

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

STAREHE CONSTITUENCY, HELD

AT KARIOKOR SOCIAL HALL

ON

29TH May 2002

CONSTITUTION OF KENYA REVIEW COMMISSION

CONSTITUENCY PUBLIC HEARINGS, STAREHE CONSTITUENCY, HELD AT KARIOKOR SOCIAL HALL, ON 29TH MAY 2002

Present:

1. Com. Nancy Baraza
2. Com. Dr. Mohammed Swazuri
3. Com. Bishop Bernard Njoroge

Secretariat Staff in Attendance:

1. Eunice Gichangi - Programme Officer
2. Christine - Asst. Programme Officer
3. Hellen Kanyora - Verbatim Reporter
4. Lucy Otieno - Sign Interpreter

The meeting started at 9.30. a.m. with Com. Nancy Baraza in the Chair.

Speaker: Nafikiri tutaanza mkutano wetu na maombi.

Speaker: Baba Mungu wetu utupendaye, tunakuomba kwamba, tumekusanyika hapa siku ya leo kutoa maoni kuhusu katiba yetu. Baba Mungu wetu tunakuomba uwe nasi tukianza, utuongoze na utulinde. Maoni yote ambayo Baba tutatoa yawe yanatusaidia katika maisha yetu na katika katiba yetu. Tunajua kwamba utakuwa nasi na utatusaidia na kutulinda na kutuongoza mpaka tutakapomaliza. Uwe mwenye kiti kwa yote ambayo tutafanya, mpaka tutakapomaliza kikao hiki. Tunaomba katika jina la Yesu Mwokozi wetu. Amen.

Com. Nancy Baraza: Hamjambo wananchi, hamjambo tena. Mimi ningetaka kuwakaribisha kwa hiki kikao hapa Kariokor. Jina langu ni Nancy Baraza, Commissioner na mwenzangu hapa ni Com. Dr. Mohammed Swazuri. Tuna-expect Commissioner Bishop Benard Njoroge; jana alikuwa mgonjwa lakini sijui kama hata sasa yuko mgonjwa lakini tunamtarajia.

Kulingana na sheria ambayo inahusika na kurekebisha katiba, ningetaka kutangaza kwamba huu mkutano ni mkutano halali wa

Tume ya Kurekebisha Katiba ya nchi ya Kenya.

Kabla hatujaanza, ningetaka tu kuwaambia vile tutaongoza huu mkutano. Tutawaita vile mumejiandikisha na ukija utapewa mda wa dakika tano kutupatia maoni yako. Na hiyo maoni unaweza kutupatia kwa lugha ye yote ambayo wewe mwenyewe uko comfortable nayo. Kama unataka kuongea Kikuyu, Kiluhya, Kiswahili, Kizungu, utwaambie, mradi tu tuambiwe, tutafuta interpreter. Pia ningetaka kuwaambia kwamba muna (?) ya sheria; hiyo sheria inatulinda. Ile maneno ye yote ambaye unataka kuongea uongee, hakuna mtu ambaye atakushika au aku-arrest. Sasa, muwe free kutupatia maoni yenu. Uchukue muda wako wa dakika tano, uongee maneno yako halafu tuendeshe hii kikao chetu. Asante.

Mtu wa kwanza kwa list yetu ni Nyandega G.N. Ukija unakaa hapo, unasema jina lako halafu unaendelea na maoni yako. Halafu ukimaliza kupeana maoni unapitia hapo halafu u-sign kitabu chetu kwa sababu tunatengeneza historia, mpaka jina lako liwe hapo.

Nyambeta Geoffrey: Thank you very much the commissioners on the behalf, my name is Nyandega Geoffrey Njuru, I am a residence of Starehe Constituency and an employee of an organization in Kenya. Also a Post-graduate student at Kenyattat University. Thank you very much commissioners, I am happy that I have been given the opportunity to say a few things that I have in mind. I have about six points to say and the way you are going to put is how you pick it from me, I am not a lawyer so as to put it in a best way but the first point is about;

(a) Presidential and parliamentary elections

I would like a situation whereby our President is elected together with the Vice-President as his running mates, not that the President appoints the Vice-President as well as the ministers, the P.S and everybody else. That is giving too much a power to one person. The President also should be family person. People with families who will know what problem of the people or children at home are. The President should be, and any other political leader must be of sound and good morals and ethics.

(b) Appointment of jobs the nominal jobs that are given to people because of appointments.

I would like a situation where the President, just after being elected by the public, being declared the president, he just identifies the people he wants to give what kind of jobs. Then, there be set aside a committee that vetts this people, in that if one is investigated and found to be of some ill motives or wrong ideas to the society, because of behavior and conduct in the past, such people should not be given such jobs. A minister should someone who is straightforward to the society, the same to any other body, permanent secretary, the judge or the chief judge and everybody else.

(c) Universities

I also come from the university as a student; I don't know whether the commission has got that authority or whatever it means

that the chancellors of the public universities should not be called vice-chancellors. They should be full chancellors with political maneuverings out of it completely. The president, the prime minister or whoever is a political head of the country should not be the chancellor of the university. Let the chancellors be elected or interviewed, recruited through a certain set procedure, so that the best person is given the job and the autonomy to run that university.

(d) In-peachment

It is time Kenyans stopped looking at political heads as small boards. We have given them a whole 38 years, where we respect them, we refer them but all they have done is throw sand into our cooking plate or eating plate. So, this time we want a constitution that will make sure that whoever makes the mistake at his position during and in the course of discharging his duties, must account for it to the rule of law, according to the rule of law of the country.

(e) Provincial administration

I would like a situation where by the provincial administration is changed or transformed into a kind of politics, where we have provincial governors elected by the people of that province or that region, so that they become accountable and not loyal to the political figure heads who appoints them. The appointment of which I have already said we do not need anymore, unless there is a parliamentary committee to do that.

(f) Autonomy of our economic sectors i.e. agricultural, industrial and any other sector that helps us in developing our economy.

I would like to see a situation where, for example The Kenya Sugar authority, The Coffee Board of Kenya, The Kenya Tea Developing Authority is not run from state house, Let them be independent the way we claim them to be independent. So that they make there decisions, whoever does not make a good decision for the country must account for it. Thank you very much.

Com. Barasa: Thank you Mr Nyambega, bring your (Inaudible). Thiru Kabaria, I give you five minutes.

Thiru Kabaria: Yangu ningependa kuongea kuhusu mashamba. Kunao watu wana mashamba makubwa makubwa, na kunao wengine hawana. Ningeonelea ile katiba mpya itayokuja, wale wako na mashamba ile makubwa makubwa, ichukuliwe na ipewe wale hawana, maanake hata zingine zinakaa bure bila kufanyiwa kazi zozote. Na kunao wale hawana, wangukuwa wa kiilima na inatoa mazao. (Interjection)

Com. Nancy Baraza: Wewe unataka uwe unaridhi shamba ambayo mkenya yeyote anaweza kuwa nayo?

Thiru kabaria: Hapana, kama ule hana apate...(Interjection)

Speaker: Unataka ule anaruhusiwa kuwa na shamba kubwa zaidi awe na awe na acre ngapi ili watu wengine wote wapate?

Thiru kabaria: Kama hekari ishirini.

Speaker: Ishirini iwe ya mwisho, asikuwe na hamsini au mia moja.

Thiru Kabaria: Eeh, hiyo ingine ni;

(ii) Culture

Kwa kila jamii wako na culture yao, lakini nashangaa siku hizi kuona ya kwamba kunao wale wanakubaliwa, wawe katika ile culture na kuna wale hawakubaliwi, kwa sasa hivi, utaona mimi nikiwa mjaluo nikitembea na bakora nitashikwa, na niende nishitakiwe, 'preparation to commit a felony'. Ile thamana nitaitishwa ni ya zaidi ya elfu mia moja. Well, kunao wengine wanatembea na majora, marungu na mabakora, na hao waulizwi. Kama hii ni mambo ya kubeba hizo mabakora na majora, ikubaliwe kwa kila mtu, na kama nikukatazwa, ikatazwe kwa kila mtu. Iwe banned to everybody.

Raisi wa inchi asiwe juu ya sheria, ili akifanya makosa afikishwe mahakamani kulingana na makosa amefanya. Ili tuondo hawa watu wanaojisukumisha na yeye wakifanya mathambi wakisema ati wanasimamiwa kutoka juu, ati madhawabu ni ya kutoka juu, iishe. Ili mtu awe akibebe msalaba wake mwenyewe.

Hospitali iwe bure na daktari wowote ambaye amejiriwa kazi na serikali asikubaliwe kuwa na Chemist ama clinic, kwa sababu utapata ukienda pale Kenyatta hakuna madawa, ule daktaria anakuandikia, enda kwa chemist fulani, ata tunashangaa kuona ama kuambiwa, hospitali ya serikali haina madawa na chemist kunayo. Huyu mtu wa chemist ametoa wapi hii dawa?

Mambo ya umalaya; Mwanamke na mwanaume wakipatiakana wakifanya umalaya wawe punished, both, ikiwezekana.

Wanawake kuvaa mavazi kidogokidogo, mini-skirt iwe banned.

Speaker: Ungependa wanawake wavae nini?

Thiru kabaria: Wawache kuvaa hii mini-skirt na skin-tight, wavae manguo inafaa, manguo haina aibu.

Tuwe na vyama viwili ama vitatu vya kisiasa, kwa sababu hivi vyama vingi, vyama mingi, vinaleta ukabila. Kwa sababu kama juzi kunaye yule aliyekuwa ameunda chama yake akaiuza, tena ameunda ingine...**(Interjection)**

Speaker: Nani huyo?

Thiru kabaria: Oruwe, sasa ana ingine, na ile yake ya zamani alipeana.

Nao polisi asikae kwa kituo zaidi ya miezi sita, sababu vile anaendelea na kukaa pale, anazoena na wakora, na ha huyo mkora akienda pale hakuna kitu atafanyiwa, asikae zaidi ya miezi sita pale. Yangu ni hayo tu.

Com. Nancy Baraza: Asanti Mr Kabaria, enda ujiandikishe hapo, asante sana. Mtu anayefuata ni, David Mutua.

David Mutua: Kwa majina, mimi ni David Mutua, Kitu ya kwanza ni children cabinet, kama saa hii vile wameeka rights za children, ingekuwa vizuri pia hao children kama vice ama president akuwe anaingia pia parliament ili aongea shida ya watoto. Nao hao watoto wasikuwe wanatoka, siju ati muthaiga siju wapi, wakuwe wanatoka mathare, hao ndio wanajua shida yenye iko.

Koti: Utapata mtu ameiba kuku na amefungwa miaka sita na mwingine ameiba milioni anafungwa miezi mbili ashaachiliwa.

Artists/actors: Sisi ma artist awatungaliangi, actors. Tuna act lakini kulipwa a ningeonelea pia hao waangalie vile wanaweza kutulipa.

Speaker: Thank you, I would like to see a situation whereby there is separation of powers that is the executive, the legislature and the judiciary. I would like to see a situation whereby the powers of the executive are reduced. The president should not be above the law and should be answerable directly to the parliament, even to a situation whereby he cannot be in-peached. In the same point I would like to see a situation whereby, there is be an establishment of a judicial commission, which will oversee the appointment of the judges, the chief justice, this should not be done by the executive. Also, the powers of the executive should be reduced, to such an extend that she should not be making appointments of head of parastatals e.t.c, a commission should be set to be doing it.

Interruption: A commission in parliament or independent commission.

Speaker: Yeh, an independent commission.

I would like to see a situation whereby, we have a coalition government. Also during elections, we should have, I do not know the right name, whether it is lano whereby the person who wins presidential elections and the person whoshould go back and elect the popular person.

Interruption: We must have a Let's say the winner of election must have 40% of the votes, if he doesn't get 40%, then if the first and the second have

(?)

(?) so what percentage do you want the winner to have before he goes to a

Speaker: I think 50% will do.

I would like to see a situation there is an establishment of an independent electoral commission, whereby the commissioners, and even the chairman of the commission is not elected or rather appointed by the president.

Also I would like to see an establishment of code of ethics for members of the parliament and councilors, people vying for this position should be people who are morally upright, people who have been involved in things like corruption or such should be banned from vying for political offices. Also, the M.Ps and councilors should have a minimum qualification of at least form 4 education.

The constitution should guarantee the provision of security, affordable health care, employment, food, education and shelter for all.

I would like to see a restructuring of the provincial administration.

Com. Dr Mohammed Swazuri: How?

Speaker: O.k. currently we have DCs and even chiefs doing the works of example the police, you find a D.C who goes and interrupts a political rally, and you wonder what kind of power he is using. I would also like to see the de-linking of the government, or the ruling partly from the provincial administration.

The mayor should be elected directly by the electorates. Also, I would like to see the constitution protecting the rights of the citizens e.g. the right of association, freedom of worship and freedom of expression.

Also, I would like to see our farmers being empowered to run their co-operatives.

Fair distribution of natural resources. e.g. water, forest e.t.c for example we usually have the government declaring some forest to be given to squatters and that one should not happen.

Also, I would like to see the establishment of civil servants union, to take care of the rights of the civil servants. Thank you.

Com. Nancy Baraza: Asante sana, leave us your memorandum there and sign your name in our book.

The gentleman who has just arrived is Com. Bishop Bernard Njoroge Kariuki, Bishop this are your people of Kariokor. He wasn't feeling well but he tells me he is better now. The next person is Francis Kariuki, Francis, I give you five minutes.

Francis Kariuki: O.K good morning everyone, my names are Francis Kariuki and I am here to give views as pertains the disable person;

My point number one is the disabled person should not be discriminated negatively because of their disability that is because of their mobility, that they cannot move, because they cannot see, because they cannot hear or any other disability.

We have the point number two, disabled person should not be discriminated against job opportunities; we have seen quite often that disabled are denied a chance to work even when they have the necessary qualification. Therefore, we want a constitution, which will support programmes to assist disabled person to be able to prove their abilities.

I have point number three, We also have disabled persons beind discriminated in leadership opportunities and therefore we should have a constitution guaranting leadership opportunities, for example, we have the political leadership, like being an M.P or a councilor, we have religious leaderships, one can become a pastor or a church minister.

We have the point number four; the new constitution should be made in such a way that it should ease the difficulties the disabled person encounter in their daily life. For instance, facilities or items used by disabled people should be made easily available and affordable; if they are not manufactured locally, then we should have them imported duty free.

I have point number five which is the; educational facilities for the disabled person where not available should be availed with ease for example, we should have more schools catering for disabled being built.

Number six, we should have a constitution whereby planners should be made to consider the needs of the disabled e.g. physical facilities, we should have, maybe houses built, catering for bathrooms, toilets and some stairs should not be made very steep.

I have number seven, we have the movement facilities e.g. the public transport and others should be made reachable and accessible to all disabled persons.

We have number eight, which is communications facilities, for this I refer to things like telephone booths, they should be made in such a way that a disabled person can be able to use them.

I have number nine, the constitution should address the following concerns of people with disabilities; we have the learning facilities, job opportunities, by this, they can create chances whereby disabled person can be allowed to operate simple business or they can give them capital to start the businesses.

We have the physical facilities, descrimiation tendencies, the communication facilties be made accessible to all disable persons.

We have the economical discrimination towards disabled person should be removed.

Exploitation of the disabled by the people shared responsibilities of taking care of their interests, we have social discrimination, swere by it is quite rampant to some classes of people, who feel they should not mix with the disabled people, whom they feel are an embarrassment to them, for instance disabled persons are not allowed to some social gathering such as discos, highlandhotels et cetera.

We have the demeaning terms; disabled persons are very sensitive to demeaning terms directed to them.

In conclusion the disabled person need programmes put in place in the constitution, which will help them ease their disability's problems. Programmes to assist them in the areas.

Disabled people are hard working people as anybody else. Thank you.

Com. Nancy Baraza: Asante Mr Kariuki, please leave your memorandum with us and sign your name there. Steven Odera and Steven exactly five minutes please, don't go beyond.

Steven Odera: Mimi kwa jina, naitwa Steven Odera na mimi ni mwana mwimbaji.

Nilikiwa nasema kwa watu wa serikali waangalie wana musiki kwa sababu tunaumia sana, ikifika upande wa kuimba, hatuna vifaa. Sasa nilikuwa nasema kama wangeeka bill ya musicians ipushiwe mbele kwa parliament, pia sisi wana musiki tukuwe na kitu kidogo ya kujikishilia, juu masponsor wanaweza kuja tuwakaribishe, lakini unapata vifaa hatuna, ndio tunaweza kuwakaribisha kwa mambo ingine lakini vifaa ndio hatuna. Kama wanaweza tusaikia tuwe na vifaa, hii Hall ni ya mtaani wa Ziwani, tungekuwa na vifaa ndio ili wageni wakikuja tuweze kuwakaribisha na usalama. Tunekuwa na shida nyingi hata tumetaka kupanga musiki labda tu release lakini shida yetu ni kwamba, hatuna uwezo na hatuna vifaa, tunaweza imba wimbo wa ukimwi, ama ya street children, lakini ile shida inaturudisha nyuma ni kama vifaa mnazoonna hapa mbele, ndio hatuna. Sasa nilikuwa naomba kama watu wa serikali wangeweza, wangeweza ku-contributia musician, ndivyo sisi pia tuweze kujisaidia. Asanteni

Com. Nancy Baraza: Go and sign your name there. Asante sana Regan Musinde, Reagan exactly five minutes or less.

Reagan Musinde: Kwa majina ni Reagan Musinde, ile kitu ningependa kuongea juu ya yake, mimi huwa na fanya michezo ya kuigiza, na ningependa hii serikali ijaribu kuangalia watu kama sisi, kwa sababu unapata ukienda kufanya michezo mahali, badala ulipwe na vile mlisikizana na hao watu, unapata mnazungushwa mpaka mnachoka. At least serikali ingejaribu kuangalia vile inaweza kutusaidia wa kubadilisha katiba, ingekuwa ni vizuri.

Na pia ningependa kuongea kuhusu serikali ya watoto; hii serikali ya watoto ni kitu ya muhimu sana, kwa sababu hiko watoto wengine hawawezi kufika kwa wakubwa wetu, ni vigumu sana, lakini vile tumechagua watoto wenye wana na ile kipawa cha kuongea mbele ya watu wazima, naonelea serikali yetu iweze kutilia maanani hii serikali ya watoto. Na kitu ingine kuna wale watoto ambao waendi skuli, kuna wale watoto wanakaa nyumbani, hi kuka nyumbani si vizuri, atleast watafute hata kama ni harambee ama donors wajaribu kusaidia hao watoto, kwa sababu hiyo ndio kitu inafanya wana end up on streets, wanatumia madawa ya kulevya, wengine wanakuwa hata chokora, na si vizuri, at least wajaribu kuangalia watoto wetu, tuweze kuwatunza kwa sababu hao ndio viongozi wa kesho. Asanteni.

Paul Mwangangi: Asante sana kwa Constitutional review kuniruhusu kuongea machache, kuhusu katiba. Jina langu ni vile mmesika Paul Mwangangi. Mimi ni mfasi wa Kariokor, open-air market Nataka kuongea maneno ya development ya huku. Barua yangu inasema:

Sisi watu wa kariokor, open-air market, tulikuja huko nmamo 1981 tukiwa na wamama lakini kuna watu wengine wanatuchokozwa huku, ati ni kwao tuhame, sasa tunataka serikali itusaidie juu ya hiyo.

Interruption: Na mnamishwa kutoka kwa market?

Paul Mwangangi: Eeh, wanaseme hapo wanataka ku allocate watu wengine, na hiyo inatushinda kufafanua.

Point number two, mimi naongea juu ya administration/Utawala: Nasema askari akishika mtu, na amfikishe kotini na ule mtu ashinde kesi, ule mtu ana ruhusa ya kumshtaki huyo askari, hiyo ni kusema kwamba, askari wawache kushikashika watu bure.

Number ingine inasema namna hii, hii ni maneno transport; Hapa Nairobi tunalia sana wakati wa mvua, nauli inapanda kutoka vile inakuwanga, inakua ingine na hii maneno imefika mpaka ukambani, mashambani. Na ile shida iko uko kwa sababu ya watoto wetu, unauliza watoto kama mvua iminyesha na wawe kwa shule, je watatoa nauli ingine wapi ya kuongezea ama watakaa uko. Nataka serikali isaidie juu ya transport.

Point number tatu, kuna mwingine ameiongea lakini nitairudia, kwa sababu huyo ni wa upande mwingine na mimi ni wa upande mwingine. Tunasema hapa Nairobi, watu wamesoma, hatutaki kuona kabila zingine zinatempa na rungu, rungu saa ingine inapenduka inakuwa silaha, na kama ni hivyo basi, hao makabila waende kwa location zao, wabebe marungu, huku huko ni sawa, lakini hapa Nairobi tunaona ni kama hatia. Yangu inafika hapo.

Com. Nancy Baraza: Asante Mr. Mwangangi. William Amuok. William, five minutes time.

William Amuok: Kwa majina, mimi naitwa William Amuok, ningependa kuongea mambo ya hizi shule za primary, walisema ati shule za primary hazilipwi na bado tunaitishwa school fees hizo bado, tunaitishwa pesa bado.

Na kitu ingine pia ningependa kusema, Kama upande wa City Council, kuna wazee wanafaa kuretire na vijana wajaandikwa kazi. Kwa hivyo inafaa wazee waretire waachie vijana kazi, asanteni.

Robert Mwangi: Jina ni Robert Mwangi, mimi naomba kusaidia watoto, kwa sababu watoto wazazi wao wakifa, ninaomba serikali isaidie watoto, ikishafika mwisho wa mwezi, wanafuingulie watoto account yao, watoto wakifika miaka ishirini na moja ataona kana atafungua biashara yake ama atafanya kazi.

Com. Nancy Baraza: You are an orphan?

Robert Mwangi: Yes

Interruption: So what are you going to do with yourself?

Robert Mwangi: Mimi nasema, kama watoto watasaidiwa na serikali, wazazi wao wakifa, ama baba ya mtoto akikufa, kama serikali itamsaidia ama watakuwa wanampatia pesa mwisho wa mwezi, watamfungulia account, akiwa mkubwa, akifa miaka ishiri na moja, anaweza kufungua biashara yake.

Mary Mzinga: Mimi hapana jua kusoma, kuongea najua, lakini nyinyi mtasoma hio barua.

Com. Nancy Baraza: Hutaki kuongea, tuchukue hii na uongee kidogo.

Mary Mzinga: Jina langu ni Mary Mzinga na nimesimamia wanawake we kyondo hapo. Kwa maana hiyo maandiko nimeandika hapa, nyinyi msome hiyo mambo yote nimeandika hapo, mwonelee, mimi nimeandikaje, kama nimeandika vibaya, kama nimeandika vizuri, mwonelee hiyo mambo.

Nimeandika Kikamba, kwa maana mimi sijui kusoma, hapan kuja hapa kutatua ile mambo, ile mambo, nyingine nimesahau. Asante sana.

Com Baraza: Ingia hapo uwapatie, alafu utaweza kidole hapo, tutasome vizuri hayo maandishi yako. Timothy Major, five minutes.

Timothy Major: Kwa jina naitwa Timothy Major, na nina vitu vido vya kusema hapa. Upande wa street children, hao vija wetu wanahitaji masomo badala ya kutembea uko town na kunyan'ganya watu vitu zao, wanatakikana kupelekwa shuleni ,wapatiwe right ya kusoma na pia wa participate kwa activities kama education, guidance and counseling physical recreation,

medical care na community service.

Na, upande mwingine ni wa disabled people: Watu walemavu, ukiangalia sana upande wa serikali watu walemavu wamewekwa kando kidogo, haoni watu kama sisi na wanaitaji mapenzi na kushugulikiwa, na pia wanahitaji medical attention na they should be given a chance to express themselves as in, unaweza pata walemavu wako na talents zao, hao wenyewe, zile sisi watu normal hatuwezi kufanya, kuna zile hao wanaweza fanya kama kuchora, kuchonga mbao na kazi ya carpentry.

Pia ningependa kumalizia na government; the government should improve the welfare of the street children through identification of the (?) and provision of necessary support. Sina mengi ya kusema Asante.

Com. Nancy Baraza: Hao watoto, sa zingine huwa tunasikia kuwa hata wakiwapatia mahali pa kuishi hawataki, hiyo ni kweli au tunadanganywa tu?

Timothy Major: Hiyo ni kweli, kuna wale hawataki kabisa hata mambo ya masomo kwa ajili wameshazoea ile life ya inje, sasa kabla uwajukuwe uwaweke pamoja ama uchukue kijana wa inje, ule chokora umwambie unataka kumsomesha ama apelekwa shule fulani, ataona sasa ni kama akienda kule itakuwa ni mambo na kuteswa, lakini wengine wao, kazi yao tu wanataka pesa na wajinunulie zile vitu wanaitaji kama glue na vitu zingine. Lakini kusema kweli hao vijana wetu wanaitiji masomo sana, na kama serikali inataka kuwasomesha hawa watoto, hakuna aja ya kuwachukua pale inje wawaforce kuwasomesha, wawachukue nawawapeleke kwa hizi institution na wawapatie hizi courses za carpentry, mechanizal na vitu vingine. Asanti

Dalmas Momanyi: Kwa majina mmesikia ni Dalmas Momanyi, kutoka the local Youth Council of Ziwani. Kwanza ningetaka kusema hivi, kama ingewezekana wakati uchaguzi inakua uko katika parliament, at least ministers wanatakikana kuchaguliwa na watu sio kuchaguliwa kama raisi wetu anamchagua, namweka seat, kama wewe umekuwa Minister wa Finance na tena watu hawajakuchagua, kwa hivyo inastahili, kama umechaguliwa, uchaguliwe na watu. Na kama pia ingewezekana, ukiwekwa kwa hiyo ministry, tukipata hiyo ministry yako ina corrupt, inatakikana wewe upelekwe kotini, kwa vile unatumia pesa za serikali zote, ikifika wakati wako inapatikana hakuna pesa huko. Kwa hivyo at least, kama ingewezekana, kama ukiwekwa kwa ministry yeyote, inastahili at least ufanye kitu ambacho kitawanufaidi wale ambao ni raia, si unaenda uko, kazi yako si kugrap pesa za serikali, hiyo haiwezekani, kama ingewezekana, unatakina uchaguliwe na watu, na tukiona hiyo ministry yako inacorrup, inatakikana upelekwe kotini.ulipe zile pesa zote, ndio tuepuke tabia kama hiyo.

Uchumi: Sisi kama raia hatuna pesa kabisa, saa hizi uchumi ni mbaya, tunataka at least kama ingewezekana hii uchaguzi ikuwe vile waliipangwa, five years maximum, sio kubadilisha maneno ingine. At least saa hii tunataka, kama ingewezekana election isikuwe extended towards April. Saa hizi, kama sisi, ukiona, raia hawana pesa hata kidogo zaidi. Tungetaka hao politicians watoe zile pesa ambazo walikuwa wameweka.

Com. Nancy Baraza: Hii ni maoni ya katiba, lakini ningetaka tu kukujulisha kitu. Election tumeenda tangu 1963, tumkosa siku ingine? Hapana, na maisha yetu iko namna gani? Kama hakuna institution ya kuangalia maisha yenu, hata ukienda elections itakuwa tu ni masha hiyo hiyo, sio ati sisi tunafurahia kuendelea, lakini tunatembea kila mahali kusikiliza wakenya. Na kama hakuna institution, institution yote imekufa, mtu anaiba hawezi kupelekwa kotini, hakuna kitu kinafanyika kwa yeye, kwa sababu constitution imekufa, sasa hata ukirudisha mbunge hakuna kitu atafanya. Kile mimi ninawaomba wakenya wenzangu, sio ati tunakula pesa, hata tumeenda tukajitokeza, tukaseam, msitulipe Imshahara lakiini wacha tumaliza hii kitu, tunatembea kila mahali, tumetoka Moyale, huko watu wanatembea uchi, imeona mtu uchi? Mtu kama baba yako ni uch na chakula hajakula, sasa tumesema wacha tumalize hii kitu, tutengeneze institution ambayo itasaidia wakenya, mieze mbili nini, hiyo ni too much?

Dalmas Momanyi: At least ikuwe kama January hivi, tupatie ata Prof. Ghai nafasi watengeneze constitution yetu, ndio wapeleke malalamiko yetu uko kabla ya election. Kitu ingine ni representatives.

Com. Dr Mohammed Swazuri: Kuna ile mpango wa kubadilisha hili katiba, hata tukimaliza hii katiba utaona kwamba kuna constituency nyingi ambazo ni kubwa sana na zingine ndogo sana, na ikiwa tutatengeneza (?) ile kwamba kila kura iwe na haki, itakuchukua muda. Sasa kile tunasema ni kwamba, tukisema katiba itamalizika mwezi wa tatu, msemi tuende uchaguzi na ile katiba ya zamani, ile itafanyika ni kwamba ile serikali itakuja itafanya vile walifanya Zambia wakati walisema mtukubali tufanye uchaguzi, tutakuja kubalisha katiba, na huyo president alikaa miaka kumi na katiba haikubadilishwa, kwa sababu yule anakuja anataka zile power ule mwingine alikuwa nazo, kwa hivyo ninaomba mkifanya uchaguzi wa haraka bila katiba hii kutengenezwa, mnajiweka katika mashaka, kwa sababu ile serikali itakuja iseme sisi hatuhusiki na katibaimekuwapo au miaka kumi na tano ile serikali ya Kenyatta ilikuwako. Ukiwa na uhakika, ya kwamba miezi miwili, hata kama unaongeza utapata kile unapenda si ni zaidi kuliko kukaa miaka yote. Si ni kweli wanainchi.

Com. Nancy Baraza: Hiyo ni maombi yetu tu kwa nyinyi, mkiona tunapewa miezi tatu tuwatengenezee vitu, msilie sana, kwa sababu mmekaa miaka 40 with our government, which we want to change; now you cry because it is three months.

Dalmas: Ningetaka to consider hawa machokora, vile nimeinterview wengi wao wanasema hati kupelekwa shule za public, hawendi uko, kwa sababu, vile niliwauliza walisema, kuenda uko kuna kazi ingene wanapewa ngumu ngumu kwa hivyo wanataka wapelekwewa private schools. At least kama ingewezekana hawa machokora wapelekwewa

shule, wapate elimu, na wao

wakuje kujitegemea maishani mwao. Asanteni

Charles Kamau Mwangi: My names are Charles Kamau Mwangi and I would ask for an extra minute, so that I can be able to give my points.

As far as the constitution is concerned, a constitution is something, which is supposed to be or supposed to have a preamble, and the current constitution does not have a preamble. The preamble itself should have or the Kenya constitution should have a preamble of which should define the roles of constitution, the constitution belongs to who and how it is supposed to be enhanced.

The constitutional supremacy; The constitution should have it's own supremacy and power of the parliament should have a limit to amend the constitution, to amend the constitution the public should be involved through referendum. The referendum should be conducted by the presidential appointee subjected to the parliament.

The three arms of the government; since in a democratic country, the government should have a separated power and define the role of the offices of this power, that is the executive, the judicial and the parliament.

I will start with the parliament. The parliament should have its own fixed terms and develop its own calendar, without interference from executive and judicial, the parliament should approve all presidential appointee and to impeach the president from the office if she or he is off duty. And at this juncture all Member of Parliament should be full time occupation, so that they can be able to address all the problems facing the country. The age should be one of the requirements for a contestee of any parliamentary seat or parliament, the age should be between 21 years and 70 years for the parliament and for the president it should be 35 and 75 years.

The salary and the benefits of M.Ps should be determined by the public Service Commission.

The concept of nominated M.Ps should be retained by the ruling party and the party should have won the election by the majority i.e. 75% of the total casted votes.

To the Executive; since the Executive is part of the government i.e. the President, the Cabinet and the Civil Service should faithfully implement the people will, by enforcing what parliament Act it law. The executive should implement plan for the policies improvement of the welfare of the people.

The executive should be answerable to the president not the parliament.

Judicial; It must be emphasized, that from the judicial effectively maintain the rules of the law, it must be independent from the executive and the parliament.

Bill of rights; Since the bill of right have been passed by the United Nation in 1948, the constitution should guarantee the human rights, rights to access information in possessing of state and any other agency organ of the state. The constitution should guarantee all workers rights to trade union representation, security, health care, education, shelter, food and employment. The three arms of the government should maintain all those.

The political parties; the law of political parties, the political party should have a role to play within the country and should be enhanced in the constitution. To mobilize citizens and further activities, find out how the society i.e. the people, about the issues affecting them. The political party should have its shaping the political opinion to built and sustain democracy and carry out the political education, train political leaders and recruit candidate

The constitution should regulate information, management and conduct of political party e.g. number of parties and the conduct of leaders.

Local government; the local government should elect mayors and councilor chairperson direct and the mayor should be the head of the town or the city. The mayor should have two terms and council should be separated from the central government. The city or town should be independent to carry out their duties.

Minimum education qualification for councilors should be O-level, ordinary level certificate, there should be the test of language i.e. English and Kiswahili.

The candidate should have a good conduct moral and ethical qualification.

The people should have a right to recall their councilor, the president and the minister, in charge of local government should have no power to dissolve the council; only the parliament should have the power.

To contest a seat for mayor the age should be between 30 and 70 years and the councilor should be 21 – 70 years.

The electoral system process; Kenya has representative electoral system which should be retained and we should do away with the simple majority rule and it should be 75% or two third of casted of M.P.

There should be a minimum percentage to a number of votes that a ward constituency and presidential candidate must attain, in order to be declared the winner. They should be 75% of the total votes.

If a candidate fails to seek nomination in a party, he or she should be not around to switch offer and seek nomination from other parties. The party-to-party defection should not be allowed but if and only if there should be a defection, they should resign and seek mandate from the people. Crossing floo, the member should resign his or her seat and seek mandate from the people.

The management of national resource; The strength and management of national resource, in most cases in our country, is the backbone. There should be a public service commission, which should be appointed by the president and subjected to parliament for approval and of which they should be answerable to the parliament. We should have the controller and the auditor general, should be appointed by parliament and answerable to parliament but subjected to the president for approval. And for the constitution itself, in constitution we should have a line which is alighting how we should be changing or amending the constitution, because maybe in future we shall need to amend our constitution. Thank you very much.

George Oseya: I want to thank you all for finding time out of your very busy schedules to listen to our views and it is my hope that at the end of this very important exercise that the wishes of the majority of Kenyans will be reflected in the new constitution.

Otherwise, it will be free time, for you to go around collecting view, if the views of the majority of the Kenyans are not reflected in the new constitution. Mine is a written memorandum which I want to present.

The executive, it is my feeling that we have had so much centralization of power into the executive. Basically, this is what has caused the poor governance that we have had, because centralization of power tends to lead to dictatorial sought of governance, so it is my feeling that, if we could share to the other arms of the government, like the legislature. When it comes to appointing judges, we can have a judicial commission that could rate within judicial committee in parliament to vett whatever appointments are made.

On the side of the legislature, to give parliament true independence, I suggest that budget of parliament be decided by the parliament, subject to a fraction of the cross national product in the country.

When it comes to dissolution of parliament, I suggest that parliament should be dissolved according to the provision of the constitution and not at the will of the head of state.

Interruption: (Inaudible)

George Oseya: That is why I am saying; the constitution should remove that particular portion so that it is not the president who has the final word.

Electoral commission; the members of the electoral commission should be composed, elected and approved by parliament. The electoral commission should be an independent constitutional body that is separate from the executive.

The constituencies in the country have not been properly drawn, in that we have some constituency that have a population of seven thousand while some have a population of more than a hundred and fifty thousand or even two hundred thousand. To retrace this situation, what I suggest is that they divide these constituencies in such a way that we have proportional representation, so that some areas are not over represented while others are under represented. I think that is more or less all.

Joseph Ogolla: (deaf) I am Ogolla; I would like ten minutes because I will have to use an interpreter. I want to give my views to the commissioners. From 1963 when we got our independence, we had a constitution, but this constitution was not made by us, it is a foreign constitution and now we want to get our own constitution. But let us not do it very fast, let's do it slowly to get a good constitution, and also after this constitution is made, I think it should be brought back to the people to see whether their views are included, then it goes back to the parliament to be approved. But it should just not go directly to the parliament to be approved without we, reading it, before we approve. It should be brought back to the people before, we see if some of our views were not put so that we add, because me as a person I don't see if this election is very important. We should have a new constitution before we have our election because it is a constitution that will cater for the generations to come. I have heard so many people, who want the constitution to be hurried, but for me, I don't want it to be hurried, I want the commissioners to take their time and have a good constitution. And these are my view;

Like I see, our government don't for the deaf. For example, I am deaf but when I go out there, people think I am just like a normal person, because my disability is hidden. So I want the government to take care of the deaf people as the signs should be put in every public place to enable get easy services. Many people just talk but I cannot hear, I am just seeing the mouth moving, the lips moving but I do not understand, so interpreters should be put in every public places for the deaf people to get their services and also to understand what is happening. Like for example in the television, we just see the pictures but we don't understand what is happening, they block the barrier between the deaf people and what is happening in the country, so we need to know what is happening in our country. Sign languages should be put as a subject in all schools, from primary to

university or sign language should be put as a subject, so that people learn sign language for easy communication.

Like also in courts we should have sign language interpreters, in hospitals, and different government offices.

Another thing I wanted to talk about is leadership. This is a very big problem, like when it comes to election some disabled people are not accepted to vote for some seats, but we also want to become presidents, it is not just the normal people who should become president but we disabled people should be given a chance to also lead the country. There times when normal people can fail but us disabled people can succeed.

Once we have a new constitution, it should be circulated to all the people, street children, women, disabled people, everyone should get a copy because we are all equal. Nobody is above the other. Like I said when it is made it is only for rich, because it is published and bought, we should understand, we have some people who are very poor and they can't afford to buy. When it is printed out, everyone should have a copy so that we know what is written in the constitution, we should know our right, because sometimes we say, like we have economy problem, this and that, so because it is our sweat, we want to know our right. So we should not sell the constitution, it should be free, for everyone to get a copy and read. Also we have some poor people who cannot afford school fees, so we have some schools that are expensive than the others, what I want is that all the schools should be the same and should be under the government and everybody should have a free education, so it should be put in the constitution.

In Nairobi city, for example the city council, do not give us correct services for example the city askaris, we really do not know their responsibilities, and they run around with hawkers. We want them to be put in every station, maybe each three, they should put a number of the city askaris to take care of the city, because we have some streets that are not well maintained, we want this to also be put in the constitution, we need a clean city and this is their responsibility.

Education; the deaf education is always low, and after primary education, we are taken to professional training, we also want to get the education just like everybody. Like, we the 8.4.4, the system should be taught for everybody, not for separate people, the deaf people we don't get that kind of education, after our primary school, we are taken to professional schools and this is what we don't like, we want to move in the modern because there are computers nowadays and we also want to learn that. I think I have finished my points, thank so much.

Athsmani Mwaura: Thank you. First, I want to thank our God, Creator of the universe and all people, including us people with disability and also I would like to thank everybody who made it happen on thinking about the Constitution Review Committee. In our country, we have more than or about 13 million people with disability and the number is increasing day by day, because of the road accidents and other disasters. I am one of the victims of these road disasters, and each and everybody can remember about the August 7th bombblast here in Nairobi, at about 8a.m. nobody knew what is going to happen

for some few hours to come but it happened and most of the victims are in wheel chairs. There are many people out there with spinal injuries caused by different calamities, such as high head illness and vehicles that is accidents. Nobody knows how they are going to get their daily bread because some of them are married, and have families. It is I have almost ten things which I want the government to do through this constitution review committee.

People with disabilities should be recognized and given his or her rights as a Kenyan because we are here to stay, they should be given chances to be identified by making possible access to this station.

Should be fully represented in the parliament as it is in other countries such as Uganda, where there are four or three seats left vacant for the disabled.

Interruption: You are suggesting that forget about

Robert: Yes. And this should be of different categories, which will present a blind, a parafrigic, a deaf and a

There should be a committee in the parliament, which will be including the disabled. so that they can talk for themselves, and see and make sure that all public building are built with access lamps to use at night, like the one in Times Towers, Posta Sacco and also Nation Centre but not like the one in Nyayo house, which a disabled should be assisted to go round.

Education should be free, and if not to all, at least to people with disability and their children should be free.

In modern Kenya, most of the disabled are in town selling sweets and cigarettes, in this thing of poverty of eradication, in the question it should be put that employment, any employer with more of ten, so that they are given chance to prove for themselves they can do, and if not possible the government should think on how to give the disabled person certain amount of money from tax payers money to support his or her food and other expense.

I would thank the city councils who put wheel chairs (Inaudible) lamping

at the city pavement,
it should be extended elsewhere and should be put high as it is in big cities like London, indicating that there is a wheel chair
lamp and anyones vehicle found obstructing the way should be prosecuted.

This is about the measure of funds for the disabled. It should be given to the disabled themselves. Where members can get
jobs, enjoy the fruits of the fund and may be they can get some donors themselves or. even from individuals, without fear that
the money can go into a wrong hand and with this, disabled can start banking services where members can save money and get
loans to start small business and also open an office to give counseling to new spinal injuries patients and other disabilities.

All invalid equipments should be tax freed, importing from other countries. It has been difficult for a disabled person to get
equipment or spare parts, which he needs for his daily use because of the expensive prices put on them.

Land issue: People with disabilities should be given land, most of the disabled do not have permanent homes and most of them
live in slums. Here, in the city and in other big towns. They too should be remembered.

Mostly they are disabled who know their life and they are the ones who know what is good and bad for them. This is to
support item number three. We need a parliamentary committee, which will recruit a disabled to decide what is good, wrong,
and fit for them. We than God we have Miss Sinyo, we want more.

In the city centres, public toilets should be put or built on where in a way where the disabled person can use them.

Lastly, I would ask this committee to make a date and visit spinal injury people at Nation Spinal Injury at Valley Road, in
Hurligam and see for themselves because there are so many patients there still, waiting to join us in the streets and probably they
will be on a wheel chairs.

Ndege Alois Peter: We should give our constitution a unique vision in our legal system to look different from other Africa parliament. Like we should bind it in a book form and keep it covered in a jacket.

We should replace all section and articles. Like section 1, two.

The chapter arrangement; from preamble, we should go to citizenship and then to human rights, parliament, executive, judiciary and then other matters will follow later on.

Under human rights we should include the social, economic and cultural rights like the right of food, clean water, to get education, to have right of employment, fresh air et cetera.

We should entrench the children rights like the united organization of the right of the child.

Bail should be accorded to all jail offenders.

Abortion; there should be the rights for the unborn child, so if one abort haw has committed murder

Police shooting should be monitored

Protection of the law should only allow two adjournments.

We should have three parties in the constitution, so anyone who might be denies commission by any of the parties should be free to vie as an independent candidate.

We should have age limit for our candidates, minimum of 21 and maximum of 70 years

Nominated members should cater for special interest, they should not be politicians they should be people with special interest, which we bring into the government.

The executive; the presidential should be ceremonial the members of parliament should be appointed by the public

A.G should be an M.P, should be the director of public constitution.

We should have the judiciary service commission, which should be appointed by the members of parliament, and they should be the ones to appoint the judges and other members of the judiciary.

All courts, including the magistrate court should be constitutional.

David Mburu; Ningependa kuanza na masomo, upande wa masomo ningesema ya kwamba, ingekuwa ni la muhim ama lazima, masomo iwe niya bure kutoka pre-unit, nursery school, mpaka 1st degree, alafu mtu akitaka swendelea, hapo mtu anweza lipa. Tu kisema ni ya bure, tunamaanisha malipo iwe ni zero, akuna kitu chochote anacho daiwa. Hata ikiwezekana uniform iwe ni mavazi ya nyumbani.

System ya 8.4.4, haisaidii watoto wetu, kimaisha, turudu syste ya mbele ambayo ni standard seven high school mpaka university,. Pia isiwe chancellor wa university ni president wa inchi, tuwe na vice chancellors ndio wanasimamia university, raisi hanyanganywe uwezo wakusimamia masomo, kwa vile haina maana, unaweza pata president mwenyewe hana degree na ansimamia masomo amaye ye mwenyewe hajapitia.

Matibabu; Kenya ni moja wapo ya nchi zinazolipa codi kubwa zaidi katika ulimwengu, kwa hivyo, msilize pesa zitatoka wapi, pesa iwe ni kodi yetu ambayo tunakatwa hata saa hii, na ndio inatufinya vile tuko, tuendeleo kukatwa kodi vile tumezoea bila kuongezwa. Lakini sasa kazi ifanyike vile tungependendelea ifanyike.

Matibabu iwe ya bure, nikisema bure iwe ya kwamba matibabu, kuona daktari na madawa. Kama hakuna dawa upewa prescription, ambayo iko na mhuri wa serikali, ili ukienda nayo na chemist, upewe dawa na chemist ilipishane na serikali na ikikosa ivo mtu ashtakiwe mahali fulani katika iyo system.

Umasikini; umasikini, inajulikana ni thahiri ya kuwa tunajifunia tulicho naojo, na sisi tunajua nunajivunia zaidi, ukulima, tungenesema ukulima uhimizwe na kitu yo kwanza maji itolewe kutoka Indian ocean, lakes zote zile tuko nazo, mabahari yote, irrigation ifanywe kwa mashamba na hiyo yote ifanywe na serikali, tusilipishwe hata ndururu. Na isitoshe, mareli zipelekwe kwa kila sub-location, kila kijiji, iwe na railway line. Ili tuepuke mambo ya el-nino na mashimo wakati kumenyesha.

Tuna mimea kama bangi, kuna inchi ambazo iko legalized na inapandwa hapa kwetu Kenya, bangi iwe for export, ikubalishwe. Kwa vile inatumika katika madawa na hata hosipitali, iuziwe inchi zile zile zinataka kununua na itasaidia upande wa economy ya inchi yetu Kenya.

Vitu kama ivory, ya wanyama wamekufa isrudi kuchomwa, iuzwe kwa inchi zile zinaweza ku zimanufacture, kwa vile inakuwa pointless, tunauziwe ushanga wa ivory hapa na sisis weenyewe tunachoma ivory. Vitu kama hizo na ngozi za nyoka ziuza kwa inchi ili zi enhance economy.

Tuwe na super scale. Hii ni mtu kufikisha bilioni moja peke yake, akipitisha bilioni moja, mali yako inatawaliwa na serikali na itumike kufacilitate masikini ambao wako kwa inchi.

Mtu mmoja asipewe kazi zaidi ya mbili na serikali, apewe kazi moja tu na ukipewe nyingine, uwache ile ya kwanza.

Kila mwanainchi a declare mali yake, na akidanganyana hiyo ni corruption.

Ministry ya planning na economy; ningeomba isimamie makazi na iwe ni lazima kila mwanainchi ahesabiwe, ndio hii ministry iweze kupanga mpangilio ya watoto wangapi wako skuli, wenye wanamaliza, skuli ngapi zitajengwa, sipitali, dawa na kila kitu. Ukikosa kuhesabiwa iwe ni sheria unaweza kuchukuliwa. Hii ministry ipewe uwezo ya kudecide retirement age, iwe from 45 years, na mtu apatiwe benefits zake baada ya retirement.

Corruption; ningeomba sheria ipitishwe ya kwamba mtu yeyote akipatika na corruption kwa vile ananyanyasa inchi mzima, afungwe maisha. Kuwe na men and women of integrity ambao watahusika kwa kujali masilahi ya binadamu, kwa mfano Wangari Mathayi, kitu kama kuchikua signatures za wanainchi kuzuia kuenda uhuru park. Na hawa watu wapatiwe medals zile upatiwa katika National Day, ili wawe ndio watakao nominatiwa M.Ps katika ile party ambayo itakuwa ina representatives wachache, awe nominated automatically. Watu kama hao wawe wanasimamia parastatals.

Mayor na president na wadogo wao iwe direct na ningeomba ya kwamba wa declare wealth na president asiwe above power na iwe kuna veto ya raia zaidi ya moja tu 51% ya wale watu walipiga kura.

Tribalism; kenya iwe partless state.

Security; kwa vile tunajua ni dhahiri ya kwamba serikali imeshindwa kuprovide security, ningeomba ya kwamba watukubalishe kwa vile tunajua wale watu wenye bunduki ni waizi, askari na matajiri na wale wengi katika Kenya ni sisi ambao hatuingiii katika iyo category. Ningeomba bunduki ziwe ni kitu tunaweza kupata kila mtu, tuweze kuprovide security yetu sisi wenyewe.

Elisha Ochieng; (Ziwani resident) Ninataka kuongea kwa niaba ya vijana wa ziwani. Sisi vijana wa ziwani tunaumia sana, kwa vile hatufanyi kazi. Ukienda town, unashikwa. Tungeta mtusaidie kidogo.

Serikali siku hizi imeandika watue wengine ambao hatuwajui, mara unakuta mtu anajita informer, sasa tungetaka kujua informer ni mtu wa aina gani kwa serikali.

Interruption (Inaudible)

Elisha Ochieng; (Ziwani resident) Uyo informer, kama askari wanaiba anaweza kutufanyia nini.

Interruption: Anakuudhi namna gani?

Elisha Ochieng; (Ziwani resident) Anatuambia maisha, mnikiwa na pesa yangu kidogo, anaenda kuita serikali, hati sijui nini na nini.

Wengi wetu wazazi hawafanyi kazi, ningepomba kuwa shule, watoto wawachiliwe wasome bure, hata kama ni mpaka standard 8.

Matibabu pia iwe bure.

Julius Mwangi: Kwanza nataka kushukuru, commissioners kwa kazi nzuri wamefanya na uvumilivu wao.

Sheria zaa ardhi zilizopo sasa zinafanya wanainchi wa kawaida sana, kwa sababu wengi hawana ardhi na watu wale wakubwa walikuwa tangu wakati wa ukoloni wakinyakua ardhi iliyokuwepo na mpaka wakati huu wamezidi kabisa. Tuna taka sheria ambayo itatumiwa ile kila mwanainchi au familia ipate mahali itaita nyumbani.

Kwa vile kwa mfano, tajiri akija apate mahali mnaofanya kazi, nyinyi ni watu kumi mko pale, mnaofanya kazi mnajisaidia na inasaidi watoto wenu, serikali ina haki ya kuja na kuwafukuza kutoka mahali pale na iwaonyeshi mahali mtaende, sasa iyo inaleta ufukara zaidi. Watu wanazidi kudidimia.

Polisi; wakati polisi wanawashika watu, hasa wanaume wakiwashika wanawake, na kuwapeleka cell, wanawake huwa wanaumia sana. Mara nyingine wakifika kule, hao wanaume wanawalizimish kufagia, na saa ingine wanaanywa kufagia usiku. Na saa ingine hao wanawake wanaazimishwa kujipeana mwili zao ili wanunuwe uhuru wao. Kwa hivyo wanawake wawe wakishikwa na askari wanawake, na wakati wako kwa cell wawe, wanajibika maswala yote kwa askari wanawake.

Interruption: Kuhusu hii maneno ya polisi, je mngetaka warudishwe shule ama, kwa vile wakenya wengi wanalalamika kuwa polisi wanaumiza watu.

Julius Mwangi: Ninaonelea ya kwamba, kuwe na utaratibu au commission ingine. Kama committee, lakini iwe ni serikali, sijui iwekwe majeshi ndio watakua juu, wapewe uwezo wa kutawala polisi. Ili wewe ukigandamizwa na polisi, unaweza kuwastaki kwa hawa, sababu sasa ukudhulumiwa na polisi unaweza kuenda kustaki wapi? Wamekuwa wabaya sana na wamezidi kabisa. Hata unyangaywi ile inafanywa siku hizi, ni hao wanafanya. Na hata ukijua hauna mahali ya kuenda kuwashtaki.

Mimi ni mhuzaji wa makaa na nimetembea mahali nyingi sana katika Kenya, na hii biashara ilikuwa imefungwa lakini kule kufungwa nikusema inaendelea kwa njia mbaya, hata kama imefungwa. Ningepomba serikali iwe ikiwaruhusu watu mahali wanaishi, kama ni zile miti zimeanguka, zile zimeoza na mahali wanakubaliwa kusafisha mashamba wawe legalized kuwa wakichoma izo miti, na iwe ni huru mahali wanapeleka wasiulizwe.

Kwa upande wa administration, administration electoral commission huwa simeenda vibaya, kwa sababu yule mtu kama ni administrator anawekwa hapo na president, sasa huwa hawaserve wanaicnhi, wanaserve yule president ambaye amewachagua. Iyo ninataka irudishwe kwa raia, raia ndio wawape watu mamlaka ya kuadministrate.

Hiram Waweru Gichuki: (Ziwani resident) Nashukuru serikali kwa vile imechagua commission ambayo tunaruhusiwa kisheria kitoa maoni kila mmoja wetu.

Naomba katika serikali yetu, kuwe kama zamani, free education, kutoka standard one mpaka form four.

Kuwe na free medicine, tuwe tunapata daktari free kama tulivyo aanzia mwanzo.

Kiongozi wa inchi awe akitumika term tano tano, mara tatu. Term ya kwanza, ni kuona ofisi, uchafu uliokuwa katika ofise yake na inchi asafishe. Term ya pili ni ya miaka mitano, ikuwe ni kuanza kufanya kazi na develop country yake. Term ya tatu ni kumwambia kwaheri, kama tunaona ni mbaya. Raia wawe na uwezo wa kumwambia kwaheri mzee.

Interruption: Kwaheri mnamwambia kwa miaka tano?

Hiram Waweru Gichuki: Mimi nimesema term ya tatu.

Katika mambo ya municipality, mayor awe anachaguliwa na watu, kwa mfano kama hapa tuna mayor, Kamau, Otieno, kwanza hapigania kiti hapa hapa ziwani. Na wakati anapigania kiti ziwani, anapigania kiti ya mayor katika Nairobi mzima.

D.C au D.O asiruhusiwe kabisa kuwa member wa county council au municipal council.

Nominated concillors watolewe kabisa, kwa sababu wa takuwa nominated member wa council wanatumikia watu fulani.

Area kama vile Turkana, Maasai, kuna shida. Area hiyo badala ya kupeleka chakula gunia kumi, ishirin, wakenya watafute njia ya kutafuta maji na kuwapelekea ili wafanye irrigation. Tuondoe ile mafikira zaa watu, 'tuende tukaone wakenya wale wanakaa bila nguo.'

Watoto wetu ambao tunawaita machokora, serikali itafute njia ya kuwakusanya wote na kuwapeleka kama let's say mile ishirini inje ya town na wafanye kazi ya mikono au nyingine, ili wasahau kurudi hapa.

Wakati wa public holiday, serikali au upande wa traffic, ukuje na kuchunga wendeshaji wa magari.

Serikali ifikirie wazee, sisi ndio tulijenga Kenya hii mpaka mahali iko.

Interruption: Nini?

Hiram Waweru Gichuki: Itafute kitu kama mji wa huruma wa saidia wazee, and viwete.

Josephine Aska (Deaf): I greet you all. All the commissioners thank you for giving me this opportunity. I am presenting the Nairobi Deaf Women.

Affirmative action has to be passed.

As women we have things that have to be implemented and this cultures that oppress women, should be looked into. We want our constituion to protect us.

Health care, water, food, shelter and education should be given to all women.

Employment opprotunities in different sectors must at least involve the deaf women, the governement should ensure at least we are given 5%.

The disabled people should have their own political party.

During elections, one day should be set aside for the disabled people.

We should hav e 50% representation for women.

Nominated M.Ps should have equal number of women and men, including the disabled.

The local authority should involve the disabled when they are electing the councillors.

The public finance should involve disabled people, there should be an equal representation, and the money should be shared equally.

All the disabled people should be involved in decision making, because we are part of the society but we do not have a voice.

The constitution should clarify who is a child, i.e from what age to what age is a child, regarding the children's rights.

Sign language should be a recognized language of a deaf child from when he is born to the adult age.

The constitution should protect women from harassment and abuse, because we have women who are beaten, some are killed and when the men are arrested, they are let free, we want this men to be hanged.

Those men who are getting children out of wedlock relationship, should take care of the children until they finish school.

The constitution should ensure that all the property is shared, whether you are married or not, whether your husband is dead or alive. We should share all the property equally with your wife.

Disabled women also have a right to property whether they are married or not. When land is being shared, a disabled women should also be included.

The disabled equipments that assist them should be accessible.

The deaf people should be free to have their own interpreters they want.

When deaf people are arrested, there should be interpreters and the police officers should learn sign language.

All women, whether disabled or not should be protected from sexual harassment.

All public places should have interpreters e.g hospitals and postas.

Information and technology; in T.v.s and other medias we should have interpreters, because the disabled miss information.

The government should have a college for interpreters so that, so that the disabled using the interpreters should be responsible for their payment.

Education for the deaf must be improved. It should be equal.

If you want to be a president, you should be above 35 and 40 and you should be a family man, and a responsible man, who knows about the technology and leadership.

Eva Wanjiru (Moi Avenue Primary student): I am going to present childrens's right.

I think that all children should have an equal right to go to school, which means that they should be given free education to a certain level. Children want to be included in parents, teachers association to view their points about how the school should be

led.

Rehabilitation centres for street children should be constructed and they should be in plenty to reduce the number of street children.

Parents who do not take care of their children should be denied custody and they should be given to foster parents.

There should be no child labour.

Children should be given freedom of speech.

Abortion should not be allowed.

Free health care should be provided for all children.

Orphans should be taken to children homes.

Allowance should be given to the people who take care of street children.

Men who want to marry off their children at an early age should be prosecuted.

Children who take drugs should be taken to a rehabilitation centre.

Pornographic videos and programmes, which appear on media, should not be allowed.

Counselling sessions in homes and schools should also be provided.

Girls should wear decent clothes, which may avoid rape, which lead to child abuse and all people who rape young children either should be jailed for life or castrated.

Martha Kingoo (Teacher Moi Avenue): A president should be well educated, who has at least a minimum of a degree level. He should have good moral and a family man.

Land should be allowed for both women and men, that is the ownership.

Both men and women should have equal rights for citizenship and citizenship should be in terms of birth or immigration.

Both women and men should be given equal rights to education.

The president should be chosen by a majority vote and a speaker should be chosen by the minority group to avoid discrimination.

Joel Masika; (Director social services and housing department, Ziwani youth council)

The constitution should take care of education. A constitution should be part of the subject in school starting from the lowest level.

We should have faithful religion in our country, not devil worshipping. We want good churches. This enhances a good bringing up of the children.

Disabled people should not be discriminated like in jobs. The disabled should have their own places to stay not the streets.

Many people like the street children and other people in the community have talents, which the government overlooked, if for example someone starts a project like drama, the government should support them.

Bhangi though harmful to the community, is useful to other countries, and we can eradicate poverty by planting the bhangi and selling them to these countries.

Security; Let the government give everyone a gun for protection, so that when a thief comes with a gun you also have a gun, he shoot the leg and you shoot the head.

Edward Shikanda: Commissioners, deputy mayor, mandugu na madada, nawasalimu.

Street children; we have almost 50,000 street children and we should go to the grass root of this problem instead of tackling it from the peak of it. This children are going to be a very big help to the nation. There are many problems arising from the street children and we have a challenge of solving this problem. Going back to central province, 70% per cent come from there. This is always caused by family breakages, there is a lot of marriages breaking up in central province because of inheritance of family property like land, other communities do not allow, women to inherit land.

While we appreciate the gender issues here, there are some repercussions that result because of women inheriting land, because

you will find that when a lady is married she has got two homes, two properties and so she might not stick to her marriage because after all she owns her father's plot at home. Because of this fact when they get married, they do not stick to their marriage because they don't consider the marriage to be of great importance.

Interruption: Hallo, that is a problem we know what do you think should be th solution?

Edward: The solution is that the women should not inherit the land.

The government has given us freedom of worship, which is good and we appreciate it but I am appealing to the government ot look out on ways on how it is going to help this cult issues. There are so many cults and it is hard to identify which is the true church from the cults, for example if you go to O.T.C stage, you will find a church there, they really dance 'ndombolo ya solo'. So how are we going to differentiate ndolombolo ya solo from ndombolo ya church.

City council; there is a very big problem here at the city because the city council askaris are just arresting innocent people claiming they are hawkers. They arrest an innocent person in the streets claiming he is a hawker and the person cannot convince them he is not a hawker.

To solve this, the government should give hawkers days when to sell their good without harrasment. The askaris should not punish innocent wanainchi claiming they are hawkers.

Speaker: I think I should call the deputy mayor next because he has to go early.

Crowd: (They don't like the idea and they think if anything the deputy mayor should be the last.)

Com. Swazuri: We may have some difficulties with the leaders we have today, but tomorrow we will have other leaders. One of the issues that we have to be carefully is not to show anger to our leaders because they failure. We should respect leadership. For example, your father might be so bad, but you should not forget to give him respect. I am appealing to you that we should keep in mind that with all the bad things we have seen without the government we are finished.

John Okeya: (Starehe K.A.N.U youth leader.): Ya kwanza naweza ongea juu ya constitution ile tuku nayo kwa sasa ambayo aina preamble. We should have a God-fearing nation.

Freedom of worship; There has been some biasness, so we should rectify this by writing in our constitution clearly that on certain days all denominations should be allowed to attend their church, temple or mosque. So that the citizen can be protected and allowed to worship.

Electrol commissioner; Kwangu kama kiongozi wa vijana, nafikiria kwamba, uteuzi wa hawa commissioners wa uchaguzi, inafaa kuachiwa parliament, na wakiteuliwa commissioners wasikuwe wameteuliwa kutoka vyama vya siasa. Commissioners hawa wateuliwe vile commissioners wa tume ya kurekebisha katiba walichaguliwa. Katikati ya hawa commissioners, kuwe na mtu anayepresent the disabled, mwingine wanawake, na mwingine vijana.

Death penalty; Ifutiliwe mbali kama sheria, na kama ni lazima iwe, baada ya mtu kuhukumiwa kunyongwa, familia, next of kin ama wale wanaohusikawanafaa kukubaliwa kuchukua mwili ile wazike, ili kuhebuka chuki. Mfano ni kama akina Ochuka na Dedan Kimathi.

City by-laws; wakati mtu amefanya makosa na ameenda kushtakiwa, they are many confusing. Nas hizi ni vitu zililetwa na serikali ya wakoloni. Ninaomba kuwe na sheria moja ya kushtaki wakenya, iwe amefanya makosa kwa city council au kwa idara yeyote.

Youth representation; Kwa parliament, kuwe na 33% ya hizi nomiation zinazoletwa baada ya uchaguzi kuachiwa vijana. Kwa local government pia iwe hivyo, vijana wawachiwe wachaguwe viongozi wao. Pia kwa parastals na board of directors. Ikifanywa hivi, maneno ya inchi, inaweza fanyika kwa njia mzuri. Nikiwakumbusha, kwa hii commission ambayo mmekaa hata sasa, mtaangalia kule mkichagua commissioners wenye watarekebisha katiba, hii nikitu ambayo haikuangaliwa, na ikifika dakika ya mwisho, vijana waone hakuna mtu wao aliwekwa hapa, ikifika wakati wa kupiga kura ya kupitisha hii katiba sasa, inawezwa kwama. Bila 70 of the youth votes, nivigumu hii katiba kupita.

Empowering youth economically; Serikali ina pesa nyingi, kwa hivyo ningepomba kuwa mtu akimaliza form four, iwe pesa imejengwa kando ambayo vijana wanaweza kupea ili kuanza nayo biashara ndogo ndogo na wakirudish kusikuwe na any interes.

Wat wakubalishwe kuchukuwa kitambulisho kuanzia miak 16, kwa vile life span ya watu inakuwa threatened na maneno nyingi.

Pahali popote ambapo kutakuwa na migogoro kati ya mwanainchi na foreigner, interest ya mwana Kenya iprevail kushinda ule mhindi, ama mzungu ambaye ametoka inje na yuko hapa Kenya.

Registrar general apunguziwe kazi yake. Aondolewe na pahali pake kuwe na kitu kama commission ambayo inteuliwa na parliament.

Parliament iamuwe salary ya civil servants, wote, kama ni walimu, doctors, ndio hii maneno ya industrial strike iende chini.

Deputy mayor – Joe Aketch: I would like to welcome you all to Ziwani. Yangu ni machache.

I.D; Vijana ambao wanapaswa kupewa I.D wamekuwa wakisumbuliwa sana, kwa sababu kama umetoka border, unaambiwa urudi border, useme shief wako ni nani, na sisi wote tunajua kuwe wazazi wao walizaliwa hapa Ziwani au katika Kenya. We should be fair to those over 18 years, bila kuwasumbua.

Party; Hapa Kenya nafikiri ndio imekuwa katika ulimwengu peke ambapo tuna party 42, na kwa hakika hizo party, mtakuta wengi yao ni ya individuals. Parties ziwe reduced to two parties ama three.

Voter's registration; Iwe katika katiba ambapo iwe ni all year round, badala ya kungoja mpaka siku za uchaguzi. Mtu akiwa over 18 years akubaliwe kupata voters registration.

Election after the constitution; Commissioners wako na a very short time, and for us to have a constitution ambayo itafanya kila mwanainchi afaidike, uchaguzi uwe after the constitution review ambapo commissioners mtakuwa mmemaliza kazi yenu. Postponment ya parliament iwe, so that we can come up with a proper constitution ambayo hatutalalamika baadaye.

Let there be free education. Tunaambiwa kuna free education na utapata institution zingine zinatoa tabu kwa wale wametoka katika jamii ambayo haijiwezi.

Free health care.

Security; tuwe na community policing, headed by the O.C.S ama the head of the ppolice in that community.

We support you in the review constitution.

Macharia Muraya (Former M.P mathatre constituency): I will start with land. There should be a maximum acreage of ownership in Kenya, especially in urban centres. No one should own more than two acres in Nairobi and othe big cities like Mombasa and Kisumu. Plots allocated to people for development purpose in respective authority that are not developed within the defined period of the respective by-lawa. Should be repossessed and given to the needy. No one should own more than 200 acres in Kenya, and those 200 acres should be put into use, we should not have forests, shrubs that will not help us. When we have Kenyans looking for land to cultivate food. Titles issued in 1980 should be scrutinised by by a commission as most of the obtained through grab. Those, which were obtained through the presidential authority, should be checked whether the law was followed.

Land that has been dishd by those well place political people in Kenya, which belonged to agricultural research institutes, should be reposed.

Military; Over the last years, there has not been any war, and our armed forces should have been used in various fields of development in this country. They have good equipments, which could be used in the following area;

1. Digging of bore holes and dams in the disadvantaged areas.
2. Making roads in urban and rural centres.
3. Helping the local authority in collection of garbage.

Street families; Kenyans should have gotten worried of the increase of the street families in our big towns and the crimes they are committing. The issue of sniffing glue should also be addressed urgently in our laws. My views on this;

- (a) We should have a lwa addressing the problems of the families and they should not be around to lain our towns.
- (b) Funds should be looked for builting homes for them outside the city centres.
- (c) These families should be given land to work on.
- (d) We should use possible methods to use those poor lands like in eastern province. Some of the methods are sunking bore holes and harvesting water.
- (e) Glue sniffing should be addressed by our scientist in an aim of finding a chemical that should make the glue unsuitable for sniffing; such chemicals should make the glue irritating.

Security; Nobody feels safe anymore in our country, and especially in the urban centres. I would suggest;

- (a) The police rectrutment ot be increased by a double intake, with a representation of al the crimes.
- (b) The police should be remunerated well, such that iof anything happen in a certain street at a certain time, we would know who was their at that time and will be held responsible.
- (c) The budget allocation to the forces is increased to facilitate each station to have a certain specified number of vehicles, which should not be more than five years old.
- (d) A report should be made available to parliament after every six months, on the problems facing each police station that contributes to the security.

Okello Nelson (Ziwani resident): Opposition Parties should be reduced to three. This is because in case they are just being formed any howly, this will give rooms to many opposition parties which will make many people form parties based on Tribalism instead of presenting the interest of all Kenyans, and forming parties for their won selfish games rather than wanting to achieve something for Kenyans or the lay man Kenyans. Democracy would have not been exercised to the poor, and kenay being a democratic state will not have measured upto its standard.

You will realize that the current constitution is majorly composed of maybe the colonial staunts. We can still say that we have the colonialist but they are black, not white. The cause of this is I think the working of the police force should be closely examined. This can be effected by having a central control centre, recording the converstion of the police with wanainchi, so that this issue where maybe the police can brignt up some points and take you to jail with it and maybe this is as a result of failing to give out a bribe.

Police training should be redefined, and not just take the mere six months because the six months is only based on the physical

fitness of the police, rather than the mental and maybe the social uprightness of the police. They should be given psychological training to enable them understand how various people are.

Ensure that the police understand what they were taught by maybe being taken to field study like for three months and assessed.

To ensure that they put in practice what they are taught.

The police should also understand that we are in an independent state and it doesn't matter whether one is the police or not. All of us deserve a sense of dignity and fair treating.

M.Ps should not stand for more than two times for elections, so as to give other Kenyans who think they are capable of developing the country a chance to display the ability.

For a person to qualify to be an M.P candidate he/ she should have education that is he/she should be a graduate.

There should be no nomination of M.Ps, because in some cases the president or the party leader uses this chance to hit back to some people.

Everybody should be equal in the eyes of the law.

Street children should be taken to school and given a chance to be educated.

A person should not have more than a piece of land that he can productively use, so that all Kenyans have land at least to produce something to the country.

Moses Lughanyo: Parliament; it should have not have power to amend some parts of the constitution especially prolonging the period of the president, like what has happened in Zambia.

Interruption: Who should have that power?

Moses Lughanyo: They should contact individuals in a forum like this one.

Citizenship; anybody whose both parents are Kenyans should be a Kenyan and a person whose one parent if it is the father should be a Kenyan but if it is the mother only, that one should apply for Kenyan citizenship but not be a Kenyan by nature.

Political parties; number of political parties should be limited to the maximum of five to avoid tribalism and each political party should be funded by the public money, just the way the ruling party is being funded.

The chief justice and all the judges should be appointed by the parliament and not the president. All Kenyans who have the voting card should be allowed to vote from place that they are and not necessary the place where they get their cards, even if they are outside the country by maybe through telephone or e-mail.

All Kenyans irrespective of sex should contest for any sit he/she wants, but we should not put aside some principals, for some groups like what women are saying. Women should not be given free seats, they should contest for them. Disabled can be given freely but not the able people.

The president should be a holder of a diploma in administration and should not have any evil record, like corruption. He should act for only two terms of five years, if he is good enough to be added five years and should not extend that. He should be appointed by the majority vote that is more than 50% not 25% from any five provinces.

In case of any complaints from the elections, the case should be handled before he is sworn in. Because we find in the last elections, there were complaints but they were not catered for.

On voting, the counting of the vote should be done at the polling stations, not being transported to other places, and also the period of announcing the results should be fixed, should be either if more 48 hours after the stopping of the function.

Ministers who hold different ministries should have knowledge of those ministry and not because there is a relationship with the person appointing them.

Health; each location in Kenya should have a hospital which is well equipped and be given free services.

Smoking should be abolished in public. People who smoke should be given special rooms for example in each town, so that they go to smoke from there.

A woman who is divorced or does not have a husband should not contest for presidential, because if she comes a president, what if she gets married to another country, will we go for another presidential voting. A man will marry and will not go out like a girl.

Lawrence Odhiambo: Nitaongea kwa niamba ya starehe progressive forum na tena kama social health worker. Ninaongelea shida ambayo hata nikitoka hapa, nitakumbana nayo au nitakuwa nimeiona.

Vijana; Wale ambao wanatoka vijiji au mitaani.

Hakuna employment, hakuna mtu akakaye kupatia kazi hata serikali yenyewe. Pendekezo letu kama watu wa starehe progressive forum, tungetaka katiba iweke vocational training na projects kama michezo za mpira, drama, cultural, ambayo

itawasaidia vijana wakimaliza elimu yao na wakose kazi.

Tuwe na security

Shadrack Kirunga (Nairobi International School of Theology): First, on the system of government we should change the presidential system because bringing in a prime minister will bring in more decisions than we already have now, so we should retain the presidential system.

About centralized versus regional government, I will propose a mild form of regionality. In which the provinces are to come both as economic and administrative regions. In which no less than two thirds of the earnings from the provinces should be used in the province. However, they should not become political units because of the tribal factor. By that we mean that we are unripe for a fully pledged regional system.

Executive/ presidency; The president should be elected by at least 50% of the votes cast. If that does not happen then we should have a runoff by the two leading contenders.

The president, once elected should relinquish any party post they may hold, they should not be involved in political activities, and they should only be members of the parties but not leaders.

The president should retain the veto power but not more than once, for example the systems in Turkey, where the president can only veto a bill once, if it is brought back and passed she cannot veto it for the second time.

There should be a law, which provides for the removal of the president, if she breaches seriously the law of the land, a motion of no confidence is not strong enough for this purpose. Parliament should appoint a committee which should be free to investigate the issues involved including interviewing the president and decide if the president should stand on his defence.

The constitution should protect security, health care, water, education, shelter, food, employment, and other basic rights for Kenyans. It is the responsibility of the government to ensure that these rights are protected. Specifically the security. Kenyans need protection from harassment from everyone in particular; we have problems with the state agents, the police, and city council officials. These people have the right of arresting people arbitrarily and we do not know what to do once arrested. An arrested person should have the right to inform the next of kin within an hour.

The corruption law should be made tougher, more people die from corruption-related situations than from crime. Death due to lack of facilities and drugs is a great extent with massive corruption. The consequences of corruption should be as severe as those of violent crimes, graduated in their various degrees to capital punishment; corruptly attained wealth should be forfeited to the state.

Succession and transfer of power; the speaker of the national assembly, should hold limited executive power, during

presidential election. A governing council consisting of such officers as attorney general, chief justice, chief of general staff, may be constituted by only for consultation in case of emergency.

Kenyati Waraho: Mimi ni aspirance for Ngara ward.

President power should be trimmed.

Mtu awe na kazi moja, kwa mfano mtu asiwe president na tena M.P.

President achakuliwe na raia sio M.P, ingawa president atdefect, au afe, raia wnamwamine vice president kwa sababu nido walimchagua, atasimamia inchi yao kila siku kabla uchaguzi uitishwe.

Minister hafai kuwa M.P, anafaa kuchaguliwa kwa kila province na raia.

Mayor hafai kuwa councilor ama deputy mayor, anafaaa apigania pahali anasimamie, ikiwa ni town council ama municipal council bila kupigania councilor.

Election isiwe inafanyiwa ya president, M.P na ya councilor pamoja. Kwa sababu hapa iko na shida nyingi. Inatakiwa kila uchaguzi ukuje peke yake, ndio unaweza differentiate hao watu. Ndipo tutakuwa na viogzi wako na maono na wale wanafaa kuchaguliwa, si wale wanachguliwa kwa sababu ya viama vyao.

Voters wapewe nguvu ya kuchagua viongozi, na viongozi hao wakifanya ile kitu hamtaki, mnafaa kama raia mnamshataki, na after six months mnaitisha uchaguzi mwingine.

John Njuguna: I want to express my opposition to extension of the parliament because you can do the work without the extension of the parliament. I do not oppose the commission to be given more time to work out the constitution to the satisfaction of the country but I donnot want any extra minute of the present leadership in this country to get an extra minute of leadership.

You should look at the constitution of the next generation. We should eliminate all the mistake that have been made in the past and make better things for the next generation e.g. the M.Ps have increased their salaries, we have no mechanism to stop that, there should be a mechanism to stop that kind of situation. The increase of their salaries should be based on the economical performance not at the aim of the executive.

The councilors should not get an increase in salary if they cannot collect enough revenue to pay themselves.

Bills of right; I would like to have a right to demonstrate as part of the constitution. Freedom of association should be very important. Police should not be chasing people here around in the city when they are expressing their freedom of association.

Freedom of information should also be very important. In this era on information technology, the freedom to get information should be intergrated in the constitution.

Police brutality and misbehaviour; we should have the office or mood span in the constitution so that people can report anything that goes wrong. Not only in police but also any other things.

The permanent secretaries, provincial commissioners and chief executive of parastatals should be appointed on contract of five years to coincide with the election so that you give the next president a chance to elect new people. If you are a P.S and have not performed well within those years, the next president will have a chance to appoint a new team. The next president should have the opportunity to choose a new team without necessarily relying on the permanent secretary.

The word permanent secretary should actually be eliminated, because there are this people once they are in the office, they think they are permanently in the office.

There must be a mechanism of voting out the members we have voted for before the next election.

Com. Nancy Baraza: Those who are there before?

John Njuguna: Yes that kind of thing. We must be able to remove them before because some of these M.Ps have never even given a maiden speech in parliament.

Bishop Njoroge: Would you clarify to if it is your opinion that elections must be done with the current constitution or the former constitution?

John Njuguna: I would like the election to be done with this current constitution because we are not in the state of war

Com. Nancy Baraza: In 1969 there was a delayed election

John Njuguna: That is a mistake we should not repeat, two mistakes do not make a right. So the second thing is that there is another section of the constitution.

Bishop Njoroge: Do you want us to go for another election or you want us to keep the constitution until the next five years then we can we can implement it.

John Njuguna: Suddenly it will depend also on the economic situation of the country but we should not wait for another five years, we should implement the new constitution now. Depending on when there will be available funds at that time. The money we have spent on the unnecessary economical situation here is more than even having two elections within probably one year.

Jackline Awour: (Riziki non-formal education centre): Non-informal schools should be included and recognized in the education system, not just the government schools.

Civic educations should be taken from the primary school level.

The constitution of Kenya should be written in simple and comprehensible English and Kiswahili so that everyone can understand it.

There should be a fixed date stated in the constitution on when Kenyan's go to the elections.

The constitution should outlaw women discrimination in work places, for example sexual favours for the bosses in order to retain their jobs.

Torture of suspects in the cells should be abolished. The police force should have an independent budget so that their living conditions can be improved to restore their esteem and dignity and as a result to improve their efficiency.

Michael Amok: Thank you very much commissioners for this opportunities.

We feel that within the five years span of any elected member we should have the opportunity to also call him back in case he misbehaves, for example we have situation where M.Ps violate the very law they make and put us in situations which are not conducive for our social well being.

We have major issues concerning the judicial system. It is very unfair for us, especially those of us who do not even understand the law. When we appear before the judge we do not know how the law is treating us and here we are asked to defend ourselves, the prosecutor being a person who understands the law, he has a very unfair advantage. We request that a defence should be put in the constitution such that any person appearing before court of law should have a defence council given to him free if he cannot afford one, and if he can let him be allowed to contact his lawyer within 24 hours from the time of his arrest.

Wamoto Mkulundu: Nasikia wata hapa wanaongea juu ya katiba, sijasikia m tu ameuliza swali hapa, hii katiba tunazungumza juu yake ninni? Kwa vile 90% ya wakenya hawajui katiba ni nini. Watu wanasema tubadilishi hiki na hiki lakini kifiki wanajua tunabadilish kitu gani.

Nigetaki kuwa kitu ya kwanza mgefanya ni kueducate people what the constitution is something that was formed in 1963 or 1964. Watu wajue rights zao.

Com. Braza: Wasn't there civic education?

Wamoto mkulundu: It was there but very basic, not in details.

So many Kenyan hawajui rights zao. Kenya police inatakikana hiyo mambo yao iangaliwe sana, kwa sababu, karibu 95% ya wakenya wanaishi intimidated life, and threatened. Badala uone askari sike ko comfortable, ukion askari unasikia ndio unatishika zaid. Unatoroko. Hii imeletwa kwa sababu the system that is governing us imewapatia Kenya police hiyo nguvu.

Barrack Orengo (Pastor): Thank you commissioners, I want to talk basically on two issues.

Land ownership; I propose that the land should not be owned by anybody at all because this has been the centre of corruption, some people own a lot of land and at the same time they overcharge things like rent to the people and it is not sometimes very easy to develop the land in the most equitable way.

Organisations and individuals should be allowed to lease the land to a period; The time has been a bit too long, probably where the land is being leased. The time should be reduced to about 49 years, just as we have it in the bible, where God is the owner of the land and as God owns the land people are supposed to live in it for about 49 years and return. The owner should be the government, by this, I donot mean that land should be confiscated unnecessarily but it should be returned to the government. If for example sobedy had bought the land, the government should buyit back so that atleast the people are compensated so that there is no unfaireness. But when the government owns the land, it should plan, national development of the land, to accommodate everybody everywhere.

The government should encourage optimum production of the land by providing farming resources to compensate productive persons in the land.

Agricultural land should not be left, it should be properly utilized and productive farmers should be rewarded commensurately in proportion to their production. Where we have semi- arid and desert land, the government should try to reclaim this land, as it has been the case in Israel and maybe other arab nations.

The government should resettle people in such land through providing settlement schemes such as housing schools and other amenities that will encourage people to settle in those areas rather than people begin congested in the city and in one particular place.

Collection and distribution of revenue; there should be a refund and a relief incentive procedure by the people who collect revenue, whereby they encourage those people who give/assist certain welfare organizations or rather institutions that are helping what the government should have been doing, like helping the destitutes. They should be encouraged to come up so many of them because we find that the majority of people are very poor and we should have a sort of a welfare state rather than having a state where the poor are being neglected, the rich continue becoming rich and the poor continue being poor and nothing is done about them. Therefore, people who have a lot of wealth, if they give to charitable organization or welfare societies, those kind of people who are doing such kind of work should be encouraged to do the work much more and they should be relieved off their taxes. For example a private charitable organization should receive tax relief to encourage them.

George Odeny: provincial administration; I am proposing that it should be restructured and we should away with the provincial boundaries, so that what we have are districts as the highest level administration. This is because, our current provincial administrations were created because of tribalism, and we were trying to bring tribes together after independence. To make Kenya 1 nation we should have districts with special boundaries that have been determined by basis of ability and they should be entrenched with the constitution.

In addition, we should reduce the chief's act, so that the chiefs who will be in charge should know what they are supposed to do and help wanainchi. I believe many of our people do not know how to go about their businesses and I think chiefs should help there.

Majimbo; I think we should not have a majimbo in this country, what we need is to empower the local authorities so that they should be able to do some of the functions that are not being carried by the central government.

Health, education, roads were handled by local authorities, this were taken over and you can travel all areas and find the roads which were there then are no longer there, the bridges are no longer there because everything was taken to central government. Central government should remain mostly for policy issues as in some other countries, for example minister of health, there should be no point for ministry of health running a dispensary in Kariokor, and it should be concerned with policy issues and guiding the local authority how to manage health.

Land; land belongs to the people and was given by God, people should not own land, land should be what the people should have as individuals is leased land at most, so that what we have is a situation whereby land is valuable to anybody who wants to use it.

Speculation in land is that people get land for security purposes and not making use of them.

Interruption: Where should the outlet type of land lie?

It should be with the state as a trustee of the people, not the government because it is a transitional body, which comes and goes but the state remains.

Allocation of land; I believe, we should allow the local authorities to be the ones in charge of allocating land, whether you need it to build a house or you need it to run an industry, whatever it is. If there is a dispute, there should be a tribunal which will decide whether your application has been rejected for a good reason or not for a good reason. However, we should not have individuals with interests being responsible for allocating land.

Joseph Maina: Asanteni sana commissioners na wakenya wenzangu.

Inchi yetu; Katika inchi yetu tunlikuwa na nafasi ya vyoo, lakini tunapata kuwa ile nafasi ya vyoo hatuna, imekuwa privatized. Tukiangalia ya kwamba wale wanao husika, wanasema ya kwamba kuna faida, wakati ile jambo inatengenezwa ivyo. Swali ni kwamba, katika hao wa privatization, ama wale chokora ambao tunasema ndio walikuwa wa kwanza, na ati walikuwa wanafanya kazi nzuri. Sidhani walikuwa wanafanya kazi nzuri kwa kuwa hao chokora walikuwa wanamug watu, wakiitisha pesa. Kulikuja njia ya pili ambapo ilisemekana kutaletwa watu ambao watahusika na kazi itafanyika vizuri. Kwangu mimi naona, hii ni njia moja ya grabbing kwa sababu mara ya kwanza hizo choo zilikuwa, na zilikuwa zinafanya kazi vizuri. Sasa, ni watu wagani watafanya kazi mzuri, ni city council au hao watu wa privatization. Hakuna haki kwa wakenya.

Ningependelea nafasi irudi kwa council na wafanyi kazi wa vyoo, wafanye kazi yao vizuri.

Magonjwa; Katika kila estate, kuwa na nafasi ya kujenga hospitali ili matibabu yapatikane kwa urahisi. Lakini sasa tunaona kuwa katika zile nafasi, kuna watu wamechukua nafasi na kuzifanya ploti zao, je mwanaicnhi wa kawaida hatabaki wapi?

Watoto; mtoto wetu tunamjua kabisa wakati anapotolewa maternity. Tuna pata birth certificate ya kuonyesha ni mkenya, lakini hatufuatilii kuona ya kwamba shule ameingia vipi, ministry haiangalii. Pengine mzazi wake ni masikin na hana uwezo, na kwa hivyo mtoto huu ataende shuleni.

Education ministry iangalie mtoto tangu alipo zaliwa. Serikali iwe na jukumu ya kuangalia huu mtoto.

Marcos Asiya: Parliament should be supreme than the president meaning the president should not be above the law.

The government should be clear on the bill of rights; you find that recently that there was a bill, which was passed. This means

there is no democracy in our country because there is no freedom of expression.

Registration; The government should minimize the cost of the passports because you find it is too expensive for a common person to afford.

Environment; There should be an environment law which should be enacted so that, people who throw rubbish anywhere should be punished severely.

Education; The 8.4.4 system should be scrapped and we go back to the old system.

The government should stop using public funds anyhowly, for example, I can see the commissioners are driving very expensive vehicles and yet they talk of poverty. How are we going to tackle poverty if the government leaders are driving very expensive cars, we should take an example of India.

Peter Otieno Omolo: I would like this constitution review to look into this document very carefully; we should have a constitution, which is binding, not a constitution where someone can come and change it the way he likes.

We should have M.Ps to be in parliament for two terms of five years, because if they prolong like there are some who have been there since 1963 when I was six years upto now, and they think their ideas are better than ours.

We should have a president who is a family man and should be answerable to people since the people elect him. We should not leave everything to M.Ps, for example, we have 210 M.Ps, and they want to change the constitution so that we prolong the sitting of the national assembly. This review should not only be for parliamentarians. It should be for the people.

Education; The president should not be the chancellor of the university and we should have a president who is a graduate.

We should not name the institutions with the names of the M.Ps and the president, for example Moi University; we should have the names of the area or somebody who has done something.

Registration; For example, someone is born and given a birth certificate and when you die you are given a death certificate, why can't you register somebody who is over 18 years. Registraiton of I.Ds should be continuos because sometimes it is restricted.

Interruption: (Inaudible)

Peter Otieno: Every Kenyan should also have access to passports because it is a right for Kenyans.

Health; We should have free health care.

Administration; D.Cs and P.Cs should go because they are the centre of corruption in this country. Chiefs can remain because we can control them since they are within.

Corruption; I would like to propose that this question of commissions and presidents we are appointing disappointing us is useless. The corruption started I can remember during the Ndegwa commission which arouse the civil servants to do business. People are employing the brothers, sisters and relatives. This commisiones actually should be verified whether they are the right commission to be constituted or not.

Street children; We should have a department which cater for this children, for example we have got a lot of land in North Estern, we can take them there and improve their standards and then bring them back to build this roads which are giving us a problem.

Jackson Kinyalu: Miji kama Ziwani, Kaloleni, zilizengwa miaka 1939, tumeahidiwa tutapatiwa maji, na manyumba bure, lakini bado hatujapatiwa, ningetaka kujua kama tutapatia au ni forojo tu inayoendelea.

Tuko na P.Cs wanane ambao kazi yao ni kuangalia kila corner ya inchi, watu wnajazana town kununua a quarter acre pesa nyingi, lakini tukiangalia kutoka Mombasa mpaka Somali, ni jangwa tupu na inakaa bure. Watu kama wale masikini, wapatiwe nafasi walime pande hio na serikali iwasaidie, kama vile ilisaidia wakati wa rural irrigation kule mwea.

Serikali wanasema hawana pesa na magadi soda ni mali yetu ya asili, tunataka itoke kwa mikono ya wageni, irudishiwe wakenya.

Wazungu wanachimba diamonds uko Garisa, na kufaidika na utajiri wa Kenya badala sisi tupate huo utajiri. Tungetaka serikali ipatie wanainchi waendeleo na hiyo kazi badala ya wageni.

Joseph Michuki: Ningetaka kuzungumzia area ya starehe, Hii area ilikuwa na location tisa, ikarudi ikaunganishwa pamoja, location kama city centre, city square na river road, ikaunganishwa ikawa location moja. Tungeuliza hii commission ni mbinu gani walitumia, sijui kama ni watu walikufa, sijui kwa nini waliunganisha hii locations pamoja, kama ni hii kariokor, ziwani na pangani, ikawa moja. Kama ni Ngara East, Ngara West ikawa pamoja. Hii location iliundwa 1952, manyumba inaendelea kujengwa magorofa, na kuna watu. Tunataka location zitengwe.

Bhangi; Serikali inafaa kukubali wale wanaouza bhangi na chang'aa wapewe license, kwa maana bhangi ni kitu inaletea watu pesa nyingi. Ndio watu waweze kusomesha watoto.

Watoto wa shule; Tunauliza sheria ya shule irekebishwe. Watoto kutoka Form 1, Wakati kuna mkutano wa wazazi, kuwe kunachaguliwa mtoto mmoja atakaye ruhusishwa katika committee ya shule, ndio apatiane taabu ya watoto. Ndio watoto wasiwe na mgomo.

Chokora; Wakati wa Kenyatta kulika na shule ya hawa watoto, tunauliza hiyo shule irudishwe.

Wizi; Tunataka wale waizi wanaotunia wizi wa nguvu, pistol, mapanga, wawe wakikatwa mkono mmoja badala ya kufungwa. Watu waliopigania uhuru, walipoteza mali yao. Mabibi wao wangepewa mashamba au walipwe rizaha, kwa maana watu wao walikufa.

Wageni wnaokuja Kenya, wasikukubaliwe kuuza vitu na kufanya kazi katika nchi yetu na tuna wakenya ambao hawana kazi. Watu wakiuza vitu town, wasifukuzwe.

Peter Mugo: Raisi abungunziwe uwezo na asiwe above the law, na hii jina abayo wanajiita hounorable iondolewa na waitwe watumishi kwa vile ni watumishi wa raia.

Raisi awe na minimum trips anazo stahile kuenda, kwa mfano, awe akienda safari moja kwa mwaka, na wakati anapoenda asiandamane na zaidi ya watu kumi, ili tuweze kutengeneza economy yetu.

Asiwe na final decision kwa sheria, raia wawe ndio wanasema vile wanataka.

Police forces; polisi wote wawe wakiona daktari, kuona kama wanatumia bhangi, pombe ama kitu nyingine, baada ya mizi tatu.

Wanawake; Wanaume tungependa kuwe na sheria kama zile ziko upande wa arabs. Wanawake wawe wakivaa nguo kama zile za Christians au muslim, wasiwe wanavalia mini skirts au tumbo cuts.

Local governments; Utukuta wamepeana license, ya structure kujengwa mahali na baada ya miezi kama mbili au tatu unakuta imebomolewa, ati aitakikani hapo. Hiyo ni kuadhirisha wanainchi wakati wanavyosema ati tujaribu kutafuta njia za kujitegemea.

Kila mwanakenya awe na kazi moja.

Geoffrey Gitau: I would propose that the parliament and all other stakeholders must vote the chief justice, heads of all parastatals and government institutions, before they are appointed.

The president and his vice president must be all running mates and they should all have over 50% votes.

The mayor and his deputy should not represent any ward.

The mayor, his deputy, chairpersons and vice chairpersons should be voted directly by the people.

Parties; The way we have seen of late is that we have very many parties coming up and they are tribal parties. To eradicate tribalism in our countries, to have a cohesive council, we should be a partless state. We have see parties starting to merge for a winning battle, then why should we, if we are for many parties and now we are reducing them. We are going to tribal allowances.M.Ps and Councillors popular people are losing seats because of party adhesion.

Primary and secondary schools should be mandatory free and compulsory.

Squatters; It is very sad to have squatter is a country like Kenya, where we have very big lands unutilized. We have street families in our city centres, this are people who can be relocated from where they came from and if they don't have an origin they should be settled somewhere and be catered for and their kids educated.

Healthcare must be free all over the country, because we have seen some private hospitals taking advantages of those families that are nable to pay their healthcare.

David Nzioka: Preamble; Our constitution should have a preamble that states that the people of Kenya who are making the constitution, should state the goals, value and philosophy of the state, it should contain direct principals that show where we are heading to. It should state that Kenyans want to live in peace and unity and that the rules we have should ensure that Kenyans are economically dependent and that their basic rights are safeguarded.

The preamble should reserve the ultimate control of political power to the people.

The president should be directly elected by the people and should not be an M.P.

The president should be a degree holder and not above 70 years old.

Parliament or a parliamentary committee should confirm all presidential appointees.

Parliament should be empowered to impeach the president, should he be associated with any matter of corruption or scandal.

The president should be a married person with a successful or able family life.

President should not have power dissolve parliament before its time.

Parliament should have a fixed term.

President power to dismiss civil servants should be scrapped and instead this task should be given to the public service commission.

The constitution should provide for the formation of a government of national unity, where all parties are included.

Anybody born of a Kenyan parent and who is below 18 years should be a Kenyan.

Electoral commission should not be appointed by the president but by the parliament.

We should use transparent ballot boxes for voting.

All Kenyans above 18 years should be issued with I.D cards and should automatically be registered as voters.

Electoral registrar should be computerized.

The constitution should provide for the creation of the office of the ombusman.

The provincial administration should be abolished and instead civil leaders appointed or elected by the people should be in charge.

We should have a parliamentary system in which a prime minister is appointed from majority party in parliament and the president remains ceremonial.

M.Ps should be learned with at least a diploma.

Appointment of judicial officers should be subject to parliament or subject to parliamentary approval.

Mayors and council chairpersons should be elected directly by the people.

Councillors should be holders of at least a diploma.

People should have the right to recall both councilors and M.Ps through going to court.

The president should win an election by gaining 51% of the votes cast instead of the present one where we have 25% from five provinces.

Election date should be specified in the constitution, if it is 29th of May, it should remain like that.

The death penalty should be abolished and instead replaced by life imprisonment.

Kenyans should have free and compulsory primary education.

The constitution should provide a welfare system whereby qualified Kenyans who do not have job get something from the public fund to sustain them before they get jobs.

The government should make sure that all Kenyans have access to land.

Evelyn Onoka: There should be a youth representative in parliament to present the youth interest. In addition, women should be represented in parliament.

There should be free medical and educational services.

The powers of the president should be limited, for example, appointment of judges, if they appoint the judges, there will be favourism.

The president should not also appoint the cabinet, because the cabinet will have to be loyal to him and they will not reveal some of the bad things that might be cooking up there.

Sponsors of citizens of Kenya, regardless of sex should be entitled to citizenship. In addition, a parent of one Kenyan parent, regardless of the parent gender should also be entitled to automatic citizenship. The difference between the male and the female only lies below the waist.

Political parties should be reduced, because they have led to tribalism since people are now voting leaders from their tribes. We can even see, families forming parties of their own.

Police officers should have a certificate to show that they have gone for training, and they should be paid good salary to avoid corruption.

Florence Murehia: There is a lot that needs to be restructured and it needs time. We highly appreciate and recognize the efforts made by the current political power governing us.

There is an alarming increase in population and the youth making about 65% of it, would like priority in constitution review.

Governance; We are calling upon the compilers to project the need to involve youth in the advocative role for better governance, that provide a distinction for the young people.

The government should decentralize the powers of the central government, to further adopt a federal government where the executive and the legislative authority is placed between the central government and other units.

There should be formation of municipal youth forum whereby each council, should have an elected junior mayor.

The formation of accountability of a committee where youth and other stakeholders of government sit to discuss matters of governance affecting youth, which act more or less like a youth parliament system. There should be dialogue between the young and the old governors.

Formation of a youth policy that will impact participation and implementation of youth in projects that better the nation, the youth being the majority and the most zealous group that has a lot of energy.

The nomination of a youth representative, as a parliamentarian gears towards inclusiveness and progression of the young generation in leadership roles.

The H.I.V being a major pandemic in our country, there should be youth friendly counseling projects in hospitals, sex education in schools, counseling in churches, to reach out to the young people.

Most of the youths do not have jobs after university, causing too much frustration, the government should include youth in the budget, where they should allocate a certain percentage to youth and children. There should be a youth council who would hold meetings to discuss how the money should be spent.

A parliament structure should be formed, where responsibilities are shared and implemented.

We should come up with a project development, where we can offer the young people jobs. I.T centres where the students who have specialized in I.T can enhance their experiences.

Tourism, being a major economic contributor, the ministry should look into the expansion and potential of marketing it, with ideas from the youth.

We hope the government can be able to empower youth in governance issues, since the youth are very active. We want to be involved now, not later, because late on, it is going to be hard for us to fit into the shoes, which we have not planned for.

Joan Richardson: Children; This low class estate, for example Ziwani, Kaloleni, would like the commissioners to at least talk to the government to bring organizations like FIDA, give them more power and what they need to come to places like this and be able to meet different kind of people, especially the women.

Child abuse in areas like ours happen everyday and no one wants to talk about it because it is ashaming, leave alone to tell a woman who's child has been abused to go to the police station to report. This is because they are shy and do not have much money to follow up the case.

Offices like FIDA, Women can go and talk to them freely without being ashamed.

The government should not have much power as it has right now, the power should be on the people, because; let us say for instance, we know the police force is very corrupt. People can use friends in the police force to frustrate other people.

Interruption: (Inaudible)

Joan Richardson: Sometimes, the children are being abused by the fathers. We used to think that only little girls are abused, but we found out that even the boys are being abused, maybe by neighbours, who can bribe the police to stop the case. However, if we have organizations like FIDA, who can follow up the case and the parents are not ashamed to report the case, it will really help.

Joseph Karanja: If the government is serious in changing the constitution, it should have published constitutional booklets for the sake of the common person who does not know about the constitution.

The government should stop wasting the taxpayer's money, with this commission because we have experienced many commissions that have been misusing our money, i.e tax payer's money and the results of the commission are left in the office cabinets. Example, the bombololou commission of inquiry and the David Koech commission of education, which was never implemented

Lastly, I have a question, which needs not to be answered directly. Is this country run by an executive president or by the commissions of inquiry?

Lazarus Njuguna: Asante sana, kwa commissioners kuja hapa leo.

Vituo vya kura tunaletewa hapa karibu, kura yenyewe tunaletewa karibu, na ule mjumbe tukimchagua anaendaga wapi? Maana tutamuona siku ya uchaguzi, tena baada ya mika nne, Yeye uenda wapi? Ningependa mjumbe awe na ofisi mahali alipochaguliwa, maana yeye kule kwa bunge anasema uwongo. Maana yake, hana maoni kutoka kwa watu wale walimchagua hata kidogo. Kwa mfano, mimi nilimchagua lakini hanijui jina.

Ili watu waliomchagua wakitaka kumuona, atakua karibu, sio kuenda kumuona bunge.

Comm. Baraza: Unataka kumwona kama miaka tano imepita au ijapita

Mimi nataka kumuona kila wiki, kwa vile yeye ni mtumishi wangu.

Ukubwa wa raisi uzushwe, ule aliyoko na wale watakao kuja baada yake. Mimi nimekuwa nikichaguana, hata kabla ya uhuru, na hakuna kitu mbunge amenisaidia, hata ameshindwa na civil servant.

Kuna pesa zilichangwa na raisi, za walemavu. Hizo pesa, kila saa mimi nasikia alikuwa Lodwar, zikapeanwa, mombasa. Mimi sijapata hata ndururu, na mkiangalia kitabu ile ya manifesto ya K.A.N.U ya 1997, niko ndani, wakati hizo pesa zilikuwa zikichangwa huko Uhuru Park. Na sijapata.

Mambo ya mjengo; Wachoraji wa manyumba, watukumbe sana. Tusiwe na masumbuko, hata kama ni gorofa mia moja, kwa sababu ya ulemavu wetu.

Watoto wetu, wapewe bursary. Tulitembea mahali pengine huko kwa michzo ya walemavu, na tukaona mlemavu hata akiwa tajiri, yeye anajihesabiwa mlemavu sio ati tajiri. Hapa kwetu hata tukiletewa pesa na donors, hatuzioni.

Ofisi ya serikali; Hawatutendei vyema. Ukienda pale ofisi na unataka mkubwa utaambiwa hayuko. Nikikaa pale inje, nikizunguka, nasikia yeye yuko ndani. Na mtu mwigine akija na tai, anaambiwa yuko.

Kanisa na Vyama. Tuna makanisa mengi, na kati yao kuna yale ya kutopoteza. Wengine wanaorganise kwa radio, mlete wagonjwa. Imagine kutoa mgonjwa wako Nyeri, mapaka Nairobi, na akose kuponywa. Hiyo ni gharama.

Mwangalie maneno ya ardhi, watu wengine wanakuja kutunyang'anya ardhi na kuchukua vitu vyetu, wanatusumbua sana.

Pelius Mutisya: Where will the final document be presented, will it be the parliament or a constitution forum.

Com. Nancy Baraza: The review Act lays the various stages, through which we are to carry out this process. We are at the stage of collecting the views from Kenyans, when we finish, we shall collect those views and write constituency reports, and a national report. When we finish with those reports, we will bring it back to the people for sixty days for you to look up and approve the documents. You will bring it back to us, we polish it up, then we take it to the National constitution Conference, where we will have representatives from all the districts. The commissioners will be there, but in an ex-officio position. Members of the religious organization, NGO's, Women groups, youth will all be there.

They will debate on the document in about a month, and if at that level they agree that this is the document which reflects the views of Kenyans, then the document will be taken to the parliament as a bill, and it just be there for the purpose of enacting the new constitution, it will not open it up again for debate. But if, at the national conference, there will be outstanding issues, on which they have not agreed on, then we shall go to a national referendum, this means 'maoni ya raia'. Then after agreeing as Kenyans, you bring it back to us to polish it up and take it to the parliament to be enacted.

Pelias Mutisya: As you are aware, the turnout is very low, most of the members of parliament are telling people not to present their views to the commission, because at the end of the day, they will bring this document to parliament. So they ask people to tell them what they want so that they can be equipped to go to parliament.

We should have a people driven constitution.

The majority should elect the president and he should have at least 40% of the votes in most of the voting constituency.

The anti-corruption unit should have people who are ambitious and should have a certificate of no corruption, so that we can get members of parliament who are corruption-free.

Kenyans should be given the right to enjoy life in Kenya. Including all the rights.

Simon Oduor: Children Act; Most people who abuse children are educated people. For example, someone from the city will go and get a 10-year-old girl from a place like Western to be a babysitter, while his children are going to school. The government should have a good Act that protects children. This can only be ensured, if social workers from ministry walk around to see who is doing child labour.

Divorce; Most men when their wives run away, they don't go to court, given the fact that the load of the children is left to us. The law should also state that, when you are left as a man, you should also be paid, maintenance and custody money from the wife if she is employed.

Advocate and Lawyers Act; Most common people are swindled by the lawyers. How are we supposed to report this lawyers to the law of Kenya, and maybe you will find that the Chairman was in the same University this lawyer? Do you think there will be a fair hearing?

The election period is too much crowded. We should have civics and parliamentary elections separate, so that the illiterate lots can know who is who.

Civil service code of ethics should be strictly followed, whereby someone who is employed in the civil service should declare his wealth before employment and he and the family should be assessed after five years.

When someone starts a Non-government organization that will assist or help the community, the government supervisors should strictly adhere to the project proposals. What this person presented to the donors should be what he is doing exactly, because some of people misuse this opportunities and hence do not assist Kenyans.

Paul Wala: Wapunguze kazi ya president, kwa sababu, unaweza kumuona na security karibu mia moja.

The parliament should remain five years.

No M.Ps or Councilors should be nominated because nominated and elected M.Ps and councilors collide.

Mishahara ya wabunge ipunguzwe, kwa sababu, kuna mwanainchi mdogo ambaye sheria imewekwa, labda apate shilling elfu tatu, na ukienda kwa wabunge wanapata elfu nyingi sana.

We should have one-man one job, kuwezesha kila mtu apate kazi.

Polisi; Tunalia corruption, na polisi ndio waanzilishi. Ningependa hilo jambo liangaliwe sana, kwa sababu, mabaya yakitendeka, polisi wanapewa bribe na wana overlook hizo makosa.

Muda wa election isiongezwe, election ifanywe mwaka huu.

Commissioners term for this constitutional reviews should not be extended.

Com. Swazuri: Unasema, utaki tern ya commission iongezwe?

Paul Wala: Sitaki

Com. Swazuri: Kwa hivyo utaki katiba mpya, hii commission iendeshe kwa ule muda ilipewa.

Com. Swazuri: Wewe mzee unasema jambo ambalo aiwezekani, kwa sababu, ule muda umebaki wa kuandika katiba mpya, ni kidogo sana.

Paul Wala: Mkiongezwa muda, isiwe mrefu sana.

Jambo lingine ni upande wa mashamba. Some people do not even have an acre of land.

Wale ambao wana mashamba mingi, wagawie wale hawana.

Esther Wanjiru: The constitution should ensure equal protection, freedom from discrimination, freedom of expression and equality before the law for all citizens regardless of gender and status.

Persons born of Kenyan citizens, within or outside Kenya, whether the parent is the father or mother, should be an automatic Kenyan citizen.

It should also ensure rights and obligations of a citizen, where everybody should be entitled to rights, privileges and benefits of citizenship regardless of gender.

There should be equality in duties and responsibility of all citizens.

The documents for approval of Kenyan citizenship should be, birth certificate, Kenyan passport, and national I.D, and for a Kenyan child it should be a birth certificate, the mother or father's I.D.

The constitution should guarantee basic rights such as free healthcare, water, food, education up to secondary school and cost sharing in higher education and public Universities, shelter, security, employment, freedom of association and expression for all Kenyans.

Gender equality in decision making and right to own property for all Kenyans irrespective of gender.

Affirmative action policy should ensure at least a third representation of opposite genders at all levels of decision-making.

Education opportunities should be equal for all irrespective of gender.

The constitution should revisit the right of persons with disabilities.

Political parties, legislature and judiciary, should ensure that their affirmative action policy is employed in the composition of political party structure.

Electoral system should enhance the participation of women in political leadership by developing a materials to educate the society on the value of women leadership and appoint more women for position of political responsibilities through affirmative action.

The presidential election should be conducted by an electoral committee to ensure and enable women to participate suitably in the race as a constituency.

The law should provide security for all candidates during nominations to protect them from physically being hurt and prevention of presenting their papers. Also during campaigns and elections, candidate should be provided security.

An electoral court should have the same status as the high commission to facilitate the freedom of hearing election partitions.

A national gender and development commission with at least 50% women representation should be established, with an aim to maintain mainstream gender into development planning.

Other commissions to be established are; national food commission, national commission to manage natural resources.

There should be a land and property right, where the women should have equal rights of ownership of land as men.

Management of local resources by the local committees elected by the committee should manage the local resource in their respective environment.

The parliament should be given responsibilities of national security and be entranced in the new constitution.

Regina Owako/Mama Isukuti: Sisi watu wa ziwani, tungeta mutusaidia kwa upande wa watoto.

Vijana wako na kitu inaitwa 'ngeta' na wasichana wanatangatanga wakiwa wadogo, warekebishwe.

Kila mzazi arekebishe mtoto wake na tusaidiwe na serikali.

Mimi nilikuwa nachezea mzee Kenyatta isukuti, na alikuwa anakuja kabibu na sisi na anongea na sisi. Wakati huu, president aliongea airport, na nikamweleza watoto wangu wote wamekufa, mimi nimebaki na wajukuu nane na sina mtu wa kunisaidi, akaniambia, sema nani ankujua, mweshimiwa mmoja akasema ananijui, nimetembea kwa ofisi yake, mpaka nimechoka, na hiyo

kitu inaniuma. Afadhali tukicheza mtu, asisukumwe na polisi, president akiongea na yeye, polisi wasimuzuie. Mimi ni mama mzee, na sisi ndio tulileta unhurt Kenya, tusaidiwe.

Angelina Nandwa: Free legal services should be available and accessible, especially to women, youth and children. If possible, we should have a legal office within our D.O or chief's area, whereby; we can go for services anytime we need.

There should be free and compulsory primary education.

Shool uniforms should be similar; for example sschool uniforms in the rural and urban being simila. So that if a child is transferred from the urban to the rural, he will not have to change shool uniform. The only difference should be either the tie or the belt, to identify a child in case of an accident.

In addition, schoolbooks should be the same, because all our children are sitting for the same exams. You will find that each school you go have its own list of books. Whereby if a child is transferred from one school to another, he cannot use his books from his former school.

Parents are taking their children to non-formal schools because they cannot afford the formal school education. The non-formal schools should be recognized, by people like the ministry of education, city council education department, ministry of technical technology, G.T.Zs, UNICEF and empower both the teachers and the students in this school, by maybe training them and paying for their salaries.

When it comes to exams, the exam fee for a non-formal student is different, because they pay double the amount a child from formal school would pay. It should be an equal amount from both the formal and non-formal.

Interruption: Are they private?

Angelina Nandwa: No they are not private, most of them are community owned schools.

We also have to pay extra 3,00 shillings for the exam centres, where the non-formal school goers sit for their exams. These are poor people and should be allowed to sit for the exam without paying the centre free.

Com. Nancy Baraza: What about the issue of inspections of standard, do you want to continue with that as formally?

Angelina Nandwa: There is inspection by the city council and the ministry of education, despite them non-formal we are using formal school education curriculum, the only difference with the schools, is that a non-formal schools is cheaper, uniforms and shoes are not compulsory.

Com. Nancy Baraza: Do you have a problem with those schools being formalised if it is decided that education is free and compulsory?

Angelina Nandwa: Fine, if education is free and compulsory, then they should be incorporated within other formal schools.

My last point is; there is a lot of mushrooming children's home within this country, like through research we have discovered, that this children most of them in the streets are there because they want to be there. Sometimes they are taken in this children's home and try to be given education, but they don't want and they run away. Therefore, it seems that shelter is not their problem. We should deal with the problem right from the house. Because if we encourage mushrooming of children homes, we will make most of the mothers be irresponsible and they continue getting more children, because they know there is somewhere they can take them. We should deal with this problem from the cause-root. We should visit this mothers and know their problems. If it is finance, the government should come up with a programme where this mothers can be empowered financially, so that they can take care of their childrens.

This idea of taking children to children's home, is like we want them to lose their identity. It has never been the solution, since this children grow up to be very violent.

Land allocation; there is need for a commission to revisit this areas, because title deeds are taking ten to twenty years to get them, and yet one has paid for everything. So are wondering if this title deeds are being imported from heaven or where?

Ochenge Peter: Electoral commission should ensure that all candidates vying for presidential elections is a University graduate and above. Every member of parliament should also have attained a university level and must be proficient in both English and Kiswahili of which there must be a test given to them by the commission. On the other hand I would suggest that there be no room for nominated M.Ps because their roles have not been adequately understood by the public.

The local government authority, should consist of people vying have at least a form four level of education and at the same time they should be able to communicate freely with the public and they must be of good conduct. The public must also approve of their candidature.

Education must be compulsory and free, in the sense that the parents, guardians should not be involved in providing for their teacher, providing for their upkeep in schools, other than availing the children to be in school. That should be up to the level of primary schools.

Secondary education should be subsidised by the government and should be affordable to every parent. As a developing country, we should have people educated and therefore dropouts should not be encouraged.

In high education like the University, the loaning boards should extend and be able to give its loans to all University students and other higher educations of learning, and this will be on the understanding that, the government will be able to provide employment for every graduate who will be finishing or completing Universities or other institutions.

One way of creating such an environment is by the government ensuring that if they have more graduates that the jobs, and then it should start by one-man one job.

Where a person has been known to be a nuisance to the public, in terms of misuse of public funds and any other anti-social issues, should not be transferred but be sacked.

Rights; Education, security and land are the rights of people and should be guaranteed. The family should allocate the land and for those without the land, the government should allocate them.

Joseph Gitau: (Holy family Basilica): We feel that the preambe of the constitution must consider the equality of Kenyans, regardless of political figures, gender, race, religion, physical and mental disability. All people are equal before God and they should have equal rights.

The constitutions, is ever amended, should be by two thirds of the majority votes in parliament.

There should be a referendum, which should be conducted in the completely country, comprising of the judiciary, executive and the legislature.

A person should be a Kenyan citizen by birth, naturalization and shall not be allowed to hold duo citizenship. Children of single parents will acquire an automatic citizenship of any other parent. They should decide their citizenship, on attaining the age of 18 years.

A Kenyan should cease to be a Kenyan citizenship, when he takes another country's citizenship.

All Kenyans should be entitled to national I.Ds based on his passport, birth certificate, or driving license.

The constitution should open offices of discipline force, namely the military, police, prison officers, all coming under the command of the national defence council and disciplined by the court marshal or a tribunal.

The powers to declare wars, national disaster, emergencies, shall be based on parliament not to an individual person.

The president should not be the commander of the armed forces.

Political parties shall be regulated by the constitution and be of a national character. At least, one of the member has to be a registered voter from each district of Kenya.

A party must have branched in all the provinces of the republic, besides having less than two thirds of districts of each province.

Kenya should adopt rules similar to those governing political parties of Ghana.

Ex-checker shall fund parliamentary parties; according to the number or parliamentary seats, they hold.

There shall be a single chamber of parliament and we shall be supreme in making powers for all holders in constitutional officer, by two-thirds majority votes. All activities and functions should be governed and regulated by the standing orders of the parliament.

When a person attains 18 ages, shall be eligible to vote, he or she can seek elective office of being a member of parliament or a local authority in attaining age 25. He should be of at least O'level education if he is a member of lacoal authority, but in case of a member of parliament, he should be atleast a graduate with the minimum age of 35.

The current code of ethics, should be passed and that all elected local authorities, including councilors and all civil person be requested to sign it, declaring their property before joining the public office.

The Kenyans should debate remuneration and Parliamentary salaries, so that at least they are tagged to the economic cost of every index. TO avoid other people having too much, while other have nothing.

There should be a ceremonial president, who shall be a university graduate holder or equivalent. His age should be between 35 and 74, and should be elected directly by the people. He also should be a known person and serve two terms of five years each in parliament.

The president should be impeached by parliament, following a two-third majority vote fo any misconduct.

The constitution should provide post of the prime minister, who shall be elected by parliament and shall carry his duties in consultation with the public and the whole parliaments.

The judiciary should be independent and shall have the office of ombudsman. It also should be able to listen to the peoples' complain.

We should have an office of the supreme court and regional appeal court, so that ther is a heirachy. Those people who are not

satisfied with a decision can go to a higher level.

A person elected as a president should have a majority vote of at least 51% of all the voters.

All Kenyans should be guaranteed basic rights, including education, health and water. Some people should not be having excess, while other people have nothing.

Education should be compulsory, in that a person, who does not take his child to school, should be taken to court.

Natural resources and forests; they are a national property and should not be given to individuals. If there is any excession of forest, the Kenyans should debate and decide who should have it.

Adullahi Suleiman: Thank you very much for this opportunity.

Presidency; I would suggest that the president should have two terms, of five years each and this should be emphasized. Once the term is completed, the president should reseek re-lection, if he succeeds, he can go on to the second term.

The presidential candidate, should declare his wealth, so that we know what he possessed before he becomes the president of this country. This is to avoid the abuse of power.

There should be a free primary education and should be compulsory. Because it is the children's right. The money, which should be used to tuition this children, should be taken from the military, we should not use a very big budget for the military.

National language; everyone wants to adapt English as his language but we should make the Kiswahili language paramount. Because, after traveling around the world, I have found out people are very proud of speaking their own language, so we should put more emphasis in Kiswahili language.

Civil servants should only hold one job and declare their wealth.

The issue of federalism in this country is import, because people have only been speaking the disadvantages of federalism, yet they have not spoken of their advantages. It is important that because this country has been divided since independent on tribal terms, federalism should be allowed. To avoid people ruling others people, and the ruled people have never got any benefit in this type of condition.

Police harassment; We would like to ask that the commission, should take into account the fact that the policemen have not been trained sufficiently to interact with the community, so they should be given more training in order to understand and

so-operate with the citizens of this country.

Maingi Wakiilu: I am very thankful for this chance to give my views pertaining the government we want.

Federalism; Actually, much as we cannot denounce federalism, it cannot work very well in our country, I would like to have a case whereby the power is brought to the people, of which they can otherwise talk about the devolution of power in a military kind of parliament. I am for the unitary government where the power is devolved to the people.

We can have strong local governments, whereby the power is given back to the people under unitary kind of governance.

Omung'ala Ofulao: Tribalism has been the cause of many problems in this country. It is my opinion that through our educational system, the children right from nursery school should be taught of nationalhood. There used to be a subject in Primary school called ethics, I have never understood what it is all about, all people have grown up to the university level, they will pretend to be otherwise, but whenever it comes to things to do with work, leadership, people will always go back to their tribal cocoons. The voting person in this country bares me out. People will talk about this and the other, and when they go back to their own tribal cocoon, they speak a different language. Normally, on a national platform uprootation of nationalhood, when he goes back to his home, he talks about his own people. Unless, we tackle this tribalism, whatever efforts we are putting to built this country will all come to not.

Com. Nancy Baraza: Do you have ways in which we can tackle this problem?

Omung'ala Ofulao: Yes, this is why I said, right from the family unit, we should always aspire to talk good of being a Kenyan, do not speak ill of other tribes in the earshot of your children, because from there, they will grow up knowing that the other tribe belongs to the other side and the other tribe on the other. So, unit level, family level, school level, up to university level, we should grow up knowing there is nationalhood.

Political parties; I might not have the answers, but the miriage of political parties we have in this country are a waste of time and resources for this country. Maybe the experts will be able to come up with the formulae of making sure that only parties with a given number of members and a given number of people who can rule this country are left to remain, so that we can have two or three strong parties. No this other parties, which are said to be for 'sale'.

Local government; I think it is a high time; someone talked about demolition of power. Let this things to be referred back to the people themselves. Especially in election of councilors and mayors. So that if there is a problem, we only have ourselves to blame, so that after electing our own mayors, we will be able to remove them whenever we feel that they are not delivering. At the moment what is happening is that a few councilors meet, in a hotel and decide who is going to be the mayor and the rest of

us remain clapping not knowing what is happening to us.

Loise Achieng: Thank you very much for giving me this opportunity to present my opinions to the commission.

We need free primary education and medical services, because the Kenyan community is a poor community and hence not everybody is capable for paying for that, also because many Kenyans are unemployed.

Police harassment; there should be a law, for the local mwanainchi, how he can deal with this thing of police harassment.

Sexual harassment by employers; when you go looking for a job, the boss wants something from you and we cannot afford to live with this in the community.

Desrimination on denominational grounds; when you go looking for a job, you are given a form to fill in, you will get a space written denomination. When the boss looks and finds that you cannot work on a sabath day or Friday, because of one reason or another, you are not employed. We need a law, which caters for that.

The public should be allowed to elect the mayors in their towns and cities. When they are elected and do not work as per, they can be brought back. Also, if an M.P goes to parliament and is not serving you the way you want, he should be brought back. The public also should be allowed to determine the salaries of the Members of Parliament, because the amount they are being paid is huge and we have people who do not have jobs. Their salaries are enough to pay a hundred people.

We should have informal banks for the common mwanainchi, because the banks we have require a higjh deposit, which is not possible for the common mwanainchi.

We should have one man, one office, to enable the unemployed get offices. There is no need of someone having this office and the other, while someone else, does not..

There should be a law, governing the building of structures and houses. When someone is building a house there should be proper sanitation.

John Mwangi Mahata: Nitaanza na elections; kwa upande wa uchaguzi, imekuwa ni biashara ya chama, chama kikiandikishwa , mtu akitaka kuchaguliwa, lazima awe wa chama fulani. Kwa hivyo, chama inapata biashara, kwa vile mpaka utoe makoti yake, ufanye nini, ili uingie elections. Maoni yangu ni kuwa, tukupalie chama kiwemo, lakini mtu akitaka kuwa independent, asimame kivyake.

President; Achaguliwe na raia, na asiwe tena ni mjumbe, akipoteza upresident, anapoteza kila kitu.

Elimu; watoto masikini ndio wanapita zaidi, lakini hawana pesa ya kuwapeleka skuli, kwa hivyo tuwe na elimu ya bure, kutoka nursery mpaka university.

Kilimo; wenye kulima mazao yao, isiwe ati nikuuziwa, wapatiwe uwezo wa kuuza mahali wanapata mnunuzi. Si ati hapa ni kuuziwa na fulani, iko tender hapa, niini, mtu mwenye kununua na mwenye kuuziwa, kazi yao nikuangaliana macho. Hata kahawa, majani, pyrethrum, ile kitu ya kuto nje.

Uchaguzi wa mayor and wenye kiti ya baraza; wachaguliwe na wanainchi.

Ulinzi; Wasiwe na majaji, isiwe ni law ya president, iwe ya parliament.

Wajumbe na parastatals, kama makanisa, wakubwa waungane pamoja kuamua judge mkuu ni nani na wawe independent.

Kuwe na mahali ambapo raia wakipata taabu, sio kwa wajumbe, kwa chief, kuwe na department ya kupeleka maoni ya raia.

Com. Nancy Baraza: Inaitwa Ombudsman.

Benjamin Siguda: Police force; there is police harassment and it has become hard to get documents like P3 forms, police abstracts. There should be a law and if possible, things like this documents should be free. Because, here comes a case these days that if you want a P3 form, you have to pay a lot of money, and the abstracts are not found in police stations, they are given from the advocates. They should be advertising on radios for the public to know, so that when someone goes there, he is not asked for money.

Labour laws; Workers are suffering. The employers have power to retrench even before unions are formed. They just wake up in the morning and decide that some people have to go. There should be some rules, so that before they do that they should talk to the unions.

Healthcare should be free. Right now in Kenya if you do not have money you will die. In addition, education should be free.

There should be a law on corruption, we have some public figures that are corrupt and they are still working. There should be a law, that states if you do something wrong, like misusing the public power, you are taken out.

Com. Nancy Baraza: Tutaomba bwana Suleiman utuombe, tufunjee hii kikao chetu

Suleiman: In the name of God, I on behalf of everybody in this place, thank God for giving us the opportunity to come around and to give our view to the commissioners here. We pray for the commissioners to have a fair dealing and understanding of what everybody has given them, so that they can digest those things and come up with a very nice constitution for this country. We pray for the country, the president and everybody, asking the Lord God to help everybody to continue with good health and prosperity for our country. Amen.

The meeting ended at 3.10 P.M

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