

**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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**2<sup>ND</sup> PROGRESS REPORT**

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

**14<sup>TH</sup> APRIL, 2020**

## PREFACE

**Mr. Speaker,**

On Wednesday, 8<sup>th</sup> April, 2020, the Ad Hoc Committee on the COVID-19 Situation issued its 1<sup>st</sup> Progress Report, pursuant to the resolution of the Senate adopted on 31<sup>st</sup> March, 2020. In the Report, the Committee detailed the work undertaken during its first week of operation, including: -

- a) election of the Chairperson and Vice-Chairperson of the Committee;
- b) the number of meetings held, both physical and virtually;
- c) consideration and detailed analysis of the Committee terms of reference;
- d) adoption of the Committee workplan;
- e) invitation of submissions from key stakeholders and members of the public; and
- f) adoption of a legislative plan for a pandemic response and management Bill.

**Mr. Speaker,**

Since then, the Committee has made tremendous progress in executing its mandate.

Following its call for members of the public to submit their views to the Committee, the Committee received a total of **146 submissions** from individuals and organizations, addressing the five thematic areas identified by the Committee. Some of those who submitted memoranda are: -

- a) The Council of County Governors (CoG).
- b) The Kenya National Commission on Human Rights (KNCHR).
- c) **Healthcare workers**, represented by the Kenya Medical Practitioners Pharmacists and Dentists Union (KMPDU); the Pharmaceutical Association of Kenya (PAK); the Kenya Healthcare Federation; the Kenya Council of Emergency Medical Technicians; the Kenya Health Informatics Association; and Samburu Health Workers Union.
- d) **Business and traders' organizations**, including the Kenya National Chamber of Commerce and Industry (KNCCI); Tour Operators Society of Kenya; and, Micro and Small Enterprises Foundation (MSEF).
- e) **Civil society and non-governmental organizations**, including Kenya Human Rights Commission (KHRC); Kenya Section of the International Commission of Jurists (ICJ-Kenya); International Budget Partnership Kenya (IBP); The Institute for Social Accountability (TISA); Health NGOs

Network (HENNET); Economic and Social Rights Centre (HakiJamii); Kenya ICT Action Network (KICTANet); Kisiwani Conservation Network (Mombasa); Mental Health CSOs Network; the Interreligious Council of Kenya; Nairobi Citizen Assembly; Siaya Muungano Network; Trans Nzoia Women's Network; and Akili Dada, among others.

- f) **Trade and workers unions**, including the Kenya Union of Commercial, Food and Allied Workers (KUCFAW); the Amalgamated Union of Kenya Metal Workers (AUKMW) and the Kenya Union of Domestic Hotels, Education Institutions, Hospitals and Allied Workers (KUDHEIHA).
- g) **Youth organizations**, including the Young African Leaders Initiative (YALI); the African Youth Leadership Forum (AYLF); Maisha Youth Network; Youth and Governance Kenya (YGK); Mutual Aid Kenya; and County Governance Watch (CGW).
- h) **the Digital Transport Forum**, representing 50,000 digital taxi drivers and 200,000 digital *bodaboda* drivers in Kenya; and
- i) Members of the National Assembly and the Senate.

Others included the Non Communicable Disease (NCD) Alliance of Kenya; the University of Nairobi College of Health Sciences; the Kenya Health Advisory Board of KEPISA; the Kenya Veterinary Board; the Water Services Providers Association (WASPA); the Disability Forum Kenya Chapter; Kenya Union of Savings and Credit Cooperatives (KUSCCO); the Association of Mental Health Advocates (AMHA); corporate local and international organizations, including Huawei Kenya; scholars and experts in various thematic areas; institutions of higher learning; political parties, such as the Thirdway Alliance; and individuals of all walks of life from across the country.

Other key stakeholders, such as the Law Society of Kenya, requested the Committee for additional time to submit their memoranda, and we expect to receive their submissions later in the week.

On behalf of the Committee and on my own behalf, I wish to sincerely thank all the individuals, groups and organizations that responded to our call for public submissions on this important matter. I wish to assure them that the Committee has, over the past week, reviewed every single one of the submissions received and we have taken their views into account.

**Mr. Speaker,**

The Committee also received representations from Kenyans undergoing distress in various contexts as a result of measures taken globally to contain

the spread of COVID-19. Among these are Kenyans who had travelled to India for medical treatment and have been stuck there due to the restrictions in place on international travel; Kenyan students in universities abroad who were scheduled to graduate in the summer, but whose studies have since been disrupted; and Kenyans who had travelled to attend to family matters and are now unable to return.

The Committee has written to and is engaging the Ministry of Foreign Affairs to ensure that these categories of Kenyans are urgently attended to.

**Mr. Speaker,**

Having undertaken an in-depth analysis, reviewed best practice from comparative jurisdictions and considered stakeholder submissions on the five thematic areas under its consideration, the Ad Hoc Committee on the COVID-19 Situation is pleased to inform the Senate and members of the public that we have come up with a framework *Pandemic Response and Management Bill*, which is annexed to this Report.

The Bill addresses, among others, the declaration of a pandemic; roles of the national and county governments; establishment, composition and functions of a national and county response committees; reporting by the said committees to Parliament and county assemblies; establishment and management of a Pandemic Fund, among others. Notably, the Bill proposes measures to be taken in cushioning the public from the adverse effects of a pandemic, including granting of reliefs on the costs of food, water and basic commodities.

The Committee hereby invites views and comments from Senators, stakeholders and members of the public in enriching the Bill, ahead of its formal publication. A copy of the Bill will be posted on the Parliament website in this regard.

**Mr. Speaker,**

The Ad Hoc Committee on the COVID-19 Situation is this week scheduled to hold meetings with key organs and ministries of the national and county governments, commencing this afternoon with the Cabinet Secretary for Health and Chairperson of the National Emergency Response Committee on Coronavirus (NERC).

This will be followed by meetings with the National Co-ordination Committee on the Coronavirus (NCC), before proceeding to specific line ministries and agencies responsible for the five thematic areas, as well as stakeholders and members of the public.

As promised last week, and 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 we shall table the final Committee report.

**Mr. Speaker Sir**, 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 we wish to thank stakeholders and members of the public who have sent their submissions to the Committee.

I thank you, Mr. Speaker.

Signed.....

Date.....

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

**ADOPTION OF THE 2<sup>ND</sup> PROGRESS REPORT OF THE SENATE AD HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA**

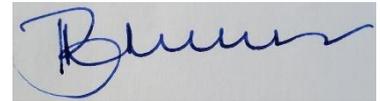
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**We, the undersigned Members of the Senate Ad Hoc Committee on the COVID-19 Situation in Kenya, do hereby append our signatures to adopt the 2<sup>nd</sup> Progress Report-**

Sen. Johnson Sakaja, CBS, MP -Chairperson

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

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



Sen. Abshiro Soka Halake, MP -Member



Sen. Mithika Linturi, MP -Member



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



Sen. Mwinyihaji Mohamed Faki, MP -Member



# CHAPTER ONE

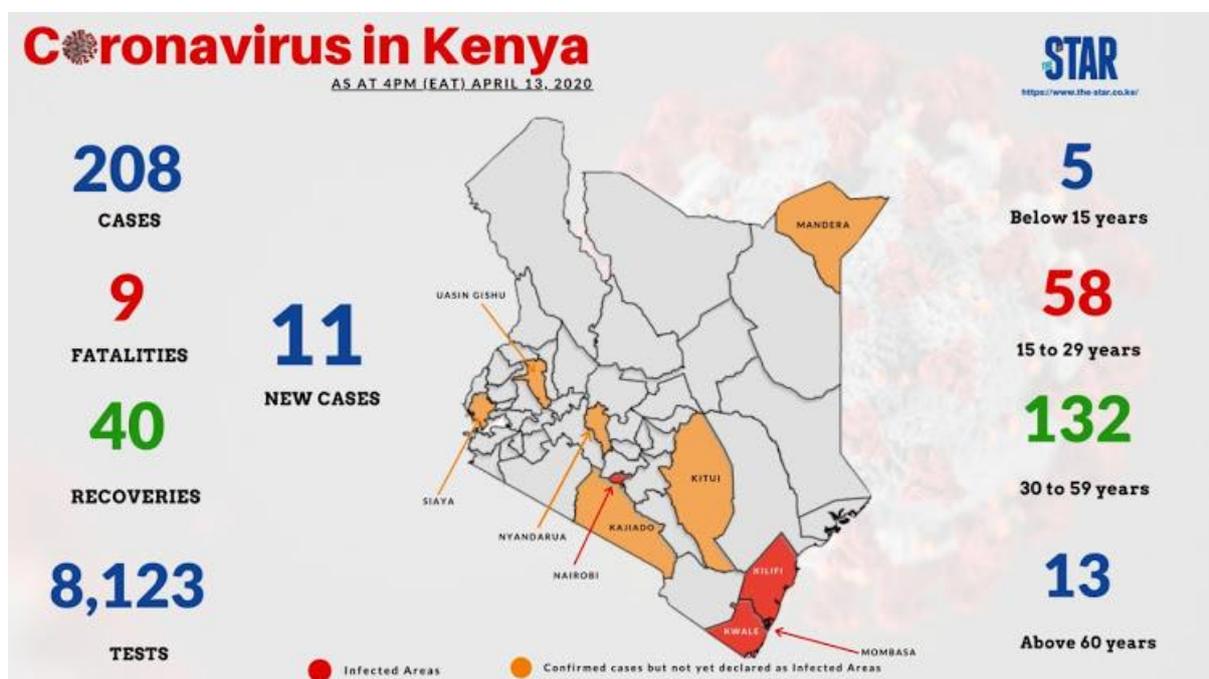
## INTRODUCTION

### 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 with 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 **13<sup>th</sup> April, 2020**, the virus had resulted in more than **1,900,000 infections** and **120,000 deaths** globally, with cases reported on every continent except Antarctica. In Kenya, a total of **208 cases** had been confirmed, by the said date, with 40 patients having fully recovered, and 9 patients having succumbed to the illness. The table below shows the numbers and spread of the disease in Kenya as at 13<sup>th</sup> April, 2020.<sup>1</sup>



<sup>1</sup> <https://www.the-star.co.ke/news/2020-04-13-kenya-virus-cases-jump-to-208-9-deaths-as-more-discharged/>

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;
- (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

At the time of adopting the 2<sup>nd</sup> Progress Report, the Committee had held a total of 12 sittings. Minutes of the 9<sup>th</sup> to 12<sup>th</sup> sittings are attached to this Report as **Annex 1**.

## CHAPTER TWO

### PROGRESS REPORT FOR THE SECOND WEEK

#### 1. Analysis of Public Submissions

In compliance with Article 118 of the Constitution and the Senate Standing Orders provisions on public participation, the Ad Hoc Committee on the COVID-19 Situation invited stakeholders and members of the public to submit written memoranda on legislative, policy and other interventions that may be taken in addressing the COVID-19 pandemic, under the five thematic areas identified by the Committee.

The advertisement was published in the Nation and Standard newspapers on Sunday, 5<sup>th</sup> April, 2020 and Monday, 6<sup>th</sup> April, 2020. The adverts were also shared on the Parliament social media platforms, by Members on the social media platforms, and further circulated to various professional and social networks.

In response to the call for public participation, the Committee received a total of **146 submissions** from individuals and organizations, addressing the five thematic areas identified by the Committee. Some of those who submitted memoranda are: -

- a) The Council of County Governors (CoG).
- b) The Kenya National Commission on Human Rights (KNCHR).
- c) **Healthcare workers**, represented by the Kenya Medical Practitioners Pharmacists and Dentists Union (KMPDU); the Pharmaceutical Association of Kenya (PAK); the Kenya Healthcare Federation; the Kenya Council of Emergency Medical Technicians; the Kenya Health Informatics Association; and Samburu Health Workers Union.
- d) **Business and traders' organizations**, including the Kenya National Chamber of Commerce and Industry (KNCCI); Tour Operators Society of Kenya; and, Micro and Small Enterprises Foundation (MSEF).
- e) **Civil society and non-governmental organizations**, including Kenya Human Rights Commission (KHRC); Kenya Section of the International Commission of Jurists (ICJ-Kenya); International Budget Partnership Kenya (IBP); The Institute for Social Accountability (TISA); Health NGOs Network (HENNET); Economic and Social Rights Centre (HakiJamii); Kenya ICT Action Network (KICTANet); Kisiwani Conservation Network (Mombasa); Mental Health CSOs Network; the Interreligious Council of

Kenya; Nairobi Citizen Assembly; Siaya Muungano Network; and Akili Dada, among others.

- f) **Trade and workers unions**, including the Kenya Union of Commercial, Food and Allied Workers (KUCFAW); the Amalgamated Union of Kenya Metal Workers (AUKMW) and the Kenya Union of Domestic Hotels, Education Institutions, Hospitals and Allied Workers (KUDHEIHA),
- g) **Youth organizations**, including the Young African Leaders Initiative (YALI); the African Youth Leadership Forum (AYLF); Maisha Youth Network; Youth and Governance Kenya (YGK); Mutual Aid Kenya; and County Governance Watch (CGW);
- h) **the Digital Transport Forum**, representing 50,000 digital taxi drivers and 200,000 digital *bodaboda* drivers in Kenya; and
- i) Members of the National Assembly and the Senate.

Others included the Non Communicable Disease (NCD) Alliance of Kenya; the University of Nairobi College of Health Sciences; the Kenya Health Advisory Board of KEPSA; the Kenya Veterinary Board; the Water Services Providers Association (WASPA); the Disability Forum Kenya Chapter; Kenya Union of Savings and Credit Cooperatives (KUSCCO); the Association of Mental Health Advocates (AMHA); corporate local and international organizations, including Huawei Kenya; scholars and experts in various thematic areas; institutions of higher learning; political parties, such as the Thirdway Alliance; and individuals of all walks of life from across the country.

The Committee proceeded to cluster and review the submissions by thematic area and by the specific concerns addressed under each thematic area.

A summary of the submissions received, clustered by thematic area, is attached to this Report as **Annex 2**, while the List of all individuals and organizations that submitted memoranda to the Committee is attached as **Annex 3**.

## **2. Legislative proposal on a *Pandemic Response and Management Bill***

Having undertaken an in-depth analysis, reviewed best practice from comparative jurisdictions and considered stakeholder submissions on the five thematic areas under its consideration, the Committee drafted a framework *Pandemic Response and Management Bill*, which is attached to this Report at **Annex 4**.

The Bill addresses, among others, the declaration of a pandemic; roles of the national and county governments; establishment, composition and functions of a national and county response committees; reporting by the said committees to Parliament and county assemblies; establishment and management of a Pandemic Fund, among others. Notably, the Bill proposes measures to be taken in cushioning the public from the adverse effects of a pandemic, including granting of reliefs on the costs of food, water and basic commodities.

The Committee hereby invites views and comments from Senators, stakeholders and members of the public in enriching the Bill, ahead of its formal publication. A copy of the Bill will be posted on the Parliament website in this regard.

## **CHAPTER THREE**

### **NEXT STEPS**

#### **1. Schedule of stakeholder engagement**

Having undertaken an in-depth analysis, reviewed best practice from comparative jurisdictions and considered stakeholder submissions on the five thematic areas under its consideration, the Ad Hoc Committee on the COVID-19 situation is scheduled to hold meetings with key organs and ministries of the national and county governments, commencing with the Cabinet Secretary for Health and Chairperson of the National Emergency Response Committee on Coronavirus (NERC), on Tuesday, 14<sup>th</sup> April, 2020.

This will be followed by meetings with the National Co-ordination Committee on the Coronavirus (NCC), before proceeding to specific line ministries and agencies responsible for the five thematic areas, as well as stakeholders and members of the public.

On conclusion of these engagements, the Committee will present its preliminary observations and recommendations in the 3<sup>rd</sup> Progress Report of the Committee.

## **ANNEXES**

- Annex 1:** Minutes of the 8<sup>th</sup> to 12<sup>th</sup> Sitzings of the Ad Hoc Committee
- Annex 2:** Matrix of submissions received, clustered by thematic area
- Annex 3:** List of individuals and organizations that submitted memoranda to the Committee
- Annex 4:** Legislative Proposal on the *Pandemic Response and Management Bill*