

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 13th November, 1996

The House met at 9 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

The Sessional Paper No.2 of 1996 on the Report of the Standing Orders Committee, 1996.

*(By the Vice-President and Minister for  
Planning and National Development)*

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. It is very odd that today we do not have Order Papers in the House yet.

**Mr. Deputy Speaker:** Order! I have got my copy of the Order Paper. Hon. Members, do you have copies of the Order Paper?

**Hon. Members:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Did you get them from your Pigeon Holes?

**Hon. Members:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Well, Mr. Nthenge, it looks like you never checked your Pigeon Hole?

**Mr. Nthenge:** But they are supposed to be brought here too.

**Mr. Deputy Speaker:** Yes, as an additional gesture of courtesy, we normally deposit extra copies here. But if they did get to your Pigeon Hole, I take it that every hon. Member has been notified. But I will hold on so that you can get your copy of the Order Paper.

*(Mr. Nthenge withdrew from the Chamber  
to collect his Order Paper)*

### NOTICE OF MOTION

ADOPTION OF SESSIONAL PAPER NO. 2 OF 1996:  
STANDING ORDERS COMMITTEE REPORT

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, the Sessional Paper No.2 of 1996 on the Report of the Standing Orders Committee laid on the Table of the House on 13th November, 1996, be adopted and that the amendments to the Standing Orders recommended in the First Schedule be made, and are hereby made, with effect from the date of adoption of the said Paper.

### ORAL ANSWERS TO QUESTIONS

*Question No. 493*

WHEREABOUTS OF MR. MURIUKI BICHO

**Mr. Deputy Speaker:** Is Mr. Mutahi not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No. 652*

REASONS FOR OFFICER'S COMPULSORY LEAVE

**Mr. Deputy Speaker:** Is Mr. George Nyanja not in? We will leave his Question until the end. Next Question, Mr. Paul Muite.

*Question No.1072*

DISTRIBUTION OF DISASTER FUNDS

**Mr. Deputy Speaker:** Is Mr. Muite not here? We will leave his Question until the end. Next Question, Mr. Lawrence Sifuna.

*Question No. 450*

PROCUREMENT OF CANE TRAILERS

**Mr. Deputy Speaker:** Is Mr. Sifuna not here? We will leave his Question until the end. Next Question, Mr. R.K. Mungai.

*Question No. 522*

BOG FOR MAKUYU SECONDARY SCHOOL

**Mr. Deputy Speaker:** Is Mr. R.K. Mungai not here? We will leave his Question until the end. Next Question, Mr. Leshore.

*Question No. 311*

BENEFICIARIES OF BURSARY SCHEME

**Mr. Deputy Speaker:** Is Mr. Leshore not here? We will leave his Question until the end. Next Question, Mr. Ndicho.

*Question No.701*

RECONNECTION OF ELECTRICITY IN ESTATES

**Mr. Deputy Speaker:** Is Mr. Ndicho not here? We will leave his Question until the end. Next Question, Dr. Lwali-Oyondi.

*Question No.114*

PROTECTIVE GEAR FOR MUNICIPAL WORKERS

**Mr. Deputy Speaker:** Is Dr. Lwali-Oyondi not in? We will leave his Question until the end. Next Question, Mr. Gichuki.

*Question No.930*

DOUBLE ALLOCATION OF PLOTS

**Mr. Deputy Speaker:** Is Mr. Gichuki not in? We will leave his Question until the end. The First Question, for the second time, hon. Muhika Mutahi.

*Question No.493*

WHEREABOUTS OF MR. MURIUKI BICHO

**Mr. Deputy Speaker:** Hon. Mutahi not here, so, the Question is dropped.

*(Question dropped)*

**QUORUM**

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, there is no quorum in the House.

**Mr. Deputy Speaker:** We are not yet on the business of the House, so the question of Quorum does not arise.

Hon. George Nyanja's Question for the second time.

*Question No. 652*

REASONS FOR OFFICER'S COMPULSORY LEAVE

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, I beg to apologise for coming late and ask the Minister of State, Office of the President:-

(a) if he is aware that the Kiambu District Criminal Investigations Officer (DCIO) has been sent on compulsory leave; and,

(b) if the answer to "a" above is in the affirmative, what reasons occasioned this action.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the DCIO, Kiambu was sent on compulsory leave on 9th April, 1996, to facilitate investigations into allegations of misconduct against him. He was recalled from leave on 18th August, 1996, and has since resumed his duties in the same capacity in Kiambu.

(b) Arising from my reply in "a" above, part "b" of the Question does not arise.

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, I am very unhappy about that untruthful reply. The first fact, yes, this officer was sent on compulsory leave, but the reason is because he shot those who assassinated the late Isaac Lugonzo, and now after that, there is this spate of crime in Kiambu District. He has been grilled, reprimanded, and that is why nobody is being arrested now. Can the Assistant Minister tell Kenyans through this House, and through the Chair, because this is a very serious matter, why nobody is being arrested? Why is this state of killings particularly in Kiambu, going on and the Government is saying nothing about it?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, hon. Nyanja must be a perpetual absentee from Kiambu because he must be knowing that earlier this morning, the Government broadcasted that we have arrested several people in Kiambu District, who are going to be arraigned before the court tomorrow over these killings. The Government is taking a very serious step, and I must assure the hon. Member and this House, that the situation in Kiambu is currently under control.

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. That is part of Kiambu District, but the Assistant Minister has not answered one supplementary question of the hon. Questioner?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, considering the over-developed capacity of the security, is it possible that soldiers can come to your bed-room and find a litre of chang'aa and that nine people cannot meet without police knowing? Can the Assistant Minister explain, how for more than two weeks, up to 30 people are moving and convening in one place to carry out plunder and robbery? And it only takes up to now on the eve of a Parliamentary Question by hon. Nyanja that "symbolic arrests" are announced by the Press. What has made it impossible to stop this menace for two weeks?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, these are genuine arrests, they are not "symbolic arrests." We are soon going to issue a statement on the kind of security measures we have taken to ensure that the criminal activities in Kiambu are brought down so that we do not have the kind of problems that we have had this week.

**Mr. Nyanja:** On a point of order, Mr. Deputy Speaker, Sir. I am sure you sympathise with Kiambu residents as much as I do. This is a Government Assistant Minister. You remember the day when Kahumbi was found murdered and dumped in Limuru because he failed to arrest hon. Gatabaki. Since that time, arrangements have been made to introduce tribal clashes in this particular format. Kenyans are wondering what is happening with Kikuyus, especially in starting with Kiambu, then that will spill over to Murang'a, Nairobi and other parts of Kenya. Through the Chair, I am asking this Question on behalf of Kenyans especially Kikuyus who fought for the Independence which this Assistant Minister is now enjoying. Can the Government issue a statement, if the police cannot do anything because we believe that they are behind this? Can the Kenya Army protect Kenyans? Kikuyus are Kenyans and they have a right to be defended because it is their right. Otherwise, we shall kill every Kalenjin for every Kikuyu killed, and I mean business.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, you have heard the hon. Nyanja saying that they intend to kill every Kalenjin because there are criminal activities that are currently going on in Kiambu. I would like the House to seriously consider those remarks made by hon. Nyanja because they could possibly be a good pointer to what is happening in Kiambu.

The Government does not believe that what is going on in Kiambu has anything to do with ethnic clashes, but we are definitely investigating the possible connection between the criminal activities in Kiambu and activities of certain politicians. And the remarks by hon. Nyanja demands to be withdrawn because he is out of order to bring in tribal sentiments to a matter that is so serious as security.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. In light of the pain this country has suffered in the recent past because of the ethnic hatred, considering that as leaders we have a responsibility to cure wounds instead of opening them more, would it be in order to ask that you oblige the hon. Nyanja to withdraw a very unfortunate statement which threatens the security and the right of citizens of this country?

*(Applause)*

**Mr. Deputy Speaker:** What are you saying?

**Dr. Kituyi:** Considering the pain that this country has suffered because of ethnic problems in the recent past, and in light of our collective responsibility as leaders to heal wounds instead of opening them further, would it be in order to request the Chair to oblige the hon. Nyanja to withdraw that unfortunate statement which suggests an interest in a section of this community to eliminate another section of community of this country?

**Mr. Deputy Speaker:** I fully agree that it is a most unfortunate statement, but it is not really for the Chair to oblige him to withdraw. It is not an allegation against an hon. Member and if hon. Nyanja would perhaps understand the mood or spirit behind your own request, it is up to him. Unfortunately, it is not a matter, much as unfortunate as it is, I can ask him to withdraw because it is not an allegation. It is up to the hon. Members to measure the language they use and be modest.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. I do not think it is an allegation for hon. Member of Parliament, popularly elected representative of the people, elected by a large section of this society, to say that "we, as Kikuyus, will kill Kalenjins." That is a very serious inciting statement, particularly to a population that understands about what is happening to security in the area. I think it will be of interest that the Kenyans know that the State is pushed to use legitimate methods in dealing with security instead of a leader to use the House to threaten a whole ethnic community in this country.

**Mr. Deputy Speaker:** I fully appreciate your sentiments hon. Kituyi, and I need not repeat that I fully agree that it is a most unfortunate statement, in my own personal judgement, but given our Standing Orders and the convention that we have [**Mr. Deputy Speaker**] been following, the manner in which the statement has been made, as a statement of intention or belief, it is not one which is subject to the rules of the House and the Chair compelling somebody to withdraw. If the hon. Member wants to withdraw, it is up to him. If the hon. Member wants the world to know that his intention is to use his position to incite one group against the other, so long as it does not affect Standing Orders on the Floor of the House, it is not the business of the Chair.

**Mr. Nyanja:** Thank you, Mr. Deputy Speaker, Sir. Can I now throw some more light on that?

**The Assistant Minister for Education (Mr. Ndeti):** Mr. Deputy Speaker, Sir, with all due respect to hon. Nyanja's sentiments about the killings going on in Kiambu, I think any leader in this country must be out of their normal senses to instigate for violence. He must have been absent over the last two weeks from his television screen to see just what is happening in Zaire, what happened two years in Rwanda and it is still happening and so on. I request hon. Nyanja to withdraw that statement for the good of the total leadership of this

country. Nobody should instigate for violence from the Floor of this House.

**Mr. Deputy Speaker:** Mr. Nyanja, do you want to accede to the request? Mr. Nyanja has heard the request from the hon. Gracious Lady. I take it, therefore, he does not want to accede.

**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Nyanja made this statement because there is a feeling in Kiambu that the reason why people are being killed there and nobody has been brought to court is because the Provincial Administration, DCs, DOs and the senior police officers, are all Kalenjins who rule in a Kikuyu country. Perhaps, the Government might consider this "element of tribalism" because it is the one which is creating statements like what we are hearing from Mr. Nyanja. My point of order was: Under what Standing Order could one hon. Member of Parliament request another hon. Member of Parliament to withdraw his statement? Could the hon. Ndeti quote that Standing Order?

**Mr. Deputy Speaker:** It is perfectly in order for a hon. Member who feels a particular statement is unfortunate to plead to that hon. Member to withdraw the statement. Next Question.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I am afraid, we are not going to have a debate on the propriety or otherwise of this particular matter. I have called for the next Question.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order! Hon. Gatabaki!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, this House must state categorically what is going on in Kiambu---(inaudible)

**Mr. Deputy Speaker:** Order, Hon. Gatabaki! I am ordering you to leave the Chamber for the remainder of this morning session!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, we must speak about Kiambu violence. We cannot sit here while Kikuyu people are being killed!

**Mr. Deputy Speaker:** Mr. Gatabaki, I am ordering you to leave the Chamber for the remainder of the morning session.

**Mr. Gatabaki:** We cannot sit down here idle while Kikuyu people are being killed! The Government must make a statement about killings in Kiambu!

**Mr. Deputy Speaker:** Mr. Gatabaki, you are *persona non grata* on the Floor of the House, will you leave the Chamber for the remainder of the sitting?

*(Mr. Gatabaki withdrew from the Chamber)*

**An hon. Member:** He is disrespectful to the Chair!

**Mr. Deputy Speaker:** Mr. Muite's Question for the Second Time. Hon. Muite, still not here? So, his Question will be dropped.

Question No.1072

#### DISTRIBUTION OF DISASTER FUNDS

*(Question dropped)*

Mr. Sifuna's Question for the Second Time. Mr. Sifuna, still not here? So, the Question is dropped.

*Question No.450*

#### PROCUREMENT OF CANE TRAILERS

*(Question dropped)*

Mr. R. Mungai's Question for the Second Time. Mr. Mungai still not here? So, the Question is dropped.

*Question No.522*

## BOG FOR MAKUYU SECONDARY SCHOOL

*(Question dropped)*

Mr. Leshore's Question for the Second Time. Mr. Leshore still not here? So, the Question is dropped.

Question No.311

## BENEFICIARIES OF BURSARY SCHEME

*(Question dropped)*

Mr. Ndicho's Question for the Second Time. Mr. Ndicho is still not here? So, the Question is dropped.

Question No.701

## RECONNECTION OF ELECTRICITY IN ESTATES

*(Question dropped)*

Dr. Lwali-Oyondi's Question for the Second Time.

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, first I would like to apologize for coming late due to traffic jam on our roads.

Question No.114

## PROTECTIVE GEAR FOR MUNICIPAL WORKERS

**Dr. Lwali-Oyondi** asked the Minister for Local Government when the Nakuru Municipal workers, including those doing work in the sewerage, will be supplied with the protective gear e.g gloves, nose/mouth musks, boots and clothing.

**Mr. Deputy Speaker:** Anybody from the Ministry of Local Government? If there is nobody to answer the Question, then it is deferred.

*(Question deferred)*

**Mr. Deputy Speaker:** Mr. Gichuki's Question for the Second Time. Mr. Gichuki is still not here? So, the Question is dropped.

Question No.930

## DOUBLE ALLOCATION OF PLOTS

*(Question dropped)*

**QUESTION BY PRIVATE NOTICE**

Mrs. Wanjiru's Question by Private Notice. Mrs. Wanjiru is not here? The Question is dropped.

## NUMBER OF PEOPLE ISSUED WITH NEW ID CARDS

**(Mrs. Wanjiru)** to ask the Minister for Local Government:

(a) How many people have been registered in the current second generation of ID/Cards in Kinangop Constituency as at 5th November, 1996?

(b) How many registration units are there in Kinangop Constituency?

(c) Could the Minister consider increasing the registration units in the said Constituency?

*(Question dropped)*

#### POINT OF ORDER

##### MINING IN TURKANA

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I need advice from the Chair on a situation where for three weeks, representative of the Ministry in charge of mines deliberately failed to be in the House at the time when we finish Question Time because they are not ready to comply with an order from the Chair issued on the 13th day of October, that they should table here copies of contracts negotiated with some companies involved in mining in Turkana area. I do not know which method is possible for the Chair to use to oblige this persons to come and honour that obligation.

**Mr. Deputy Speaker:** If I recall correctly, I think on being pressed, the Minister promised on the Floor of the House that he was going to bring those other particulars. I would wish in a situation like this that moments before we come to the Chamber, you actually alert me or the Speaker in his Chambers, so that he can alert them to appear. I think that is all we can add. If you did inform the Speaker, okay, fine; you can repeat it again this afternoon. If I will remember I will send a message to the office that they are expected to give a statement in accordance with their undertaking.

Let us move on to hon. Mwaura's Motion.

#### MOTIONS

##### LAW AGAINST FEMALE CIRCUMCISION

THAT, given the fact that AIDS has become an epidemic all over the world and has affected thousands of Kenyans and given that AIDS can also spread through contact of blood passed through injury, and in view of the risk involved through girls' circumcision and considering that some girls have died after circumcision as result of bleeding, this House urges the Government through the Attorney-General to introduce a Bill which will stamp out circumcision of girls and make it a crime punishable by law.

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. Today there is almost a calamity in the City. It is very difficult to move and that is why a lot of Members from both sides of the House are not in. I was wondering whether you could allow us to adjourn for the sake of those who are late. I am moving that we adjourn for half an hour to give the hon. Members time to arrive.

**Mr. Deputy Speaker:** Order! Frankly, I think that is a very lame excuse. I do not think there is a mere calamity; we came driving through the same roads in the City. If you know that business starts at 9.00 a.m, Members including Ministers, who have failed to turn up to answer questions have a duty to know that Wednesday morning is a special day. It is up to you to start your day much earlier. If I can get here at 8.00 a.m because it is a Wednesday morning, I do not see why anybody else should not be here at 9.00 a.m to ask a Question. I think it is not a request I can accede to, so long as there is one person who is on the list of Motions this morning in the House. Hon. Members would have to take the consequences of failing to turn up, which means that their Questions and Motions will end up being dropped. Mr. Mwaura's Motion is dropped.

Dr. Wako's Motion.

*(Motion deferred)*

##### DECENTRALIZATION OF VITAL GOVERNMENT DEPARTMENTS

THAT, in view of the fact that some vital Government departments which directly affect the lives of the majority of Kenya citizens like immigration issue and renewal of passports, NSSF, pensions, NHIF, payments of terminal or on-going personal benefits are wholly housed in Nairobi, and considering the untold suffering this causes to many Kenyans while trying to receive the benefits of their services, this House urges the Government to decentralize the

services of Immigration and Pensions departments and also those of NSSF and NHIF to provincial and district headquarters so that they are easily accessible to ordinary citizens of this country.

**Mr. Deputy Speaker:** Dr. Wako, not here. Dr. Wako's Motion is also dropped.

*(Motion dropped)*

#### LIFTING BAN ON EXPORT OF MANGROVE POLES

THAT, since the ban (for the last 20 years) of export of mangrove poles has resulted in deterioration of mangrove forests and since the ecology of mangrove forests requires regular harvests to stimulate regeneration, this House urges the Government to lift the ban on export of mangrove poles.

**Mr. Kiliku:** On behalf of Prof. Mzee---

**Mr. Deputy Speaker:** Are you saying something on behalf of Prof. Mzee or what?

**Mr. Kiliku:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is it?

**Mr. Kiliku:** I want to move the Motion.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. Considering that I did raise it in the Sessional Committee that Prof. Mzee was out of the country and, therefore, it is understood that he was not going to be here this morning, don't you think that it will only be fair that this Motion is deferred?

**Mr. Deputy Speaker:** Was it raised?

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, it was raised by the hon. Member that Prof. Mzee is out of the country. However, it had been anticipated that hon. Mwaura's Motion could take the full two hours and, therefore, it was not anticipated that the Motion would be debated today.

**Mr. Deputy Speaker:** Have you been authorised in writing, Mr. Kiliku?

**Mr. Kiliku:** No, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** That is the requirement of the Standing Orders. If you have no authority in writing then, I would say that the Motion is deferred. Do you have any authorization in writing from hon. Prof. Mzee to move the Motion?

**An hon. Member:** Collective-Coast-responsibility!

**Mr. Deputy Speaker:** I must say that I admire your solidarity with your fellow Members from the region. In view of what has been said by Dr. Kituyi which the Chairman of the Sessional

**[Mr. Deputy Speaker]**

Committee has concurred, I direct that this particular Motion be deferred till such a time as hon. Mzee will be back.

*(Motion deferred)*

Mr. Mcharo's Motion.

#### CANCELLATION OF AFC LOANS

THAT, since more than 90% of the Coast Province comprises of arid and semi-arid lands, and considering the need to encourage the people from Coast Province to pursue agricultural and ranching activities with greater zeal in order to boost their economic status, this House urges the Government to write off all the old AFC loans owed to the Government by farmers and ranches in this province.

**Mr. Nthenge:** On a point of order Mr. Deputy Speaker.

**Mr. Mcharo:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Let us hear Mr. Mcharo first.

**Mr. Mcharo:** Mr. Deputy Speaker, Sir, I was not aware that this Motion was going to appear on the Order Paper today. May I request that the Motion be deferred to next week?

**Mr. Deputy Speaker:** I think I will want to accede to the request and subsequently the Motion is



deferred.

*(Motion deferred)*

Mr. Nthenge, what is your point of order?

**Mr. Nthenge:** My point of order is that I am a practical human being. The rules of this House are made by us as Members of Parliament and we have the right to ask for the adjournment of the House. I am not like Martin Shikuku or yourself who know everything by heart, but I happen to know some of the rules. Could we adjourn for one hour or half an hour for a cup of tea? Meanwhile we are going to give those who are on the list time to prepare themselves because even hon. Mcharo is in but he had not prepared himself that early since he thought his Motion might come later. So, I am suggesting that we adjourn this House for half an hour for a cup of tea so we continue with business of the House rather than letting it die. We have the right as Members of the House to consider the situation as it is because today happens to be a rainy day. Some of the very old people like me can wake up very early and we must consider the fact some of these Members drop their children at school and also have 101 problems. Could we adjourn for half an hour and then we resume instead of the House adjourning for the rest of the morning?

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, this being a Private Members Day, could I be in order to stand on a point of order under Standing Order No. 20 so that this House can use this time to discuss the pressing problem of insecurity in this country? This is because this is the best time for---

*(Mr. Mwaura entered the Chamber)*

*(The Vice-President and Minister for Planning  
and National Development (Prof. Saitoti)  
stood up in his place)*

I have not finished my point of order!

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): On a point of order Mr. Deputy Speaker, Sir. I was going to ask for your indulgence if you could allow hon. Mwaura to move his Motion because I am quite sure that by coming at 9.30 he had anticipated that perhaps the Question would have taken the whole time upto 10.30. It is at your disposal.

**Mr. Deputy Speaker:** Mr. Kiliku, have you finished?

**Mr. Kiliku:** The Leader of Government Business should have kept quiet. I do not know what is wrong when I talk about insecurity in the country. This being the day for Private Members' Motions, could I be in order to stand on a point of order under Standing Order Number 20 on a matter of national importance which is a pressing matter in this country, to discuss about the insecurity problem in this country?

**Mr. Deputy Speaker:** Mr. Kiliku, you know you have not complied with all the conditions required of moving a Motion under that Standing Order. Mr. Mwaura!

**Mr. Mwaura:** Mr. Deputy Speaker, Sir, I would like to apologise for coming late but I did not think Question Time was over. But if you allow me to move my Motion, I will be very grateful.

*(Loud Consultations)*

**The Assistant Minister for Education** (Mrs. Ndeti): On a point of order Mr. Deputy Speaker, Sir. You see, you have allowed the hon. Mwaura to move his Motion and he is now holding a private discussion with other Members on the other side.

**Mr. Deputy Speaker:** Order! I think I have not allowed him to move his Motion. Having considered the fact that this is a Private Members Day, and that we have gone through the motion of actually reading the Motions in the order in which they appear on the Order Paper and that we have come to the end without any business for the morning but also that before we went to the next critical stage of adjourning the House, the hon Mwaura who should have started his Motion has arrived and has subsequently apologised and made a request that we allow him to move the Motion, I consider it very sympathetically and I order that Order Number 7 be read again. Mr. Mwaura, I will now allow you to move the Motion but with the rider that I think, you should never assume when you have business before the House on a particular day that it will start at such a particular hour unless it is indicated on the Order Paper.

## LAW AGAINST FEMALE CIRCUMCISION

**Mr. Mwaaura:** Thank you Mr. Deputy Speaker, Sir. I really wish to sincerely apologise for coming late during the day when I was supposed to move my Motion. Having said that; I beg to move the following Motion.

THAT, given the fact that AIDS has become an epidemic all over the world and has affected thousands of Kenyans and given that AIDS can spread through contact of blood passed through injury, and in view of the risk involved through girls circumcision and considering that some girls have died after circumcision as a result of bleeding; this House urges the Government through the Attorney-General to introduce a Bill which will stamp out circumcision of girls and make it a crime punishable by law.

I bring this Motion basing my concern on what I have said and the fact that everyone knows today that the AIDS epidemic has become a very serious threat to human life. We know that AIDS has been spread through blood contact. Let me start by saying that we, as Africans, have for many years, had our own cultures, and I am proud that we do pursue most of our cultural practices. Circumcision has been one of these cultural practices that we have followed for many years. Historically, no one really has documented as to where circumcision of women started, but it has been known to have started as early as 164 B.C. in Egypt along the River Nile.

Mr. Deputy Speaker, Sir, the question of circumcision started during Pharaoh's era, on girls or women who had been taken as slaves. This is a documented time that the circumcision of women started. The issue here was that, those girl slaves had to be made sexually inactive and also with regard to the question of pregnancy. It is also known that about 100 million women all over the world have been circumcised. Between 74 million to 84 million girls and women have been circumcised in about 40 countries in Africa.

Mr. Deputy Speaker, Sir, other countries, for example, Greece and Russia used to circumcise their girls. But over the years, with the realization that this exercise is cruel, most countries have abandoned it. In Africa it is known that Somali, Djibouti, Sierra Leone, Sudan and this country of ours, circumcision of girls still continues to be practised. Around 1930 with the coming of Christianity in Africa and particularly in this country, the issue of circumcision of girls became a subject where the church tried to intervene and explain the fact that, the exercise was cruel. My quest for circumcision of girls to be made illegal by law will not succeed if we do not educate our communities. I believe educating our people will go a long way towards this course, more than even the legal aspect. But, I think, in view of the unhygienic aspect that is known, the AIDS epidemic and the kind of unhygienic instruments that are used during circumcision, make it a very urgent matter that if we really care to save the health of our women, we must invoke this matter in the legal aspect.

Mr. Deputy Speaker, Sir, there are three types of girl circumcision. The most common is where the women are cut minor parts of their private parts, the second one is excision and the most serious one is infibulation(?). This means that most parts of the ladies' private parts are removed and this leaves a very serious scar on the girls, because these parts have to be sewn in. Sometimes the girls bleed quite a lot and get infected. In most cases, some girls have died. Worst of all, during child birth some children and even the mothers themselves have died.

Mr. Deputy Speaker, Sir, it is my view that if we continue with this culture and considering the fact that, it is the same knife that is used to circumcise about five or 10 girls, it is a matter that really requires very serious consideration. It is also known that, for example, when some of our communities circumcise a girl, that girl is made to travel even 10 kilometres and sometimes married off during the day of circumcision, as it is practised by the Maasai community. It is therefore, very important that we introduce a law that will prohibit circumcision of girls in order to reduce the danger of HIV infection.

Mr. Deputy Speaker, Sir, let me commend the fact that even women organizations, for example, Maendeleo ya Wanawake have realised the dangers of women circumcision and that our women organizations within the recent past have documented through films, programmes that go a long way in educating our people and show them the fact that this exercise can be transformed. Recently I saw, in some areas, girls are shaved. When we consider the African culture, circumcision of both girls and women was intended to show that a person had matured; that the woman could be married or entered a particular age group. Recently women organizations have introduced some other aspects where these girls can be initiated through some kind of ceremonial arrangement which does not necessarily need injuring their private parts. In any case, if it is assumed that only women must be made sexually inactive, why not men also? Because we are both human beings with the same biological urges and I believe that it is for this reason that we must strongly save our young ladies by introducing this aspect of legal intervention that I am asking Parliament to enact.

Mr. Deputy Speaker, Sir, let me emphasise once again that I believe educating our communities will go a

long way, together with the legal aspect. It is not until our community realises the dangers that it poses, that they will stop. For example, my community - the Kikuyu - have for years practised girl circumcision until 30 years ago, that they abandoned it. In my own family, my mother, sisters and everybody else in the family underwent this process. But the present generation has abandoned this aspect of our culture.

Mr. Deputy Speaker, Sir, sometime back in 1982, there was a case in our area, where a headmistress was attacked by about 50 men at night, captured and circumcised. This lady was marched away and circumcised by this gang in a very crude way somewhere in Mount Elgon.

Mr. Deputy Speaker, Sir, some of these things are the ones which make me feel very strongly that this country has reached a stage when we must really protect our female community. It is also known that sometime in 1982 our President himself made it a Government policy that women circumcision must be abandoned. We really must make it illegal for people to circumcise females.

With these few remarks I ask hon. Asiyu to second my Motion. Therefore, I beg to move.

**Mrs. Asiyu:** Thank you, Mr. Deputy Speaker, Sir. Hon. Mwaura has put this issue to this august House very well and it is my humble opinion that when time comes for us to put this Motion to the vote, the whole House will see the need to vote for it. The high exposure to the risk of contracting AIDS through the horrific ritual that female children undergo cannot be over emphasised. The same razor blade that the circumciser uses on more than two girls is in itself a clear indication that AIDS can be passed on to other uninfected girls. If the circumciser is HIV positive and has any cuts on her body she can easily pass on the AIDS disease to innocent children.

Although, as hon. Mwaura says, there is no data available now which links the HIV infection to female circumcision, I am informed that already in Ethiopia a study has been carried out and it clearly indicates that it is possible for girls to contract AIDS during circumcision. I want to urge the Kenyan Government to carry out the same study. The Government is doing very well in the area of AIDS, and I want to appeal to the Minister for Health to use some of the money being used on the campaign against AIDS on some research to find out if there is linkage between female circumcision and the dreaded AIDS disease.

The Maendeleo ya Wanawake Organisation, as hon. Mwaura said, has done some commendable work and has come up with a home grown solution to this problem. They have created awareness throughout this country to the undesirability of this ritual. They have also adopted some alternative ritual for girls. For example, the hon. Member for Tharaka Constituency has participated in some meetings where creation of awareness, mainly to girls and their parents, about the ill effects of this practice, was the subject. I think the Organisation should be commended and the Government should, in fact, give it more funding to enable it to not only carry out the campaign in the creation of awareness but also do badly needed research to find out whether or not AIDS can be linked to circumcision of girls. This has been found to be the case in Ethiopia. In fact, if there were more women in this House we could begin to re-arrange furniture here and would be in a position to have some of these practices outlawed. We would also ensure that education that is very much needed by parents and the girls themselves is given.

While most traditions are beneficial and shape the unique identity of a society, especially in areas where female circumcision is carried out in order to protect the social system, some traditions like this one are quite harmful to the society. One hopes that the Government will take action. In China, around the 13th century, during the Ming Dynasty, there was a practice of making women tie their feet, if they were big, to make them small. This was really designed to suppress women physically and emotionally and render them inactive and dependent on men. And like female sexual mutilation, it was reputed to enhance female beauty and male sexual pleasure. It caused some women to feel proud of their deformed and aching feet. Although it was not as entrenched as female genital mutilation (FGM) is in Africa, it took critical questioning by the Chinese people themselves and they outlawed the practice. We could do the same here.

Mr. Deputy Speaker, Sir, the FGM is used by a male-dominated society to repress women's status and sexuality. Women have been psychologically manipulated into sanctifying a tradition that inflicts much pain and suffering on them. Consequently, female circumcision is among the most protected sexual practices in Africa. The same victims, women themselves, often lead the fight to perpetuate the FGM believing it is necessary to preserve ancestral heritage and religion. But I want to say something about religion. There is no where in Bible or even in the Holy Koran where female circumcision is advocated. Mwalimu Hussein Malik, who is a counsellor for muslim students at the University of Nairobi, said recently:-

"We are told in the Old Testament that circumcision was ordered to Abraham, his followers and even his servants and slaves as a covenant in chapter 17, verses 10-14 of the Book of Genesis. It is told about males only. Had it been for the women it ought to have been stated about them also. There is, therefore, no mention of it in other books of the old gospel nor in the New

Testament. It is neither told of in the Holy Koran nor in the tradition of the Holy Prophet Mohammed that women should be circumcised. It is evident enough that female circumcision has no religious significance. If there are some people who do it must be for their own traditions or customs but not for religious reasons".

As hon. Mwaura said, the tradition seems to continue and an estimated two million girls are operated on every year. Due to our rapid population growth, more and more adolescent girls have voluntarily been circumcised every day. I know that unknown numbers will die of either its immediate or long term health consequences.

This practice is a human rights issue apart from being a health issue. The practice violates the basic principle of the United Nations human rights declaration of 1948. The declaration states: "All humans are born free and equal in everything and rights and the people have a right to be free from any torture or degrading treatments." This practice goes against basic medical ethics and also against the universally accepted view points and infringes upon the fundamental principles of basic human rights as well as national and international associations. It is usually performed on children who are incapable of giving their voluntary consent; moreover if a woman from those communities that circumcise women says no to circumcision, in most cases she is ostracised from her community and will probably end up as a prostitute in the city where she would not have freedom of choice. If a woman is uninformed of the probability of health complications and has no sufficient knowledge, then, definitely her human rights are being infringed upon. When this practice is performed on an eight year old girl like it is being done now, even in some hospitals, I would like the Attorney-General to take this matter up very seriously. There are hospitals that are circumcising children who are not able to give their consent. Children who are at the age of eight or nine years are increasingly being circumcised in hospitals.

With these few remarks, I beg to second.

*(Question proposed)*

**The Attorney-General (Mr. Wako):** Mr. Deputy Speaker, Sir, I know that it is unusual for me to respond at this time but there are exceptional circumstances which demand that I respond at this time.

I wish to respond at this particular time to make it clear that on this Motion, which is very, very important, and which touches on the social lives and traditions of people in this country, the Government has decided that there should be a free voting on this Motion. In other words, the Government is not coming out in support or in opposition of this Motion but would want to see a free debate in which hon. Members in both sides of the House can air their own personal views on this important matter. Therefore, the Government will thus be guided by the collective wisdom of this National Assembly. That is why I thought I should make that very clear from the beginning, that, that is the position of the Government. What I am going to state is merely by way of information, education and also add my own personal views on this particular issue.

I wish to thank hon. Ambassador Mwaura for having moved this important Motion for debate in this august House and also Mrs. Asiyo for the able manner in which she has seconded this Motion. I must say that, personally, I am in sympathy with whatever they have stated in this House. This Motion is very important because the issue of female circumcision and HIV have been coming up in this House for quite some time. On the issue of female circumcision, this is the third time that this issue is being brought to the attention of this Parliament. You may recall that on 4th May, 1993 I answered Question No.173, asked by hon. Karua who, among other things, wanted to know what action the Government was taking to protect women from forced circumcision. In that particular case, she had alleged forced female circumcision in Mt. Elgon and Bukusu areas of this country. On 29th November, 1995 hon. Ruhiu asked Question No.928 in which he wanted to know what action the Attorney-General was taking to make this practice illegal. My answers to this Question were valid then as they are today. I just wish to repeat what I said at that time that: "Forced circumcision is illegal under Sections 231, 234, 250 and 251 of the Penal Code." The Task Forces on the reform of the Penal Codes and Procedures and the Task Force on Women Laws are considering whether or not female circumcision should be made an offense and if so, what would be the appropriate time for making it illegal? I went on to say: "Female circumcision is a cultural practice reflecting beliefs, values and morals of the communities which practice it."

Studies have shown that it is wide spread among certain communities in Kenya. The law can only be effective if it is well understood and respected by those it is meant to assist. The focus ought therefore, to be on making the communities affected realise that this practice is outdated. I therefore, strongly appeal to religious communities and even leaders as well as the enlightened members of the society, to educate the public to change their attitude towards female circumcision. That was the position which I took at that time and it is still my position today.

I wish to reiterate what hon. Mrs. Asiyo said that, the Maendeleo ya Wanawake Organisation has been very much involved in carrying out studies in this phenomenon. I am aware that they conducted surveys in September and October 1991, in four districts namely: Meru, Kisii, Narok and Samburu. In those four districts, the surveys showed that 89.6 per cent of the women aged 14 and above years are circumcised. The most common reasons for supporting circumcision for women were various: That it was a significant right of passage to adulthood, that circumcised girls received important recognition among peers and within the community. They also heard that female circumcision increases marriage opportunities for girls and that, female circumcision is a means of preventing sexual promiscuity in that it reduces that desire. It was said that it was necessary to reduce that desire because most men were engaged in fighting battles and they would be away from their homes for long periods of time. Therefore, it served the purpose that the sexual desire of women had to be reduced during that period. In a way, that promoted the moral behaviour of the society and, consequently, contributed to the economic and social cohesion of the society. What is most important from that Survey is also to note that, although 89.6 per cent of the women were circumcised, still a very high percentage of the women in those districts that is, 62.67 per cent, were in favour of the continuation of female circumcision.

*(Applause)*

**Mr. Nthenge:** What percentage?

**The Attorney-General (Mr. Wako):** In those four districts, 62.67 per cent of the women were in favour of continuation of female circumcision, and 66 per cent of the mothers of the un-circumcised daughters in those four districts, were planning to circumcise them in future. This is just in those four districts. I am aware and hon. Members may recall that in the other areas of this country, particularly, the North-Eastern Province, the province that is inhabited by the Somali community--- When we were discussing the question in this House, the tempers that arose between some of the Members of Parliament of this Province and other Members over this practice were very high, which meant that, even apart from these four districts, there other areas where the practice is still very prevalent.

Having talked about this practice being prevalent in Kenya in certain communities, the issue that arises is whether one can have a legislation now to prohibit female circumcision, taking into account that if female circumcision is forced, that will be illegal. But if it is voluntary, under our current laws, that will not be illegal. So, the issue then becomes, should we also make the voluntary female circumcision illegal at this point in time in Kenya? In other words, should we use law as an instrument of social engineering? There are, of course, those situations where the law can be used as an instrument of social engineering. One can think of very many, particularly, in business relationships and so on. One can see many instances where the law can even provide a lead in this regard. The issue, therefore, is this: Can the law be used as an instrument of social engineering? Is this the time? Is this the time that the law can be used as an instrument for social engineering in the area of female circumcision? Have the political leaders, religious leaders and the women leaders done enough in the society as a whole to discourage and spread the negative effects of female circumcision to an extent where we can say: Although there may be a tiny few who may be still attached to this tradition, the law must now come in to eradicate it?

It does appear to me that all of us still have to do a lot in our own areas to educate those people who are attached to those practices to come out of it before the law can come in and eradicate it at the moment. Let me make it very clear, that I personally consider female circumcision to be obnoxious, repugnant, un-civilised, primitive and, really, a practice that ought not to be there in a civilized society. That is my personal opinion and I will continue preaching this wherever I go. But have we all done enough to teach our own people about the negative effects of female circumcision?

It may very well be, and partly it is so, that it played an important role at that time that it was being practised. But I submit that in the modern society of Kenya, female circumcision ought not to be there. In my view, the reasons which were there at that time to justify the practice of female circumcision no longer apply in modern society of Kenya. But having said that, the issue then becomes - can we really effect a law today?

Mr. Deputy Speaker, Sir, there are countries which already have enacted a law in this matter. For example, in Britain, the prohibition of female circumcision Act was passed in 1985. Yet reading articles on how that Act has played a role in Britain, it is quite clear that it has not had an effect on the practice of female circumcision amongst the immigrant communities in Britain, which practice this. No single prosecution for the last 11 years has been conducted in Britain under the prohibition of female circumcision Act. Yet, it is admitted that, that practice is still prevalent there among those immigrant communities who practice female circumcision. That has lessons for us. What it has done is to push the whole of female circumcision underground. It is now

being done quietly and, maybe, even more dangerously, and so on. Of course, some of them would come back to their country to get circumcised and go back to Britain. But it is happening. Therefore, the focus should really be educating our people against the very harmful effects of female circumcision.

I would also like to add that on the issue of HIV, this House has discussed that issue and it has been passed. However, that is not the only rationale for bringing this law. I think hon. Asiyo and even the Mover admitted that, as of now, there has been no study of the connection between this and circumcision and the spread of HIV. But it is quite clear also that there have been studies which have shown the harmful effects of female circumcision on those people on whom it is done. The harmful effects are there and they are documented.

To sum up, I would like to say that, personally, I am opposed to female circumcision. We need to do a lot to educate our people against this practice and at an appropriate time, then the law can come in to provide the lead. I am not quite sure in view of the widespread nature of this phenomenon that this is the appropriate time to introduce such a legislation.

With those few remarks, I beg to support.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, you recognised me because I come from Meru which is the leading district on female circumcision.

In the survey carried out last year by Maendeleo ya Wanawake Organization, it showed that in Nyambene 95 per cent of all females over 14 years are circumcised. So, I think we have something that we lead in, in this area of Meru.

If I was taking my own personal interest into account, I would not come here to support this Motion. If I opposed it, I think I would get more votes in the next General Election. I feel that I should support this Motion as a matter of conscience, as one of the leaders of this country, as a human rights activist and because I share with the Attorney-General the vision of the society where genital mutilation and crimes against humanity should not be committed just because we are afraid of mentioning the unmentionables.

There was a research done in 1970's and it associated female circumcision with the Rift Valley. It was a common practice among all communities which border the Rift Valley, all the way from Red Sea to Mozambique. We were not able to understand the geographical links between the Rift Valley and female circumcision. I think we need to be very realistic about female circumcision in this country. It is a very old tradition and it is deeply rooted in our communities. Although we are going to pass a law called the Female Circumcision Act, it is not going to stamp out this practice, but as the Attorney-General said, it is a bit of social engineering. We should use the law in certain instances to change social behaviour. We have quite a number of customs in this country like burning of thieves and other customary crimes which have effectively been stamped out to a large extent because we pass law. Of course, there are variations like mob justice which we see in the streets, but it is the odd thing out. It is not the normal thing. I believe that we can also use a law in this area to assist in curbing the practice of female circumcision.

At a workshop held in Meru last year again by Maendeleo ya Wanawake and which brought grassroot women leaders to Murathankari Conference Centre, the women of Meru said that female circumcision is not a priority in Meru. They asked Maendeleo ya Wanawake Organisation to support them with water, health and education for their children and leave female circumcision to them. So, they said that women should not come from Nairobi to lecture to them about female circumcision because they know about it better than them. This poses a big problem to the advocates of participatory development. If you go to a community in Maasailand and women there say that their priority is water and not female circumcision and you believe in participatory decision-making, are you going to tell them: "Look, you primitive women, you are wrong and we should avoid female circumcision and this water. As far as we are not concerned, is not a priority for you?". These are the dilemmas that face development factors at the grassroots in this country on this issue especially in southern part of Meru. In fact, the Maendeleo ya wanawake supported Ford Foundation have come up with a very unique experiment in Tharaka area in Meru where they are supporting female circumcision without the cuts. They organize a big celebration where girls who are "circumcised" are put in the huts for two or three weeks and they are taught how to be women. So, there is a big debate in Tharaka as to whether this is really female circumcision or not, but I think it is a renovative approach.

The Njuri-Ncheke under pressure from colonial Government banned female circumcision in Meru in 1956, and the traditional circumcisers were punished, but after they did that, girls went and circumcised themselves using razor blades and we had to introduce communal punishment to try to curb it. Up to today, despite all the struggles, we have not managed to curb it. I think we should be more innovative in finding out what we can do.

There are two arguments which even intellectuals use in defence of female circumcision. The first one is part of history and culture. We say that we as Kenyans have our history, background and culture which includes

the circumcision of women. Why should we give up our culture because some whitemen do not like it? If the whitemen do not want to circumcise their women, why should they tell us not to circumcise ours? They should keep their women and we keep ours. Then there is also the question of education. Female circumcision offers an opportunity for family life education for women in our communities. They are taught how to become mothers and how to behave *vis-a-vis* the men and what have you. In my community, uncircumcised girls are considered wild, ill mannered and cheap. We need to replace this tradition and behaviour with something more concrete. Merely banning female circumcision without replacing it with something else does not help. So, that is why I think the experiment done by Ford Foundation and Maendeleo ya Wananwake in Tharaka is something which we should look at to see whether we can spread it around the country because it provides that traditional education which was provided during the period of female circumcision.

The KANU Government has failed in the last 30 years in providing leadership and vision in this area. At least the colonial Government tried. As a Government, you have to have a vision which will drive your society forward. The KANU Government has been too afraid of women in this country to raise this issue. This primitive and barbaric custom would have been stamped out way back in 1963 if the KANU Government took some action. That is why I am very happy that the KANU Government is on its way out so that our government can provide leadership and vision in this important area of our society. As the KANU days are getting numbered, we are also participating in the debate so that women can see what is in store for them from the Opposition Government. We are asking the KANU Government including the Attorney-General to repent and apologise to the women of Kenya for keeping them under this crime against humanity for too long. One day, not before long, maybe before next year, you will see all the KANU Members on their knees apologising to women and saying that they supported this Motion, but this Motion is coming too late. The wananchi will see that the Motion is coming from the Opposition and not KANU. So, we are asking our colleagues in KANU to support the Motion because the women of Kenya are watching today to see how you are going to vote for this Motion. If you are going to support genital mutilation, it will show that even the Motion you supported last week on the Beijing Platform for Action was merely shedding crocodile tears and you did not mean it. So, any person who opposes this Motion will clearly be undermining the Beijing Platform for Action which we supported last week. With these few remarks, I beg to support the Motion.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, the Attorney-General has clearly stated that this is a Motion where people on both sides of the House can debate and vote freely. My views are not the views of the Government. They are not the views of anybody else in KANU. This is because, I would like to oppose---

**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister talking of KANU(A), KANU(B) or KANU(C)?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): As I said, Mr. Deputy Speaker, Sir, these are my personal views. This is because I would cherish the opportunity to oppose this Motion.

I am not enlightened and aviate to regard this practise of circumcision obnoxious or repugnant. But I am not also saying that those who have seen the light are wrong. I am just saying that the stage that my own perceptions have arrived is not that far yet. This is because I am bred and brought up in a custom where circumcision can never be described in those terms.

Mr. Deputy Speaker, Sir, I am brought up in a custom where one of the three great stages in the development as a person, is circumcision. I would really doubt one thing, whether it is constitutional to tell a community that what is good for it, should be ruled out by the laws of this country. That particular custom which infringes on the rights of nobody else, if it is a question of human rights, the community has decided that, that is its way. I do not see how I, who represents that community here in Parliament, can stand and say that, that custom is obnoxious.

There is no necessarily established nexus between Acquired Immune Deficiency Syndrome (AIDS) and circumcision. In fact, there seems to be a nexus between non-circumcision and AIDS. This is because the areas in this country where AIDS is most prevalent are the areas where people do not circumcise their people. There is absolutely no reason to say that there is a connection between AIDS and circumcision. I do not doubt that there is another opinion, but as I said, that is my opinion.

But more seriously, I would like to invite the hon. Members to treat circumcision as cultural practice. Okot P' Bitek, in his book "*Song of Lawino*" once said:

"Listen Ochol, my husband! The ways of your ancestors are good. They cannot be easily blown away by the wind".

Mr. Deputy Speaker, Sir, hon. Murungi has said one thing. He has said that in Meru, circumcision of women is practised. He has said that during the colonial days, there was one of the commissioners, I do not know

whether it is Mr. Hiven, who went and told the Meru people: "I want you to stop circumcision". The elders said: "Give us a day". They went and came back and told the District Commissioner: "We have accepted to get rid of circumcision of women". What they actually did was to get rid of the ceremonies. But inside the millet and maize fields, the women were getting circumcised.

Mr. Deputy Speaker, Sir, I come from Trans-mara and, I do not know of any woman who can be said to have died because of circumcision. But I know that if the practise goes underground, this is going to be very dangerous for the health of the people. It is better to have circumcision in the open, than to have it go underground, when it can be practised in a very unorthodox manner.

Mr. Deputy Speaker, Sir, I say this because this type of legislation will have no way of being implemented. It is just like making adultery an offence. Who will implement such a law? Who will be the policeman to arrest the victims? The law cannot operate in vain. There is no use of bringing up a piece of legislation that cannot be implemented. I say this because I have a lot of experience on this type of thing. I am not saying this in order to earn votes. Hon. Murungi says that there is a relationship between getting votes and supporting this Motion. I must say to him that, that means the majority of Kenyans actually want circumcision. If you look carefully, it is not the men who want circumcision. No! It is the women.

Mr. Deputy Speaker, Sir, if I went to my constituency today, and asked the women: "How many of you want to remain uncircumcised?" I am telling you that if I get one, it will be a miracle. I do not know of one who has reached circumcision age and has not been circumcised, even those who have gone to high school. The reason is that there is a strong relationship between circumcision and marriage, in many of our pastoralist communities. A woman does not see another future apart from marriage. Marriage necessarily means "after circumcision".

I do not agree that the reason why we are circumcising girls is to lessen their libido. I do not think there is a relationship between sexual desire and circumcision. Most of us have not been able to see that particular connection.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Sunkuli to mislead the House that there is no connection between female libido and whatever they circumcise, when we know biologically that, that is actually the trigger of libido in females?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I have no personal experience on the difference. Hon. Dr. Lwali-Oyondi is a faithful husband, and I am sure that he has had no experience either. So, we are in the same position.

Mr. Deputy Speaker, Sir, the point I want to make is this: If this is the direction we are heading to, that is, to get rid of circumcision, then we better pump more money in educating and preparing our women to accept what Nyambura accepted in *"The River Between"*. It is a book which is set up in hon. Mwaura's district. There was a strong dispute between Nyambura and Muthoni in that book. That dispute, by the way, is what we are now trying to inject in our communities, to try and make the women see the light that many of these people in the city of Nairobi have seen.

Unfortunately, the city of Nairobi, unlike other cities in the world, is one of the least populated cities, compared to the country side. The majority of the people in this country live in the country side. They have not seen the points you are seeing. They do not know what other people in Geneva, Zurich and in the United States of America have seen. They live in this country, and to them, circumcision is one of the three things you do in order to become a man or a woman.

When I grew up, I knew that, first of all, I must be born. Then two of my teeth are removed, I get circumcised, I get married and I become an owner of property. I became a complete person upon circumcision. My wife, mother and everybody else have undergone their processes on the feminine line.

That is the duty of our community, and that is the duty that we want to protect. That is the duty that I am asking this House not to destroy by imposing the culture of one person on another person. We would like to remain in our identity and protect our community because today we might pass a Bill here saying that we want to stop circumcision of girls.

We have also discovered unhygienic habits in the non-circumcision of men. Are we going to say that we pass a Bill to compel men to be circumcised because that also has a health implication? I think the two go together, that if the women must not be circumcised, then the men must be circumcised because the Bill is silent on the circumcision of men. If we do that, we are setting up bad precedents for the destruction of important customs that make up a community by describing them as barbaric habits and by claiming that those communities have no vision. A man might lack a vision, but a community cannot lack a vision. The communities do have a vision for themselves, and their vision is to remain themselves, their vision is to retain what has kept them together all this time.



**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Sunkuli in order to mislead this House that we should protect certain customs and traditions because they are good for the community when we know that, as a matter of fact, no custom or tradition is static and it changes every day as a result of constant references with other civilisations?

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, Sir, that is a good argument.

Mr. Deputy Speaker, Sir, I beg, therefore, to vehemently oppose the Motion.

**Dr. Kituyi:** Thank you very much, Mr. Deputy Speaker, Sir. You will appreciate that while we may have different views, for once, hon. Members are able to put up logical arguments for the views that they are holding, and I respect that. I also respect hon. Sunkuli's candidness in presenting his views about what we are calling women circumcision.

Mr. Deputy Speaker, Sir, in my modest remarks, I want to say three different things. The first one, what is it we are calling female circumcision? The second one is the cultural foundations of the practice of female genital mutilation (FGM). Thirdly, the relationship between visionary leadership and decisions on matters that have fairly strong cultural roots. When we talk about female circumcision in a society where a majority of the men are circumcised, we assume that basically and clinically, we are talking about the same phenomenon; a ritual incision that involves a certain slight biological operation on the genitalia of a person.

But, anatomically, if female circumcision was the same thing as male circumcision, it would entail a very minor operation, removing a little skin of the tip of the woman's clitoris. That is what it would be like. Anatomically, when we are all formed, in the first six weeks of our lives as foetuses, genetically, there is no difference in the forming sexual organs of a kid who is going to become a boy, and those of one who will be a girl.

As the foetus develops, the part of the body which becomes the labia of a woman, to the man, becomes scrotum, the bag of the balls. That is the organ equivalent in a woman to the labia. The part of the woman which becomes the clitoris, in the man becomes the penis. So, if we are talking about doing to men what we are doing to women and calling it circumcision, in communities where they have infibulation, the removal of minor labia and the clitoris, its equivalent among men would involve the removal of the penis and the balls. Clinically, what we are talking about are two different things. What we call circumcision among men has very minor anatomical significance in comparison with an operation in a woman which, first and foremost, removes biologically the most important concentration of sexual nerve ends. So much for the talk about no relations between libido and genital mutilation.

Mr. Deputy Speaker, Sir, it is very nice to hear about customs describing why others have been doing it. I have been a student of the exercise of circumcision and the rites of passage in different communities, and to my understanding, there are a number of fairly good reasons why female genital mutilation was encouraged and has been encouraged in certain communities. Some of the main reasons are the following:- That for all societies, there is need for certain stages of rites of passage. When a person ceases to be a kid without gender, just a baby in the village and, as we start specialising in labour relations, marital duties and responsibility, we have a certain control point at which we pass through. In certain communities, it is just a process of confirmation in early teenage. In others, for males, it is circumcision and in women, it is genital mutilation. In one way, that has been a very good thing because in all societies where female genital mutilation is practised, there is a very serious stigma against men who have sexual relationships with children who have not been circumcised. Therefore, because of that stigma of not having sexual relationship with a girl before she is circumcised, the abuse of young girls by male adults is curbed by the exercise that she is not woman enough before she has been circumcised.

Mr. Deputy Speaker, Sir, there has also been another reason. That apart from the reduction of child sex abuse, there is control of sexuality of women in two regards. In one regard, many men in their culture justify that there is no man who is likely to exploit the sexuality of your daughter until you give her to a person who has so many animals, so that you are guaranteed a good product if there is a cultural taboo that helps to stop others from interfering with the product you would delivered on the market. That is basically men domination of women from the domestic circle. Even in societies where there is no female circumcision, there are always obsession about sexuality of daughters and wives, and that any cultural exercise that reduces the ribitol among the women was seen as consistent with the desire of male control of the sexuality of women, and the reduction of the potential crispy of competition within the community.

But, Mr. Deputy Speaker, Sir, those may have been good reasons in subsequent societies and in those communities where they were practised, but let us look at it today. Today, we are living in a society where modern medicine has shown us a number of fundamentals. One of the fundamentals is that it is not open to debate. The exercise of genital mutilation among women exposes them to a lot of possible health hazards. One of the easiest one, if they have not had any infection, or hepatitis during the operation is the phenomenon that the

scar tissue that forms after operation sometimes grows into fibrous tissue called cliloits, reduces the natural God-given elasticity of the woman's female organ. That is a particularly painful exercise at the time of delivering a baby. It is even bad enough in many cases in the exercise of having sexual life. It is a reality that we are all aware that all the mothers who go to hospitals to give birth after having been genitally mutilated in their youth, have very severe and painful tears because of the tissue that cannot expand and enlarge like God make them to be capable of doing. We cannot pretend that away.

Mr. Deputy Speaker, Sir, it is, therefore, not subject to question. It is not a matter of our opinion whether we are impairing it biologically, or not, it is an obvious phenomenon. If we are living in an era where we have to shed all those cultural blinkers that blinds to the reality that women are our partners in life and that they are equal human beings to men, why should the obsession of men to control women be so driving us that we have to look posterior to justify an exercise that belongs to a different era when the dominant ideology was male gerontocracy, the dictatorship of public norms by male elders driven by the desire to confirm a *status quo* that confirm the continuity and perpetual dictatorship of male elders?

Mr. Deputy Speaker, Sir, if we are opening up social space and democratic space for equality between men and women, we must start questioning the ideological practices that were hinged on the practice of male domination of the society.

There have been arguments about forced circumcision being bad, but voluntary circumcision not being good. That sounds well and good. How many nine-year-old girls freely decide that they want to lie down---many times they do not lie down; they are pinned by old women as they are crying and they are being "cut." To what extent can we call the exercise where a little child whose socialisation has been to respect orders from above, who receives orders from the elders that this is normal practice; to what extent can we expect that, that is a voluntary decision?

Let us talk about democracy. We heard about communities making decisions. In matters of human rights, the individual has precedence over community. It is the life and the dignity of the individual, we are talking about. Which community decides about a woman being circumcised? Most communities are reproducing engines for reproduction of cultural ideology. They are not making phrased decision. Visionary leadership is how to break out of the cocoon of tradition and custom.

Women are not deciding that their daughters be circumcised, but they are doing what they have always done; reproducing ideology and culture. In societies where the gadre is exercised, whereby tradition in dry seasons, extended drought, a mother must abandoned a female baby to die so that she has the capacity to survive and to nurture sons. Women do abandon their daughters to die. Does that mean that women like to decide to kill daughters so that sons can survive? It is most eloquent confirmation that women are victims of the desire, the pressure to reproduce culture even when it is negative to the interests of women. That is why women have been the purveyors of infanticide in the practice of gadre. That does not justify gadre as practice.

Talk about public opinion and about a lot of people of being opposed to stopping female circumcision. If you carried out a census among people who have multiple sexual partners in their daily life, who go to bed with more than one person, more than 50 per cent might say that they do not want condoms. Does that mean the Government should stop promoting condoms because many people who should use condoms do not like them? It means that the Government has a larger challenge to persuade these people even better, to see the need to abandon the practice that they have been involved in.

The challenge of visionary leadership as hon. Murungi said is to define what is good for society and say: Why has it been that for 33 years of Independence, we have failed to mobilise and what can we do now to mobilise?

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

**The Assistant Minister for Land Reclamation, Regional and Water Development** (Mr. Mokku): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in contributing to this Motion.

To begin with, I stand to oppose the Motion. Various speakers have made their suggestions and opinions, some of them have talked in terms of human rights and so on. I think it is very odd for the communities of diverse cultures and interests to be imposed on an idea which is not acceptable to them. For example, where I come from, a girl is not mature until she is circumcised. Without this "maturity" it is known that a girl will not even be married until she is circumcised. It is a taboo for girls to remain uncircumcised in some communities. If today we pass in this House that female circumcision should be stopped, as hon. Kituyi is suggesting then it will take this Government time and resources in persuading or forcing those communities who practise female circumcision to abide by.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Kariuki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, hon. Members have said it is violation of the human rights. Are we not trying to interfere with individual human rights? There are sections of Kenyans who practise female circumcision and there are some who do not practise circumcision at all. I think it is not in order for this House to go to that extent of forcing those who practise female circumcision to stop it or to force those who do not practice female circumcision to do so.

On the health part of it, if we look at the current affairs of this country, for example, it is not true that in the areas where female circumcision is practised that the AIDS cases are high. I think in areas where female circumcision is not practised, AIDS cases are high.

I feel that those who are opposed to female circumcision should know that it will be received with a lot of hostility from a cross-section of Kenyans. Let us respect the individual rights of every citizen in this country. Let me not be forced to drink water that I am not ready to drink; let me not be forced to eat what I am not supposed to eat.

The Muslim community forms 30 per cent of Kenyan population and, according to Islamic religion, it is one of the *suna* in the Muslim *sharia* that both female and male should be circumcised. If we talk from the cultural point of it, we are only trying to interfere with the fate of people in the society. We are also interfering with religious rights of a community.

One of the speakers gave an example of condoms. The use of condoms by public has not been passed by this House. For example, there are people who would like to use them at their own discretion. There are people who do not use them at all. It is not a law that if you want to involve yourself in sex, you should use it. The hon. Member said that Government should persuade public to use condoms. This is a different case, people cannot be forced to use condoms, they use them at their own discretion and we cannot compare it with female circumcision.

In most of the communities, there are three stages of human development. A child is born, circumcised and gets married and eventually dies. It is not going to be a complete cycle if one of those stages is escaped in the development of an individual. In some communities, if somebody is not circumcised, he is considered a child. If we try to impose this law in this House today, we will get resistance from the people. With all due respect, the Mover had his intention or viewed it from a different angle. It is the feeling of some of us where female circumcision is practised that it is perceived with a lot of dignity and respect.

If we get views from the public on this subject, I am sure that more than 85 per cent will opt for female circumcision. I want to suggest that those who practice female circumcision, let them continue with it and those who feel that they would not like to be circumcised, should be left on their own to decide. The option should be left to Kenyans rather than us imposing it on them.

Mr. Deputy Speaker, Sir, we do not use excessive force or other means on somebody to decide to get circumcised or not. Why do we not leave it for one to decide? For example, I think it is this morning when one hon. Member said that for him to become a mature man, some of his teeth has to be removed. Those were his personal feelings and one is free to have his two, three, four or five teeth removed to become a man just as it is free for one to decide on what dress to wear? You cannot pass a law that in the morning I should put on this or that type of shoe. I think we have much to say in this House. We have much to do for our people at the countryside. I do not think that it is even useful to waste our time this morning on such a Motion. I do not think Kenyans regard this to be a very important matter unless we do agendas and not talk about others. Why should we waste time on this Motion? Whoever will be listening to the news will be asking whether we are so idle to start thinking as to who should be circumcised or not. I think it is high time we thought of something else.

Mr. Deputy Speaker, Sir, I beg to oppose.

**Mr. Farah:** Thank you very much, Mr. Deputy Speaker, Sir, for giving this opportunity to contribute to this Motion. The Motion says that because of AIDS and the preference of AIDS and realising that circumcision does contribute to it, we should have a Bill to outlaw circumcision. The most profound research by doctors on the contribution of AIDS is that it is much more prevalent with uncircumcised men. If we seriously want to get rid of AIDS, then we should have the priorities right in the first place. Let us say that all men must be circumcised.

Mr. Deputy Speaker, Sir, the latest statistics that we have of AIDS in the country right now do indicate the area where the culture of circumcision of girls is most preferant has the minimum AIDS cases, which is North Eastern Province. If we could say in North Eastern Province we have about 5,000 diagnosed AIDS case now, 75 to 85 per cent of that are people from upcountry and who are working there.

When you go to the actual population itself, 25 per cent of 5,000 comes to be slightly less than 1,000. We have a population that is five times less than what we have in Nyanza Province. Then you will be talking about Nyanza having AIDS and if you multiply by that factor, you will have five, six or ten times. What is the indication right now? Even with flawed census results, if out of 500,000 people, we have only over 1,000 AIDS in an area where people practise circumcision itself--We do not have similar population figures as we have in other provinces in the country where we have 60 times more cases of AIDS. This is a clear indication that actually female circumcision is something that is saving some of the communities from contacting AIDS.

Mr. Deputy Speaker, Sir, female circumcision itself has lately been coined and called female genital mutilation. If you look in the dictionary what circumcision means, you will see it is the surgical removal of the foreskin of the male part or the surgical removal of the clitoris for the females. But now the white man comes and calls it female genital mutilation because they do not practise any form of circumcision themselves. Instead of us exposing our old noble culture right now which got a proven scientific research of male circumcision and going out to the west and telling them that; they circumcise their men and showing them why it is important for them to circumcise their men because they are prone to catching AIDS, they come and tell us to circumcise the women. Female circumcision itself is as old as mankind. It is old and widespread throughout the world. It is found in Mexico, Brazil, Peru, Philippines, Malaysia, Pakistan, Indonesia, in many countries in Africa, and also in many countries in the Arab world. What you have to ask yourself: Since the culture is thousands of years old, what was its nobility; why did it spread that far and wide? There must be a good reason for that. What we need to do is to get our own social scientists and our own doctors, not to ape the west, but to try and scientifically analyse and see what is good about female circumcision and come out with it.

Mr. Deputy Speaker, Sir, as it is right now, we are facing a situation in which by the turn of the century we will lose about one million people through AIDS. We will lose the most productive age group. We have a host of social behaviours that were imported from outside the country that are very prevalent in the country right now. We need to analyze this very deeply and see how we can solve those problems. Let us not have this constant vision of always seeing what a white man has seen. When you are told to do this, you want to do that. When you tell him not to worry about this so much even you are suffering so hard, you still he says do not worry about that.

Mr. Deputy Speaker, Sir, there are about three different kinds of female circumcision. There is infibulation, there is clitoridectomy; and excision which is the removal of the freshood and the clitoris and other parts of labia minora and the labia machora. I can understand how we need to debate the merits and demerits of these. Some of them are a little bit too excessive. We may come out and say that even those who practice, have no reason to be regarded better than that the other kind instead of us coming wholesale and saying that female circumcision of itself, is obnoxious, or outrageous. What is outrageous is to have AIDS. We know from our own experience that our wives enjoy sex as much as any other wives even those ones who are not circumcised.

**An hon. Member:** Tell them!

**Mr. Farah:** Mr. Deputy Speaker, Sir, the men also enjoy it. But the point is that, this is an old tradition. According to Islamic laws, we were told to circumcise men. However, it is better to circumcise women. It is not a must. That is why some Islamic communities do not circumcise whereas others do so. There was no clear distinction of what form of circumcision one should do. So do it very mild, they just remove a portion of the clitoris while, others go further and others do it a bit differently and probably in a more pronounced way. We can debate the merits and demerits and maybe some of the thing like I will tell you right now: If ever any person contacts AIDS because of circumcision, it is because the wrong blades were used, they were dirty and infected. Our social workers should be telling people that when you want to do these things because it is in your culture, you have to do it with clean sterilised good instruments. In some cases, take the person to the doctors and let them perform, because we know the doctors who perform that. Put the child under the care anaesthesia and perform it.

Mr. Deputy Speaker, Sir, I do not like this business of trying to take the culture of people wholesale. In Kenya the Kikuyus used to circumcise their females before, but now it is not so much widespread among them because the white man came and told them that that is obnoxious, low taste, and it is bad, do not do it. But the Kikuyu did not tell the white man; you circumcise yourself because you have got an obnoxious piece of skin on your penis. What we need to do is to have more research on this.

My worry is that there are so many NGOs and women who go around saying "We are going to liberate women so that they do not circumcise". The most educated women in the world right now come from Egypt and they are all circumcised. They have professors, physicians, consultants and all sorts of professionals. In Egypt women are circumcised and that country is still more developed than us. So, it is not a criteria for development. It is not a criteria for development. It is not a criteria right now for the deliberation of the emancipation of women.

They should get more basic things to do for women like empowering them economically, educationally and politically; the things that we all agree on. Do not go into things just because you were told by the whiteman up there and then you come and tell us "Toa hii, toa ile".

Mr. Temporary Deputy Speaker, Sir, it is not a priority. It cannot be legislated against because it will fail. If you want to legislate against it, go and do it in the U.K. for your colonial white masters or anybody who believes so much in the practice.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to oppose.

**Mr. Nthenge:** Thank you very much Mr. Temporary Deputy Speaker, Sir. I am a believer in freedom and I like people to be very free. But at the same time, I feel it is the duty of leaders to guide the nation. We must guide this nation in all its affairs. I want the freedom of the woman to be maintained. I do not want a situation where a girl is forced to be circumcised or not to be circumcised. I want the girls to be free and make their own decisions. I am, therefore, on this note suggesting an amendment to the Motion so that there is a compromise. I am saying let the Motion stand as it is but let us add these words "Except when a girl is at least 18 years". At that time she can decide to be circumcised and you do not have to take anybody to court.

**Mr. Mwaura:** On a point of order Mr. Temporary Deputy, Speaker, Sir. Is it in order for my hon. friend to amend the Motion at this stage?

**Hon. Members:** He has not amended the Motion but only suggesting amendments to the Motion!

**Mr. Nthenge:** Thank you very much Mr. Temporary Deputy Speaker, Sir. It is quite in order to amend a Motion because once it is here, it is our Motion. It is no longer Mr. Mwaura's Motion. I am saying that I want the freedom of the people who say that "I do not want to marry an uncircumcised girl", to be taken into consideration. This is so because when a boy becomes an adult and he agrees to marry a girl and the girl accepts to get circumcised before being married then that is fair enough. I also do not want a situation whereby a girl becomes a woman and then she says "I wish I was not circumcised" or "Why did my grandmother decide for me?". This is because for those of you who are grown ups, will find that the differences between an uncircumcised woman and a circumcised one are actually very minor. I come from a community which used to circumcise women and maybe upto 40 per cent of Akamba women are still being circumcised. So, I know what I am talking about. An uncircumcised woman and a circumcised woman look alike physically. Now, a boy will not refuse to marry this girl just because of the fact that she is circumcised. That is a top secret. You normally find out whether a woman is circumcised or not when you are really in the advanced stage of love-making.

Mr. Temporary Deputy Speaker, Sir, I am saying it is fair for the parents to be told to decide on whether their grown-up girl can be circumcised or not. And if they decide in the affirmative, you do not take them before a court of law. But if a little young girl is forced into circumcision, then that is the time that you take us parents to court. But, for now it upon the girl to decide whether she wants to be circumcised or not. When it comes to issue of AIDS, it is also known also that some children are borne of parents who have AIDS and may carry it for a while. Now, if we are using the same knife in circumcising these little girls, the chances are that the initial candidates blood which maybe HIV-positive may pass the disease to the other initiates. Therefore, by the time she is 18, it is obvious that she is not a carrier from birth and at the same time you maybe surprised to find that the boys who are going to marry these girls refusing to marry a circumcised girl. So, we have no complaints as parents about the girl and the boy when they agree on whether the girl should undergo circumcision or not. Let me complain about my wife but I have nothing to do with my daughter-in-law. That is upto my son. Let us leave both of them as adults to decide their fate. This is because a girl who is 18 years of age is on the verge of finishing secondary education. She has done quite a lot of biology. She knows something about her body. She actually knows quite a bit. Therefore, at that stage, let the Attorney-General say nothing if he hears that she was circumcised; whether in a hospital or traditionally.

Mr. Temporary Deputy Speaker, Sir, my argument is that let us give leeway to those people who are mad about female circumcision and also for those who are against the practice. Let us have an in-between in that once the girl herself and her boyfriend want circumcision, then they are free to do it. Even if you find a married woman who has even finished giving birth decides to be circumcised then that is her own affair. Let her be free but this pinpointing is not good. So, I want the decision to be made by the person himself or herself. At our place it used to be mainly the grandmothers who were more interested and they did not leave the problem with their granddaughters when they are adults. And even their grandmothers are not alive to discuss it with them; to ask them why they did it. So, let the girl who is going to be circumcised have a part to play. Some circumcised women have problems when giving birth because of the scar that was inflicted during the circumcision. There are some women who do not have a scar but there are some women who carry a scar on their genital organs and, therefore, when she is trying to push out the baby, she experiences a problem. It is a pity that the Parliamentary gynaecologist is not around.

**The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Nthenge, if you want all your ten minutes, your seconder will not find time to second the Motion.

**Mr. Nthenge:** Okay, I beg to move the amendment and hon. Dr. Lwali-Oyondi is seconding.

**Dr. Lwali-Oyondi:** Thank you very much Mr. Temporary Deputy Speaker, Sir. I wish to second the proposal by hon. Nthenge in that actually as some of the speakers have said, we ought to leave the freedom to decide on whether a girl has to be circumcised or not to the individual as opposed to communities. This is because communities can become dictatorial just as there was socialism in Russia and the State was dictating to people. Therefore dictatorship is not something that can be done by an individual but it can also be done by a community and even a nation. Because of that, I support this proposal in that we should leave the question of circumcision of females to adult females. So that, that young lady can decide to do it or not and at that time, that lady is also able to talk to the boyfriend and see if the boyfriend would desire to have a circumcised woman or not. In most cases, males from places where females are circumcised enjoy sex with women who are uncircumcised more and they go for them in their illicit sex errands while the females are left suffering.

Mr. Temporary Deputy Speaker, Sir, if we look at the whole process - and it has been explained a little bit, the female clitoris is actually a vestige; something that should have been a penis and it has a very, very important role biologically, in that, it is some sort of erotic organ which in most cases makes the female enjoy sex more. And the people who circumcise women knew that, and that is why they tried to sort of tame them sexually by cutting off that erotic organ. In the present circumstances therefore, we have no need for that, in that, males no longer go for long journeys to look after cattle and so on. Presently there are a lot of men around and therefore, the question of women suffering because of the clitoris does not arise. There are a lot of people who can alleviate whatever suffering they have.

Mr. Temporary Deputy Speaker, Sir, circumcision is supposed to be cutting around, but in this case, they uproot the whole organ and that is why we call it genital mutilation. While male circumcision is a question of removal of the skin, for girls, there is also a small skin around the clitoris and if they would like to continue with this, it could be desirable probably to remove that skin as opposed to uprooting the actual organ.

Mr. Temporary Deputy Speaker, Sir, during circumcision, a lot of diseases are transmitted. Not only AIDS, but also gonorrhoea, for example. Because, in most cases, people are circumcised in large numbers. For example, there could be probably 10 or 12 girls being circumcised at the same time and the circumciser has no time and neither has she got a background health knowledge. Therefore, she will just move from one person to another thereby spreading diseases and today, the most dreaded disease is AIDS. Tetanus has also been around and this is what they used to call Lock-jaw. That is why some people have removed their teeth because tetanus used to leave their mouths shut; and that is why certain tribes in Kenya used to remove two teeth so that they could pour some liquid food through that space in the teeth.

Mr. Temporary Deputy Speaker, Sir, traditions have been there, people have been tearing or making holes through their ears. I have seen some people whose ears actually touch the shoulders but at the moment, we can look around and we have probably one or two Members of Parliament who have fairly large holes in their ears. But long time ago, everybody had a large tear in their ears. Many people also used to remove their lower teeth. The Luos, for example, used to remove six teeth. There were others who used to remove four, two or one. Today, there are very few of us here who have removed their teeth and that was all traditional and we can also stop female circumcision.

With those few remarks, I wish to support the amendment.

*(Question, that the words to be added  
be added, put and negatived)*

**Mrs. Nyamato:** Mr. Temporary Deputy Speaker, Sir, first of all I would like to put the record right that AIDS has nothing to do with circumcision and it is also wrong for people from communities that do not circumcise to give a lot of details about circumcision, an exercise they do not even know how it is done.

First of all, we should go back and find out what female circumcision is, how it was practised and how it was carried out. Circumcision is not just female mutilation. To those communities that practised it, it was a cultural and ceremonial event. It was done with a purpose and maybe all we need to look at is whether it still applies or not; the way it was done and by who. Circumcision was a ceremony and a passage in life where a young girl was prepared for woman-hood. The circumciser normally came from a family that had practised circumcision throughout. They were people who were always prepared with their tools. During the circumcision event, the woman that carried out circumcision normally had antiseptic herbs which were applied to the wound as soon as the clitoris is cut.

So the question of associating circumcision with so many diseases and other things does not arise. The only thing I would like to say is that, as a ceremony, circumcision prepared a young girl to know what to do with herself. One of the teachings during the circumcision ceremony or during the preparation was to let the girl know about herself; to know how she is growing up. Therefore, we have to find a replacement for this sort of cultural teaching if we have to abolish circumcision.

As a woman who went through circumcision, I will now give my own account of the experience that happened. As you are aware, we now have so many young girls who beget other children. One of the reasons this happens is because these girls were never prepared; they never underwent a preparation stage in their lives. I know that during the circumcision ceremony, a girl was made to understand when she was nearing puberty, to understand herself, to know her organs, when her breasts have grown up, when they feel tender and that they were now nearing the production stage. They were then taught not to play about with boys. You were told not to play about with boys because you were then growing into a woman. You were also told what do with your husband, in which communities you were to be married to and how to avoid sexual encounters with close relatives, which was not allowed. Therefore, though I am not supporting continuation of female circumcision, I am trying to say that there is a ceremony associated with it. With what do we replace that particular ceremony? If you were to go out and tell people: "Do not circumcise your children because they will be infected with AIDS", they may not listen to you.

With these few words I beg to oppose the Motion.

**The Temporary Deputy Speaker** (Mr. Kariuki): It is time for the Mover to reply.

**Mr. Mwaura:** Mr. Temporary Deputy Speaker, Sir, let me first of all thank the hon. Members who have contributed to this Motion, particularly hon. Attorney-General, Dr. Kituyi, hon. Asiyo, who seconded the Motion, among others. Let me remove the notion, which I perceive some hon. Members to have, that my Motion was intended to link HIV infection to female circumcision. Hon. Members know that removal of teeth has in some cases been associated with HIV infection. When a dentist removes teeth from an HIV positive person and uses the same equipment in the removal of the teeth of another person there has been HIV infections. I am only saying that there is danger of infection where blood from an HIV positive person comes into contact with a cut on the body of another person.

Let me also highlight some aspects of circumcision which have been documented. The high exposure to the risk of contracting AIDS over the years has become a major factor in female circumcision, which is carried out by people who are not medically trained. Crude instruments, which are not sterilised, are used. Many victims of this ordeal have explained how the same razor blade is used to mutilate the organs of up to 10 girls. That is one point. The other point is that this horrific ritual is outmoded and has physical and mental complications. It can also cause complications like haemorrhage and severe pain which can lead to shock and death. These facts have been highlighted here.

I feel disappointed by some people who tend to think that whenever we try to have a vision for our society we always do this because the white man has given us some ideas. The present genocide that we are having in some of our neighbouring countries has affected even white people. It is time we dealt with issues without bringing a racial aspect into them. The other point - this is why I liked the attempt by Mr. Nthenge to amend the Motion - is that until a girl attains the age of 18 years, which is provided in our statutes, how can we say that even a girl aged eight years can give consent for her circumcision? These are areas where I think our legal experts and the Attorney-General should brief us on. The issue here is not the question of human rights abuses, but it can become an abuse when an immature girl is circumcised.

The other notion which I must remove from the minds some hon. Members is that this Motion has been brought here to impose something on a certain community. Hon. Sunkuli said that the Motion is aimed at some community. I did not move this Motion with a view to trying to hinder the growth of some communities. It must be understood here that even in the Kikuyu community some few people continue to circumcise their girls. But their number is very small. Some hon. Members have said that in areas where girls are circumcised, there are very low numbers of HIV positive cases, but I do not want to connect this Motion with the spread of AIDS. It is obvious that because muslims have nothing to do with circumcision---

**Dr. Wako:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Mwaura not misleading the House? The Motion itself has connected AIDS to circumcision! He is now trying to deny that he has done that, when the Motion itself states it!

**Mr. Mwaura:** Mr. Temporary Deputy Speaker, Sir, I have shown that even where a dentist removes---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have been asked whether hon. Mwaura is in order to deny now that the Motion he has brought before this House has a direct link to

AIDS.

**The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Mwaura is trying to deal with that issue.

**Mr. Mwaura:** Mr. Temporary Deputy Speaker, Sir, let us deal with the issue of AIDS, on which our Government is spending a lot of money. We are saying that apart from genital mutilation AIDS infection can occur through cuts on the body. I am not trying to run away from what I have stated in the Motion. Another hon. Member has said that Egypt today has a law against female circumcision. I also wish to say that I have noted the interest that this Motion has aroused. The target which is more required in relation to the legal aspects that I have mentioned, is education.

With those few remarks, I wish to support.

**The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Mwaura, you have not moved your Motion!

**Mr. Mwaura:** Mr. Temporary Deputy Speaker, Sir, I apologise. If I said, "I support", I intended to say: "I beg to move."

*(Question put and negatived)*

DECENTRALIZATION OF VITAL  
GOVERNMENT DEPARTMENTS

**Dr. Wako:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that vital Government departments which directly affect the lives of the majority of Kenyan citizens like immigration issue and renewal of passports, NSSF, pensions, NHIF, payment of terminal or on-going personal benefits are wholly housed in Nairobi, and considering the untold suffering this causes to many Kenyans while trying to receive the benefits of their services, this House urges the Government to decentralise the services of Immigration and Pensions departments and also those of NSSF and NHIF to provincial and district headquarters so that they are easily accessible to ordinary citizens of this country.

Mr. Temporary Deputy Speaker, Sir---

QUORUM

**Mr. ole Tuya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think we have a quorum in the House.

**The Temporary Deputy Speaker** (Mr. Kariuki): I think that is correct. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Kariuki): Order! Order! Hon. Members be seated. The Division Bell has been on for more than six minutes and since we cannot get enough Members to be able to transact business, the House should, therefore, be adjourned until this afternoon at 2.30. p.m.

*(The House rose at 11.50 a.m.)*