

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**MATUNGU CONSTITUENCY,**

**HELD AT MATUNGU PRIMARY SCHOOL**

**ON**

**07<sup>TH</sup> August 2002**

**CONSTITUENCY PUBLIC HEARINGS,**  
**MATUNGU CONSTITUENCY, HELD AT MATUNGU PRIMARY SCHOOL,**  
**ON 07-08-02**

**Present:**

Com. Riunga Raiji

Com. Dr Mohamed Swazuri – Chairman

Com. Salome Wairimu Muigai

**Secreteriat in attendance:**

Mr. John Watibini - Programme Officer

Ms. Gladys Gichuki - Assistant Programme Officer

Asha Bori - Verbatim Recorder

All having assembled, the meeting was opened by a word of prayer by **PR. Ogutu Agunda** at **9.30 a.m.**

**Dr Swazuri:** Karibuni wananchi. Habari zenu? Tutaanza na maombi.

**PR. Ogutu Agunda:** Tuombe. Muumba wetu na Baba wetu wa Binguni, kwa wema wako ambao imetuongoza

ikatuunganisha pamoja. Twajiweka mkononi mwako -----(inaudible) shughuli ya Katiba uweze kuwa nasi. Uongoze wote ambao wamefika hapa wakiwa wanatoa maoni yao ili Baba Roho wako Mtakatifu apate kuwa nao. Na pia ongoza viongozi wanaoongoza katika kuandika Katiba hii, ili watu watakaozungumza, Roho mtakatifu ukawaongoze. Naomba yote ya fupi

hivyo kwa Jina la Yesu Kristo. Amina.

**Dr Swazuri:** Asante sana Mzee. Karibuni tena katika kikao hiki cha Tume cha Kurekebisha Katiba. Kwa area yenu hapa tuko na ma Commissioners watatu. Kwanza tuko na Salome Wairimu Muigai. Tuko na Bwana Raiji hapa. Na mimi naitwa Mohamed Swazuri. Tuko na Bwana Watibini -----(inaudible) kutafsiri, Asha Bori na Gladys Gichuki. Kwa utaratibu wa sheria ni kwamba sasa tuko katika kikao cha Mtume. -----(Inaudible) na sheria. Wananchi wanaporuhusiwa kusema maoni yao vile wanavyotaka, kwa kutumia lugha yoyote wanayotaka. Endelea kutumia lugha mbili za Kiswahili na Kiingereza. Kuna wale ambao hawawezi kujieleza. Wanaweza kutumia lugha ya mama. Na mtu hataadhibiwa kwa sababu ya maoni yake ametoa hapa wala hatashtakiwa wala -----(inaudible) kwa sababu ya maoni yake. Sheria inawalinda. Tutatoa taratibu ya kutoa maoni. Njia tatu ya kutoa maoni. Kwanza kuna wale wana memorandam wameandika. Naona wazee wameandika viswala mingi hapa. Kuna wale ambao hawangependa kuzizungumzia wala kuzisoma. Wameziandika na watazitoa tu. Halafu either wakae waendeleo kusikiliza au waende zao kushughulikia shughuli zao---(inaudible). Kama kuna mtu namna hiyo aende pale kwa Bwana Watibini na Gladys watachukua memorandam.

Pili kuna wale ambao wako na memorandam na wangependa kuzipitia. Tutawapatia dakika tano. Kila mmoja dakika tano na tunasisitiza kwamba hatutakupatia nafasi ya kusoma neno baada ya neno. Kwa sababu hiyo itachukua muda mrefu na tuko na watu wengi, na tungependa kusikiliza watu wote.

Ya pili ni kama kurudia kwa sababu baada ya hapa hata sisi kila mtu alichapiziwa kopi yake asome njiani. Kwa hivyo hakuna haja ya kusikia kila neno. Tupatie mapendekezo. Resolutions au recommendations. Basi elimu iko ghali. Na pendekezo yangu nataka iwe bure. Maji iko mbali na pendekezo yangu nataka serikali itoe maji. Usiende kwa historia , unajua tangu Mabongo alipokuwa hapa. Tulikuwa hatuna maji. Sasa ikawa hivi. Hapana, hiyo tutasoma. Njia ya tatu tunataka kuna wale ambao hawakuandika chini. Lakini watatueleza maoni yao kwa njia ya mazungumzo. Hata hawa tutawapatia dakika ngapi? Tano. Hata wao pia wanene yaani mapendekezo yao. Watuambie tunataka kufanya hivi na hivi. Sawa hiyo?

**Response:** Ndio.

**Dr Swazuri:** Haya. Kama nilivyosema tuko na lugha. Anayehitaji kusema Kiswahili na Kiingereza lakini kwa wale hawawezi,

basi itabidi tufanye tafsiri. Pia tuko na Bwana DO, karibu sana. Nashukuru kwa maandalizi yako. Halafu tena tuko na wale ambao wamejiandikisha na kila mtu lazima ajiandikishe pale. Kama utasema kama hautasema ni lazima ujiandikishe. Kwa hivyo tutaenda kulingana na programme kwa wale ambao wamajiaandikisha. Lakini tutapitia pengine wanafunzi. Pengine tutapitia watu ambao hawajiwezi kidogo. Tutawapatia nafasi ili waende shughuli zao. Mtu anapokuja hapa lazima atuambie jina lake kwa sababu ya kunasa sauti. Na akimaliza aende pale athibitisha kwamba ametoa maoni. Gregory Maende, S.D.A. Karibu.

**Gregory Maende Makokha:** Mimi ni Gregory Maende Makhoha. Mimi ni Mjumbe wa Seventh Day Adventist Church, Matungu Constituency. Maoni ya kanisa ni hii: basic rights. The constitution provides the protection of human rights that citizens are entitled to those rights that accrue to human beings. Therefore we should like the constitution to include the following:

1. The freedom of thought and religion
2. Freedom of expression
3. Freedom of assembly and association.
4. Freedom from discrimination on the basis of gender, religion, and so on.

What the constitution should grant:

1. To observe the day of worship of ones choice and not to be compelled to do any work on that day. Therefore in our case, Saturday should be put in the Constitution and the time frame is from sunset of Friday to sunset of Saturday as ----(inaudible) one class five age 13. And in a year 13 plus 15----(inaudible). Trying to profess or not to profess a religion
2. To receive or not to receive religious instructions.
3. To participate or not to participate in any form of worship.
4. To refuse to take any oath bordering to personal conviction.
5. To express openly personal religious beliefs, or to maintain silence about such. With this presented by Seventh Day Adventist.

**Dr Swazuri:** Thank you very much for sticking to your time. Makau Mudenyio.

**Makau Mudenyio:** Majina yangu ni Makau Mudenyio. Ningependa kutoa maoni kuhusu mambo mbali mbali. Lakini nitatungia

tu machache ambapo moja ni kuhusu dini. Na ningependekeza hivi. Ili tuwe na dini yeyote kuweza kuvunja uhuru wa dini, lakini kila kitu iwe rasmi. Nafikiria kila dini isiwe na namna ya maombi ambapo----- (inaudible). Kwa mfano maombi ambayo inafanywa usiku yawekwe kiwango cha juu. Kwa mfano ukiomba mpaka saa mbili, au kabla ya saa mbili. Halafu uwe pia na mahali maalum pa kuomba si mahali popote tu pale labda barabarani au madukani. Tuwe na sehemu fulani maalum za kuomba.

Halafu wale ambao ni wakuu wa dini mbali mbali, wawe wamehitimu kutoka vyuo vya dini or spiritual schools, na wawe na cheti. Pia Kanisa fulani iweze kushiriki kwa mambo mbali mbali ya kiuchumi, jamii na kisiasa. Ikiwezekana pia waweze kutoa kiwango fulani kwa serikali. Hayo ni kuhusu makanisa.

Halafu tusiwe tu na mtu yeyote wa kuanzisha kanisa bila kusajiliwa. Iwe imesajiliwa na tena aweze kuongoza hilo kanisa vizuri ili tusiweze kupata ile ambayo inaweza tokea huko Uganda.

Mambo ingine ningependa kuzungumzia ni mambo ya mazingira. So what I would like to say about the environment is this. Ningependa serikali iwe na sheria ya mazingira rasmi. Na mazingira kwa sababu ni tegemeo la kila mtu iweze kufaidi kila mwananchi, hasa wale ambao wanakaa katika sehemu ambazo kuna mazingira. Yafaa kama misitu na sheria ambazo zitalinda hayo mazingira ili yaweze kusaidia vizazi vya sasa na vya baadaye. Labda sheria hii itekelezwe na mkuu maalum wa serikali ambapo wale ambao wanaharibu mazingira waweze kupigwa faini au kuhukumia kwa namna fulani au waweze kurudisha mazingira vile ilikuwa hapa awali. Na ikiwa kama kuna rasimali fulani katika sehemu fulani iweze kuwafaidi wale wanaoishi katika sehemu hiyo. So labda ikiwa labda kuna madini au mafuta ya nufaishe ile jamii inayokaa pale. Ambapo kiwango fulani kutoka kwa hayo mauzo iweze kufaidi ile jamii. Labda jambo lingine ningesema kuhusu mazingira ni kwamba jamii wanaokaa katika sehemu fulani ambayo inamanufaa. Kwa mfano lake Victoria, au Pwani, maisha yao yaweze endelea vyema kulingana na hayo mazingira. Itakuwa afadhali zaidi.

Halafu jambo lingine ningegusia kuhusu mazingira ni kwamba ilikuutokoleza hatua ya kuwekewa mazingira, wananchi waweze kujua sheria kikamilifu. Ili mtuanapovunja sheria asije akaseme hakujua, au nilisahau. Pia tuweze namna ya kuchunga haya mazingira ili manufaa yake yawe bora.

Halafu ingine nitasema nikuhusu elimu. Tafadhali tupaate elimu ya bure kuanzia darasa la kwanza mpaka la nane. Inakuwa inamaanisha---(inaudible) yaweko, vitabu viweko na watoto wasilipishwe primary school mpaka hilo darasa. Asante.

**Dr Swazuri:** Asante bwana Makau. J. M. Bosso.

**Kassim Bosso:** The first point I want to talk about is mambo ya retrenchment. There should be a review of the Labour laws and ----(inaudible) Act. Such that when a company wants to retrench their people, it should get some go ahead from other committees. That those committees be formed at the District level, Provincial level and the National level. Those committees should deal with. If a company wants to retrench people it should not get a go ahead from those committees. The company also not interdict people if it does not get a go ahead from the Provincial Committee. And if you want want to get may be more than one hundred you get a go ahead from the National committee, of which must be known by the government or the Minister in charge of Labour.

There has been a problem. People are retrenched hap hazardly. And when they are retrenched they become a problem one, to security. They get into so many activities which are a threat to the security.

Two, retrenchment also cause a lot of poverty. If it was done on three hundred people and they go out at once and they use the money when there is a lot of problems like poverty if ---- are brought all over. So the set committees must be paid wages so that people -----(inaudible) of population.

Number two is the code of religion. There should be regulations on religion where so many religions ----(inaudible). Religion which will not allow people to be treated. Religion which will not allow people to go to school. Religion which cannot help people to have their wealth. Such religion should just be done away with. Religion can just be important if it can serve the purpose of -----(inaudible) with the area and not likely be there for any---(inaudible). Those are the only points I have.

**Dr Swazuri:** Asante sana Bwana Kassim. Can we have your name registered please. Dominic Mutindi. Karibu. Jina lako kwanza.

**Dominic Mutindi:** My name is Dominic Mutindi. People with disability constitutes thoroughly 10% of the total population of Kenya. So we are talking of 3,000,000 Kenyan citizens who are disabled. These people get discrimination in the social,

political and economic spheres. Currently the Kenya constitution doesn't take care of children or people with disabilities. That's why they face discrimination. Our current constitution provides for non-discrimination on the basis of religion creed and gender but leaves out disability. This is what we want entrenched in the current constitution.

The law at the moment discriminates against Kenyans who have visual and hearing disabilities from even contesting parliamentary seats. It says that one can only qualify to enter parliament if they can read and write---English but it does not provide for braille and sign language. It does not even guarantee people with mental disabilities access to sexuality. It refers to them in derogatory terms. Even the social service delivery system here in Kenya does not provide affirmative action that can guarantee people with disabilities access to education, training employment, housing and public buildings.

As we review the Kenyan constitution, now we say that good government can only be achieved if all the laws and policies that is discriminated against people with disabilities are reviewed and a disability Act be enacted to guarantee the basic human rights of these people. If it is not taken seriously, we can see there was such a bill but the A.G. has not acted up to now ----- (inaudible). Laid strategies we would like to be adopted, one is poverty alleviation among the disabled. We would also like children ----- (inaudible). Currently here in Butere Mumias 75% parents with disabled children believe disability is a curse. Something like a taboo the society's negative attitude towards the disabled women is a consequence of constant bombardment of images of the commercialized abuse of human rights. The disabled woman is seen by the community as an object of charity and pity. It is time we entrenched in our current constitution, that women with disability are like ordinary women. Humans with identity, feelings, aspirations, fears and ambitions like any other Kenyan citizen. In public forums a disabled woman is either under represented or represented as only as a token or completely absent.

Some of these people have been sterilized without being consulted, without their consent. Out of concern that may be their offspring will be disabled and will increase the burden to the family. This should be seen as a very high form of violence against these people. We would also like to see adequate legislation to cover areas such as personal rights in marriage, property rights for spouses and equality rights for children. At the moment here in Western Kenya, if you give birth to a disabled child and you stand as a mother, a very high 83% risk of being disowned and the children undergo some purification rites. The child may be

stand at a higher risk of 89% of being thrown in the forests, or toilet or can be driven in homes after undergoing these purification rites. This should be stopped.

Cultural violence currently tops the list at a hundred percent followed by psychological violence, physical and then sexual violence. We want also to see legal literacy for these people. Currently 87% of these people are illiterate. This makes them vulnerable to abuse and assault. Many cannot access information on how to protect themselves from violence. They cannot benefit from awareness like even the on going Review Commission. Those who are literate cannot manage to have specific jobs they can do. They depend on well wishers. That's where -----(inaudible). The government currently doesn't have a policy or special education for these people. Teachers in regular schools fear that students with disabilities will lower the mean grades during exams in schools. We would also like the government to put in place strategies to ensure that there is a proper training and teaching materials. How do they expect for example the deaf to learn without speech laboratories or audiological equipment and speech therapists We would also like see these people adequately supplied with Braille, a tape recorder and talking books. A community project like this one we have here cannot be expected to raise these things without the support from the government.

The government should provide and promote sign language and this should extend to the constitution like what we see in the case of Finland and Uganda We want also trained personal in special education units at all levels. The government should be serious about this and should also train people to make sure that they cater for special education.

The last point, it was sad to see that in the 1989 Census, people with disabilities were left out when they really included in the Census activity in 1989.

**Com. Salome:** Thank you very much Mr. Mutindi. -----(inaudible). I have a few questions for you. One is on the change of attitudes. When you talked about a mother of a disabled child being disowned or the child being disowned. What are your views in the constitution -----(inaudible)? You have also talked about the denial of the child -----(inaudible) how can the constitution protect such kind of a child? A constitution protects the parents that looks after this child it is a great challenge



and the conditions from which this child comes. Last one is on jobs. It is true that people with disabilities do not get good jobs.

What can the Constitution Review do according to you, to ensure that these people are intergrated as part of the community in the job market. My final question is on education. -----(inaudible). What is the role of the law to ensure that even ----(inaudible) it is not the time you know the facilities I have talked about. Whether it is teachers, the facilities and those ----- . You may answer the question that -----(inaudible). Thank you.

**Mr Mutindi:** Thank you. I would like to start on the question on the community, the cultural view of these people. The society has what used to be the traditional roles of women. The carrying of water, collecting firewood, rearing of children, providing free labour in the house. Now a disabled woman cannot perform effectively these roles. They don't look upon her as an able woman. So this is what is likely to change. Other things like a disabled girl cannot be married can not bring wealth to the home. These are very negative attitudes towards these people. That's why you see most of the disabled women just remain in the homes of their parents. They want to get married but they will remain there as long as the parents are alive. The parents die----(inaudible). This is what we want the constitution to change so ----(inaudible)

**Com. Salome:** (Inaudible)

**Mr Mutindi:** Currently the law doesn't say much of this. We have seen even national organizations that deal with women. It is surprising that a recent study that we carried out showed that none of these national organizations of women have a department let alone ----(inaudible). Why? They have a feeling that these disabled women just have the same challenges like the other women. So they don't see a need of -----(inaudible). So if these things can be put in the constitution -----(inaudible). I'm sure that will help.

And then let me talk of the question on education. Currently the government recruits 21% per district if I'm not very wrong for higher diploma education to deal with special education. This is limited personnel. We have very few institutions in the constitution. Not even five the institutions dealing with special education. You walk in the homes and you find so many disabled children. They can't be accommodated in these schools. They are far apart. At least the disabled children have difficulties even in movement. So how do you expect this child to attend an institution which does not even have boarding facilities for disabled children? This discourage the parents and they end up just leaving the disabled child in the home. That's the end of it.

**Florence Ywaya:** Thank you. Kwa majina ni Florence Ywaya from -----sub-location------(inaudible) leadership, Maendeleo ya Wananwake. This is what we would like the constitution to do for us. The new constitution should be defined, specific and clear. It should ensure that equality under the laws of Kenya is properly described and sealed with specific guidance for enforcement. The right to equal protection without any discrimination to gender should be enhanced in this constitution. It should ensure use of concepts that are gender sensitive, in order to harmonize required attitudinal changes.

It should ensure total freedom of thought, religion, expression, association and right to settle and own property anywhere in the Republic of Kenya without discrimination as to gender. The constitution should outlaw social, economic, cultural practices that have limited, women's freedom and equal participation in development processes of the nation. Thus denying them presentation, development where they equally qualify and are able and merit to do so in decision making.

Gender imbalance should be reduced by constitution in all spheres. It also discrimination against anyone on the basis of gender, sex, pregnancy, marital status, culture, language, birth, ethnicity or social origin race, -----disability, age, religion or belief.

Cultural appendix and communal rights. The harmful traditional practices have oppressed women such as inheritance of widows. The human rights and the ----(inaudible) of women and girl such as female -----(inaudible). Genital mutilation should be outlawed. A widow should be allowed to inherit the property of her husband. She should not be forced to be inherited. However she should decide the kind of life to live thereafter. We also feel HIV/AIDS testing to be mandatory before a marriage takes place to reduce early deaths in youths. The testing should be free of charge. We also feel good governance. The constitution should clearly prescribe and enforce rules that make elections free and fair. And also during campaigns opponents should share a platform as colleagues and not witchhunt one another.

Girl child education. Girls lag behind in formal education. So the constitution should get rid of all cultural practices and other discriminatory deeds against girl child education. E.g. the constitution should outlaw early pregnancies and forced marriages. Compulsory and free primary education for all children boys and girls to be introduced and enforced in Kenya.

Rapists should be castrated and jailed for long terms. We also feel the government should legalise abortion especially if one has been raped and impregnated.

Land and property. The ultimate ownership of land should be an individual for proper utilization and prevent land disputes. The rights of women as individuals at large and property ownership to be recognized. Land title deeds should bear the names of spouses, husbands and wife. In polygamous family everyone should share property equally. The constitution should guard against dominance by male and translations in ownership of property left to widows and orphans.

The new constitution should recognize the following types of families: single mothers or fathers, community, polygamous, monogamous, extended families, step families. Women should be accorded protection and security to family basics that ensure their livelihood .

Disabled persons. The constitution should allow equal opportunities in all spheres for disabled persons in Kenya. That is by providing free education, free equipment such as wheelchairs, hearing gargets etc. also provide equal opportunities in employment.

**Dr Swazuri:** Can we now have Lumbe Roselida.

**Lumbe Roselida:** My names are Lumbe Roselida Nyongesa. My first point is about property inheritance. I'm suggesting that all men who are working should be made to register all their children with the employer.

Secondly, the women who have children with men but don't marry them should also register the same children with the employers of these men.

Three, parents should make known to their children about the property they own to avoid relatives scrambling after their death. Married couples should register their property in both names and names of their children. In case a man is not employed, the local administration should know the children the man has even out of wedlock. Girls should have equal rights to inherit property. The widows should be given full control of their husband's property.

Education: the Jomo Kenyatta Foundation Should be revived. Bursary funds should be given to improve low school wages.

Children with special needs should be educated freely. By this I mean we have that stigma in society where parents don't want to show up their children who are disabled or have special needs. The special schools in Kenya pay school fees. So if education is made free, the parents would feel it is not a burden. They feel a disabled child should not be educated and they think it is a waste of money. So if their education is made free then these children will be brought out of their lives and they can still do something.

I would also suggest that private schools should be given proper guidelines to follow before cooperation and should be answerable to the Ministry of Education. We find some private schools now running their own system of education. They don't follow the education Act. So it is also bringing a lot of differences with other public schools which are near the private schools. They are also charging very high school fees.

Then the University intake points should be clear. They should not be fluctuating. Some people are not even aware of the cut-off points, so the government should just come up with a clear guideline. The degrees offered should also be meaningful. They should not be bought. We have a lot of bought degrees circulating around Kenya. The Adult Literacy classes should be revived.

About health, I would suggest that doctors with private clinics should cease to be government employees. Then I would suggest that free HIV AIDS drugs should be given. Thank you.

**Dr Swazuri:** Abdalla Ali, to be followed by James Nyaga.

**Ali Abdalla Mbwana:** Thank you very much. My names are Ali Abdalla Mbwana from Matungu Special Unit. Suggestions we agreed upon. One all special schools and units should be equipped with:

- a) Learning materials.
- b) Syllabuses to guide teachers and learners with handicaps.
- c) Learning resources for carrying out practical activities should also be provided.

- d) Feeding programmes for learners with handicaps should also be provided in all schools and special units.
- e) Sheltered workshops should be constructed in every division to rehabilitate the people with disabilities.

The resources to carry out the above mentioned activities should be derived from taxes, from sugarcane and other cash crops grown in regions where such schools and units are. Where 70% should be ploughed back to the units and schools to facilitate effective learning process, while 30% goes to the government as tax.

Number two, fees for training in special schools is too high. It should be down sized to about sh.10,000 to enable teachers training in such institutions to persue special training comfortably.

Number three, any teacher handling specially children should be allowed special training in certificate, diploma and degree course on production of professional certificate, and not based on academic certificates.

Number four, a definite fund should be set aside to facilitate learning in special schools and units once they are registered with the government without necessarily applying for the same from the National Funds for the Disabled Kenyans. Since most parents and children with disabilities have equally financial problems yet they are to persue education.

Then on land matters, the process of obtaining title deeds and legal ownership of land is too costly and quite involving. There are unscrupulous middlemen like surveyors and advocates, who charge as much as 30,000/= for an acre of land which has been purchased for about 50,000/=. Yet the process takes too long until the purchaser despairs making the vendors called about and they sell the land to other possible persistants.

Recommendation is that once land has been sold, an agreement has been made and land is surveyed. This should go along way to act as land which has been legally acquired.

The last point, all elections in the country once we have two people contesting for a seat should be done in secret balloting.

Thank you very much. This is a boy from one of our special schools and you need to listen to him.

Thank you very much. My names are Geoffrey Ingawa, a teacher at Matungu Special School. About education: that is primary

education revolving a teacher in subjects. Our education is supposed to be an ever flowing silent river. But in Kenya it does not take that shape. Starting from the Early Child Development that is baby class, preprimary and nursery classes. They are not in fully participatory. There is unequal distribution of resource allocation which hinders children to have better manipulative skills in youngsters. There is a well defined system without a framework making poor and mostly rural children skipping these stages in paying. So I would like to address this issue to the Constitution of Kenya that in the end we should have a well calculated psychomotor designed for the children. One, good resources to be supplied in all villages starting from the national up to the rural schools. The primary education system that is the 8-4-4 syllabus should have an overhaul. The children who are passing through the 8-4-4 system cannot -----and also lack good pivoting. And this one will result in poor performance of children and cheating in examinations. It also works on education act and we view as teachers we thought that education should be based on the commission act and not on the education act. This brings half baked children who are struggling to finish education and not struggling to cope with education on merit. Therefore everyone in school wants to have a certificate. In our view we wish that in the new constitution, it should be stipulated that children should finish school and those who have---(inaudible) be given certificates.

Destitute and less fortunate students in society who are able to learn ----(inaudible) there should be a well defined programme for them. Bursaries should cover the children who need them and not those who don't need it. We should also have more charitable schools apart from Starehe Boys Center. And lastly about the curriculum, we wish that we have coordination from one book to another. About the books we wish that we have a come back of Kenya Schools Equipment Scheme to address the issue of books. Not just changing the books from one page and the cover plus the -----(inaudible) and the documents and inside it remains the same. The population has grown so much where Kenya government cannot cater for it leading to mushrooming of many schools in the village which do not have physical facilities. So we would like to address this issue so that every school must be allowed to have proper registration. And the health for all children in primary schools the policy for health for all should prevail properly in the schools and have a good postmortum.

Promotions and other added advantages. We should have promotions based on merit and not based on man eat man society. We should have a sober minded scheme which promotes students and teachers on merit and this will enhance good learning

atmosphere.

Last point is about teachers pay and allowances. The teachers payment should not be political ---(inaudible) and -----(inaudible) of the teachers. The salary remunerations should not be associated presidential campaigns of general elections. As other employees, teachers should have their financial pledges peacefully and not through chaotic episodes. Thank you very much.

**Kulub Issa:** My names are Kulub Issa, class eight. -----(inaudible).

1. Text books. Kenya School Equipment Scheme should be revived, so that it may supply text books and stationery in all primary schools.
2. Two, school fees. Free education from nursery to standard eight. The Government should employ all primary teachers.
3. Jaggery should be banned because most of the primary school children -----(inaudible).
4. Child labour. Any body found involved in children abuse should face prosecution.
5. We should adhere to one syllabus instead of changing every year. The answer books should be revised. This is because some books carry wrong information.
6. Boys national school should be placed in every district.
7. Teachers should be paid highly because they teach girls, ---, doctors and many others.
8. The next------(inaudible)
9. Teachers should be protected by the government. Thank you.

**Com. Salome:** -----(inaudible). The question is on protection of children. In the constitution would like to find ways of protecting the child. You have given us ideas about schools, about teachers. But the very little of children except saying that we should not have child labour, and that we should feed you. What are the other areas where you feel that children need to be protected by the constitution. As a child what is making your life easier and makes you go to school more happily and be able to live a life that you enjoy as a child.

**Kullub:** I want free education.

**Wikama N. Nipher:** Thank you. My names are Wikama N. Nipher, from Matungu Primary School standard eight. I am 15

years old.

1. We want free education in primary schools
2. Parents should not abuse their daughters because it causes early marriages.
3. School going girls should not be employed as baby sitters.
4. Books which are talking about girls negatively must be banned.
5. Nursery teachers should be paid by the government.
6. We need specialized equipment from the government in schools.
7. Girls national secondary schools should be in every district.
8. We need teachers to be respected by the community.
9. Violence against girls women. Any form of violence and abuse of girls and women should be given a capital punishment.  
eg rape of girls and early marriage. Thank you.

**Michael Juma:** *Inaudible. Ino niyo Katiba ya Kenya.*

**Translator:** Hii ndio Katiba ya Kenya.

**Mr. Juma:** *Inaudible, khulwe miaka thelathini na tano*

**Translator:** ---(inaudible) kwa miaka thelathini na tano.

**Mr Juma:** *Basikari balia .....Inaudible,nende assistant chief ....*

**Translator:** Maskari kama wale -----inaudible na assistant chief wangenoa

**Mr Juma:** *Inaudible*

**Translator:** -----Inaudible

**Mr Juma:** *Tsimbia tsiri mukenya tsiosi tsios,tsinyole khuba president.*

**Translator:** Kila kabila iko Kenya ipate nafasi ya kuwa Rais.

**Mr Juma:** *Omusatsa nafwa mungo, imali yaye nende mukunda kwaye kubukulwe nende mukhasi waye nende abana baye ne ifamili yaye.*

**Translator:** Bwana akifariki shamba lake iridhwe na bibi yake, watoto wake na familia yake.

**Mr Juma:** *Omukhana natsia khudsha anyole mukunda abundu wa yatekha.*

**Translator:** Msichana akienda kuolewa apate shamba kwenye ameolewa



**Mr Juma:** *Omusatsa niyenya khukuswa mukunda, omusatha nakusia mukunda, omukhasi waye nende abana baye ne ifamily yaye imanye, khandi ijame.*

**Translator:** Mwanaume akitaka kuuza shamba hadi bibi na watoto wajue na wakubali.

**Mr Juma:** *khwe achake khukusia.*

**Translator:** Ndiyo aanze kuuza

**Mr Juma:** *Omukhasi netsushira yaloba omusatsa, atsie alobere mu court.*

**Translator:** Bibi akikataa bwana aende akatalie kortini.

**Mr Juma:** *Omusatsa yesi niyenyakhuloba omukhasi we, atsie alobere mu korti.*

**Translator:** Bwana akiwa anataka kuwacha bibi yake aende akatalie kortini.

**Mr Juma:** *Omusatsa yesi yesi lazima adeshie.*

**Translator:** Kila bwana yeyote angestahili kuoa.

**Mr Juma:** Kila mwanadada yeyote lazima aolewe.

**Mr Juma:** *Omukhasi yesi yesi, akhoyere adeshe.*

**Translator:** Ikipatikana bibi anatembea na bwana mwingine aende akafungwe miaka saba, kortini.

**Mr Juma:** *Omukhasi nakenda nende omusatsa wewasie, atsie aboywe miaka saba mukorti,*

**Translator:** Ikipatikana kwamba -----(inaudible) wanakuja mwenzako uende ufungwe kotini miaka saba na fine.

**Mr Juma:** *Ne omusatsa nikali mbu akendanga nende mukhasi we wasie, atsie aboywe miaka saba nende ifine.*

**Translator:** Bibi yeyote hastahili kuishi peke yake bila bwana town.

**Mr Juma:** *Omukhasi yesi yesi, sakhoyerwe yemenyie mu town dawwe.*

**Translator:** Kwa sababu hayo ndiyo inafanya ugonjwa mingi ikuweko, na uridhi nyingi duniani.

**Mr Juma:** *Khulwokhubera nibo bireranga obulwaye bungi mushialo.*

**Translator:** Mgeni yeyete akija katika kijiji lazima serikali imujue.

**Mr Juma:** *Mukeni yesi yesi niyetsa mulukonga serikali ikhoyere imanye.*

**Translator:** Pombe ya zamani ianze kuweko. Na mtoto wa mwaka moja hadi ishirini hastahili kunywa pombe.

**Mr Juma:** *Malwa ka ale kaanze khubao, ne kandi khwakhama miaka ishirini ni khusiri khunywa amalwa.*

**Translator:** Mwizi akishikwa auwawe.

**Mr Juma:** *Mwifwi nadirwa, yerwe.*

**Translator:** Ukipatikana unapewa rushwa unastahili ufutwe.

**Mr Juma:** *Mundu nanyolekhana nayebwa asoya akhoye afutwe.*

**Translator:** Rais akifanya kazi yake vizuri na anastaafu inastahili apate msaada kwa serikali imsaidie kwa mambo yake.

**Mr Juma:** *Rais nakhola ikasi yayye bilai ne .....akhoyere aberisibwe serikali ikhoyere imukhonye.*

**Translator:** Ni hayo tu.

**Mr. Juma:** *Ni ako konyene.*

**John Malala Mumia:** Asanteni sana. Mimi ni John Malala Mumia kutoka -----inaudible. Mimi nasema hivi: ile pombe ya wazee ya zamani, ya jioni irudishwe, ifanye kazi. Kwa sababu Nairobi wanakula, Mombasa pia wanakula, nilikuwa huko juzi.

Ya pili, waalimu wanafundisha watoto. Walidanganywa mishahara imeongezwa na hawajapewa mpaka saa hii.

Ya tatu mimi mwenyewe nataka msaada kutoka kwenyu ya kulipa wheelchair.

Ingingine nasema hivi, watoto wa shule wanasumbuka kufukuzwa kwa vitabu na pesa inatumiwa. Hatuoni pale pesa inaenda.

Unaona mtoto amerudi nyumbani kitabu hakuna

Interjection: Inaudible

**Mr Malala:** -----(inaudible) Kuendelea kwangu itapunguza hii ----(inaudible). Sasa nikalipa mia saba ikabakia elfu moja mia tatu ifike mia mbili halafu nipeleke. Ndio hiyo basi.

**Councillor Jared Shikuyi Mwita:** Thank you Commissioners. My names are Jared Shikunyi Mwita. I'm a Councillor representing Mumias Municipal Council within Matungu constituency. My subject is about the Local Government. It is quite acceptable that Local government is a basic level of government which is next to the people. However the public has examined the local government act and found the following to be reviewed:

Mayors and council chairmen to be elected directly by the people at the time of the general election and mayors should not

vie for councillorship. This will give them sufficient powers in order to manage change of the policy making. It is also imperative that the Local Authority organization enjoys the highest respect and be accorded reverence by the Kenyan people. The public would also know the political qualities they should have, so that implementation of the policy is done within political goodwill.

Currently lack of political good will and qualified policy makers have not attracted the public vision to know the quality and quantity of strategies available to the Local Authorities for implementation. The current 2-years term for mayors and council chairmen is not adequate. It should be five years. Because the public have the right and opportunity to express their confidence to the person holding the office. Councils to continue to operate under the central government but they should have power to run the affairs of the Local Authorities effectively than referring to the central government.

Chief Executive Officers to be paid by the government, since they fall under the public Service Commission or Civil Services Commission. If not, be hired by Local Authorities on contract. The Councillors who are the coordinators be given powers to influence executive officers on disciplinary matters than referring to the Local Government ministry. The chief Executive Officers be answerable to the central government who are answerable to the central government should be employers. If they are hired, then they should be answerable and paid by the local authorities. Minimum education qualifications for Councillors should be form three or form four with equivalent examinations in English language. Or if one has a certificate of proficiency in English language or Kiswahili issued by the language board of the province or Language Appeals Board. He or she should be validly nominated for election to the National Assembly and be exempted to vie for the councillorship. Sitting for previous Councillors be exempted. Language test when vieing for the local authorities seats should be conducted. Changes should produce academic results, or result slips or certificates to ascertain the language grade. Moral and ethical qualifications to guide the managerial and leadership positions by reminding them of their responsibilities to the public integrity -----, accountability, transparency should be there in the Local Authorities. People to have the right to call upon their councillor since the government or the local authority has been dissolved.

The last point I have is, the powers to dissolve the council. The council is to be dissolved when the Local Authorities are

unlikely to meet the financial commitment. The general failure to exercise functions of the best interest of the inhabitants. Failure even to hold meetings for six months, such local authorities should be dissolved.

**Jacob Waluba:** Thank you very much honourable commissioners and other members. My names are Waluba Jacob. I have the following: one is the Constitutional Supremacy. Constitution should be in all the indigenous languages and be given to citizens so that every person will know whether this constitution is being practiced or not. Constitution should be supreme ie no person despite his political status should be above the law whatsoever. The Constitution should be rigid and not easily be easily amended like it is today. Any amendment to be made, people to be consulted through referendums conducted by their MPs and Parliamentary Boards by 75%.

Police brutality. Duties and roles of police should be well defined in the constitution as to maintain peace, justice and ----- suspense. A police should not impose any punishment on a on a suspect unless proved guilty by a well established judicial process. Any harassment border assault or -----(inaudible) by police will result to personal violation and a legal action should be taken on him. For the police to make a search to a runaway suspect or stolen property he should be in full uniform, accompanied by the assistant chief and a village elder(-----inaudible) and not whoever comes on the way. Police should not jail any person whatsoever. Any police shooting an innocent person should be criminal offense, and that policeman would be sentenced to life imprisonment and not transferred. Transfer means transferring a problem from one area to another and promotion means encouraging the killing.

Religious equality, or checks and balances. The Constitution should provide for equal treatment of religions in this country and not allow somebody else who is subordinated to others. Political and governmental duties should be equally shared among the religions, ie where a president is a Christian, then Vice President should be a Muslim and vice versa. All Islamic Holidays ie Iddul Fitr, should be declared public holidays. Islam should be respected like any other religion and in case of abusive language like Magaidi, siasa kali etc should be malicious and defamatory and action should be taken. I propose that affirmative action should be used to reserve a number of parliamentary seats and other opportunities in the government for muslims.

Chief khadhis should go up to the level of the High Court and Court of Appeal to take care of affiliated Islamic issues and interests at high judicial levels. The Islamic youth groups should be registered whichever names used without imposing conditions and terms on them. Khadhis should go up to University levels as other High Court Judges.

Local brews. Busaa or local brews is our cultural beer that is needed during our cultural rites ie during circumcision, second burial which is makumbusho, and even our customary marriage. Therefore it should be legalized, to maintain our cultural and moral values.

Decentralized government. I propose that there be decentralized government with equitable distribution of governmental resources and ministries; ie the ministerial heads be transferred to every region equally.

Economic Majimbo; at least 80% of tax collected from any given region should remain there for that region's of development. Any company, business or firm in a given region should first benefit the local people at that particular place, ie 90% of job opportunities should be given to people of that particular area. I also propose that in sugarcane zones, or sugarcane cutting should be of permanent basis, not casually. The cane cutters should also enjoy the benefits as other workers.

**Interjection:** (Inaudible)

Let me finish. On cane cutters I propose that it should be of permanent basis and they should also be given benefits like other workers.

**Com. Salome:** Mr Waluba, I have one question here especially on religion and ----traditional brew. You said we should respect religion especially the Islam. How do we marry the two in the constitution where we are legalizing local brews and at the same time making sure that Islamic laws are respected in this new Constitution.

**Mr Waluba:** All right. One thing I was talking about checks and balances, on religious equalities and local brews, I was generalizing everything. I'm not only talking on behalf of Muslims, I'm talking on behalf of peoples of Kenya. But religious checks and balances I was talking on Islam.

**Com. Swazuri:** Mercy Aura. Saidi Mohamed.

**Saidi Mohamed:** Thank you commissioners. My names are Saidi Mohamed, secretary general of Supreme Council of Muslims Butere Mumias. Now on behalf of the Matungu Muslim community, I wish to submit the following proposals to the commission. I wish that the new constitution should highlight at least 30% of the cabinet seats to be reserved for Muslim MPs. We should also -----( inaudible) the introduction of the Muslim Khadhi Office that is the status of the Khadhis should be elevated to that of Magistrates and Judge level after the required limits. Also the official retirement age should be as that of the Magistrates and Judges.. All Islamic cases above the Chief Khadhi should be taken to the Court of Appeal under three Judges whom must be Muslims. Religious rights for students should be respected by schools or institutions heads eg university, -----IRE and CRE subjects should be mandatory in the syllabus. The appointment of the chief Khadhi and Provincial Khadhi should be by Muslim bodies, affiliated to the Supreme council of Kenya muslims and the office of the chief khadhi should be in Sheria House in Nairobi. Khadhis like other public employees should be transferred after three or less years of stay at a station. Equally the same tenure------(inaudible). That same tenure should apply to Magistrates and Judges.

Freedom of worship should not be extended to devil worshipping. The law should specify only God to be worshipped and religious groups should be vetted before they are registered. The Islamic Wakfu or trust Commission should be formed under the office of the district Khadhi and not the District Commissioner. Muslim pupils or students should be allowed to put on Muslim attires that is buibuis and hijabs for ladies. Islamic NGOs should be treated like any other NGO other than being suspected. The Islamic festivals eg Idul Fitri------(inaudible) should be declared public holidays. Also Friday should be declared a resting day for Muslims.

Free and compulsory education for all Kenyan citizens and abolishment of school levies.

**Rajab Mukulo:** Thank you very much commissioners and the rest of the listeners to this programe. My names are Rajab Mukulo, a resident in this area------(inaudible). I have a few points to present to this commission this morning. One, in my opinion I think that the Vice President in this country in the new constitution should be directly elected by the wananchi and not remain a presidential appointee the way it is now in the current constitution. *Loss of few words.*

Elected by the wananchi are not to remain in the presidential appointee waiting out the current constitution. Two pension to the retirees should be decentralized and not the way it is because we have some our people travelling all the way from the countryside to Nairobi trying to trace their pension. I feel as a teacher, children have now run out of our hands because of removal of the corporal punishment in schools, and therefore I recommend the new constitution that one be re-enacted, so that children become teachable and maintain discipline in our pupils.

University education: I feel the current system of qualified students in universities apply for loans should be changed so that those who qualify be automatically given these loans without even filling those forms and a specific figure should be set aside for such students.

Number five, on Chief's Acts. I feel that chief's act or law should be re-enacted. It will be brought back in courts because since it was removed we are experiencing a lot of problems on law and order in this country.

On religion I feel in my view that all the activities of any religion should be monitored very closely by government, because the freedom of worship has led to abuse of some parts eg devil worshipping. You find that there are some religions that do some activities which are not to the benefit of the society.

Lastly, I would also like to say that men who are working, when their wives deliver they should also be given leave for at least one month because you find that these couples are living in town and the wife who has a child needs somebody to be around to help her.

**Com. Salome:** Mwalimu I have two questions for you. One is on -----(inaudible) of children dying from being beaten by teachers. So this issue has been viewed as to where a child dies a child is hospitalized. So I would like to hear your point of how to balance this. So that much as you want to discipline the children they also don't get hurt in the hands of the teachers. My second question is on maternity leave where your wife has a baby and the man has to be given maternity leave to help. You have also mentioned to respect our culture. And part of our culture is that men do not go the kitchen, part of our cultures are that they cannot wash a woman's clothes. -----(inaudible) in that kind of a situation.

So------(inaudible) how do we feel. With our culture be respected or at the same be able to get leave to support our wives.

**Mr Mukulo:** Thank you very much madam. On corporal punishment as a teacher feel that we should be allowed to give some punishment because once a child is without a cane you may not be able to control the child. And I feel there should be regular guiding and counselling for us teachers to guide them on how to handle these children. The corporal punishment should not just be done away with but at least she has to be advised on how well to do that. And the other going on maternity for men. Well like it is true that our culture does not allow us to go to the kitchen and doing other domestic activities. But actually if you are around even if you have a helper to help this mama you cannot -----(inaudible) when you are around. Other than just being away and to leave her alone. She may be caring -----(inaudible).

**Dr Swazuri:** James ----. He is not there. Then we listen to Getrude Shikuku.

**Getrude Shikuku:** Thank you Bwana commissioners. My names are Getrude Shikuku. I have come to talk my views in a few areas. Philosophy actually should be ---- a God fearing nation because if there is fear in God the creator, life on earth and after judgement and I believe in the written word of God ----as the Quran. Therefore this philosophy should reflect that we are a God fearing nation. I would suggest that we also set apart one day in a year just to give thanks to God. I believe in our guiding principles of Love, Peace and Unity. These are very important for us to live together in this land. If these principles have got to be enhanced then actually they need to do something to reduce gaps between the haves and have nots on this earth. I would suggest the following for reducing the gaps, making people happy.

Education: I would say that education should start right away in our homes. In our African cultures education started at in early childhood right at home in the extended family. But now it has been left to schools to give education. Children grow up not knowing anything even how to behave among the community. So education should start at home. And actually -----inaudible . We should educate our children in -----(inaudible). Again child entering school that be measured on failure if there is an indication involved by free ----. There should be free education for all up to the level where someone is able to reach. Those who cannot reach the higher colleges, such as University. There should be available within reach in the community ----(inaudible) to polytechnics where some body finishing actually secondary level should be able to go and



acquire some training to help him or her to live comfortably. There should be free education for all. There should be availability of the basic needs, food, shelter, clothing for all Kenyans. There should be sound religious practice regulated by a Ministry for religious affairs.

I would talk on management of our resources. To be able to supply these things actually we should be able to manage our resources properly. One we should be able to limit our families to two children who can be able to be looked after by the state. I would suggest that every able Kenyan should work either through self employment or the government providing jobs for them. All Kenyans who are able should be taxed at present strengthening -----(inaudible). Every Kenyan should be taxed except those ones who are incapacitated. We should be able to exploit our natural resources. If I can remember in this region we have mining of gold, I don't know whether that has gone completely or somebody has ----- . I would suggest that we improve our agricultural economy. Like in this area cane growing must be improved, cotton growing was going on but it went off since the industry are not working. All arable land I would suggest should be exploited. There should be no land lying idle. I suggest that we continue with the national harambees to increase our economy.

On Constitutional Affairs I would say that the CKRC should remain in office for sometime may be three years so that the exercise which we are just undertaking after the implementation of the new constitution. Other constitutions which can be included and the ones suggested in the book should be a constitution for religious practices, national security constitution, and salary review Constitution so that we standardize the salaries for Kenyans. Thank you.

**Dr Swazuri:** Gama Wamukoya to be followed by Charles Kisinyo

**Gama Wamukoya Shiundu:** I've got a few officials in front of me, my fellow Kenyans ----.I have few points to give as far as the new constitution is concerned. My names are Gama Wamukoya Shiundu. I come within the Matungu ACK welfare association ---. I'll start by Women welfare be put in consideration.

1. Fair treatment by their husbands
2. Avoid (inaudible) against their wives.
3. Genuine persistence and domestic care be given to them

4. Mentally and physically disabled children should be educated and allocated places to stay.
5. Education, good care and security and should be as well given courses which can help them to get jobs in their future lives.

All children to share assets inherited by their parents. There should be no discrimination among boys and girls.

Girls should be allowed to marry whoever they wish. Parents should not interfere with their marriages.

Point number five, -----(inaudible). Salary review for all civil servants should be given time for review and government should not retrench. For the few remarks as far as Constitutional Review is concerned I have to say that is only what I would manage to say . Thank you.

**Charles Kusinyo:** Jina langu ni Charles Kusinyo. Mimi nasema hivi: serikali ilete maneno ya Mungu mbele kwa sababu ni Mungu ndiye alifanya serikali kuwekwo. Ukitaka mambo iwe mazuri ni kuweka Mungu mbele, na atatuongoza vizurikwa serikali yetu. Hata mzee Kenyatta (inaudible). Maana iko manaeno mingi ya serikali -----(inaudible). Lakini mimi ni mzee na ni masikini tena. Nataka enda hospitali lakini naambiwa iko wapi pesa?----- (inaudible). Sasa hata mimi nikiwa mgonjwa nikienda hospital serikali ilete pesa ya kununua dawa. Mimi sina pesa.----- (inaudible).

Mimi naona shida sana. Zamani serikali ilikuwa imechukua kila kitu kwa maana yeye ni baba yetu. Aangalie kila neno. Hata ma ofisi tukienda hata unadaiwa pesa.----- (inaudible). Sasa nataka serikali itusaidie na -----inaudible tuweke maneno ya Mungu kwa maana Mungu anasema tukiweka maneno yake atatuweka.

*This part of the tape is completely un clear. The words are not clear enough to type.*

**William Netia Musumba:** My names are William N. Musumba, the chairman of Wagon-----Welfare. These are my recommendations. One, we feel that political parties in Kenya must seal their differences personal or otherwise so that a meaningful international position is formed to all Kenyans can be achieved.

We recommend that the pay need in Kenya today is constitutional, legal and administrative with all force that -----(inaudible). Kenya should have a federal constitution and should become a federal state with province to develop and utilize the resources effectively and instead ---our values. There is an equitable lack of space which have their own political autonomy in United States, Canada and south Africa. We recommend that the Kenya land law should specifically include international and national resources from -----(inaudible) for all exercise in Kenya all goes to so many people like the Nyabong'o of Wanga. The supreme law of the land should also uphold the preservation -----(inaudible).the special ground should be ----- (Inaudible) any government, political interference or ----- . Every division or constituency should set aside at least two acres or one acre of land to start off industries and such purposes.

Education: all pupils who reach KCPE and KCSE level cannot go further for any reason should be compulsory. We recommend that every province in Kenya to have a university. A policy to review school syllabus to streamline learning in general.

Food production: there should be a law to ensure that there is adequate food produced by every family in Kenya. Such a law act it should enhance good policy of which administration, village elders and church leaders should be actively involved to monitor----- (inaudible).

Murder: it is our strong view that hanging sentence should be abolished and replaced with life imprisonment.

Torture : we feel strongly that there should be no any form of torture for any offender in Kenya. That instead of C.I.D. and all police officers in general should be given adequate training to be closer to people and obtain voluntary information on crime other than using torture methods.

Land and acquisition: we recommend that the cases for acquisition of land ----- (inaudible) which should be handled by the family other than using the article means or so.

Disputes: we strongly recommend that the land disputes there should be village elders formed from the sub-location, location up to district level without any influence from politicians and provincial administration. The panel should be ----- (inaudible).

There should be no surveyor involved in land disputes until after the judgement of the case.

The principles which communities use to adjudicate land should be written in the law. We feel that the government should honour its promise. It was in the year 1897 that the Nabong'o was gazetted as a royal family which is non political. We appeal to the government to recognise the Nabong'o as a royal family or a royal king who is not politically oriented. We feel that the government did not honour this promise for 15<sup>th</sup> Sep. 1902 where by Mumias was registered as a District headquarter but up to now there is nothing. Thank you very much.

**Com. Salome:** Thank you very much Musumba and all you have said. -----(inaudible) a company that used to rule this country. I think that by 1902 it was the colonial government, so which government are you talking about? Those are two different government. In the same way natives and dogs were not allowed in to Norfolk Hotel. So if we are honouring that kind of constitution which was there that time, what measures do you need to put in place so that we are only -----( inaudible) the things that are oppressive and not things which are being -----(inaudible) by that historical error.

**Mr Musumba:** Thank you very much. Here in Kenya, we took off from the British government and anything that had been on British government was handed over to Kenya and as such official gazette should be respected because it was gazetted and the government up to now has not taken action on it.

**Com. Swazuri:** John Maloba. Wesonga Wanyama.

**Wesonga Wanyama:** My names are Wesonga Wanyama, on behalf of the Nabong'o Welfare Society. Haki za jamii natofauti za kitamaduni. Tofauti za utamaduni hapa Kenya na kabila zilindwe na kuendelezwa katika katiba. Ili tusiingiliwe na kuvurugwa na siasa na hata watawala wasiohusiana nazo. Viwanja, mali na viongozi wa utamaduni huo, pia walindwe kiKatiba na kutangazwa rasmi kwa gazeti ya serikali. Na kiongozi wa huo utamaduni aweze kuwa mmoja wa wanaoweza kutoa ushauri kwa serikali na hata serikali za mitaa ambazo ziko kwa eneo kwa upande ya utamaduni. Kwa sababu utamadunihii huu unaweza kuwa mmojawapo wa ma eneo ya kitalii na utowaji wa historia. Kwa mfano hapa kwa Waluhya tuko na utamaduni inayojulikana kama Nabong'o, chini ya mfalme Nabong'o Mumia wa pili. Mlikuwa Nabong'o Mumia aliyejulikana sana hapa enzi ya ukoloni. Kubadishwa upande huu hata kufa kwao hata kuzikwa na ufalme huu, utapendeza utalii sana. Na watu wote

kwa jumla na hata serikali kupata ushurukutokana na wageni hawa. Nakumbuka nchi ambazo ziko ufalme wa aina hii, na iko na serikali amani na usalama inadumu. Kwa mfano ungeenda Morocco na hata jirani yetu Uganda. Kwa hivyo tunaomba serikali itambue na kuweka katika Katiba mfalme ya Mumia wa pili na awe huru kuendeleza utamaduni wetu bila mwingilio wowote. Kwa sababu yeye sio mtu wa siasa hata kidogo. Asanteni.

**Com. Swazuri:** Nimesema kila mtu amekuja hapa lazima aseme jina lake kwanza halafu akimaliza aende pande ile. Na wale ambao wamekuja na wako na memorandam na hawataki kuzungumzia tafadhalini unaruhusiwa uzitoe pande ile. Maoni yenu yatakuwa imesikilizwa. Sio lazima ungojee. -----(inaudible). You are the one who is presenting please come forward. -----(inaudible). Those who are presenting can you come and sit here so that we know who is who. Nani, sit here. Ngojewa wenzako. Haya hawa wengine wakae hapo wakimaliza warudi darasani. Shika microphone.

**Faith Amayo:** Darasa la nne, from Matungu Primary School. Maoni yangu, serikali iletwa madawati kwa sababu watoto wanakaa chini. Serikali iandike walimu kwa sababu mwalimu mmoja anafunza mingi. Asanteni.

**Com. Swazuri:** Mwingine. Useme jina lako.

**Beatrice Shisia:** My names are Beatrice Shisia, class eight, 15 years. Maoni ni kuhusu vitabu ---(inaudible). The current syllabus is not good. There are some parts that are difficult to understand and outdated----(inaudible). Civics is not clear. The government options and appointment are not given time to operate. For example if -----inaudible and you hear that the Minister for education is changed so we are----- (inaudible). We want the books on the political history of Kenya. The government funding the running of the government and the local authority.

Entertainment: All operating video places should be guidance and with instructions of the child. School children should not be allowed in the places. Girls should be allowed to continue with their education after giving birth. Parents must avoid abuses and fighting in front of their children. This makes children not to concentrate on learning. We want protection from our parents. They should be made to care for their children properly.

The government should take the minimum number of the children per country. Girls should own property from their parents.

**Veronica Njeri:** Kwa majina naitwa Veronica Njeri. Darasa la nne. Maoni yangu ni haya. Serikali iendelee kujenga madarasa mingi. Waendelee kuleta maziwa kama vile zamani walikuwa wanaleta.

**Selvin Sichenyi:** Kwa majina ni Selvin Sichenyi. Darasa la sita, miaka kumi na tatu. Maoni yangu ni kwamba watoto walemavu wazazi na mahitaji yao. Yaani wazazi ambao wamezaa walemavu walazimishwe wapeleke watoto shuleni.

Pili, ningependa shule ya wtoto walemavu ziwe nyingi nchini Kenya.

Tatu watoto walemavu wasomeshwe bure hadi sekondari.

Nne, ningependa watoto walemavu wakimaliza sekondari wapelekwe chuo na serikali.

Tano, ningependa pia waandikwe kazi na serikali kama watu wengine.

Sita, watu ambao wanafunza watoto walemavu wawe wanawake.

Saba, wazazi wanapaswa kuwafunza watoto walemavu bila kuwabagua na kuwatenga kando na watoto wale wasio walemavu.

**Gregory Chimungen:** My names are Chimungem Gregory, from St Maurice secondary school. I'm a form three student.

These are my recommendations. Under education. The first one, the constitution should not allow expulsion of impregnated students from school. This is because education is a basic right that anyone deserves and if expulsion is encouraged it will increase the rate of illiteracy in Kenya.

Second, teachers should be left on their own to find ----(inaudible) strategy. This is in order to prevent the accumulation of teachers in schools which provides such services. This would mean teachers would not look for such strategies in order to work in certain schools.

Third, rural and mobile libraries should be established by the government. This is in order to keep the youth busy without being involved in vulgar activities. This will also help to improve academic performance in rural schools which have been left behind in academics by these schools found in urban areas.

Fourth, national schools should be distributed all over the country. In this case we should have an equal number of these schools in each province. The government should provide loans to secondary school students the way they do to college students in order to provide education to everyone. In this case the government should not only provide bursary in secondary school. That is all I have.

Pauline Makokha: I'm Pauline Makokha from St Paul's a form four student. I have these views to present to you. On local government should have the Mayors and chairmen be elected directly by the people. Mayors and council chairmen should be elected by people because they are citizen. They should be elected according to qualification and -----(inaudible).

Is the current two year term for mayors and Councillors adequate? If not how long should they serve? The time is adequate so that when Councillors and chairmen are not managing well they should not be elected again. Also to compare the management of different people. Should there be a minimum education qualification for a Councillor? A Councillor should be having a form four certificate and also professional qualification like professional management.

Land and property rights. Should the State, Local Authorities have the power to control the use of land by the owner or the occupiers? We should control use of land by the owners because they help to prevent wastage of land because some people do not know how to use land properly. Should men and women have equal access to land? If so, what mechanism should be put in place to ensure this? The land title deed should contain the names of both boys and girls so that the girls have the right to inherit the land. Girls are children ----(inaudible). Concerning marriage. Land title deed should contain the woman's name and that of woman should contain man's name. So that both of them can have the right to use land.

Also we should have one man having one job. This is because people have more occupation than others which brings about lack of employment. But you find other people having two jobs at ago. For example one is the head of state and also the chancellor of all public universities.

One should be allowed to have many jobs in different status. This is because there are many individuals unemployed hence this

will dictate such cases.

Chiefs and assistant chiefs should contest for the posts. Mwananchi should choose a person whom they see a qualified people and must be a Kenyan citizen------(inaudible). There should be a vote of no confidence to MPs who give empty promises. This is in order to make them work hard for their country -----inaudible election to take over or by-elections should be carried out.

MPs and President should only serve for two terms because they might be wild and yet is not a good citizen. Therefore to limit the citizenship only little time should be allowed.

**Richard Orita:** My names are Richard Orita from St Mois secondary school in form four. Okay I'll talk about basic rights. The constitution should guarantee the right to life and the death penalty should be abolished. This is because everyone has the right to live and it is only God who has power to take ones life. Therefore death penalty should be abolished and life imprisonment should just be for people with mistakes like murder.

The constitution should also provide free and compulsory education for a certain level. Even Kenya should be free and compulsory so that the percentage of illiteracy can be deleted. ------(inaudible) and therefore avoid simple mistakes that come as a result of illiteracy. The interests of women should be fully guaranteed in the constitution. Women should have their rights addressed in the constitution. A woman should have the right to have all family property because both man and woman have equal chances.

The Constitution should guarantee and protect the rights of children. The government should minimize the issue of street children and provide free education to standard eight. Also the government should provide free medical facilities up to 18 years to minimize death rate in the young generation especially those families that are poor. That is all I had.

**Peter Otiko:** Kwa majina naitwa Peter Otiko. Nitaongea juu ya government. Ningependa hapa Kenya tikuwe na ofisi ambaye



inaitwa Ombudsman. Upande wa religion ningeomba ya kwamba tukuwe na usawa. Kwa mfano in case you are a Christian, you can slaughter a hen or an animal. Utapata kwamba Muislamu hawezi akakula hiyo nyama. Wengi nataka tuwe na -----few loss of words.

### **Tape two side B**

Ni chanzo gani ama ni ugonjwa gani inasababisha hii viini. Ni hayo tu

**Com. Swazuri:** Asante sana. Enda pale ujiaandikishe. Mildred Apiyo. Maurice Amukoya. Omukama Hassan Okango.

**Hassan Okango:** Kwa majina naitwa Hassan Okango. Nina mambo mawili ambayo nitaweza kuzizungumzia hapa. Kwanza nizungumze kwa constitution hii ambaye inafanya review. Subject ya kwanza nataka kuzungumzia mambo ya mila. Tunauliza serikali yetu ya Kenya ikubali ku recognize mwongozi wa traditional and culture. Constitution has -----(inaudible). Wakati wazungu walipokuja hapa wakakuta uongozi wa traditional and culture ikiwapo ambao ilikuwa chini ya kiongozi anaitwa Nabong’o Mumia. Hawa walipokuja ilikuwa kwamba anaongoza vizuri ambapo ilikuwa -----sehemu kubwa pamoja na Uganda. Na wazungu walipofika hapa, walikubaliana kufanya kazi pamoja wakashikiriana pamoja. Lakini hawakuhusisha uongozi wake katika Constitution yao. Na hiyo ikafanya uongozi wa Nabong’o ukawa unafifia.

Na hata pia wakati sisi tulipata uhuru mwaka wa sitini na tatu mwezi wa sita. Pia Constitution yetu haikuweka kuhuzishwa uongozi huu. Tunauliza serikali irudishe huu uongozi wa ufalme kama vile nchi zingine zinahuzishwa uongozi huu. Nakumbuka uongozi huu hautakuwa

**Interjection:** (Inaudible)

**Bwana Hassan:** Ya pili nataka serikali ya Majimbo. Hii tunataka President aongoze kwa vipindi viwili ambazo ni ya miaka mitano kila moja.

Three, ningependa President asiwe juu ya sheria ambaye inaitwa-----. Asikuwe kama mkubwa wa sheria kwa sababu sheria inatengenezwa kutoka -----(inaudible).

Nne, Cabinet minister wawekwe katika provinces zote, wawe sawa

Tano, farmers of -----(inaudible).

Policy wasiwe wanasumbua wananchi kama vile wanawasumbua na hata askari jela nao pia, wasisumbue wananchi kwa sababu wanafanya mahabusu wanakufa kwa kusumbuliwa.

**Interjection:** Ya mwisho.

Bwana Hassan: Ningetaka yule aliyeshikwa kwa makosa madogo madogo aruhusiwe aende nyumbani na arudi akifanya kazi.

Kwa hayo machache----- (inaudible).

**Com. Salome:Asante.** Swali langu ni kuhusu Nabong'o. Sasa tukirudisha tutarudi kwa mipaka ya wakati ule ama----- (inaudible).

**Bwana Hassan:** Inatakikana kapteni inatakikana itambuliwe katika Kenya kwa sababu Uganda wametambua njia hii kwa jina na sababu. Hata Uingereza wametambu serikali yao kwa jina la pili.

**Com. Swazuri:** Edmos Makohka. We have checked you have not registered for ----- (inaudible). So you just give us your views but you need to go and register.

**Mr Makohka:** Commissioners I have the following recommendations to give to the constitution. My names are Edmos Makohka. Education: I recommend that the constitution should ensure that all Kenyans of school going age are given education fom standard one to form four. Since I believe that when ----- (inaudible). The Constitution should ensure that compulsory education is compulsory. You talk of compulsory education but at the end of the story----- (inaudible) we have so many children who do not go to school.

The Constituoin should ensure that teachers are well paid, since they are the only workers whose work can be accessed. They are also key to economic prosperity of any nature.

The constitution to ensure that leaders who make empty promises should be voted out, eg teachers salary award. The constituoin should ensure that bright children from poor families should be given bursary facilities. The Constitution Supremacy, I recommend that amendment of the constitution of Kenya must be by a referendum by the citizens of Kenya.

Defence and a national security: I recommend that the President should not be the commander in chief of the armed forces in

Kenya. The Chief of General staff, employed by the Public Service Commission shall be the commander in chief, vetted and controlled by the Legislature.

Equal employment opportunities considering gender balance, even equal distribution of available chances to all ethnic groups.

Promotion in the armed forces should be on merit and not on ethnic lines.

Political parties: I recommend that Kenya should be a multi-party State. On registered parties I recommend that they should be eight. A system be put in place to control and discourage defection by elected MPs. The constitution should not allow political parties to misuse human resources eg we have Jeshi la Wazee, KANU Youth Wing, Mungiki and many others who go terrorizing wananchi because they have been bought.

The Executive: I recommend the President's tenure to be reduced to two terms of five years each. Functions of the president should be defined in the constitution. The constitution should set limits on presidential powers. For example he should not appoint senior civil servants. Here I'm talking about the chief police commissioners, chief of General staff, GSU commander, Permanent Secretary, Solicitor General, Auditor General and any other. The President should not be above the law.

The Judiciary: It should be constitutionally independent from the Executive and the Legislature. The appointment and tenure of office of the judges should not be compromised by the Executive or Legislature. office in charge. The Constitution should ensure that there are sufficient checks and balances to safeguard the independence of the judiciary.

Electoral system: I recommend that the electoral commission be delinked from the executive. Affirmative action of people with disabilities to participate in election should be constitutionalised. Electoral violence should be outlawed.

Land. The constitution should ensure that the government land which has been grabbed is repossessed. An individual should own not more than 100 acres of land. Women and people with disability should own land and property. Title deeds should have names of both husband and wife to avoid succession problems. The constitution should protect the landless and give them land.

Natural resources. I recommend that the constitution should ensure that our forests are not destroyed by -----(inaudible).

**Interjection:** -----(inaudible) We will go and read it.

**Mr Makohka:** Fine. I recommend that the constitution to ensure that our forests are not destroyed by greedy politicians. We have heard the excision of forests and this is causing Kenyans lives because it might cause desertification.

Corruption: MPs the constitution should ensure that the public has power to move a vote of no confidence on an MP who has not lived up to his expectations.

**Speaker:** One question. You have recommended that leaders who make empty promises be voted out. For example the promise of teachers salary, and you want the constitution to ensure that. How do you propose a constitution to ensure that whether it is the people or teachers, who vote in leaders?

**Bwana Makohka:** I don't that the government that does not honour the promises to its citizens has no business being in power.

**Speaker:** (Inaudible)

**Bwana Makohka:** Yes they are to decide that today the Government is chating the teachers, tomorrow it is going to cheat the nurses and other civil servants.

**Com. Swazuri:** Netia Augustine----- (inaudible)

**Netia Augustine:** My names are Netia Augustine, a student at -----(inaudible) secondary school, form one. My observations are as follows: the government should establish industries in rural areas to avoid unemployment. Because you find that all the industries are located in town, and you can't find an industry located in the rural areas that one should be considered.

Second, the disabled should be considered as people. The government should provide free education to them. In general free education should not be there but they should just reduce the cost of payment. Something like development, we are paying development fee but it is not doing anything So something like that one should be reduced. Same to the payment of invigilation money during examination. We pay invigilation money and yet this teacher is on salary. So also this one should be stopped.

Abortion should not be there because when God created a human being, He said go and multiply.

Rape cases should be considered. Those who rape should face serious punishment. Also when one makes a girl pregnant he should pay a fine and marry her. The cost of transport should be reduced. You find that we have Kenya bus and I'm proposing that Kenya bus be free. But we pay transport. So that one the government should also look at.

Importation of many goods should be reduced because our sugarcane is cut and yet we are not paid regularly. We were told that we have a lot of sugar in the factory. So we have a lot of sugar and you are bringing more from outside which results in late payment.

Road facilities should be improved. Some people practice horticultural type of farming. As you know they are very perishable and the roads are poor. So some of our goods get damaged in the farm. When the President is a man the Vice President should also be a man but not a woman.

Teachers should be paid highly. The government should provide farmers with seeds because some farmers have farms but how to use them, they don't have seeds to plant in those farms. With those few remarks, I say thank you.

**Com. Swazuri:** John Wesonga. Did you speak yesterday. No no we want to give others. If you have a memo. Can you wait for others to submit please. It will be unfair to have a second chance while others have not even had one. Please but if you wait until we have room for you, we will give you a chance. Or else if you have a written memo we can give you a chance.

**John:** Two minutes only.

**Com. Swazuri:** No. you can give us the memo we will read it but give these people a chance.--- Indakwa. Please give us your names.

**Indakwa Kangu:** My names are Indakwa Kangu. I'll talk on civic education. To catalyse the participation of the common wananchi in the economic and political progress and to avoid manipulation of human rights through handouts, to sustainably achieve a meaningful behavioral change. I strongly recommend civic education, on democracy and constitutionalism to be a continuous process through:

1. Establishment of national commission for civic education.
2. Incorporation of civic education in the school curriculum
3. Making both education a right under the continued process.
4. Establishment of self regulatory mechanism to ensure civic providers are non partisan.
5. Civic education on human rights and democratization with poverty reduction initiatives.
6. Finally participation of NGOs and government in civic education exercise.

Then on local government: in order to stimulate local contribution by individuals and corporate organizations towards economic development, I recommend wananchi to form monitoring structures under PRSP for poverty reduction strategy paper that would voice the needs of the community to the government and empower such communities to have an upper hand in National Chamber Boards, Loan Boards and fundings. Then removal of levies or tax on farm produce worth ksh.1000.00 on local market value.

Then finally I'll say something small on land. To avoid land being subjected to uses that are in open conflict with the ecological conditions. I recommend strict laws that shall limit people's freedom to use land as per how they desire. Impose heavy tax on land that is lying bare un cultivated and owned by people to whom food production is not a priority. Thank you.

**Alfred Oyoo:** Thank you commissioners, ladies and gentlemen.

**Interjection:** (Inaudible) Karibu Mzee.

**Mr Alfred Oyoo:** I'll talk about four points, preamble, state policy, the constitution supremacy and citizenship. The Kenya constitution should have preamble that is enacted. It should hold and reflect historically how our old leaders like Mumia were ruling. With that in mind it should be transformed into the Kenyan Constitution of the day. Therefore it should be written in simple English, Kiswahili and other indigenous languages in Kenya so that all Kenyans can read it.

Directing principle. The directing principles should reflect the national philosophy of peace, love and unity. Since the three are

covered in the principles of all political parties in Kenya. Therefore the principles as we shall see later, should be enforced in the law.

The constitutional supremacy should be such that parliament should be empowered to amend any part of the constitution by a majority of 65% votes. As long as it covers the interest of the entire public. The parliament power should be limited to the parts of the constitution which needs some urgent amendment and which touch the entire nation. The public should be involved in amending the constitution through referendum conducted by the Kenya Constitution Review Commission. I therefore recommend that the Kenya Constitution Review Commission should remain in force.

**Citizenship.** One born of any of the initial tribes of Kenya is an automatic citizen of Kenya. One born of any foreign grandparent who has been in Kenya before and after independence and is still staying positively should be a natural citizen. For example, missionaries, educationalists, traders, industrialists. One born of a Kenyan citizen father is automatically a Kenyan citizen by birth. Any parent female married to a Kenyan citizen becomes an automatic Kenyan. Dual citizenship should be allowed and should be temporary depending on the period one is working stay in Kenya.

Anyone at the age of 12 and above should obtain an ID card as the only citizenship evidence. Since he or she can testify evidence in a valid court of law in Kenya. The ID card should be carried as a valid document of identification. To obtain an ID card, one must seek the assistance of the assistant chief or chief of the area of stay. I think that is all I had.

**Com. Salome:** Thank you very much. There is something about a child born of Kenyan father being a citizen. You are being silent on a child born of a Kenyan mother with a foreign father. You have also talked about a foreign woman married to a Kenyan man being able to get citizenship. Again you are silent on a foreigner marrying a Kenyan woman. Would you please share with us your proposals on this.

**Mr Oyoo:** Traditionally African wives, we always believe a woman married goes to stay where the husband is from. And that is why I said a woman married to a Kenyan husband. We have not seen in most cases a man marrying an Indian and then he goes to stay in India. So the female stays where the male stays. Or I have not seen a man getting married to a woman. Man marries the woman. Woman gets married to the man. That's why I said man -----(inaudible). Thank you.

**Com. Swazuri:** Register ther. Again we want to appeal to those who have spoken elsewhere before us, not to present themselves instead to give in their memorandum to the secretariat. So as to give those who have not a chance to speak. Shabban, hayuko. John Okoyano.

**John Okoyano:** Thank you Commissioners and listeners. My names are John Okoyano. I have few points to say. First is the principle of state policy. I recommend 30% of women representation to parliament, local authorities and policy constitution.

Two, free and fair elections at specified periods at least five years for the National Assembly, Councils and Head of State.

The next is on national security. The President should not be the commander and chief of the armed forces of Kenya. The Chief of the General Staff should be the commander in chief vetted and controlled by the Legislature and the Executive.

Ministry of defence should be created. Kenya should be a multyparty state. Registered parties should be two or three. Any political part shall raise its own funds.

Four, Legislature. The elected MP shall be in full time employment with an office in the constituency. The level of education for MPs should be form four with a pass grade. People should have power to recall their MPs if they have no confidence in him and request for elections. Houses of parliament should be disbanded by the constitution.

The Executive: the constitution should specify the qualification for the President. He should have a degree. Presidential tenure should be two terms of five years each. The president should be non partisan. Cabinet Ministers should be coalition eg KANU, FORD Kenya, PICK etc and according to their education qualifications.

The Judiciary: the judicial officers should be appointed by the Executive and vetted by the Legislature. LSK should also be involved. Subordinate courts should be handling minor cases. Tresspassers should be struck off, if it is a Kenyan and if it is not a Kenyan.

Local government. Local Authorities will be independent of the Executive and answerable to the electorate at the grassroots.

Mayors and council chairmen should be elected directly by the people. Mayors and council chairmen should serve a three term



year. Minimum qualification should be K.C.S.E. with a pass in English.

Culture, ethnic and regional diversity and communal rights. Our social groups should be catered for in the constitution. We should have one national language that is Kiswahili. The constitution should be recognized and promote indigenous languages. Our cultural traditional liquor, Busaa should be catered for. Every ethnic group and their culture should be entrenched in the constitution.

Management and use of natural resources. The Executive should not retain these powers. I recommend that 80% of the resources to remain in the division for construction of roads, schools and so on. That is the few I have. Thank you.

**Com. Swazuri:** Julius Ongema. Benson Omwanya. George------(inaudible). You spoke yesterday

**Speaker:** Yeah -----(inaudible).

**Com. Swazuri:** Cipein Makokha. Karibu. -----(inaudible)

**Cipein Makokha:** Kwa jina naitwa Cipein Makokha. -----(inaudible) na tena upande wa vyama mimi naona -----(inaudible)

**Com. Swazuri:** Veronica -----(inaudible). -----Kubasu, hayuko. Charles Khaemba. Joab Munyendo. Haya, karibu.

**Joab Munyendo :** My names are Joab Munyendo Anyaku. I'm going to bring the following views. APs and Kenya police should not just come to somebody's house without any formular. He has come to take anything from somebody's home if they continue to do that they are going to be beaten by wananchi.

Worker. Any person working within Kenyan government should retire after attaining the age of 45 so that he or she has worked for the young turks who are educated than that person. Government should also check in any person who involves himself in politics. That person should not have the age of 45 to 50 because whenever he or she has been working he has retired. He should come back home to look after the family.

We have this local liquor called busaa. Busaa should not be abolished. Busaa I can say that the government should set time for

those wazee who take busaa. Those wazee would come together with a word called “chwako donge”. We come together and drink busaa, time for refreshment. So the government should not send their police to harass those wazee.

Also government should create -----(inaudible) industries so that young people who have no neighbours in the urban areas. Government also should not tax mutumba shoes or clothes. So that those people who are going affordable to have the shoes or clothes -----(inaudible). Also government -----(inaudible) if you know that you have got money. You should not buy land for a person willing to sell his or her land and the person even has a family. You are bringing poverty to that family.

Farmers, here we have farmers in Mumias Sugar Company. And the government should look into farmers not to tax the cane cutters. DOs and chiefs with their Assistant chiefs, government should do away with them. The elders should be given salaries because they are the people who settle disputes in their areas but not DOs, Chiefs and Assistant chiefs. I see the -----(inaudible), lawyer. your son or daughter should not be above the law. Of course a father has got a big boss somewhere. There should also be -----(inaudible) to govern.

AIDS, any person should be tested should be sterilized so that they don't spread the disease.

**Com. Swazuri:** Alice Muruka.

**Alice Muruka:** Jina langu ni Alice Muruka. Ninashukuru kwa sababu sisi wamama tumekumbukwa ili tuseme maoni yetu. Ya kwanza ni kwamba, watoto wasichana, watoto vijana, watoto walemavu wote, wazazi wakifariki wapewe mali equally. Yaani wapewe kipande cha kutoshana.

Point ya pili. Mume na mke waandikishwe kwa title deed ya shamba kwa sababu sana sana mume akikufa mama anazunguka sana akishtaki kaburi. Na haionekani vizuri ukishtaki kaburi.

Wazee wetu watengeneze maneno kabla hawajakufa. Kwa mfano kama wana shamba ama mali ingine wagawe kama bado ni wazima. Wakituacha hivyo wataacha upanga nyuma. Watoto watakatana na chuki itaiingia.

Point ya nne, mke na mume wote waandikishwe kwa contract ya miwa, kwa sababu mume akifa tunasumbuka sana. Hata hiyo miwa watu wanaweza kukunyang'anya ama wavune yote na mama ambaye amebaki na watoto abaki tu hapo bila usaidizi wowote. -----(inaudible). Kama mtu mzima akinajisi mama, au akinajisi mtoto mdogo, huyo mtu anatakikana afungwe maisha, ama asipofungwa maisha huyo mtu awe castrated. Ili asiwe na uwezo ya kutenda kitendo hicho maishani mwake.

Point yangu ingine ni kupiga wanawake. Mwanamke na mwanamume wanatakikana waiishi kwa kuonyana. Tunataka serikali yetu sisi kama wanawake itusaidie. Mwanamume akipiga mwanamke apelekwe kortini na aadhibiwe adhabu ya isipunguke miaka mbili. Ili asimpige tena. Kwa sababu huwezi kuadhibu mtu mkubwa mwenzako na kiboko.

Point yangu ingine ni juu ya uridhi. Kuna tabia mbaya katika area zingine. Mwanamume akifa wanataka kuridhi mwanamke kwa nguvu. Tunasema ya kwamba uridhi iwe kwa hiyari. Uridhi isiwe kulazimishwa. Tena mama achague yule apendaye kama anajisikia kuridhiwa. Lakini isiwe lazima.

Point yangu ingine ni kama ifuatayo. Kuna maandishi mengine ambayo inaleta activity yetu kuwa chini. Kwa mfano unawezapata kwa matatu wameaandika, mwanamke nikama mahindi, maize cob. Mtu yeyote anaweza kukula. Kuna maandishi mengine imeandikwa mwanamke ni kama matatu. If you miss one you get another one. Unaweza kupata wamechora mapicha kama unapata wanachukua mwanamke mbele na nyuma ni samaki. Maandishi kama hayo inaweka dignity ya wamama chini. Maandishi kama hiyo ipigwe marufuku katika Katiba. Waanze tena kuandika na kuchora wanaume.

Ya mwisho ni kuhusu magonjwa. Kuna watu ambao wako chronically ill. Kwa mfano ni bibi, epilepsy, watu kama hao serikali iweke -----na hata pesa tuende hospitali bila malipo. Ni hayo mbarikiwe.

**Com. Swazuri:** Enda pale ujiandikishe. Naomi Machio

**Naomi Machio:** Majina ndio mmesikia ni Naomi Machio. Nina point kadhaa kwa kuchangia kwa katiba. Ya kwanza ni kwamba, mwanamume yeyote ambaye anafanya kazi kwa serikali akijaribu kulure msichana mdogo kwa mapenzi na kisha

amuoe au ampatie mimba aadhibiwe vikali kabisa. Halafu, unwanted pregnancies. Ile msichana amepata mimba kabla aolewe ikuwe ni hatia kwa law. Halafu akipatikana ana mimba na hajaolewa ikuwe anaweza kushtakiwa pia. Halafu wasichana wenyewe hawajadili mahari na mabwana zao, ndio wakikosana msichana ajue kwamba kile waliojadili atarudisha halafu wanaachana.

Kisha ingine ni kwamba kuna kazi zingine ambazo watoto wanatrain na hawaandikwi kazi. Na watu wengine wanafanya kazi wana retire. Wanarudi kwa contract basis wanafanya na kwa sababu wako na experience. Sasa sisi watoto tusipofanya hiyo kazi, tutapataje hiyo experience. Halafu marriage age. Afadhali waconsider hiyo marriage age iwe 20years. Sio unapata mtoto wa 13 years ameolewa, sasa mtoto amezaa mtoto. Hata hawezi beba. Ni hayo tu asanteni.

**Com.Salome:** Asante sana Naomi Machio kwa kutupa maoni ya vijana na mwanamke sio kawaida wasichana waeleze maoni yao. Swali langu moja, ni kusema kuwa mahari izungumuzwe kati ya msichana mwenye kuolewa na mvulana wa kuo. Je hii mahari ni ya akina nani? Kijana akilipa analipa msichana, ama analipa nani?

**Ms. Machio:** Wakishazungumzia mahari itapelekewa wazazi. Lakini ni vizuri wakishazungumza wakikosana hiyo -----ndiyo msichana aweze kurudi huko. Halafu waachane.

**Com. Swazuri:** Joram Wanga. Mwingine akifuatia hapo Julius Wesonga kama yuko karibu.

**Joram Wanga:** Kwa majina ni Joram Wanga. Maoni yangu ni yafuatayo. Maoni yangu ni kuhusu Bunge. Mu yeyote anaye taka viti vya Bunge, wananchi wawe huru kumchagua yule mtu wampendaye.

Kuhusu afya ningeonelea afya ya mwananchi wa kawaida asiye weza kumudu huduma ya afya iwe bure kwa yule mwananchi asiyejiweza.

Kuhusu elimu ningeonelea kwamba, serikali ifanye elimu iwe ya bure ya shule za msingi na za sekondari ili watoto wasioweza kujimudu waweze kumudu.

Upande wa polisi nimeona polisi wanaangamiza raia wengi sana. Unakuta kwamba anakuja nyumbani kwa mtu bila kuwa na kibali na bila mavazi rasmi ya polisi. Na anapofika pale nyumbani, huenda akipata pesa pahali, na anapitia nyumbani kwako, na

akakuta hiyo tembe ama hiyo bangi anakulazimisha kuzibeba na kupeleka mpaka kituo cha polisi. Naona jambo kama hilo, serikali kuondoa watu kama hao hawangefanya kama hivyo.

Upande wa pombe, ningenelea serikali ipate kuwachilia wazee wapumzike na ile inaitwa -----(inaudible) ili wazee wanakaa pamoja na kujadiliana vile wanaweza kukaa.

Watu waliostaafuinaudible katika utumishi wa umma na walioiba mali ya serikali, ni sharti watu kama hao washtakiwa na mali yao ivamiwe na italiwe kwa watu wasiobahatika katika jamii. Mwananchi wa kawaida asiyejiweza serikali imlipo angalau kitu kidogo ili naye pia aweze kujimudu maishani na kujiendeleza na familia yake. Asanteni.

**Com. Muigai:** Nina swali moja kwako juu ya wazee. Wazee ni akina nani? Ni akina baba na mama, au akina baba pekee yao, au ni akina mama pekee yao. Wazee ni nani?

**Mr Joram:** Wazee ni akina baba na akina mama.

**Com. Swazuri:** Julius Wesonga, hayuko. Francis Nyongesa, hayuko. Patrick Wamtashi

**Patrick Wamtashi:** Asante sana commissioners. Nina haya yafuatayo. Kwa jina ni Patrick Wamtashi. Mimi ningependekeza kwamba mswada ambayo unatengenezwa na Mbunge Aringo upitishwe. Hasa na mambo ya raisi----- (inaudible).

Pia jambo la pili, miswada ambayo inajadiliwa, bills that are passed in the Parliament should work. They should not be awaiting. Especially this children bill which was passed in April.

Three, I would suggest that any Kenyan who is handicapped should not be taxed, since he or she is doing a lot to their land and paying the government and on his domestic prowess.

Four, specialization should be encouraged in Kenya just like in other places where somebody or mtu yeyote should be employed from the word go to appeal this issue of no employment. Then I feel also that there should be free primary education, and it should also be compulsory. Anybody who does not take his or her daughter or son to school, should be taken to prison.

I also suggest that social affairs like this AIDS. People are fighting AIDS. But there is no solution, like in other countries

especially our neighbour here in Uganda there was passed a bill. And this bill said clearly that anybody who will be found in immoral act should be imprisoned. Kwa Kiswahili tunasema ya kwa kwamba walithibitisha Idara Uganda ya kwamba, yoyote yule amepatikana anafanya uzinaa yeye afitishwe mahakamani. Pia ningependekeza ya kwamba mtu yeyote ambaye athuhuzisha kama anapanga mwanamke ama mwanamke anampanga mwanamume aweze kuchukuliwa hatua kali.

Pia mimi ningependekeza kwamba wakati utengwe, -----inaudible in that most people do not afford to practice the commercial brew whereby we had those old people in the economy. So if somebody wants to satisfy his or her needs by brewing, he should be given a chance. otherwise thank you.

**Com. Swazuri:** Were Hiny, hayuko. Pauline Makhoha. Orinda Charles. Karoli Musindaro. Ni wewe Mzee. Na utuambie jina lako.

**Karoli Musindare:** Mimi ni Karoli Musindare. Asante sana commissioner. Yangu ni kusema ya kwamba, mtu akifa shamba lake igawanywe kwa jamii yake kuliko kuenda kwa serikali kuchukua kesi-----inaudible. Kwa maana serikali iko hapa-----inaudible chief na sub-chief wafanye hiyo kazi.

Ya pili, mimi nataka ile serikali ya Majimbo-----inaudible aina ya serikali ya central government kwa maana sasa-----inaudible). Sasa tunataka serikali iwe ya Majimbo iaangalie mali yetu-----inaudible).

**Com. Swazuri:** Margrate Okoyawa.

**Margrate Okoyawa:** Asante sana. Kwa majina naitwa Margrate Okoyawa -----Women Group ambao tutapeana. Kuna chache ambao tunataka kuzungumza na hiyo ni kuhusu wamama. Nashukuru ya kwamba umetupa nafasi hiyo ili tukaweze kusema yale inayotuhusu. Jambo moja ambalo linatuhusu wa mama na hiyo imeendelea kwa muda mrefu ni kuhusu property katika boma kuchukuliwa na wengine kwa sababu watu wanajua kwamba mama hana uwezo juu ya property hiyo. Kwa hivyo mimi na recommend ya kwamba jina la mama liwe kwa title deed.

Contract ya miwa jina la mama na baba liwe ili property iwe protected. Ili watu wa nje wasije wakaingia ama jamiii wasije

wakaingia. Kwa kuwa wanajua mume akifa mama atabaki ambao ni the rightful owner of the property.

Ya pili, wa mama waweze kupewa free health treatment kwa wale ambao wana kazi ngumu especially wakiwa na mimba, wajawazito. Hawa huwa na kazi ukiwa mzito. Kwa hivyo wapewe free health facilities pamoja na watoto ambao ni miaka moja mpaka tano na wale ambao hawajiwezi wapate free treatment.

Yanayofuta nikiachana na mambo ya wa mama ni habari ya pension. Ningesema kwamba mtu anaporetire saa zingine hapewi statement. Hata hajui atapata nini. Atakaa na huyo mtu akaye mpaka pengine afe kabla hajapata hiyo pesa. Kwa hivyo pension mtu anapo retire apate mara moja.

Halafu yafuatayo kwa pension ni ya kwamba mtu should receive a yearly increament when the other government officers get their increament to enjoy the fruits of their hard work in the building of the nation of Kenya.

Point ya mwisho ni kuhusu churches. I recommend that churches should not be registered under societies act, and they should have a different votes to deal with church matters only. It should be easy to detect devil worship and the true church. That will -----inaudible nature and spirit of worship and enable those who worship God to worship in Spirit and in truth. Ni hayo tu. Asanteni.

**Com. Swazuri:** Mwingine ni Dismas Kweyu.

**Dismas Kweyu:** Kwa majina naitwa Dismas Kweyu. I'm the education officer. I'm going to talk about political parties. This is a question of what was found within the questionnaire under the Constitutional Review. I've only selected that section and a few comments, I have just written orally but I'm just going to select a few points to comment upon. Otherwise thank you very much. I'm going to start on one area under politics and it is on structure and system of government. Kenya has a presidential system of government should need to retain a presidential system of government. We should write a different one. Why? In order to draw a comparison between the two that is presidential and parliamentary. So we should try to adopt a parliamentary system. We should not just stick on one but we should have parliamentary.

Second one we should try to adopt a parliamentary system that one I have explained. I have only taken one question. Should changes be made to age requirement for voting and contesting for parliament seat or the president? If so what changes? For any member of parliament age should be 35 years and above. Education should be up to form four. Voting age should remain 18 years minimum. For one to contest for presidential seat, age should be 60 years minimum. Why? It will mark the party policy of wisdom bracket where -----inaudible where of majority is there in leadership. For one to contest for presidency he should have a minimum of university degree. All future Presidents should rule for two terms for 10 years. Why? To allow rotation of leadership.

Are language tests required for parliamentary elections? If not what changes should be made. To answer, language tests should be treated now as obsolete, since we now suggest that all future MPs should have a minimum of O'level certificates with at least a pass in English language.

Another question should we introduce moral and ethical qualifications for parliamentary candidates? Yes . for voters we have the right to vote for only candidates whose track records are clean and free from all sorts of vices such as corruption, theft cases etc.

Should the people have the right to call the MPs. If so what should be the procedure? Yes the people should by consensus write to the Electoral Commission of Kenya, put forward all their grievances and through passing no vote of confidence in their sitting MPs. The ECK should then declare the seat vacant and fresh elections called for.

The last one. Do we continue with the current multi-party system in which the Legislature and one party is Executive or do we change for a system that demands multi-party representation at both levels of government?

Answer. We should continue with the current multi-party system with the Legislature and one party in the Executive so that the members of opposition in the Legislature are able to act as watchdogs on all parliamentary views. Thank you very much.

**Com. Swazuri:** Mwajuma. Sema jina lako kamili.



**Mwajuma Sibaliya:** jina langu ni Mjuma Sibaliya. Maoni yangu ndio hii. nasumbuka sana kwa sababu maji kubaki nje, lakini kutoa huko ni ngumu. Utanisaidia namna gani? Kwa sababu mimi ni -----inaudible. Nikiuliza hiyo kama nilipeleka maji yangu kutoa huko ni ngumu. Nina watoto kwa shule tena wengine ni wagonjwa. Mimi mwenyewe pia ni mgonjwa.

**Com. Swazuri:** Francis Matendei. Nickson Iganga Haya.

**Nickson Iganga:** Majina yangu ni Nickson Iganga. Mimi ni mkaaji wa hapa. I have written my memorandum in English so I'll read in English.

**Interjection:** Inaudible

**Mr Nickson:** I'll touch on electoral system and forces. There I propose that for any presidential candidate to the elections should be carried out then we should have a winning president to attain the 50% of the votes cast and he should have acquired 25% of the votes in five provinces. ------(inaudible) we should have a winner for the runners up as the winner, to determine the winner.

Two, I'll touch on local government. I propose that the local government Act as it is today, places too much power on the hands of the central government. To the extent that the Local Authorities cannot be effective and be of any meaning to the people. So it would be necessary to -----.

One, institute comprehensive review of the Local Authorities act to place more powers, authority and autonomy in the hands of Local Authorities through development of local government framework that will serve the Local Authorities collecting up revenue, managing it and provide basic essential services to the people.

We develop activities that will help enhance efficient financial management for local authorities.

Empower Local Authorities even more by introducing Legislation that will allow a direct election mechanism that will ensure all senior office holders in the Local Authorities like the Mayor, the Chairman and the deputy mayor, wachagiuliwe na watu directly.

Land policy. On land policy, it is not sure that land policy have achieved since independence has not enabled us to be effective dealing with squatter problem countrywide. I propose we institute an efficient land adjudication system, that will ensure that the

process of land allocation and ownership is carried out fairly and judiciously. I propose that parallel review of property ownership law that will ensure that the issue of squatters is given urgent and serious attention and guaranteed the rights of individuals to own property in any part of the country.

Lastly, development of public land policy that will ensure that never again in Kenya will public land be arbitrarily allocated at the whim of the Executive.

I come to women and vulnerable groups. Women have been marginalized not only from participating in effective decision making but also from assuming the roles as spouses alongside their menfolk. We have to change these situation and get women coodinable with governance by effecting the following.

One, put affirmartive action legislation to give women oppportunity to fully participate in decision making in the governance of the country.

Two, support legislation that requires both parents to participate in taking care of the children. Wazazi wote wawili wahusishwe katika utunzaji wa watoto wao.

Support legislation that encourages equality in inheritance issues. It should taking into account various cultural, religious and other backgrounds.

Campaign against early marriages of girl children and encourage all Kenyan communities to eliminate the girl child issue. -----(inaudible).

The youth. We should have a policy participation of the youth in public affairs at all level of society. -----(inaudible) to involve the youth in all levels of decision making. It should institute the youth in leadership training programmes that will help some of the most talented young people to be represented in various academics as a -----(inaudible) political process.

Development of an institutional framework through which young people could be helped to finance investment to reduce over reliance on white collar employment.

Then my last point is that when a President retires they should be given security among their requirements but if there are any ills

committed it shows they should be charged. Thank you.

**Com. Swazuri:** Asha Mukoya. Wapi mama Asha? Karibu.

**Speaker:** Si ungempelekea tape hapo. You can take this to her.

**Com. Swazuri:** Mwache akae hapo hapo. Tutafika hapo.

**Asha Mukoya:** *Esie nangwa Asha Mukoya. Mama abolanga mbu mukhasi waye fafwa miaka hamsini nende ndala mana liloba yanyulwa. Yaraka mikachi lakini mikachi eko nikeremwa, sanyolanga mapesa nda. Maliro kaye yayira mu serikali ekuli eria lakini ni kakalukha asi, bandu banyasianga makuwa. Ne nareba khulipwa mpaka isaino. ....sirenye siaye sitsuna khubera mukunda, lano asaba serikali imukhonye. Mbara kabwerere awao.*

**Translator:** Mama anasema ya kwamba, maoni yake ni haya. Mume wake alikufa mwaka hamsini na moja na shamba lake alinyang'anywa. Alipanda miwa, lakini wakati anapokata hiyo miwa ile pesa hapati. Malilio yake alipeleka mpaka kwa serikali kule juu, lakini wanapoendelea ikifika chini hapa watu wanaharibu maneno hapati haki yake. Na anapouliza huwa analipigwa mpaka wakati huu amevunjwa mguu wake uliumia kwa sababu ya shamba. Sasa angependa serikali imsaidie. Nafikiri ameishia hapo.

**Com. Swazuri:** Gabriel Atoko

**Gabriel Atoko:** Good morning. Good afternoon. Thank you very much. My names are Gabriel Atoko. I'm a resident here. My comments are on institutions of higher learning. Universities, colleges, they should be evenly distributed in all provinces to avoid the cluster of all national institutions in just one or two provinces.

Number two is national amenities like power and lighting. There should be established in strategic and economical area locations, anywhere in the republic. An institution, an example in mind is where we have the Webuye Falls. A natural phenomena, abundant water and yet nobody has thought that it can generate electricity.

Health institutions should be evenly distributed and established in all parts of the country, and all the costs should be made free for unemployed nationals. People who are not employed that have no means should get free medical services.

Number four, all communities, tribes and clans in Kenya should be treated equally. They should be well represented in all economic and public institutions, with a bias and higher representation of the local community where the institution is. An example in mind you find a place like Mumias Sugar Company. It was established where the people from Matungu and Mumias were moved. Some people today have no land. They have never managed to have in 34 years to have a chairman, not a general manager. They say they don't even have a head department. It is a sad situation. And yet the children of these people some of the parents did not use the money properly and they have nowhere to go.

National projects should first be mooted and the views of the majority sought from all constituencies and the best option adopted to avoid white elephants. Laws in this country should protect the ignorant people. We have examples here where Mumias Sugar Company or -----(inaudible) when the employees there make a mistake and he is just a farmer. The farmer would spend more than what his payment is to get his rights, and nobody will refund even the interest, and the amount was not given enough to pay him. So in serving for an ignorant person let us make sure whether the amount is bigger than the expected return.

Protection of the public against terminal and contagious diseases and those others should be uniformly applied in the whole country. If today there was an outbreak of TB there are special wards, but today it is sad people are not protected from the AIDS sufferers. I will propose that people with AIDS there should be a special mark. If they are men it should be on the wrist, if they are ladies it should be on the shoulder. The reason you have your daughter or son educated and you know there are no stringent measures for testing and in a few days you will be dead. Because there are no protection in the republic. And if there are -----inaudible to pay people are isolated. So I do not propose for isolation, but I propose a mark on the wrist and the ID card every year.

The last is all people in Kenya implicated in national fraud should never be allowed to address the public or hold public office, whether elective or otherwise. It is a shame today that we have nationally known implicated individuals in elected positions.

**Com. Salome:** Thank you my question is on AIDS sufferers. First point on the difference of the marks, why men on the wrist and women on the shoulder?

**Mr Atoko:** The differential is that men have the option of wearing long sleeved shirts. So it would be easy to see right above

the wrist of that man. Most ladies wear short sleeved dresses and we do not want to expose them. But the question of human rights does not apply because we do not legalise somebody to kill others and the government is protecting them. Why do you then isolate T.B. patients? **Com. Swazuri:** Maurice Ambale to be followed by Edwin Wesonga. Is Eddie here?

**Maurice Ambale:** Thank you very much for giving me this opportunity. My names are Maurice Ambale. I'm a teacher by profession ----- on social on issues which I think should be put in the constitution. Now divorce should be outlawed. We should talk about separation because divorce is violence against the family. The constituion of Kenya should be able to protect the family and the children, so we should talk of separation but divorce under any circumstances should be outlawed in the constitution.

Marital violence. We have talked about beating of wives or women in families by husbands. Now what happens when there is marital violence on the side of men, because you see people staying together. We have heard men who are beaten by their wives, and it is always thought that only the women who can suffer that kind of violence. So let us talk of violence in terms of phycological violence and also physical violence. So men who suffer pshycological violence, because of any circumstances in the family, should also be protected by the constitution. I also talk about marriage again. The come we stay kind of marriage, in which a girl or a daughter will say come we stay, such people should be prosecuted because that is what causes a lot of violence in the home. Come we stay kind of marriages should be outlawed. Anybody found staying without any legal, such people should be prosecuted and such marriages dissolved.

Then we have this idea of defilement. A mature person that rapes a mature woman. It should be vice versa. Because children sometimes are at the mercy of men and therefore cannot protect themselves. A mature woman probably we can say she was a cause to the problem of them. Also men are are subjected to rape by women. We also should have the costitution protecting such men.

Now we also talk about the dignity of women. Advertisements on TVs, radio and newspapers portraying women negatively should be outlawed in the constitution. You find a woman being shown almost nude. That should be outlawed because this

contributes to people seeing women as sex objects.

Dowry should be abolished because it contributes to marital violence especially where women are sometimes looked at as objects like any other object in the family owned by the man. So it should be abolished -----(inaudible).

The last point is about civic rights that we talk about. We should have these civic rights in school curriculum so that a subject like this is made compulsory. This is where civic rights are taught. It should be made compulsory for all Kenyans so that next time we don't use state funds trying to educate people on civic rights.

**Com. Swazuri:** Akida Mukuyu. Ni wewe

**Akida Mukuyu:** Mimi kwa majina naitwa Akida Ombuyu. Naongea kuhusu mpango ya rais anakaa kwa ofisi kwa vifungu viwili kwa miaka mitano mitano. Napendekeza ya kwamba haki ya usawa ya mtoto mwanamke na mwanamume yakuridhi ardhi si kweli. Yapasa mwanamume ndiye aridhi. Kwa sababu akiridhi wote watakuja kuchangia ya kwamba yaonekana kuna usawa kwamba mwanamke pia anapata akuo a mwanamume. Na hapo utapata watu wakijazana kwa boma ati wamekuja kuoleka na watoto wako wasichana.

Nachangia ya kwamba vyama vya siasa vinapasa kusimamiwa kama KANU kwa sababu zote zinapigania masilahi ya wananchi sawa.

**Ephraim Osundwa:** Jina langu ni Ebrahim Osundwa. Maoni yangu ni juu ya uongozi kutoka ndani ya nyumba. Sababu nimesikia kutoka enzi za mababu uongozi ulitoka ndani ya manyumba. Lakini sasa watu wanalilia uongozi kutoka juu. Nasikitika mtu akiuunda kitu kibaya kutoka kwa nyumba yake ushafika kule kwa ofisi ukisema, kiti itanifinya wala isifinye mtoto wangu. Ushanza kufinya kumbe unalalamikia.

Kuhusu habari ya pombe ya kienyeji kama huku kwetu, inahitijika kwa sababu ukienda Nairobi unapata watu hata maaskari wakinywa busaa ndani ya kilabu. Ni vizuri serikali isitufinye na sisi tufungue kilabu, tulipie ushuhuru halafu pombe inywewe kwa mitaa inayopatikana. Isiwe pombe ya kunywewa kama chakula tu nyumbani. Mtu akitoka kazini anakwenda kwa kilabu. Akiwa na pesa zake aanywe pombe yake. Kisha ajue masaa fulani anaingia kwake nyumbani.

Upande wa siasa na ningependekeza hivi. Wakati watu wanasimama siasa. Mtu kutaka kiti cha urais akianguka, abaki na watu wake wote. Aliyepita aunde serikali kwa sababu ukichanganya mahindi na maharagwe hatuwezi kuwa jina moja. Lazima tuchanganye majina mawili ya kufananisha hizi vitu. Itatoka vizuri ikiwa imeunganishwa. Lakini hatuwezi tukisema kwa jina moja.

Upande wa wamama, wanyumbani. Mimi ningeeunga mkono kabisa. Ukizaa mtoto msichana na umpe shamba. Ukweli ni kwamba mimi nikioa yeye kesho ama kesho kutwa, akizaa msichana tutakula na yeye kwa meza moja tu, lakini nikifa asahau. Kwa sababu wake wengi mimi nimeona wakiua watoto wao baba yao wakisha kufa. Wakati huyo anapatana na mzee mwingine anamwambia hapa tunataka twende Uganda tutatajirika. Mama anawasema huyu mtoto wangu kijana amenirape. Hiyo kesi inapelekwa mpaka kortini. Kijana mbaroni, shamba kuuzwa watu Uganda. Si haki kama huyu mama hakuzaa mtoto kijana alilie shamba, bahati yako ilikuwa mbaya. Kwa sababu mimi ninavyojua

**Interjection:** Tumeelewa

**Mr Akida:** Upande wa kimasomo. Serikali ingetia mkazo raisi wa jamhuri alivyotangaza kwamba watoto wa shule ya msingi wasome bure. Namsifu Rais kwa sababu ana macho ya kuona nchi yake inakwenda wapi.

Upande wa security. Askari anapokwenda nyumbani kwa mtu kama amekosa, ni vizuri aende kwa heshima kwa sababu ako kazini kwake. Na amwambie mwenye boma tafadhali tumekuwa juu ya hivi na hivi. Hata askari akipata wewe hujakula umwambie subiri kidogo na mama watoto anipe uji halafu tuandamane.

Upande wa mashamba, ingekuwa mtu mmoja mzee ambaye ana watoto wakubwa. Angehushishwa upande wa mahsmba. Atalia mkazo bila kulia kiti mimi nakitaka kuuza shamba langu ninaongea na Bwana Joseph. Ananipa cheti kule kortini halafu shamba inakuja kupigwa waya. Shamba isha -----na familia nyumbani kawa sababu tukiwa na huyu mzee, atajua kabisa huyu kijana wa fulani anapotaka kuuza shamba, hata mtoto wake aendea mahali yuko. Shamba ndio siuzwe kiholela.

Ya mwisho ni wakumbuke walimu wa nasari. Mshahara yao ingepanda kushinda mwalimu anafundisha darasa la kwanza.

Mwalimu huyu hulea mtoto. Anaaza kulea mtoto bila kiboko mpaka mwalimu wa darasa la kwanza anapata mtoto akiwa amereefuka. Yeye kazi yake ni kumsomesha na kiboko. Moja ikienda moja ni mbili kama hukusikia ni viboko. Mwalimu anafaa afikiwiwe sana. Kama ni shule ya nasari, mwalimu apewe shule ya nasari na watoto wa nasari minus government schools.

**Com. Swazuri:** Earnest Wahome.

**Earnest Wahome:** -----(inaudible). Earnest Wahome. Kenya is a democratic country. Therefore where democracy is the government of the people, for the people, by the people. I would like to propose the following amendment in our constitution pertaining to the Executive. Our constitution should provide for the Executive as the highest office of the land. The President should not be above the law and should be subject to impeachment while in office.

Qualifications of the President: The President should be aged between 30 to 70 years because of reduced life expectant. He or she should gather at least 61 and above votes in a free and fair elections. And if we cannot have a winning candidate in this particular percentage he should have around between the two leading candidates in a presidential contest.

A President must have good moral standards, must be a holder of a degree or an equivalent from a recognized institution.

Must be a person of high integrity.

Must be physically fit because a President might be required to inspect the guard of honour mounted by our forces locally or internationally. Therefore a President must be physically fit.

He should not necessarily be an MP but if so then his constituency must be represented by somebody else. There should be a presidential tenure of two terms of five years each.

The functions of the president should be well defined in our constitution. He has to be the chief Executive. He should preside over the ceremonies of our universities, institutions of higher learning and be the Chancellor of all the universities. He should also have powers to declare war over an external enemy and be the Commander in Chief and not necessarily be the commander in chief. To create employment for other Kenyans. For part of that one we can create a post of the minister for defence who will be above the command and the Chief of General Staff. That way that we shall be able to create more employment for other Kenyans for the -----(inaudible) to our national peace.



Addressing the National Holidays,

**Interjection:** That's enough.

**Mr Wahome:** I shall also touch something on Vice President because we have been seeing a case whereby the Vice-President is just a stooge. The Vice-President, I propose that he should be a presidential running mate during elections. The Vice-President should also share the qualifications of a –President. Our Vice-President should be able to execute the powers of the President if the President dies in office to complete that Presidential term in office. So that we don't have this idea of a Vice-President leading the country for 90 days. We should reserve that position. We should also have the post of a Prime Minister. Our Prime Minister should be appointed by the President and also be subject to parliamentary 2/3 majority. Our prime Minister should be the head of the government. Then we have to appoint Ministers, Assistant Ministers, Permanent Secretaries, and all those who work under that establishment as a way of dividing the Executive powers.

Then I'll say something on Provincial Administration. Our provincial Administration should stay and it should be politically neutral. It should not serve the interest of the appointing authority. Chiefs and Assistant Chiefs should be elected directly by the people for a period of five years, and they should be found working by the people







le.

Provincial, District Commissioners, chiefs and Assistant Chiefs should be people of integrity, married and with high education either diploma or higher from a recognized institution. Thank you very much.

**Com. Swazuri:** Reagen Wandala.

**Reagen Wandala:** Thank you very much. I'm Reagen Wandala. I have some few comments to put across. The President should be in office for four years for a maximum of eight years. Tenure should be put for the registered party. President should have -----(inaudible) in education. Office of the President should be under the law. President should be given some allowances where he has not have any bad records in the office.

Education should be free from primary to campus. No public smoking from either cigarettes. Opposition should have votes in

the government to get rid of corruption. Goods that are made in Kenya should not be taxed higher eg cement.

**Com. Swazuri:** Hinston -----. Joseph Malalu.

**Joseph Malalu:** Asante sana. Kwa majina mimi ni Joseph Malalu Keya. Cost sharing. Tukiaangalia kweli mke anakosea kusema mume wafanye cost sharing ama watoshane. Kwa sheri kutoka zamani, Mungu alipea Adam mke awe msaaidizi. Hakupea mke atoshane na Adam. Kwa hivyo mke anatakikana kufanya kazi vile aliambiwa awe msaidizi. Asaidie mume kazi yake.

Pili, Sheria ama law books ya ndovu inunuliwe kwa maduka, ipeanwe kwa ma group wasaisdie wananchi wa kawaida. Wananchi wa kawaida anaenda kortini kushtaki mtu ama anashikwa kama hajui nini atasema kortini. Sheria hizi ukisema kwa serikali, polisi anashikwa mkono, jaji nimkora. Vita -----(inaudible). Na makosa. Sasa yule mtu hana haki hana maagizo yoyote. Akipitia C.I.D. tena ana msaidizi yoyote. Sasa mtu wa kawaida vile Kenya ya demokrasia imesema hapa ingewekwa kusaidia mtu asiyejiweza apate haki kwa Sheria.



Na sasa hapati.------(inaudible)

**Com. Swazuri:** Juma Okumu. Karibu Mzee.

**Juma Okumu:** Asante sana. Wenye wako hapa wote wasikize neno ambalo nimetoa kwa mdomo wangu. Majina yangu ni Juma Okumu Odero. Nitaanza namna hii. Neno la kwanza, tuanze na hili neno mwaka wa elfu mbili. Maneno ilivutwa kuwa mpya kufuatana na hili neno. Yangu nasema kutoka kwa mwongo wangu mimi mwenyewe. Vitu vya kwanza vile zilikuwa zamani tena zianze kutoka leo mpya kama vinapanda kutoka chini mpaka zinaenda juu.

Niko na maneno ingine. Pesa iko juu na vitu iko chini ya hiyo pesa. Na kila kitu iko chini ya pesa. Pesa yenyewe hatupati.

Kama tunapata hiyo pesa tunasema, oh huyu jamaa anapata pesa nyingi. Anakwenda kufanyia nini na sasa hatupati pesa.

Neno langu la pili ndiyo hii. Mama na baba waliumbwa mtu moja peke yake. Mama asaidie mume. Si kusema ati mume asaidie kazi ya mke. Hapana.

**Com. Swazuri:** mumesikia. Kuanzia leo mzee anasema mambo yabadilikwe kama alivyosema. Asante sana. John Katabach.



**John Katabach:** Asante sana commissioner wetu. Jina langu naitwa John Karongo Katabach. Niko na memorandum ambayo imeandikwa na -----group ambayo nitajaribu kutaja yale machahce lakini mengine baadaye. Kwanza, nitashikilia katika haki ya ardhi na mali. Point ya kwanza. Je tuwe ni kiwango cha ukubwa wa ardhi? Yaweza kulitua----- (inaudible). Ningependekeza kwamba mtu awe na acre hamsini peke yake, ikiwa ndio acreage ya juu sana ya mtu mmoja kupata Kenya hii. ikia kwa Katiba itakuwa sawasawa.

Ya pili, jamii wawe na uwezo wa badilishana mali ya ardhi bila kupitia kortini. Jamii iwe inakutana na kuzungumza maswala ya ardhi kwa assistant chief, akiwa na jamii yote, ambayo wanahusishwa kwa maneno haya kwa assistant chief, mara ya tatu ili kuthibitisha ubadilishanaji.

Inginge serikali ya Wilaya iwe na uwezo? Jibu ni kwamba serikali ya Wilaya ziwe na uwezo wa ----- (inaudible). Na ikiwezekana hata Board iwe inaletwa katika Division ili irahishe kukutano kwa hawa wote ambao wanahusika na mambo ya umilikaji.

Je wanaume na wanawake wawe na uwezo? Pendekezo ilikuwa kwamba wanawake wawezeshwe. Ukiwa mwanamke hakuweza kupata mahali pengine popote ama hakuolewa. Nisawa akubaliwe kupata ardhi katika jamii. Lakini yule ameolewa hiyo ni mambo ingine ambayo inastahili kuangaliwa na jamii.

Namba tatu ni njia gani nchi zingine njia ya kodi inaweza kutumiwa ili kusanya pesa za umma? Mtu alipe kodi moja kwa moja kupitia kwa assistant, chief kabla kuenda kwa Chief au kwa DC huko. Halafu pesa mingi tena unarudi imepotelea huko. Hata huwezi jua imetumiwa kwa njia gani.

Ya mwisho, pendekezo ya kwamba ikiwa mali ya asili kama mtoni, makanisa kama mahali makaburi imilikiwe na jamii. Ikiwezekana tittle deed itoke maridhawa kwa mahali hapo ili isiwe mali ya mtu binafsi.

**Com. Swazuri:** Sabena Auma. Karibu mama.

**Sabena Auma Machio:** *Esie nangwa Sabena Auma Machio.*

**Translator:** Mama anasema ya kwamba alikuwa na mume -----inaudible. Na akamwacha na watoto wasita. Na shida yake sasa ni shamba.

**Mama Sabena:** *Esie ndali nende musatsa .....ne nandekha nende bana sita. Ne ishida yange lano ni liloba.*

**Translator:** Mama anasema mume wa kwanza alikufa akamwacha na watoto watatu. Akachukuliwa na mume wa pili ambaye alikuwa ndugu wa yule wa kwanza. Na yule mume wa pili pia alizaa na yeye watoto watatu. Sasa ilifika pahali akaona ya kwamba agawie watoto wa mume wa kwanza shamba, kwa sababu watoto wa tatu wa mume wa pili ambao shamba zao hawa katiya wanaume wawili ilikuwa bado haijagawanywa.

**Com. Swazuri:** Mama enda ujiandikishe. Lazima tuweke tofauti kati ya matatizo yetu ya kibinafsi ya kijamii, ijapo na njia yake ambayo tunaweza kuyafuatia. Ingawaje tunataka kusaidia lakini hapa tunatengeneza sheria ambazo zitafanya mambo kama hayo isitoke tena. Kwa yale ambayo tayari tuko nayo, lazima tuyaendeleze kwa njia ambazo tunahusika. Tunajaqribu kutengeneza sheria ili tukikaa na shida kama hizo, tunapata hawa wanaokuja hawa wasiwe na sheria kama hizi. Fredrick Omolo. Clementina Omony.

**Clementina Omony:** Asante sana Commissioner wetu wa leo na msafara wako Kwa majina ni Clementina Omony. Naakilisha Maendeleo ya Wanawake Matungu Division, kama Chair person. Maoni yangu kwa wamama ya kwanza ni hii. Wamama wanastahili wawe sawa na wababa kwa maana kwa Mungu wote ni binadamu.

Point ya pili, wamama wanastahili wapewe heshima yao kiofisini, kwa maana, kwa mfano msichana ameenda kuitwa kazi kwa ofisi. Anaambiwa afanye urafiki na wenye ofisi. Vijana naye akienda kuuliza kazi kwa ofisi anapewa bila mambo kama hayo.

Jambo la tatu, mashamba pia inastahili wamama wagawe kabla baba kufa. Kwa maana baba anaweza kuwa na wanawake wawili au watatu, na ana mapendeleo. Saa ile anakufa, anachukua shamba anapatia mke yule anapenda, sasa mwingine hata kama ni wa pili anachukuliwa kama ni wa kwanza. Anajulikana hawezipata shamba sawa na wale wengine.

Point ya nne: wamama hawa Maendeleo ya Wanawake, ni hawa watu walijitokeza tu kwa neema yao. Lakini hakuna chochote wanapopata kutoka kwa serikali. Na wanashughulikia serikali. Saa ile ya ujenzi wako pamoja na wababa. Harambee ni hiyo

wako pamoja na wababa. Lakini ikitokezea wakawa ndio walikuwa kwa msitari wa mbele wanasahau wamama wa maendeleo.

Ya tano, wamama wapewe nafasi yao kimaendeleo. Kwa sababu wamama wanapotoka wakienda kwa mkutano wa kikundi, na imefika wakati wa pesa kwa kikundi, baba anasema msiondoke. Hakuna mahali unaenda. Labda unaenda tu kuzurura. Lakini baba naye akitaka kukunywa hata pombe, mama anampa nafasi. Ni hayo tu niko nayo.

**Com. Swazuri:** -----Onyango. Omutimba Charles.

**Omutimba Charles Washan:** Thank you for this opportunity and I would like to highlight the following points.

**Com. Salome:** Your names.

**Mr Omutimba:** Omutimba Charles Washan. Point number one, a winning President should garnered over 70% of the the total number of registered voters.

Point number two, the ruling party should not just leave the President to choose the Cabinet, otherwise it should be the elected members of parliament to choose or nominate the Ministers.

Three, the President after the term of five years must have visited all the constituencies in Kenya; and form supporting projects that can assist Kenyans. The President should ensure equal distribution of wealth, to reduce economic inequalities in the country. The President should also ensure that he gives room to other political parties to give contribution to the running of the country. It should not be the ruling party only.

The opposition leaders should come up and support the President to create an enabling environment for economic growth and social equality.

On the side of the Vice President, he is directly answerable to the President. The constitution should ensure that the Vic-President has a right to decide on crucial matters affecting the country, eg nominating MPs and Cabinet members, location and development of various projects. He should be elected by the voters, the people. Not nominated by the President or the party.

About elections, the constitution should ensure that all the elections including party elections, should be controlled by the Electoral Commission of Kenya; and it should be secret balloting, not by acclamation like it was earlier or as it is in other areas. Each and everyone in Kenya has only one vote and should not control the choice of others. He or she should just vote and give room to others to do so.

On education, it should be free and compulsory from nursery to secondary level. The constitution should try to defend graduates. Graduates from public universities should be given allowances for half-----(inaudible) or be employed at half salary which can be renewed after every 2 years. Because these people are really suffering outside there. When we say we have chances like in the teaching section we have shortage of teachers. But we have so many teachers languishing out side there. So they can be employed at half salary.

The government should be able to create employment opportunities for graduates and look for posts or vacancies overseas for the graduates.

Kiswahili should be given support as a National Language to reduce tribalism.

About social life the constitution should observe the following:

Marriage under 18 should be illegal and punishable. All those girls and boys who marry under 18 should be punished.

Pregnant school girls should be able to identify the people responsible, and should be punished severely and if they are school boys they should be punished and also be stopped from schooling.

- Pregnant school girls after giving birth should go back to school, and this is the time the boys can also go back to school.
- The traditional marital understanding should be respected so control to reduce divorce and marital violence.
- Married women and men should be prosecuted to check the spread of sexually transmitted diseases and -----inaudible they would be given high chances to be bachelors or spinsters.

Parents should distribute wealth before death or write a will. About the elected MPs who fail to put up any development project should be voted out by the constituency. MPs should have central offices in their constituencies rather than staying in Nairobi only to be called by voters.

Lastly, is on security. Some areas have no security at all. So the government should ensure that it distributes enough security officers in these areas, to tame terrorists who are terrorizing wananchi. Thank you.

**Com. Swazuri:** Osman Nyambodha. Ham Kongani. You spoke yesterday.

**Mr Ham Kongani:**-----inaudible. I'm Ham Kongani Musindato. I'm going to talk about the economy of the country. I suggest that all people including the President should be consulted how he or she got his or her wealth.

Second , I will say something concerning corruption. The Law should be imposed or should be made so that anybody found exercising corruption be imprisoned instead of being left like that.

About heads of department and head teachers from schools. I would suggest that those people heading their department or institutions who have been found that they have misused money for that institution, or that school should be forced to pay that money and at the same time should be -----inaudible and at the same time should be sacked. Not at this time where you find that when a teacher has messed in a certain school, or a manager has messed in a certain company. You find that he is being given a transfer to a certain place. By doing so they are increasing what we call corruption in the country.

Fourth, MPs should be given two terms in the parliament. I say so because you find at present our MPs who are there at the moment they are fighting for higher salaries whereby the economy of this country has declined to a certain extent. For they did not know that we people who elected them instead of serving us, they have gone there to increase their salaries. So by reducing corruption those people should be allowed to go there for a very short time that is two terms if possible.

Fifth, I'm going to talk about equal rights. People keep saying about equal rights. Equal rights is there but you find that when a woman and a man are given equal rights there will be increasing divorces or separations in that home. I say so because in Kiswahili we always say that "Fahari wawili hawafungwi kwa zizi moja." This woman will be claiming her rights to be equal with the husband and her husband will be saying I'm supposed to be the owner of this house. And even Biblically you find that a

house is being managed by the husband.

The other point is about raping. Right now I suggest that someone found raping, in case I'm the one I should be taken to the hospital and find out if I'm having the HIV Virus, then I should be killed. Because I have made that daughter of someone because of me. So that should be looked into. If I don't have the HIV I should be imprisoned.

The other point is about the Constitution. Changing the constitution all the time and then I find it is an effort because at the moment we need to know the Constitution and at the same time I should urge the government to give training or to teach all institutions or schools the law so that each and every person should know the law.

**Com. Swazuri:** Henry Makokha, hayuko. Emanuel Wakhungu Otia.

**Emanuel Wakhungu Otia:** Thank you very much Commissioners. My name is Wakhungu Emmanuel. I work with the ministry of Agriculture. I have three issues to bring to your attention. One is on the honorary awards by the head of State. I think these should not be at the discretion of the head of State. I think that there must be an all inclusive committee not this disciplinary committee that oversee this. So that some people from some sectors with enormous contributions are not left out. I would like to single out farmers information. I think farmers have not been accorded the necessary awards in this respect. You find that we have farmers who have had wealth and have contributed enormously to the economy of this country. But when it comes to the receiving of the awards, they are completely left out. We would like to see in future our constitution addressing this idea so that we have farmers also having E.B.S. etc I think this can be a very good motivation and incentive to the farming fraternity in this country.

Second point is the Agricultural Act. We have an act cap. 386 if I am wrong I stand to be corrected. This Act does not effectively protect or cover the service providers this are the extension workers. Because these workers, work in the field and are exposed to various hostilities from the clients themselves. Without----- (inaudible) and the rest. We find harassments by courts and police when they are giving some professional reports or any cases in courts. So I think the Act need to be enacted so that the professionals or these service providers be given some professional immunity. Even if possible must be at least allows some interviews in the event of injury of such officers on duty.

My last point is on prisons. The prisons status in this country are worthy but I would like to say this. That we introduce two systems of prisons or categories. Category one should be the common prisons of cells. These is the existing status quo. But the second category is the one I'll call special prison or cells. This is for special people. People with chronic illness. Some people in the society have high economic importance or status . we are talking about business men, rich farmers and the like, even politicians or even the foreigners. So these people are very important and the fact that we put them together with the people in what we call common cells, it is like you have condemned these people to death. They can't come out and last even for one or two years. You will see the example of politicians who have been in the Kenyan cells or the Kenyan prisons they do not live long. And yet a people with firms and companies are employing a lot of youths out there. Why don't we introduce the special prisons category but the charge here some money to the government. Let there be a fee because we can afford this extra service. Thank you.

**Com. Swazuri:** Thank you Mr Otia. At least an important issue about, agricultural officers who has apparently face some risks when ther are on their duties. What do they go to do because the last time I saw them myself, was when I was a child? Do theyactually go to the field?

**Mr Otia:** Thank you. That is a misconception by many people. We have the extension workers still working even up to now as I'm talking. If there was plenty of time I would go and elaborate what they do or what they did. The problem is that the government nolonger employs. So this sector is filling every now and then. Infact they are there and they are working.

**Interjection:** In the offices or the field?

**Mr Otia:** Both offices and the field because in the offices they have to write reports. These reports must come from the field.

**Interjection:** Inaudible

**Mr Otia:** The government of Kenya.

**Com. Swazuri:** Fredrick Omolo.

**Fredrick Omolo:** Thank you so much Mr Commissioner. My names are Fredrick Omolo and I wish to forward some brief issues. One is employment. Because of the kind of problems that the young people are experiencing in Kenya, I stand to propose the following:

That employment Act be amended to accommodate the people being contracted -----(inaudible). I also wish to comment that the Local Authority by virtue of creating employment opportunities be made to employ only people from within the locality, at least 95%.

On that contract of fifteen years I also wish to propose that if some one has worked for a maximum period of 15 years, then he should not be employed elsewhere -----(inaudible). I want to observe two set ups in our police department. One is traffic police. I wish to propose that this department be abolished completely and be transferred and put under the anti-corruption unit. -----(inaudible) I would wish that the new constitution states that any public service vehicle which is found overloading the following people incur the following penalties:

A conductor, driver and vehicle owner should pay up to a fine charge of 50,000 shillings each and also a penalty of five years imprisonment. We are also saying that the licence of such a vehicle should be withdrawn and the vehicle put out of public roads.

AP officers. It is the observation from the community that this AP lines have turned into small kangaroo courts.. For this matter I propose that this department be abolished, and the APs be retrained to regular policemen and armed forces. I also say that before they are retrenched they should be head counted because most of them are even semi-illiterate.

Land and land use. I want to recommend that the land department decentralizes their offices down to the divisional levels and send land officers at this particular level. We are saying that they also draw a land surveyor calendar after every five years. The government under that policy should be surveying all land in the republic. For the youths who have not had an access to land title deeds, I propose that a marriage inaudible be a certificate for one to get access to land title deeds. Immediately one marries they get a title deed. To avoid unnecessary purchases of land, I want to propose that family responsibility be addressed in the new constitution to make sure that for a man or a father to sell land then a mother should be aware. And this one I'm saying that the two have really to take title deeds.

On the same I also propose that the community should have special power over unnecessary purchase or sale of land. This one lead to some families living a squatter kind of life.



Gender: if there should be equality contributes to one of the basic element to a good constitution. It is therefore in this respect that I'm saying that even children gender be given access to own property including girls.

Citizenship: we have observed out that there are some foreigners who have been given citizenship in our country. I want to be so particular in this case. The Asian community most of them have acquired citizenship in this country. I want to propose that for such foreigners to be given some citizenship in our country, they must have a unique resource that we need to gain from them. Unlike the cases where you find Asian businessman who only may be a driver being given such citizenship. Such people, the highly learned doctors or lawyers who are not surviving in our country. So that as we give the citizenship then we are trying to hire a resource that is so scarce in our country. Thank you so much.

**Com. Swazuri:** Saleh Okemwa Wamukoya.

**Sale Okimwa Wamukoya:** Kwa majina naitwa Saleh Okemwa Wamukoya. Nitaanza na upande wa serikali vile yetu ambaye-----inaudible. Na nikisema hivi nina huzuni ya kwamba serikali yetu ya polisi haithibitishi sheria vilivyo. Nikisema hivi ninaonelea hivi. Ningeomba ile sheria ambao ilitungwa ya kwamba mtu akienda, ikiwa kitendo imefanyika mahali serikali ifanye uchunguzi, na ishike mtu ambao wana hakika naye ya kwamba ametenda kitendo hicho. Nikisema hivi watu hushikwa kwa makosa ambao hawajawahi kosa tangu wazaliwe. Wakienda kule wanawekwa katika polisi. Wakitoka pale wanashtakiwa kortini wanaenda jela. Wakishafika jela wanaunganishwa na wale majambazi waliokuwa wa kweli. Mpaka mtu anatoka huko kichwa yake imechanganyikiwa. Akishafika huko alikuwa mtu mwema anarudi anakuwa mtu mbaya. Nikiongezea kwa polisi tu. Wakija kwako, hawatii sheria vile iliyotungwa. Sheria ilitungwa ya kwamba askari akija kwako akuje kwa utaratibu na akuelezee iko hivi, unahitajika mahali fulani, na wewe ujitoe uende. Ofisa akishafika anakuambia beba mkono juu na ukae hini. Haya fanya hivi. Hii pombe yule alitoroka wewe beba. Haya twende mambo yako tutaangalia huko. Na hujawai iba hiyo kitu -----unararuka. -----inaudible. Hiyo ni hatia tuanona serikali inatutesa sisi wananchi. Dhiki nikitoa wa kwanza nimetoa kwa miaka tano nikiwa ndani ya jela. Mwisho -----inaudible. Nikafika hapa nyumbani nikaletewa makosa nilifanya robbery, -----inaudible sijui wapi. Mtu mmoja nikawekwa ndani. Miaka tano nimewekwa ndani ya jela. Bila kukosa kosa lolote ningeliomba wachunguze na muweke sheria ikiwa askari atafanya makosa kama hayo kushika mtu kuenda ndani ya jela bila makosa na wana muwekelea. Mwisho askari mwenyewe anaambiwa kula hii weka hiyo pesa. Cash is

here. Wewe unatoa hii kitu, unaenda huko unakulla maharagwe. Ugonjwa inakushika. TB pia inakushika. Hata saa hii bado mimi najikuna -----(inaudible). Sijui ugonjwa nilitoa wapi Shauri ya askari.

Jambo lingine ndio hii. tunarudi nyumbani. Nyumbani kuna baba na mama, watu wawili. Watu wawili wanazaa watoto. Shida ile mimi naona kule nyumbani ni kwamba station Board ya shamba. Tunataka station Board mzee anauza shamba. Mama hajui, mtoto hajui

**Interjection:** Sasa unapendekeza nini?

**Mr Sale:** Mimi napendekeza Station Board itolewe.kitu inaitwa Station Board itolewe.

**Interjection:** Ya mwisho

**Mr Sale:** Ya mwisho nasema hivi. Mimi ningelipenda ile inaitwa human rights. Hawa watu wa human rights. Kuna watu hapa ndani mmoja kama mimi. Hii mambo nimejua nikiwa mahali ingine mbaya sana. Naomba hawa watu wapewe freedom wawe wakitembea hata kwa ma DO, Chiefs, wakielimisha watu vile wanavyostahili kukaa. Vile wanastahili kulea watoto wao. Tunaomba wasaidie na muwape uwezo wa kutembea. Ni hayo tu.

**Com. Swazuri:** Enda ujiandikishe. James Obanda, hayuko. Mohamed Wamukoya. Karibu..

**Mohamed Wamukoya:** Asanteni. Mimi naitwa Mohamed Wamukoya Nyangweso. Mimi kwa maoni yangu hivi leo, nataka kusema hivi kuhusu shamba. Shamba iondolewe kwa ma advocates. Na shamba ile boards za bandia kama Land Board waondolewe iwe ni land ya serikali, na advocate watoke waachie ----inaudible na chiefs wasimamie viti. Kwa sababu nyinyi mkipata hamwezi mkapata kitu kama wazee wanaujza shamba. Kitu ya pili, ni kuhusu watoto wetu vijana na msichana. Wasichana wanalalamikia wakisema ya kwamba wanataka waridhi shamba kutoka kwangu. Na yeye ameoleka. Wewe anataka apate shamba mara mbili. Na kijana atapata wapi? Hiyo wasipate.

Kitu ya pili. Wananwake wawe na mavazi rasmi ambayo inaitwa -----(inaudible). Sio kutembea ovyo ovyo na kuvaa masikati isiyofaa. Tuwe na nguo kama serikali kama Uganda kwangu wana wake wako na mavazi rasmi ya wanawake. Sio mwanamke unakuta nguo----- (inaudible). Inatokana na mwanamke mwenyewe. -----mavazi yake imekaa. Na hayo mtu akifanyiwa ----inaudible vile wamesema unaweza shtakiwa na ufungwe ama nini. Muangalie mavazi ya

msichana , ilikuwa ya aina gani? Msichukuwe tu maneno mkisema mnachunga Sheria.

Kuhusu pombe. Pombe inaua watu kweli. Lakini pombe hii inafanya ufiada mkubwa. Sababu Kenya serikali yetu inapeana permit bia itengenezwe, whisky itengenezwe. Na kwa nini chang'aa wanakataa, ni pombe ya haramu. Ni haramu kwa njia gani? Ukikunywa whisky unalewa, ile chang'aa unalewa. Sasa naomba serikali waachie watu kama ni chang'aa mtu akunywe, akufe tumzike. Busaa mtu akunywe akuhara shauri yake. Kama -----(inaudible) wako free. Ni hayo tu.

**Com. Salome:** Umesema kuwa wanawake wavae mavazi ya heshima na iwe na -----inaudible. Lakini umeongeza jambo lingine ya kusema kuwa mtu akinajisiwa aangaliwe alivaa nguo gani. Wewe ukienda kushtaki kuwa mwizi ameiba nyumba yako, askari ya polisi kama ulifunga nyumba ama ilikuwa mwizi ajitete akisema mimi nilikuta nyumba wazi ndio niliiba. Alijua kuiba ni mbaya. Hata akikuta mali ya mtu imewekwa hapo, haiibwi. Kwa hivyo habari ya unajisi ni criminal offence. Kwa nini wewe unaitaka kuambiana kuwa ilifanyika kwa ajili ya hii. Na hali ukikuta mtu kwako, ajitete kwamba alikuta mali yako nje, bado ni mwizi. Basi chochote vile unalinganisha ya mavazi na unajisi. Unajisi ni mambo ya breaking the law. It is a criminal offence and you cannot escape it. But if you show me a way that we can relate the two, then I would like to hear your views. But compare it with theft.

**Mr Sale:** Asante mama kwa maoni yako umenieleza, lakini mwizi ukiaacha kitu yako nje akijitetea alikuwa anakusaidia, hiyo itakuwa ni sawa. Lakini wewe umefungua milango yako umeweka vitu. Umefunga milango umeenda safari yako ni usiku. Ukienda kwa polisi unaripoti ya kuwa, mwizi alivunja milango yangu. Polisi akija watapati milango yako imevunjwa. Raping watakuliza nguo zako zilikuwaje?

**Com. Swazuri:** Jiandikishe hapo. Rosemary Odongo. Hayuko. Nanjira Auka.

**Nanjira Auka:** Jina langu naitwa Bwana Nanjira Auka. Ningependa kutoa maoni yangu kuhusu vitu za nyumbani. I'll start with the President. Now that tribalism is rich in Kenya, I suggest that the president seat should be rotational or on provincial basis. An Act should be put into a Majimbo system so that our contestants let's say if this be here, Western produce a candidate both in opposition and ruling party, next time it should be maybe Coast. So it should be rotational on provincial basis.

Two, I suggest that mayors and chairmen of the council should be elected by the Councillors. Why? Simply because some

councils and municipalities cover very large areas from up to ten constituencies, and it is very hard for such candidates to sell their ideas to wananchi and wananchi will not have enough time to understand to judge these people fairly. Ten constituencies are too large.

Councillors: I suggest that the salaries of Councillors be at least a half of those of MPs or a quarter.

Prisoners: I suggest that our prisoners be trained and used in building the nation, ie building roads, school, bridges and making of bricks instead of them being given lunch then going to sleep at 2 pm wasting the whole Kenya. They should serve the community and do the things that will help the nation like in China.

Gender: I would suggest that only women who are married and their husbands are dead and are at the age of 65, to be allowed to administrate the properties of the late. Why? Simply because young women are likely to go and marry elsewhere and they may misuse the property of the children of the diseased husband. Girls can only be allowed to inherit other property, but I suggest that land is not one of them, unless there is no son in that family.

Job recruitment: I propose that our new constitution should have an Act which talks about job recruitment, where qualifications must be marked. The best qualified person must be the one to be taken and hence this will end family continuation. I suggest that -----(inaudible) applicants should have an added advantage.

Indigenous businessmen I propose that in the new constitution the government should have a propotion where by at least we should encourage our own business men to invest in our country. Give them soft loans and the guarantee to the government.

Health: now that AIDS is real and is here with us I suggest that the government to provide free medicine and protect the victims from discrimination of any kind.

Unwanted pregnancies: men should not be held responsible for the upkeep of the child in any other way unless it was a rape case. The women should take charge of the problem and the up keep of the child resulting from such pregnancies.

I suggest that traffic police should be replaced by traffic authority who will take charge of traffic matters and we should have traffic key office. Traffic officers from these authority, helping us in that because the traffic police is too corrupt.

Citizenship: I would suggest that when one attains the age of 18 years and he or she applies for an identity card he should also get a transport there and then together with an ID card.

The last point is that foreigners who want to become our citizens should at least be educated people and people who will help our society other than anybody else. Thank you very much.

**Com. Salome:** Thank you very much. I have two points for clarification. One is marriage as a qualification for jobs. What is the value added on to the jobs? What is the merit that can justify putting marriages first. Two, my second question is on a child born out of wedlock. Since he or she is a Kenyan, and has got rights to a father and a mother, what are the rights of this child? How do you judge the constitution which is protecting all the Kenyans, protect this child?

**Mr Auka:** Just to discourage what we have now as single families, and maybe help the family continuation, we would want our daughters and sons to get married. That's why I said that they should have qualifications as other Africans; but they should have an added advantage because they are married, and they have a family at least to take care of. Other than giving somebody a job, who is single like me, and whatever I earn even if it is a hundred thousand, I just squander. Take beer here and there showing other people.

On the side of the child born out of wedlock, in most cases the laws we have favour somehow women. In that men are forced to take care of the child until over 18, and some mothers have abused that law. Whereby if a woman wants to get married to me, she will trick me because now there is family planning and she should know whether she is safe or unsafe. Women should be blamed so that we are not ready to get married. She can trick me to get pregnant.....

**Interjection:** We are dealing with the child. We have nothing to do with the marriage and the woman because they all have choices and they are grown ups. We are looking at a rule taken for the next generation who is the child. What are the rights for this child?

**Mr Auka:** The child should be cared for by the law, whereby he is free to get things from both parents.

**Com. Swazuri:** Martin Makunda. Batholomew Ngechi. Ni wewe. Haya haraka. Wale ambao hawajatoa maoni na wanataka kutoa maoni tafadhali msongee karibu. Yeyote ambaye hajatoa maoni na alitoe jina lake asongee karibu. Kuna majina ya watu ambayo inakaa kama repeatition. Karibuni.

**Batholomew Ngechi:** Nilikuwa naonelea mashamba ambayo watu wanaridhi Kenya hii mara kwa mara ilienda kupewa wazee sana. Na njia hiyo ilikuwa ni vigumu sana. Wazee kugawa shamba kwa watoto wake kwa sababu title deed inapatikana mbali sana kwa board au kwa national. Na kwa njia hii nilionelea kwamba shamba iwekwe kulipishwa kwa assitant chiefs na chiefs, na hiyo wamalize mambo hayo au atoe title deed. Maana hawa watu watu ukweli unapatikana. Lakini kutokea kule juu watu hutumia fedha na mambo mingi. Halafu anadanganya mtu mzee sijapata title deed na baadaye anakuja kutaabika.

Ya pili, kilimo ni kwamba kama mtu ako na heka moja ama heka mia hamsini inatakikana kuwa achukue nusu ya heka na nusu hiyo baki kama ni msitu hii alime baada ya miaka saba au kumi hivi. Kwa sababu kulima kila pahali unapoteza udongo halafu baadaye unapata ya kwamba mtu -----(inaudible) shamba lake na halipati chochote. Kwa hivyo lazima shamba ligawiwe parts zingine ili msingi uendelee na chakula iwe pahali moja.

Tuliona pombe ambayo inapikwa iruhusiwe kwa watu kunywa. -----(inaudible) mtu anayepika pombe apate tikiti na anapopata tikiti, watu wanapokunywa pombe hiyo akilewa na apatikane njiani akiendesha baiskeli, au gari ,au ndege, au meli, mtu huyo ashtakiwe. Na kwa njia hiyo hata gari anapotumia kama matatu inapochukuwa watu, achukuwe watu kulingana na mtu vile alivyo. Na watu wakijaa anaweza kulipa hadi polisi ili apewe receipt apeleke watu wake. Lakini sio ya kwamba anapotoka hapo, kila mara polisi anashika huyu mtu. Anatoa pesa anampa na hiyo pesa inaenda mfuko wa polisi. Kwa hivyo jambo hilo niliona kwamba gari likiharibika ama imegonga mtu sasa huyo driver awe katika kujigbu mashtaka.

Kuna uhuru wa kuabudu kwa makanisa na katika makanisa haya tumepewa -----(inaudible) ya kutoa dhiki ya kusaidia watu. Kama Kenya hii tunaunga kanisa moja ambao inatujenga na mambo yake. Especially mapendekezo hii ya kwamba kadenda ambao -----(naudible) iruhusiwe kutolewe na makanisa kwa sababu makanisa mbao serikali inatumia na -----(inaudible). Na sasa kanisa pia ipewe uhuru wa kutoa kalenda yao ambao wale pia wanaweza kutumia au

kuunda.

Ingingine nilikuwa nasema kwamba suruali ndefu ziweze kuvaliwa na wanaume kwa sababu naona ya kwamba wanawake wamechukua nguo za wanaume wanavaa. Wana longi, wana shirts wana T-shirts. Kwa hivyo hakuna tofauti kati ya mwanaume na mwanamke hapa Kenya. Kwa hivyo naonelea kwamba suruali ndefu nduvyo itatofautisha.

Sasa kitu ingine ilikuwa ya kwamba gharama ya mtu kama amekufa huko, napeleka mtu mjibu huko. Lakini wakati huyo mtu anakufa wanakuambie ulipe gharama ndio utoe. Na hapo unaona kwamba umefanya kazi yako na haujafaulu. Ninaona ya kwamba zote tugharamie gharama, tuweke kwa mtu huyo tuende tumzike. Na mtu huyo kawa hakika akiwa amekufaa amemaliza -----(inaudible). Kwa sababu wakati anapokaa namna hiyo-----.(inaudible).

**Com. Swazuri:** Abdalla Shikanda.

**Abdalla Shikanda:** Asante sana commissioners. Jina langu ni Abdalla Shikanda. Nitaanza na vyama. Katika Kenya yetu hii, tuna vyama vingi sana na hivi vyama zinaleta ukabila. Kwa hivyo na recommend vyama viwe vitatu pekee yake. Nataka campaign, hii maneno ya marupurupu kupeana watu ndio inaleta ufasidi. Ipigwe marufuku. Mtu akiwa Rais awe wa miaka hamsini na kufikia sabini pekee yake. Ikiwa yuko above 70, asisimame kwa kiti cha ubunge au President. Rais asiwe juu ya sheria. Na akikosa ashtakiwe.

Rais na Wajumbe terms zao iwe mbili pekee yake. Madiwani pia naongezea.

Uridhi: uridhi huu, mimi naonelea ya kuwa twende kwa upande wa dini, haswa kama upande wa waislamu. Kila mtoto na mwanamke ana haki ya uridhi. Maanake kwa dini yetu inasema mwanamke ana percentage fulani na mume percentage fulani.

Kwa hivyo tusiwe kinyume cha Mwenyezi Mungu alivyosema.

Ministries. Ningependekeza ya kuwa ministries ziwe kumi na sita pekee yake. Na ziwe zina carry ministers kumi na sita na deputies kumi na sita. Maneno ya kuwa na minister wawili au watatu kwa ministry moja inamaliza uchumi wetu na ina uzorotesha.

Makurunzi: ningependekeza makurunzi wawe wakipata mshahara kwa maana wanafanya kazi sana. Mshahara na marupurupu ya MPs ipunguzwe. Na kupunguzwa iwe ikiletwa kwa wananchi. Isiwe MPs wanajichagua wenyewe. Wakati huu, vile walivyoongeza marupurupu na mshahara, ikatwe ibaki kwa 40%. Rais yeyote akiwa amemaliza kipindi chake, awe ameondoka au amekufa, apatiwe pension pekee yake----- (inaudible). Hii maneno ya kujengewa nyumba, kununuliwa motokaa na ingine na yeye alikuwa mfanyikazi kama kawaida wa wananchi isiwepo.

Majudges: ningeonelea majudges na ma chairmen wa institutions, na kama universities, ma Councillors wawe wakichaguliwa na Bunge. Maanake Judges wakichaguliwa na Rais, Rais akimwambia neno lolote yeye atakuwa anafuata juu ameogopa. Rais huyu, kama nimesema kwa miaka hamsini, awe ameo na amekuwa na elimu ya university level.

Khadhi: imefika wakati Waislamu wawe na cheo cha mtu anaitwa Mufti. Huyu ndiye atakuwa akionelea maslahi ya silaha za Waislamu. Na khadhi naye awe kama Judge. Nikimalizia hapo, ningependa siku za Waislamu ile ndogo yenye tunasherekea baada ya mwezi wa mfunjo wa Ramadhan na ile kubwa yenye tunasherekea siku ya kuchinja, na siku ya kuzaliwa Nabii wetu Mohamed SAW ziwe tunapewa. Na zile yote tutapata ndani ya ----- (inaudible). Asanteni.

**Com. Swazuri:** Steven Muruka.

**Steven Muruka:** Thank you very much for giving me this chance----- (inaudible). I'll just try to be brief and elaborate. But I'll just talk on what has been talked about. First and foremost I would like to talk about education. Education system that we are having now, 8-4-4 I would propose that it be scrapped off, and may be replaced by special education system which will be having other kinds of education. According to me having suffered the wrath of the education system, it is not competent enough to ----- (inaudible).

Secondly, I would like to talk about retired officers, whereby the retired officers are old men who retired from the civil service should not be given another chance to serve in the government and we have young, capable and people who have got vast capability that is educational to deal with the employment being given.

Thirdly I would like to talk about alcohol, this is the traditional brew. Now the term illicit that exhibit the colonial term that we



should not inherit after the British had gone. Alcohol is used for ceremonial purposes of one's culture. So what I would say is that the government should at least make it legal, and the people involved should get some permit or rather operate some clubs so that it can at least generate some income to the government. But sometimes that are given for the local brews to be taken. And the term illicit be scrapped from the Constitution.

Another thing I'm going to talk about is the present leadership. I'm proposing that the outgoing President should not misuse the powers that he has been given by the constitution whereby he should not use the government machinery to influence the person who is going to succeed him or her. The outgoing president should make party, the transitions suiting and the president who is ruling at that time should not own more than two jobs, whereby he is the Head of the State, Head of Agriculture, Head of the Police, Head of Military etc. about ten jobs----- (inaudible).

The last point I'm going to talk about the commissions. We should have parliamentary endorsement on all the commissions that are going to be formed in the republic. Whereby a commission is formed but it does not give out a report. It is talking before the report is finished. You find that we spend a lot of government funds but we don't get any report. Thank you very much.

**Com. Raiji:** Laban Machio of Box 519 Mumias. Hayuko. Mohamed M. ----- . Mohamed karibu.

**Mohamed Moriye:** Jina langu ni Mohamed Moriye. Shida yangu ni ya kwamba sisi wadogohatujaona kama kweli tuko huru. Kwa sisi wadogo tunanyanyaswa zaidi ya wale wakubwa. Sisi wadogo ikiwezekana kama wanakenya vitu vinapandishwa hatuna pesa ya kuenda kununua vitu ghali na wakubwa ndio wanapanda vitu bei. Na wanapata pesa kwa njia nyingi ambapo sisi wadogo hatuwezi. Upendekezo Kenya kama tuko uhuru kila mtu ajipitie ----- (inaudible).

Tukurudi upande wa security, polisi wa Kenya hawafuati mwenendo kawaida ya sheria zao. Wanapoitwa kuna shida mahali fulani, hawafuati ile shida waliitiwa. Wanapoingia kwa ile mlango, hata hawataangalia ile mlango ilivunjwa. Wataenda kila kona na kila ambapo hawakuhitajika kwenda na kupiga watu ambao walikuwa wanahusika na mambo yao ingine tofauti na wale ambayo waliitiwa----- (inaudible). Shida ni polisi ya Kenya. Kenya hii yote wakinyanyasa sisi wadogo. Wakishikwa hata hawajitambui isi ni watu gani. Ambapo sisi ndio tuliwazaa na kuwalea.

**Interjection:** Unataka tufanye nini?

**Mr Mohamed:** Sasa tungependa polisi akae station. Akiitiwa kwa kazi mafanye ile kazi ametiwa. Kazi ya kushika kazi ingine hiwezekani.

Pombe ya wazee iko kwa Waluyia. Pombe ndio baba yetu na ndio mama wetu. Wengine wetu tumesomea pombe. Na siku hiyo mama anashika chupa ya pombe, ama baba anashika chupa ya pombe. Alipe fine. Mimi ni mtoto wao. Kwa hivyo -----(inaudible) uhuru tuachiwe pombe lakini kwa njia inayofaa.

**Interjection:** Lngine

**Mr Mohamed:** Mimi sina lngine. Ni hayo tu.

**Com. Raiji:** Asante sana Mohamed. Mwingine ni George Wamukoya ambaye atafuatwa na Ramadhani Wasese.

**George Mulama Wamukoya:** My names are George Wamukoya. I would start first by talking about the president in the current system. I wish to recommend that the presidential candidate to have a running man as a Vice-President; who needs to be elected by the people. I wish to re-affirm that the tenure of the President should remain five years for two terms. There should be a provision to impeach a serving President on grounds such as corruption. It is my view that the Vice-President being a running mate and now is directly elected, should have secondary duties to perform other than being the assistant to the President. In the event of the President not being able to perform his or her duties, the Vice-President should assume duties until the term lapses instead of 90 days.

Then the next I wish to talk about is the ministries and the appointment of ministers. I would wish to see the constitution specifying to limit the number of ministries, that can be constituted in Kenya. And in that effect the ministers to be appointed in equivalent to the number of ministries. And all the ministry appointees be subject to parliamentary approval. The same to the assistant Ministers. It is also my view that the Assistant Ministers should have to execute duties other than just reading details for the ministers whenever they are not available.

The other aspect I would like to talk about is the Attorney General. The Attorney General should be one, subjected to parliamentary approval. Then two, the office of the Attorney General should be separated, to create a separate Ministry of

justice so that the Attorney General remains a principal legal advisor to the government as opposed to other duties ----- (inaudible). The terms of service for the Attorney General should be limited to five years instead of just serving throughout.

Then in the appointment of Permanent Secretary and Heads of Parastatals, Permanent Secretary being the accounting officers meaning they hold a lot of responsibilities, and therefore they should be subject to parliamentary approval. They should be limited in terms of service for two terms of five years. The same should apply for all cases of parastatals.

It is my proposal that we should create an office of Ombudsman primarily for purposes and it should be a constitutional office with a security of tenure; primarily to cause investigations on any allegation of abuse of office or otherwise. That person to be appointed in that office and should be subjected to parliamentary approval, and the term of service should be two terms of five years each.

One thing I want to talk about is the parliament. It is my proposal that we have a House of Representatives, which is modelled on the congress of America and we should also have Regional Assemblies, which should take the place of the Local Authority for purposes of determining the agenda for development.

Legislature. The Judges need to be subjected to parliamentary approval upon recommendation by the Judicial Service Commission. I propose that we should establish a Supreme Court which will deal with constitutional matters.

Finally is the fundamental rights. Besides we had right and freedom that are already existing existing in our constitution. We have a right to a clean environment bear in mind that the common people rely on or grow direct food from the natural resources.

Thank you very much. **Com Salome:** Thank you very much. I just want a clarification. ----- (inaudible) federal system of government hence the regional assemblies

**Mr Wamukoya:** Thank you madam commissioner. Yes my view is that we go to the federal upon which ----- inaudible.

**Com. Raiji:** Ok. Asante sana George. ----- (inaudible). Not there. Mwingine ni Shaban Amakina. Hayuko. Henry Munyasa. Utafuatwa na Hussein Umla.

**Henry Munyasa:** Thank you commissioners. My names are Henry Manyasa. I will start with political parties. I suggest that the number of political parties be reduced to three instead of the over forty that we have. Presidential candidate I suggest that be a university graduate and should have a full proper records on his performance. I also suggest that the president should be an executive President.------(inaudible). The president should serve a maximum of two terms for five years. I suggest that MPs should have a minimum of O Level in education.

On recruitment of chiefs I suggest that a chief should have A'level or its equivalent and assistant chief should be O'Level with D+ and above. -----inaudible.

**Hussein Umla:** Naitwa Hussein Umla. First nitaanza na presidential issue. The powers of the President should be reduced. A democratic nation which we are building should the President commit a crime should be brought under justice.

Two the President should be above tribal lines. This will prevent the entire nation. He should develop share responsible the cost of national affairs by all provinces.

Three, -----inaudible appointees should confine with the capability of those in question -----(inaudible).

Four, the police force should be disciplined and do their work under the orders of their seniors and should be -----(inaudible).

Five, the residents of an area should be given first priority in exhausting the resources of their region eg working in factories and -----(inaudible).

Six, dowry should not be so much commercialized. Any kind of dowry should just be taken as an appreciation to the parents and not as buying the girl. Marriage between the two should be on the basis of love.

Outdated customs should be abolished. In our community when a wife gives birth to twins at their homestead it is taken as a curse and the -----be suppressed. This is an outdated custom and should be abolished. Two, when your father in law passes away. In case of your wife dying you are supposed to pay full dowry on the day of burial and this is not practical.

Eight, our local brews should be legalised and -----(inaudible).

**Samuel Bakesa:** Asante sana Bwana Commissioner. Jina langu ni Samuel Bakesa. Kwanza nitaanza na polisi. Polisi ya Kenya anatakikana awe tofauti pekee yake. -----(inaudible).

Ya pili, Commissioner of police amepewa uwezo nyingi sana kufustrate policy wadogo. Ndio ana encourage corruption. Kwa hivyo ningepropose commission itengenezwe ya kufuta polisi na kuandika polisi. Isije ikapatiwa mtu moja.

Ya tatu, Provincial Administration. Mimi sioni kazi ya P.C. Hakuna. Tuwe na Chief -----(inaudible), chief aripoti kwa DC. -----inaudible. Mtu yeyote akienda mtu ambaye alikuwa ana----- (inaudible) huyo mtu ashtakiwe. -----(inaudible).

Ya nne, mtu -----inaudible tena kwa yule mtu serikali -----(inaudible). -----(inaudible).

Nikienda kwa corruption ya serikali mtu yeyote officer akipatikana kufanya corruption ashtakiwe kwa polisi. Those government officers they are very corrupt. Ningependa mtu kama huyo asifungwe chini ya ten years. Kama leo polisi anavaa kofia -----(inaudible). They are the most corrupt people in the country, police officers. Isiweweke ati iko mtu mwingine ako above the law. Kila mtu yuko chini ya sheria na akikosa ashtakiwe kulingana na kosa alifanya. Kwa hivyo ningependa wale wote wanaenda chini ya serikali MPs, Ministers wachunguzwe kiasi gani wako nayo.

Ya mwisho, upande wa companies. Hii ningependa serikali iondoe councils zote. The councils for -----(inaudible) au-----inaudible. Kwa maana iko kwa Kenya. Inaandika wageni wetu na iko wakenya wanaangaika tunaandika watu wa nje. Kwa maana wamesema hii ni kampuni ya mtu kibinafsi. hizo kampuni za watu binafsi zisikuepo. -----(inaudible). Ya mwisho iko department -----(inaudible). All the officers wa kampuni, manager, -----inaudible. Serikali ichunguze mshahara ya Kenya. Sio wengine wanalipwa million na wengine kidogo. Asante sana.

*This tape is not clear at all. The speakers are not clear and there is so much noise.*

**Com. Raiji:** Excuse me. Kulingana na majina tuliyonayo----- (inaudible). Haya wewe ndiyo utatufungia. Useme majina yako.

**Julius Odaga:** Asante sana commissioners. Jina langu ni Julius Odaga. Ningesema hivi.ningeonelea vijana kama sisi ambaye wametokea shuleni juzi wamepitia course fulani government inge------(inaudible) whereby in case those people who are -----inaudible of jobs. And then we have opportunities of jobs there where you can -----inaudible which are very important to them.

Also in case somebody finishing form four. Yet you passed very well but because of school fees he is unable to go for this education. I urge the government if it is possible to come up with village polytechnics which are very cheap to enable such people pursue such courses. Therefore in secondary schools there should be enough bursaries. We have people in the house who are unable to go to school. Because they cannot afford. So in our country bursaries should be offered to those children who are un able to pay their school fees.

Besides that I will talk concerning marriage. I'm very concerned about the issue of girl child whereby you get girl children are not being educated and yet they are children. They should be catered for just in the same way boys are being catered for. They should be taken to the highest level of education in the same way boys are educated because they are part of the family. And also on the side of marriage. A girl should not be forced to get married because she will bring cattle. She should be allowed to complete her education and decide when she wants to get married but not the parents to decide for them.

Also practical education whereby after the school someone was able to do something productive than our children that we now have. Thank you that is all I have.

**Com. Raiji:** We have now come to the end of our session. There are no more people to contribute, and I'm very thankful. Nawashukuru wote ambao wamekuwa tangu asubuhi na wale ambao tumekuwa nao, kila mahali tukienda kupeana maoni. Leo ndiyo kikao ya mwisho kwa upande huu na ndiyo imekuwa ya mwisho upande ya Western Province. Kesho tutakuwa provincial----- . Ma commissioners wote watakuwa Kakamega Golf Hotel, pamoja na viongozi ambao wamealikwa ili kuambizana ni maneno gani watu wa mkoa wa magharibi wamependekeza. Kuwaona wale wamealikwa tutakutana huko.



