

**REPUBLIC OF KENYA**



**TWELFTH PARLIAMENT (FOURTH SESSION)**

**THE SENATE**

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**AD HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA**

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**4<sup>TH</sup> PROGRESS REPORT**

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*Clerk's Chambers,  
First Floor,  
Parliament Buildings,*

**NAIROBI.**

**5<sup>TH</sup> MAY, 2020**

## PREFACE

### Mr. Speaker,

The Ad Hoc Committee on the COVID-19 Situation was established by the Senate on Tuesday, 31<sup>st</sup> March, 2020, with the mandate to oversight actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya.

The Committee is mandated to address the following, among other matters-

- (a) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county;
- (b) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county;
- (c) measures to ensure continuous supply of food and other essential commodities at affordable prices;
- (d) measures to enable learners in educational institutions to continue with their studies;
- (e) measures to ensure protection, safety and well-being of healthcare and other frontline workers;
- (f) enhancement of capacity and flexible deployment of healthcare staff;
- (g) financial assistance to vulnerable persons and groups;
- (h) protection of residential and commercial tenants;
- (i) establishment of a stimulus package for the Micro, Small and Medium sized Enterprises;
- (j) easing of legislative and regulatory requirements for doing business;
- (k) measures to protect employees from retrenchment and job losses; and
- (l) uniform policies and procedures aimed at slowing and eventually stopping the spread of the virus.

The Committee is comprised of the following members: -

- 1) Sen. Johnson Sakaja, CBS, MP - Chairperson
- 2) Sen. (Arch.) Sylvia Mueni Kasanga, MP - Vice Chairperson
- 3) Sen. (Dr.) Michael Maling'a Mbiti, MP - Member
- 4) Sen. Abshiro Soka Halake, MP - Member
- 5) Sen. Mithika Linturi, MP - Member
- 6) Sen. Erick Okong'o Mogeni, SC, MP - Member
- 7) Sen. Mwinyihaji Mohamed Faki, MP - Member

**Mr. Speaker,**

The Ad Hoc Committee on the COVID-19 Situation has, to date, held a total of **38 Sittings**. Save for the first sitting of the Committee which was held in the Senate Chamber, the other 37 sittings, including with stakeholders, have been held virtually.

As noted in the previous Progress Reports of the Committee, during the initial stages of its work, the Committee clustered all emerging issues arising from the COVID 19 outbreak situation in Kenya into five thematic areas, as provided below:

- a) *Health Issues* – including community health, testing, quarantine, isolation centres, ICU facilities, human resources for health, drugs and supplies, role and engagement of county governments, and mental health;
- b) *Economic and Finance Issues* – including macro-economic effects, impact on businesses, trade facilitation, and measures to cushion borrowers and financial institutions;
- c) *Social, Public Order and Human Rights* – including protection for vulnerable persons and groups, protection of women and girls at risk of domestic abuse, measures to enable learners to continue with their studies, enforcement of the nationwide curfew, access to justice, and decongestion of prisons and remand facilities;
- d) *Access to Food, Water and other Basic Commodities* – including measures to ensure the continuous production and supply of food, water and other essential commodities; and
- e) *Support Services and Cross-Cutting Issues* – including awareness creation on measures to prevent infection and combat stigmatization, and the role of ICT in combating the COVID-19 pandemic.

The Committee proceeded to review best practice from comparative jurisdictions and analyze key issues and concerns arising from each of the five thematic areas.

Subsequently, the Committee held engagements with various government Ministries, departments and agencies, the judiciary, county governments, the private sector, civil society, representatives of employers and employees, players across different sectors of the economy, health workers, youth, and other diverse stakeholders. These engagements have enabled the Committee to deeply enrich its understanding of the effects that COVID-19 continues to

have on the country, and on the administrative, policy and legislative that would best help respond to and address these challenges.

**Mr. Speaker,**

The Ad Hoc Committee has just completed the first month of its term, during which it held a total of 35 sittings, over a period of 30 days. During this time, the Committee met and held consultations with, among others: -

- a) The Cabinet Secretary for Health and Chairperson of the National Emergency Response Committee on Coronavirus.
- b) The Cabinet Secretary for Labour and Social Protection.
- c) The Cabinet Secretary for ICT, Innovation and Youth Affairs.
- d) The Cabinet Secretary for Industrialization, Trade and Enterprise Development.
- e) The Cabinet Secretary for the National Treasury and Planning.
- f) The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.
- g) The National Council for the Administration of Justice (NCAJ).
- h) The Council of Governors (CoG).
- i) The County Assemblies Forum (CAF).
- j) Various parastatals, including the Kenya Medical Research Institute (KEMRI), the National Transport and Safety Authority (NTSA), the Communications Authority of Kenya (CAK), the Kenya Broadcasting Corporation (KBC), and the Kenya Film Classification Board (KFCB).
- k) The Law Society of Kenya.
- l) Health related Professional Associations and Societies, namely Kenya Medical Association (KMA), National Nurses Association of Kenya (NNAK), Pharmaceutical Society of Kenya (PSK), and Kenya Association of Clinical Pathologists (KACP).
- m) Health Worker Unions, namely Kenya Medical Practitioners and Dentists Union (KMPDU), Kenya Union of Clinical Officers (KUCO), and Kenya National Union of Nurses (KNUN).
- n) The Kenya Healthcare Federation (KHF).
- o) Coalition of Community Health Workers (CHWs).
- p) The Kenya ICT Action Network (KICTANet)
- q) The Federation of Kenya Employers (FKE).
- r) The Kenya Association of Manufacturers (KAM) and the Micro and Small Enterprise Federation (MSEF).
- s) Transport stakeholders, including the Digital Transport Forum, Kenya Transport Workers Union, Kenya Transporters Association, Matatu

- Owners Association (MOA), SWVL Kenya, East Africa Tour Guides and Drivers Association, and Tour Operators Society of Kenya.
- t) The Kenya Bankers Association (KBA) and the Kenya Union of Savings and Credit Cooperatives (KUSSCO).
  - u) Civil Society Organizations, namely Amnesty International-Kenya, Haki Jamii, Crime si Poa, KELIN, and Adequate Housing.
  - v) The International Budget Partnership (IBP), Institute for Public Finance (IPF), and The Institute for Social Accountability (TISA).
  - w) Youth organizations, including Youth and Governance Kenya (YGK), Young African Leaders Initiative (YALI), and Maisha Youth Network.

**Mr. Speaker,**

While commending Cabinet Secretaries and other state officers who have so far appeared before the Committee, we are concerned that a number of Cabinet Secretaries have continued to not honour invitations to appear before and respond to queries raised by the Committee on matters falling within their respective dockets. Among these are the Cabinet Secretaries for Interior and Coordination of National Government – in respect of whom the Committee has had to issue Summons to Appear; as well as the Cabinet Secretaries for Education; Agriculture, Livestock and Fisheries; and the CS for Foreign Affairs.

This, **Mr. Speaker**, is a clear breach of Article 153(3) of the Constitution, which provides that: -

*(3) A Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible.*

Article 125 of the Constitution further confers on either House of Parliament, and any of their committees, the **power to summon any person to appear before it for the purpose of giving evidence or providing information.**

**Mr. Speaker**, the Ad Hoc Committee will continue to pursue meaningful engagements with the concerned Ministries and, where its invitations are not honoured, will not hesitate to invoke and take the necessary measures as provided under the Constitution and in the Parliamentary Powers and Privileges Act (No. 29 of 2017).

**Mr. Speaker,**

Pursuant to the Senate resolution establishing the Ad Hoc Committee on the COVID-19 Situation, the Committee continues to submit its progress reports to the Senate on a weekly basis. Notably, the 3<sup>rd</sup> Progress Report of the Committee, tabled last week on 28<sup>th</sup> April, 2020, comprehensively addressed thematic area one of the Committee, on **Health Issues**. Following debate and adoption of the Report by the Senate, the Committee is following up measures and actions taken by various government Ministries and agencies to ensure the Senate resolutions therein are implemented fully.

In the coming weeks, once it finalizes the preliminary round of engagement with the key stakeholders, the Committee plans to table its progress reports addressing substantively the issues arising from the remaining thematic areas, namely, Economic and Finance Issues; Social, Public Order and Human Rights; Access to Food, Water and other Basic Commodities; and Support Services and Cross-Cutting Issues.

The Committee also continues to consider and respond to Senators' requests for Statements under standing order 48(1), on matters related to the COVID-19 pandemic.

**Mr. Speaker,**

As Senators are aware, the Ad Hoc Committee on COVID-19 published, on 17<sup>th</sup> April, 2020, the Pandemic Response and Management Bill (Senate Bills No. 6 of 2020). The Bill aims to put in place a comprehensive legal framework for coordinated response and management of activities during a pandemic, including temporary measures and relief during a pandemic.

Upon the Bill being read a First Time on 21<sup>st</sup> April, 2020, the Committee invited written submissions on the Bill from stakeholders and members of the public. I am happy to report that, as at 4<sup>th</sup> May, 2020, the Committee had received a total of **sixty-four (64) submissions** from diverse organizations and individuals, and will be considering these from tomorrow, 6<sup>th</sup> May, 2020.

A schedule containing the list of organizations and individuals that submitted memoranda on the Bill is attached to this Report as **Annex 2**.

I wish to sincerely thank all those who took their time, researched on, prepared, and submitted their written memoranda to the Committee.

**Mr. Speaker,**

The Ad Hoc Committee on the COVID-19 Situation takes this opportunity to celebrate some of the early gains from its work, notably: -

- a) The decision by the National Transport and Safety Authority (NTSA) to adjust the expiry duration of all motor vehicle inspection bookings from 16<sup>th</sup> March, 2020 to 30<sup>th</sup> May, 2020, following intervention by the Committee.

The NTSA, following a meeting with the Ad Hoc Committee on 30<sup>th</sup> April, 2020, published a notice the same day on its website to that effect. Subsequently, those whose vehicle inspection had expired and could not operate on the roads, are required to book inspection through their TIMS account, and present the booking slips to law enforcement officers when required to.

- b) The decision by the Ministry of Health and the Ministry of Interior and Coordination of National Government to halt the detaining of persons arrested for breaching of the curfew, in facilities officially designated as quarantine facilities.

By directing the Inspector-General of the National Police Service to identify alternative facilities for detention of those found breaking the curfew, this ensures that these persons are not mixed with those placed in quarantine facilities following contact-tracing measures, which unnecessarily exposed them to contracting COVID-19. The decision also helps address the negative stigmatization of those held in quarantine facilities as lawbreakers.

This was one of the key recommendations of the Committee in its 3<sup>rd</sup> Progress Report.

- c) Following a meeting with the National Council for Administrative Justice (NCAJ), the Committee was able to link the Judiciary with SWVL Kenya which, as part of its contribution to addressing the COVID-19 pandemic,

offered to provide free rides to health workers and providers of other essential services.

- d) Following meetings with the Cabinet Secretaries responsible for trade and transportation, together with selected transport stakeholders, the Committee managed to have measures put in place to fast track the testing of long distance truck drivers, which was then causing convoys stretching up to 30kms at Kenya's border points with her East Africa Community (EAC) neighbours.

The Committee further notes and commends the measures taken by the National Government towards cushioning and providing emergency relief to the most vulnerable, elderly, and poor persons in rural areas and urban informal settlements, through the COVID-19 Emergency Response Fund. This is in addition the reduction of PAYE, and zero rating of agricultural farm inputs such as fertilizers, pests control products and machinery.

**Mr. Speaker,**

Before I conclude, I wish to acknowledge the support that the Ad Hoc Committee has received from the Standing Committees of the Senate in carrying out its work. Indeed, during our meetings with Cabinet Secretaries, the Committee has invited and greatly benefitted from the input of Chairpersons and Members of the respective Standing Committees who have attended and participated in these meetings.

As the subject matter under consideration by the Ad Hoc Committee cuts across the mandate of several of the Standing Committees, I wish to assure this House that our Committee shall continue to work very closely with the Standing Committee in ensuring all COVID-19 matters and substantively and comprehensively addressed.

I also wish to inform the Senate that the sittings of the Ad Hoc Committee are open to Senators, that is those wishing to make submissions before the Committee on the Pandemic Response and Management Bill or other specific aspects of its work, as well as those willing to sit in and participate during the meetings of the Committee with stakeholders.

Senators may express interest by notifying the Chairperson or Vice-Chairperson of the Committee in this regard.

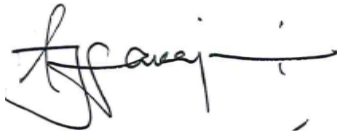


**Mr. Speaker,**

As I conclude, the Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in undertaking this important assignment.

Further the Committee wishes to thank the stakeholders and members of the public who have and continue to send their submissions to the Committee.

**I thank you, Mr. Speaker.**



5<sup>th</sup> May, 2020

Signed.....

Date.....

**SEN. JOHNSON SAKAJA, CBS, MP,  
CHAIRPERSON,  
SENATE AD HOC COMMITTEE ON COVID-19**

**ADOPTION OF THE 4<sup>TH</sup> PROGRESS REPORT OF THE SENATE AD HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA**

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**We, the undersigned Members of the Senate Ad Hoc Committee on the COVID-19 Situation in Kenya, do hereby append our signatures to adopt the 4<sup>th</sup> Progress Report-**

Sen. Johnson Sakaja, CBS, MP -Chairperson



Sen. (Arch.) Sylvia Kasanga, MP -Vice-Chairperson



Sen. (Dr.) Michael Mbito, MP -Member



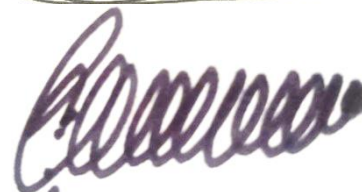
Sen. Abshiro Soka Halake, MP -Member



Sen. Mithika Linturi, MP -Member



Sen. Erick Okong'o Mogeni, SC, MP -Member



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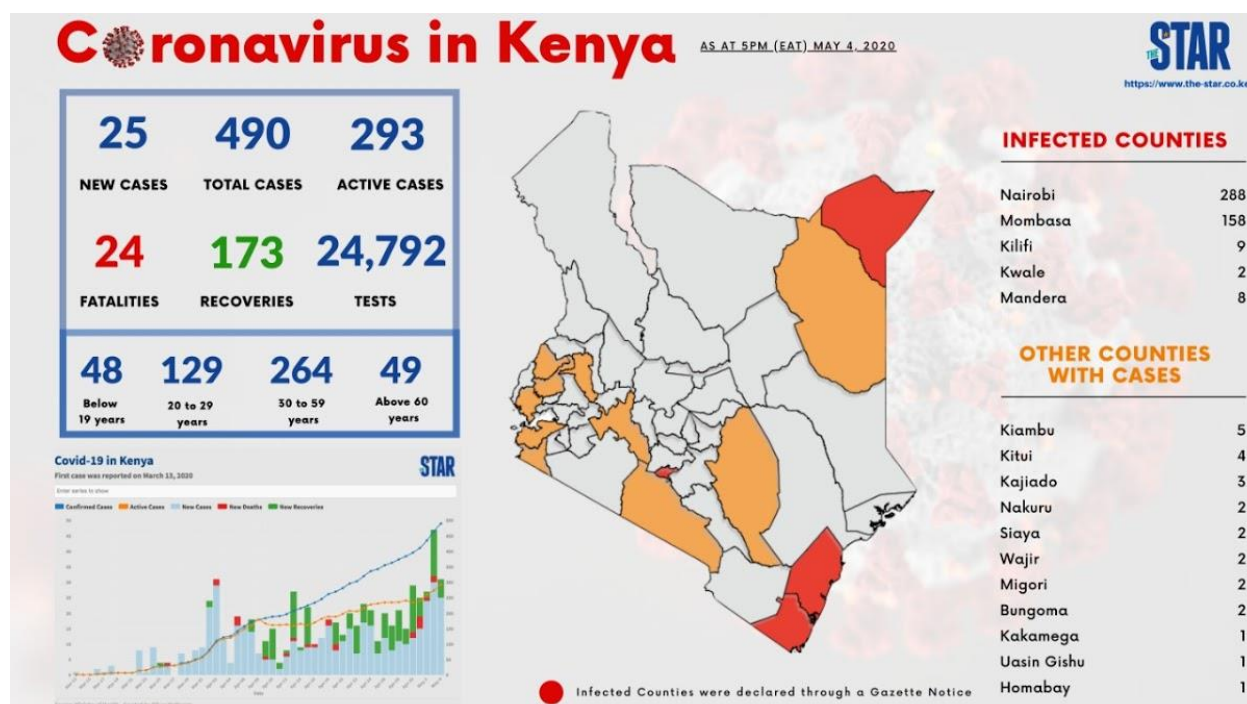
## CHAPTER ONE: INTRODUCTION

### 1. Background to the COVID-19

Coronaviruses are a large family of viruses that are known to cause illness ranging from the common cold to more severe diseases, such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). A novel coronavirus (CoV) is a new strain of coronavirus that has not been previously identified in humans.

Coronaviruses are common in animals and, occasionally, people get infected with these viruses which may then spread to other people. For example, SARS-CoV was associated with civet cats and MERS-CoV was associated dromedary camels. Possible animal sources of COVID-19 have not yet been confirmed.

Corona Virus Disease 2019 (COVID-19) is a new respiratory illness that began in Wuhan, China, in December 2019. As at **4<sup>th</sup> May, 2020**, the virus had resulted in more than **3.53 million infections** and **248,000 deaths** globally, with cases reported on every continent except Antarctica. In Kenya, a total of **490 cases** had been confirmed, by the said date, with 173 patients having fully recovered, and 24 patients having succumbed to the illness. The table below shows the numbers and spread of the disease in Kenya as at 4<sup>th</sup> May, 2020.<sup>1</sup>



<sup>1</sup> <https://www.the-star.co.ke>

The COVID-19, which has since been declared a global health pandemic by the World Health Organization (WHO), can easily be spread from person to person, through contact with droplets produced by a person who is sneezing or coughing or contaminated surfaces or objects. COVID-19 causes severe symptoms like fever, cough, headache, body aches and difficulty in breathing.

## **2. Establishment, mandate and membership of the Ad Hoc Committee**

During the sitting of the Senate held on Tuesday, 31<sup>st</sup> March, 2020, the Senate, by Resolution, established the Ad Hoc Committee on the COVID-19 situation, with the mandate to oversight actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya

This action was taken in recognition of the need for an integrated and multi-sectorial intervention towards a harmonized comprehensive response to the pandemic, and of the need to complement the efforts of the national and county governments in containing the spread of the pandemic and cushioning Kenyans from the shocks arising thereon.

The Ad Hoc Committee on the COVID-19 Situation is mandated to address the following, among other matters-

- (a) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county;
- (b) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county;
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- 6) Sen. Erick Okong'o Mogeni, SC, MP - Member
- 7) Sen. Mwinyihaji Mohamed Faki, MP - Member

At the time of adopting the 4<sup>th</sup> Progress Report, the Committee had held a total of **38 sittings**. The Minutes of the 38<sup>th</sup> Sitting are attached to this Report as **Annex 1**.

## **CHAPTER TWO**

### **NEXT STEPS**

During the 5<sup>th</sup> Week, the Committee plans to continue with stakeholder engagement on the five thematic areas under its mandate, as well as on the Pandemic Response and Management Bill (Senate Bills No. 6 of 2020).

As resolved by the Senate, the Committee will continue to submit its progress reports to Senators and the country on a weekly basis, until conclusion of its engagement, when the Committee shall table its final report.

## **ANNEXES**

- Annex 1:** Minutes of the 38<sup>th</sup> Sitting of the Ad Hoc Committee on the COVID-19 Situation
- Annex 2:** Matrix of public submissions received as at 5<sup>th</sup> May, 2020 on the Pandemic Response and Management Bill (Senate Bills No. 6 of 2020).