



**Third County Assembly
(NO.071)**

**REPUBLIC OF KENYA
COUNTY GOVERNMENT OF GARISSA
GARISSA COUNTY ASSEMBLY**



**Second Session
(NO.071)**

THIRD COUNTY ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

WEDNESDAY 4TH OCTOBER 2023 AT 9:30 AM

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Statements
7. Notice of Motion

Hon. Speaker , I beg to give a notice of the following motion;

That, Aware That, The Constitution of Kenya, 2010, chapter four (bill of rights), article 53 (d), gives children, the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour

Further Aware That, in the Children Act 2022, a child is defined as an individual who has not attained the age of 18 years and in that case, defilement is defined as having sexual relations with a person who is below eighteen years of age with or without their consent.

Noting That, in the sexual offences ACT 2006, Section 8, the offence of defilement is graduated according to the age of the complainant. Where the complainant is aged eleven or less, the offence carries a maximum of life imprisonment. For a victim who is between twelve and fifteen

years, the minimum sentence is twenty years. For a victim between sixteen and eighteen years, the minimum sentence is fifteen years.

Cognizant of the Fact That, the rights of children as paramount by further expounding on the rights in the chapter emphasizing on specific application of rights and children rights to protection from abuse

Concerned that, there are cases of defilement or molestation in our county and most of these cases are unreported due to the stigma associated and the issue of Maslaha system (traditional alternative dispute resolution mechanism) practiced by the locals. Victims of sexual abuse who are mostly children, are more likely to experience depression, substance abuse, post-traumatic stress disorder (PTSD) and suicide in later life than their non-abused counterparts.

Further concerned that, there is need to educate and sensitize our community on the importance of reporting such cases to the relevant authorities, instead of relying on the maslaha system which is contrary to the laws of the country.

NOW THEREFORE, this House do resolves to abolish the maslaha system (traditional alternative dispute resolution mechanism) in handling matters child abuse.

HON AYAN MOHAMED WERAH-NOMINATED MCA

8. Motions and Bills