

REPUBLIC OF KENYA



TWELFTH PARLIAMENT (FOURTH SESSION)

THE SENATE

AD HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA

1ST PROGRESS REPORT

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

7TH APRIL, 2020

	ERS LAID
DATE	14/04/2020
TABLED BY	Margaret Leach
COMMITTEE	Ad-hoc committee COVID-19
CLERK AT THE TABLE	Mr. Ruge.

ABBREVIATIONS AND ACRONYMS

COVID19	-	Coronavirus Disease 2019
MERS	-	Middle East Respiratory Syndrome
NCC	-	National Co-ordination Committee on the Coronavirus
NERC	-	National Emergency Response Committee on Coronavirus
SARS	-	Severe Acute Respiratory Syndrome

PREFACE

Mr. Speaker,

At its sitting held on Tuesday, 31st March, 2020, the Senate, by Resolution, established an Ad Hoc Committee on the COVID-19 Situation. The Committee is mandated to oversight actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya and shall 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 held its first sitting on Wednesday, 1st April, 2020, during which Sen. Johnson Sakaja, CBS, MP was elected as Chairperson, alongside Sen. (Arch.) Sylvia Kasanga, MP, who was elected as Vice-Chairperson.

Other than the first sitting which was held in the Senate Chamber, the Committee has held an additional six sittings last week, all of them online, to consider the terms of reference, come up with a workplan, and identify key stakeholders whom the Committee would need to engage with in discharging its mandate.

Notably, the Committee clustered the emerging issues into five thematic areas, namely:

- a) *Health Issues* – which covers 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* – covering 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 and restrictions on movement, 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 further resolved to invite views and proposals from the general public, and I happy to report that, as at Tuesday, 7th April, 2020, the Committee had received a total of **88 submissions** from the public.

This demonstrates the keen interest that Kenyans have in the work of the Committee, and I want to assure them, and this House, that the Committee is fully up to the task and will deliver on its mandate.

Mr. Speaker,

In the coming week, the Ad Hoc Committee is scheduled to hold meetings with the National Co-ordination Committee on the Coronavirus, which includes Cabinet Secretaries of line ministries dealing with various aspects of the Coronavirus response, as well as representatives from the Council of Governors and other national government agencies and departments.

This meeting will enable the Committee to seek responses on a number of specific and urgent issues, before it commences meetings with line ministries and agencies of the national and county governments, the private sector, civil society organizations, women, youth and other stakeholders from Tuesday, next week.

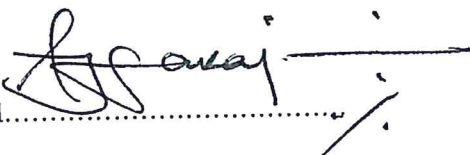
As resolved by the Senate, the Committee will continue to submit its progress reports to Senators and the country on a weekly basis, until conclusion of its engagement, when we shall table the final Committee report.

The Committee is also considering a legislative proposal on comprehensively addressing the issues and concerns arising out of, not just the current COVID-19 situation, but also any such pandemics that may come up in future.

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 so far sent their submissions to the Committee.

I thank you, Mr. Speaker.

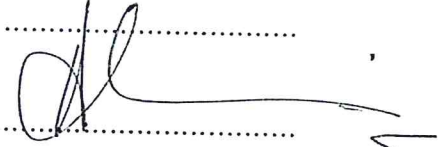
Signed.....

Date..... 8th April 2020.

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

**ADOPTION OF THE 1ST PROGRESS REPORT OF THE SENATE AD HOC
COMMITTEE ON THE COVID-19 SITUATION IN KENYA**

**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 1st 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 **7th April, 2020**, the virus had resulted in more than **1,400,000 infections** and **80,000 deaths** globally, with cases reported on every continent except Antarctica. In Kenya, a total of **172 cases** had been confirmed, by the said date, with 7 patients having fully recovered, and 6 patients having succumbed to the illness.

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, 31st 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. Copies of the Order Paper and Hansard for the sitting are attached to this Report as **Annexes 1A and 1B**.

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 1st Progress Report, the Committee had held a total of 7 sittings, the Minutes of which are attached to this Report as **Annex 2**.

CHAPTER TWO

ANALYSIS OF ISSUES AND COMPARATIVE BEST PRACTICES

Following its constitution by the Senate, the Senate Ad Hoc Committee on the COVID-19 Situation adopted a three-pronged approach towards analysing the key issues, concerns, stakeholders and possible interventions arising from its mandate. These were Committee deliberations, review of policy and legislative interventions taken by comparative jurisdictions in addressing the COVID-19 pandemic, and invitation of submissions from stakeholders and the general public on the issues under consideration by the Committee.

1. Committee analysis of the Issues

The Committee undertook an in-depth analysis of the issues arising from the COVID-19 pandemic, with a view to ensuring that all possible concerns were addressed, that stakeholders were engaged to the best extent possible, and that, eventually, the Committee findings and recommendations would capture and address the aspirations of the Kenyans.

The Committee also reviewed the Hansard for the Sitting of the Senate held on Tuesday, 31st March, 2020, to ensure that contributions by Senators were captured in the Committee work plan.

Having analysed the issues, the Committee clustered the emerging issues into five thematic areas, namely:

- a) *Health Issues* – which covers 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* – covering 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 and restrictions on movement, 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 then proceeded to identify the issues, concerns and key stakeholders under each thematic areas, and came up with preliminary observations which would inform its engagement with stakeholders, both from the government and non-state actors.

The matrix containing the analysis of issues and preliminary observations by the Committee is attached as **Annex 3**.

2. Review of policy and legislative interventions from comparative jurisdictions

The Committee reviewed policy, legislative, containment measures and other interventions that have been taken by governments in various countries in addressing the COVID-19 pandemic. These were Rwanda, Uganda, Nigeria, South Africa, India, Argentina, Australia, Italy, Denmark, China, United Kingdom, South Korea, Mexico, the United States of America, and the United Arab Emirates.

The Committee noted that, in majority of these jurisdictions, governments had either enacted legislation, or made use of policy measures, directives and regulations to address the health, economic, and social impacts of Coronavirus.

The matrix containing an analysis of the policy and legislative interventions taken in the selected jurisdictions is attached to this Report as **Annex 4**.

Having considered the measures the Kenyan government has and continues to take in addressing the COVID-19 pandemic, as it evolves, the Committee noted the need to come up with a framework legislation on the management of, not just the current pandemic, but such future emergencies either of a medical or other nature.

The drafting of the Bill has since commenced.

3. Call for public submissions in response to the COVID-19 situation

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, 5th April, 2020 and Monday, 6th April, 2020. Copies of the newspaper advertisements are attached to this Report as **Annexes 5A and 5B**.

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 an overwhelming number of submissions from individuals, professional groups, scholars, women and youth groups, community based organizations and the private sector, offering a wealth of perspectives and proposals on how to address the COVID-19 pandemic.

While the closing date for receipt of submissions was Wednesday, 8th April, 2020 at 5.00pm, the Committee had, as at Tuesday, 7th April, 2020, received a total of **88 submissions**. The Schedule of the submissions received by the Committee is attached to this Report as **Annex 6**.

The Committee is reviewing the submissions received and has scheduled to engage with the stakeholders in the coming week.

CHAPTER THREE

NEXT STEPS AND COMMITTEE RECOMMENDATIONS

1. Schedule of stakeholder engagement

Having analysed the key issues and concerns arising from its mandate, the Ad Hoc Committee on the COVID-19 situation has scheduled to commence engagements with stakeholders, beginning on Thursday, 9th April, 2020.

At the initial stage, the Committee has scheduled to meet with the National Co-ordination Committee on the Coronavirus, which includes Cabinet Secretaries of line ministries and security agencies dealing with various aspects of the Coronavirus response, as well as the National Emergency Response Committee on Coronavirus.

This meeting will enable the Committee to seek responses on a number of specific and urgent issues, before it commences meetings with line ministries and agencies of the national and county governments, the private sector, civil society organizations, women, youth and other stakeholders from Tuesday, next week.

The Schedule of stakeholder engagement by the Committee is attached to this Report as **Annex 7**.

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.

2. Committee recommendation

At the preliminary stage, the Ad Hoc Committee recommends that there is more structured coordination between the two levels and the three arms of government, in ensuring a seamless response to the COVID-19 pandemic in Kenya.

ANNEXES

Annex 1A: Order Paper for the sitting of the Senate on 31st March, 2020

Annex 1B: Hansard for the sitting of the Senate on 31st March, 2020

Annex 2: Minutes of the 1st to 7th Meetings of the Ad Hoc Committee

Annex 3: Matrix of key issues, stakeholders, and preliminary Committee observations

Annex 4: Analysis of policy and legislative interventions taken in the selected jurisdictions

Annex 5A: Copy of the newspaper advertisement carried in the Nation newspaper on 5th and 6th April, 2020

Annex 5B: Copy of the newspaper advertisement carried in the Standard newspaper on 5th and 6th April, 2020

Annex 6: Schedule of submissions received by the Ad Hoc Committee, as at Tuesday, 7th April, 2020

Annex 7: Schedule of stakeholder engagement by the Committee

