongozi pia tuko na majukumu. Tunapokuwa katika mabaraza, yale ambayo tunazungumza ni muhimu sana hasa kufatana na haya magonjwa ambayo tuko nayo. Mimi nikisimama katika baraza langu kule, sihitaji peni kwa sababu nawambia jamani kama kuna hivi afadhali utumie hivi. Jitolee kama kiongozi na uzungumze na kufikia hapo nasema nimesimama kuunga mkono Hoja hii. Asanteni sana.

The Speaker (Hon. Kahindi): Thank you. Hon. Pascal.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker for giving me this opportunity and with all due respect, I stand to oppose this Motion. I oppose this Motion not because I do not understand that...

The Speaker (Hon. Kahindi): Yes hon. Nixon Mramba.

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Hon. Mramba: Mr. Speaker, before hon. Pascal Thuva speaks, it would be very prudent because hon. Kenga has said something very important that in the office of the Leader of Minority...

The Speaker (Hon. Mramba): Order! Order! Hon. Mramba. Take your seat and I want to give direction that let us hear what hon. Pascal has to say.

Hon. Pascal: Thank you, Mr. Speaker, for your protection. By opposing this Motion, I do not mean that AIDS does not exist. I pretty well understand that AIDS has been a menace and it has affected many people in Kilifi and Kenya at large but the prayer of this Motion is to facilitate the distribution of condoms. Everybody here and outside knows that condoms are everywhere in public places including the County Assembly and all the areas that people go for recreation and other things. So, for us today here to pass a Motion that calls for distribution of condoms is like replicating or rather duplicating of services. What I would call the hon. Member who brought this Motion...

The Speaker (Hon. Kahindi): Yes, hon. (Ms.) Mbeyu, you have a Point of Order?

Hon. (Ms.) Mbeyu: Mr. Speaker, it is just a concern that when hon. Kenga from Adu Ward was giving us an example on the distribution of condoms, I got him right that he went and did not find condoms in the washroom of the Member on the Floor, hon. Pascal Thuva. I am wondering how he is opposing and he has used the condoms in his toilets until they are finished. He needs to be distributed with some more, can he clarify? Thank you.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker. Let me put it clear that condoms are not a must that they should be in my office. What we need to understand is that despite the fact that we have condoms today almost everywhere, the only question that we need to ask ourselves is why is it that we have condoms everywhere and AIDS is still becoming a menace to the people of Kilifi, and if we get answers...

The Speaker (Hon. Kahindi): Yes, hon. Kiraga, you have an intervention?

Hon. Kiraga: Thank you so much, Mr. Speaker. I am rising on a Point of Order under Standing Order No. 87 that; the Member is misleading this House. Mr. Speaker, if he is telling this House that condoms are found everywhere; one you know we have two types of condoms, the male condoms and the female condoms. In this County Assembly, I have never seen the female condoms.

I do not know whether he is saying areas to mean the urban areas only but so many areas lack this vital commodity including his office. In fact, the toilet within his office...and those toilets Mr. Speaker are not entirely for him. They are public toilets whereby anybody visiting this Assembly can have access to that toilet. So, he is misleading this House by telling us that we have condoms all over. I beg for the Member to be compelled to withdraw.

The Leader of Minority (Hon. Pascal): Mr. Speaker, I am not withdrawing that statement and this is because the only issue that I feel this House should be discussing is that despite the fact that we have condoms in public places, if we do not have any in my office there are so many offices in this Assembly which have those condoms and we need not to politicize this. We need to understand that, we need to look for some ways that will take us a step further and come into finding the riddle that makes us have the AIDS menace spreading despite the fact that we have condoms.

The Chairman of Health should actually be at this time trying to devise ways on how to publicize many of our cultural practices that have gone astray. We understand very well that many of our women that did not get an opportunity to go to school down there have not even had the urge of using these condoms and even if you showed him or her how to use these condoms,

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they will always run away from the fact ...they say no! These things are like a taboo to them. So, what we should concentrate on as hon. Members is, we should actually go to the people and tell them to change their attitude because we understand that the message has gone to almost everybody that AIDS is a menace. Mind you AIDS does not spread through the lack of condom use only.

There are many other ways that AIDS can spread. So, we should not dwell on condoms all the time. Mr. Speaker, if we look at our customs down there, the culture and the tradition of the Kilifian, there are so many who do not use condoms despite the fact that they are educated. Do we say it is because they lack condoms? It is because there is an attitude in my own reasoning that I feel we all need to change as the population of Kilifi. So, I feel that today passing a Motion that will actually discuss about distribution of condoms which is an initiative that is done by bar owners, by administrators in all the schools and any other public place; I feel we actually need to leave aside because there are so many touchy issues that we need to pass as a House. I stand to oppose the adoption of this Motion.

The Speaker (Hon. Kahindi): Thank you. Hon. Stanely Kenga, you know I am looking at the contents of the Motion and the reasoning I am getting, you need to sit back and see the direction that the Members are taking. You do not need to object some of the issues because you will know where you will put your vote, hence we do not waste much more time on this matter. Hon. Ibrahim

Hon. Ibrahim: Asante sana Bw. Spika. Nasimama kuunga mkono Mswada huu; umekuja kwa wakati mwafaka. Kama mipira imewekwa mahali haijaandikwa ni lazima uchukue, yule ambaye ana hamu ya kutumia atachukua aende akatumie; wewe ambaye hutaki kutumia uachane nayo. Mwenyekiti wa Afaya, Bw. Kiraga, ameleta huu Mswada kwa sababu ameona kuna matatizo na kuna umuhimu wananchi wa Kaunti yetu ya Kilifi wapate huduma hizi.

Hii ni mojawapo ya kazi zetu. Kuna watu leo wanayo shilingi mia moja ya kwenda kununua mipira na kuna wengine kulengana na uchumi umekuwa mbaya hawana. Kwa hivyo, ni muhimu ikiwa imepelekwa mipira tabaka mbali mbali yule ambaye ana hamu ya kutumia atatumia na yule ambaye hataki kama Mwenyekiti wa Bodi ataachana nayo, hajalazimishwa Bw. Spika...

(Laughter)

The Speaker (Hon. Kahindi): Hon. Ibrahim, I am the Chairman of the Board and not him. He is a Member. Please can you withdraw that?

Hon. Ibrahim: Haijasema ni lazima ikiwekwa pale utumie. Kuna umuhimu, kama vile ndugu yetu Bw. Matsaki amesema kwamba amepoteza watu watano ambalo ni jambo la kuhuzunisha. Pengine mipira ile ingepelekwa watu wale, hawangepotea. Ningekuomba Bw. Spika, kwa sababu ikiwa watu watano wamekufa kwa ghafla na wamezikwa siku hiyo hiyo, kuna umuhimu wewe na Kamati yako mshikane na Bw. Matsaki muende mkaangalie kuna shida gani huko...

(Laughter)

Kwa sababu tunaweza kutarajia wengine; watu watano si kitu cha mchezo kwa siku moja. Kwa hivyo, nasimama kuunga mkono Mswada huu kwa dhati na ni Mswada ambao utatusaidia sisi kama waheshimiwa na wananchi wetu kwa jumla. Asante sana Bw. Spika.

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The Speaker (Hon. Kahindi): Yes, hon. Kilabo.

Hon. Kilabo: Asante sana Bw. Spika kwa kunipa nafasi hii nami kuweza kuzungumza. Mimi nasimama kuunga mkono Mswada huu kwa sababu hizi; changamoto nyingi tumezipata katika sehemu tunazoishi. Ni haki kabisa na kulingana na wakati huu mgumu tulio nao kwa kila namna; kimapato, vyakula na mapenzi pia. Nasema hivyo kwa sababu hivi sasa kuna watu ambao wanaweza kuingia sehemu za vileo ambako hii mipira iko na kuna sehemu ambazo watu hawana ufahamu.

Naunga mkono aliyeleta Mswada huu na ni haki kwamba yeye mwenyewe aliweza kukaa na kuona hakika kuna umuhimu wa yule ambaye anasikia kuna Ukimwi, asikie lakini mtu kama mimi niko pale jijini kila siku ya Ijumaa, Jumamosi na Jumapili. Wale watu kulingana na sehemu zote za wilaya ambao wamekumbwa na matatizo tofauti tofauti ya kimapenzi na haswa ya Ukimwi, huwa mimi napata changamoto kama Mbunge.

Ni haki na ni wajibu wa kila mjumbe ambaye yuko hapa, kama wewe ni Mjumbe na janga la Ukimwi limeingia na wewe huwezi kunena na kuunga mkono, nimesimama kwa dhati na naunga mkono na ni haki vile sisi tukishapitisha ni haki wajibu wa Bunge ishughulikiwe kwa kwenda na kupeana hii mipira kwa kila kijiji na kila sehemu.

Hivi sasa, mtu yeyote kama mimi, mimi ni mwanadamu na mahali popote ambapo mimi nimekuwa na mapenzi na mwanamke yeyote...

(Laughter)

Kitu cha kwanza kabla sote hatujapimwa na nimempenda ni haki nitumie mpira. Na ni haki yetu Wabunge ambao mko hapa...

The Speaker (Hon. Kahindi): Hon. Mramba, what is your point of intervention?

Hon. Mramba: It's a point of information Mr. Speaker and I would like to inform hon. Kilabo with your permission?

The Speaker (Hon. Kahindi): Hon. Kilabo, do you wish to be informed?

Hon. Kilabo: No, I don't.

The Speaker (Hon. Kahindi): Okay, wind up please.

Hon. Kilabo: Mimi naunga mkono na ni haki kwa wale wote ambao ni watu wenye akili katika hawa Wabunge wote wataunga mkono na wale ambao hawana hawataunga mkono. Asante. Naunga mkono.

The Speaker (Hon. Kahindi): Thank you, hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker. I wish *Mheshimiwa* Mramba would remain here to hear what I have to say, thank you very much. Mr. Speaker I reluctantly support this Motion. We are talking of a very serious issue, HIV/AIDS, and people's lives. We are all aware of what HIV/AIDS is doing out there and we have a Chairperson of the Health Committee who is taking care of the lives of all of us here in Kilifi County. I wish he would have brought a more comprehensive Motion on people's health, not just condoms. He seems to be addressing more of those who are able to access those condoms than those who are not able to access them, why I'm I saying this? These condoms, when you say of public places, the public places are only in towns, we have no public places out there where the majority live. When we talk of being in danger I can only say ...

The Speaker (Hon. Kahindi): Yes hon. Mramba.

Hon. Mramba: I wish to inform hon. (Dr.) Chitibwi that trading centres are also public places. Trading centres are almost everywhere in the county. Churches are also public places so it is not a matter of towns only.

The Speaker (Hon. Kahindi): We have all understood hon. . .

Hon. (Dr.) Chitibwi: Thank you very much. I know what public centres are but I'm just asking you as a Member, how many public places do we have out there in the rural areas? When you talk of Mwarakaya, I can assure you we have no public place which you can place a condom. My concern is we are addressing only a small population of those who need to be protected. Why I'm I saying this? How many of our population live in towns? The majority I can assure you, take these condoms to Kakuyuni, they won't even know how to use them. *Mheshimiwa* Mramba has said it here that they are using them as balloons. . .

The Speaker (Hon. Kahindi): Yes hon. Mramba.

Hon. Mramba: Mr. Speaker, hon. (Dr.) Chitibwi is misleading this House. Kakuyuni people know the use of condoms unlike Mwarakaya people.

(Laughter)

In Kakuyuni almost 99% of the population knows what a condom is and they know how to use it. Thank you.

The Speaker (Hon. Kahindi): Yes hon. Gambo, you have a Point of Order. Take your seat hon. (Dr.) Mzungu Chitibwi

Hon. Gambo: The way the Member is addressing us, it looks as if he is not supporting the Motion. He first told us that he is supporting the Motion but from his contributions, it looks like he is not in support. So, could the hon. Member go straight to his point and he should be very clear on whether he is supporting or not. Thank you.

The Speaker (Hon. Kahindi): Thank you. Yes, there are only two sides of the coin.

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker, I think I was speaking the Queen's English and I said I am reluctantly supporting it but I can clarify more.

The Speaker (Hon. Kahindi): But you are still supporting it either way?

Hon. (Dr.) Chitibwi: I can clarify more on that.

The Speaker (Hon. Kahindi): Okay please proceed.

Hon. (Dr.) Chitibwi: Thank you. So my request is to the Chairperson who brought this Motion. Even when we pass this Motion, I am requesting that this Committee addresses this issue more comprehensively. The issue of just distributing condoms is not going to help this county. Hon. Mramba earlier said that the children are using these carelessly discarded condoms as balloons. He is changing his mind and he is telling me that in Kakuyuni everybody knows how to use condoms. Let us agree with where the problem is; the condoms are there and there are people who do not know how to use them. I have been involved in HIV and AIDS for the last 15 years.

My organization was the first one to bring HIV civil education to the rural areas of Chonyi. The others came later after enjoying in towns and they found the people of Chonyi ready to be tested and they said they have succeeded a lot. Let us face the truth as we address this and let us all look at more comprehensive measures. I can say that the only people who are not in danger here, I think it is me and who else. . .

(Laughter)

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This Motion is very good for almost everybody else who is here and that is why I would like us to support it. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Mwambire.

Hon. Mwambire: Thank you very much Mr. Speaker. I am abstaining until when the Mover of the Motion will give his submission and that is when I will make the decision of whether to oppose or not to support. However I have some few observations; when looking at the prayer of this Motion, it gives me a notion that there are some issues which are not very clear with the Mover especially as a medical practitioner. The details of the Motion and the ideals of the prayer are contained in the World Health Organizations which state that all countries are supposed to observe the distributions of condoms so as to curb the spread of HIV and AIDS.

So, if a CEC Member is not observing that which is a mandate observed all over the country, then that CEC is supposed to resign. If today we are to pass a Motion compelling the CEC Member to facilitate the distribution of condoms, it seems we are not even serious. My thoughts would be if we were maybe having issues with the distribution, then any Member would have come up with a Statement to inquire why they are not doing that. However, telling a CEC Member to distribute condoms even contravenes with what is already there.

Let us all be very clear with these issues; in case we have information that the CEC Member or the Health Department in this county is not observing the treaty which is an international agreement, then I think all those officers involved should be taken into account over this issue. Mr. Speaker, I know the intentions of the Mover are very clear and very good but the notions that are being raised on it have some issues like how I have explained it.

The Speaker (Hon. Kahindi): Yes hon. Hamza, you have an intervention?

Hon. Hamza: Mr. Speaker, I would like to seek your direction.

The Speaker (Hon. Kahindi): Yes?

Hon. Hamza: At this particular moment as we contribute to this Motion, it is either we are in support or not. I thought within my knowledge one can decide to abstain when we are taking votes and therefore by just keeping quiet and not contributing by whether you are not supporting or supporting that confirms that you are abstaining.

So, I do not see the point of a Member standing and saying that he is abstaining; that is why I am seeking for your direction. Again, he has put it very clearly that he might decide whether to support or not to support after the submission from the Mover of the Motion. The tradition that I have observed and from my experience in this House is that after submission, that is the end, and we take a vote on the Motion.

The Speaker (Hon. Kahindi): Yes, good observation. Hon. Teddy Mwambire, you cannot abstain from taking a position on this issue; you only abstain from voting. So when you stand up, you either stand up to support or not to support. This is because you are leaving the whole House in suspense; we do not know what you are talking about. You know there are two rules in a debate; even in high school we were told that there are proposers and opposer.

It is either you are on this side or the other side you cannot purport to be in the middle, or you remain silence and when people have said whatever they want to say, then you decide to add your voice either on this other side or the other side. Those are the very simple rules of a debate here. So please if you wish to continue to abstain, then we would rather wait until we have the final vote taken and then your voice will be heard through your vote. Yes, what do you have to say to it? Kindly press the microphone button.

Hon. Mwambire: Thank you very much, Mr. Speaker, for that intervention. I might not be very conversant at the moment because of the recess that we have just come back from but I will make reference. Anyway, if that is the case then I oppose until when I will be convinced.

We cannot as I have shared earlier just literally accept to add up a function which is permanent. This is because in the Constitution, all the treaties that were signed are supposed to be actionable. You cannot shy away from them because they are Constitutional mandates. So what we should do is I think the Chairperson for Health Committee should look for other issues which can safe guard people from HIV and AIDS.

This is because not all people use condoms. Distribution of condoms is not forcing people to use them. If it is civic education, it has already been done. As a person, let me give my own personal account; I do not use condoms because I am allergic. It does not mean I do not give out condoms. I have been a sole distributor of condoms in many health facilities and I do it even today so I do not shy away from giving them out.

What we need to do is to observe the treaties which exist before we even come up with Motions especially when they deal with health. I believe the Mover is somebody who knows everything about health because he is a practitioner. Let us look at this before passing it in the House and taking it to the CEC Member. In case there are no condoms in the dispensers, then let us get that information.

Yesterday evening if I can give an example; I was taking my in-law to Peacock Lodge at Kilifi. Before even reaching the reception, there was a very big box with condoms. I wish I was among the users because I would have taken five or so. So, I believe that there are a number of actions which have been taken by different organizations that I do not think there is need to replicate what they are already doing. Thank you.

The Speaker (Hon. Kahindi): I want us to bring this to a close. Let us have hon. Mwingo and hon. Mwathethe to finalize and then we can move on to other things.

The Leader of Majority (Hon. Mwingo): Thank you Mr. Speaker.

The Speaker (Hon. Kahindi): Let us make it very quick because we are running out of time.

The Leader of Majority (Hon. Mwingo): Yes, Mr. Speaker. This Motion is very sensitive and I stand to oppose it. By me opposing the Motion does not mean that this Motion is not good. I do oppose it just because of one reason. Much has been said and the only reason why I am opposing this Motion is that the Mover of the Motion is aware that there are so many ways that can make one infected with this disease...

The Speaker (Hon. Kahindi): Yes, hon. Stanley Kenga

Hon. Kenga: Thank you very much hon. Speaker. I want to direct hon. Members to the speech that was given out by the Leader of Majority during the official opening of this Chamber outside there that, him and the hon. Speaker of the Senate resemble...

The Speaker (Hon. Kahindi): Order! Order! Hon. Stanely Kenga let us not take that direction.

The Leader of Majority (Hon. Mwingo): Those were jokes Mr. Speaker. What I need to say Mr. Speaker, is that the hon. Chairperson who is the Mover of this Motion, is aware that there are so many ways that can cause one to be affected with HIV not only through sexual intercourse. So, I think it is very important to come up with some ways that are going to help our people not only through condoms. The Motion is good but let the Mover should go deep so that he can come up with some ways because there are so many ways that one can make one be affected and not only through sexual intercourse. So, I stand to oppose.

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The Speaker (Hon. Kahindi): Thank you. Yes, hon. Kadenge Mwathethe, then we close this debate.

Hon. Mwathethe: Thank you Mr. Speaker, for giving me a chance to also air my views on this issue. Mr. Speaker, I have a lot of respect for hon. Kiraga; he is a colleague and we have schooled together and he is my senior too because I am a first timer; he has been here before me but again I am not convinced by this Motion and I also want to oppose it. I am keen on how the County Government will incur expenses. I think we should look for means and ways of trying to check how the money is spent, not extravagantly like buying the condoms and putting them everywhere while condoms are actually largely available everywhere.

I do not think we should take the burden of putting the County Government to buy condoms and distributing them everywhere while I believe anybody who needs a condom will find it anyhow whether by buying it himself or by going to these places he says they should be put; they are already there. If you go to any bar, you will see them. Go to any lodge or pharmacy or anywhere and everywhere they are there. Why should we say that the County Government should take the burden of buying the condoms and putting them everywhere and incurring a cost for something that is largely available? With those few remarks, I am opposing this Motion.

The Speaker (Hon. Kahindi): Hon. Kiraga, please make your submissions.

Hon. Kiraga: Thank you so much, Mr. Speaker. First and foremost, may I thank the Members who have contributed positively towards this Motion and not forgetting those who have contributed negatively and I believe they are also going to see light very soon. I want to touch one item the hon. Deputy Speaker has said about a treaty as far as HIV and AIDS is concerned. The treaty does not entail or compel the CEC to distribute condoms and you know HIV/AIDS is not within the mandate of the CEC alone; HIV/AIDS in this country still lies in the Office of the President and it is being managed by NACC (National Aids Control Council) in all areas and NACC is now collaborating with the counties.

I want to refer the Members to the NACC manifesto in 2005 which talks of the ABC code of ethics which A simply means Abstain and if you cannot abstain just be faithful and if you cannot embrace A or B then we go to C and C is very vital. Most of the deaths related to HIV/AIDS about 99% are gotten from sexual intercourse. So, when we are talking about condoms, these are very vital tools to check the spread of this deadly virus, HIV, and the spread of sexually related diseases.

Just recently the County Government of Kilifi launched its HIV/AIDS plan and those who listened very carefully to the Deputy Director of NACC, Dr. Chesire, the information that was coming out was worrying. The prevalence rate in this county in 2013 was at 3.7% and currently as we are talking it is at 4.4% and the country as a whole has 5.6%. So, when we are looking at these figures, this is something that we have to worry about and if we embrace the condom use in this county, I believe we are going to move a very big step ahead.

This county has a population of about Ksh1.3 million and out of the Ksh1.3 million, 22,606 are affected with this deadly virus. Furthermore, two people out of three are women. These are figures which should give us a concern to this county. We are not saying that the county has got no condoms; we have a lot of condoms in the county pharmacies. The prayer of this Motion is we want the Department through the CEC to come up and distribute these condoms to almost every public place in this county including Chakama location where the Member of the County Assembly says there are no condoms; of which he is right.

I believe some Members have said that there are many condoms in the shops and what have you. There are some risks because some of these kiosks that we are seeing these condoms

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being sold, some of them have expired. It is my belief that some of those who buy condoms in those kiosks do not take time to look at the expiry date. Why do we go to buy those things there while we have some many of those commodities at our disposal?

I want to also inform this House that there are very major consequences of using an expired condom. Using an expired condom is like using an expired drug, which instead of helping you it gives adverse side effects. Side effects of an expired condom are that the pores which were formally lubricated by the jelly like liquid get exposed. Instead of having a micro pore which has been lubricated, the micro pore moves to macro pore and that is very dangerous because it is not going to help you.

Kindly, let us not encourage ourselves when buying these condoms in our kiosks while we have a lot of condoms at our disposal. So, we want to compel the CEC to make sure that we have condoms in every washroom and every public place including the Leader of Minority's washroom.

(Laughter)

Mr. Speaker, I do not want to go further than that, but hon. *Daktari* Chitibwi was talking of bringing a comprehensive Motion. I want to tell the Member that first of all, this is not a Motion which has been sponsored by the Committee for your information. It is a private Member's Motion. You are also at liberty if you deem fit to go and bring that comprehensive Motion to this Assembly but this was my Motion.

Mr. Speaker, with those few remarks I highly urge these Members to rise up and pass this Motion considering what we have been told by hon. Kenga that, this is the first Motion following the official opening of this Assembly by the Senate Speaker. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion moved by hon. Kiraga, the Chairperson Health Committee has been deliberated. I will now put the question.

(Question put and negatived)

(Applause)

The Speaker (Hon. Kahindi): Yes hon. Kiraga.

Hon. Kiraga: Thank you very much Mr. Speaker...

The Speaker (Hon. Kahindi): Hon. Kiraga you look surprised, yes? I think that you are very conversant with the rules. You could have called for a division. Let us move to the next Motion. Hon. Kenga, why did you not assist? But let us leave it since that is a done story for another day. You have six months within which to re-introduce and I think we will be going for the campaigns then; too bad. Please proceed with the next Motion.

Hon. Kiraga: Mr. Speaker, looking at the mood of the house...

The Speaker (Hon. Kahindi): You think they will shoot it down?

Hon. Kiraga: I wish to withdraw this Motion to a later date so that I can go and re-collect myself. Thank you.

(Laughter)

The Speaker (Hon. Kahindi): Let me save you the agony and say that let the wish of the Mover of the Motion be granted. Though it is already a subject of the House but common sense dictates that we pardon him.

ADJOURNMENT

In the absence of any other business in the Order Paper, I move to adjourn the House until 2.30 p.m. Thank you very much.

The House rose at 11:21 a.m.