



FOR IMMEDIATE RELEASE

JOINT PRESS STATEMENT

INSTITUTE IMMEDIATE MEASURES TO GUARANTEE INTEGRITY, TRANSPARENCY AND ACCOUNTABILITY IN COVID-19 RESPONSE EFFORTS

Nairobi, Kenya – 23rd August 2020: We, the undersigned, organisations and associations, are representatives of various civil society and non-governmental organisations, the private sector, professional bodies and trade unions in Kenya. We have noted with great concern, gaps in transparency and accountability by government agencies charged with managing COVID-19 resources. These loopholes have led to the over pricing of commodities, purchase of substandard Personal Protective Equipment (PPEs), embezzlement of commodities including donated PPEs, failure of the PPE’s to reach those who need it the most including healthcare workers on the frontline of fighting COVID-19, and misappropriation of public funds meant to procure protective

gear, and support vulnerable Kenyans against the impacts of the pandemic for instance the ‘*Kazi Mtaani*’ programme.

An effective emergency response must espouse good governance, integrity, transparency and accountability as enshrined in Article 10 on the National Values and Principles of Governance. Principles of public finance, under Article 201 of the Constitution of Kenya, which require openness and accountability, including public participation in financial matters should also be adhered to.

Citizens have a right to participate in the making of decisions that affect their lives. Being open and transparent, and involving those affected in decision-making is key to ensuring people participate in measures designed to protect their own health and that of the wider population. We therefore call for following actions to ensure effective response efforts:

Human Resource and Infrastructure for Health:

1. The Cabinet Secretary, Ministry of Health, to provide a full report on County preparedness to respond to the COVID-19 Pandemic in terms of availability of ‘Functional’ bed capacity, availability of Oxygen supplies, PPEs and medical professionals available to provide health services to the public.
2. The Cabinet Secretary, Ministry of Health, to provide a report on the number of medical practitioners who have been recruited and deployed to the workstations as advertised using the funds provided by the World Bank.
3. The Cabinet Secretary, Ministry of Health, to provide a report on what the government has done to assess and address the occupational health and safety of medical practitioners, as a guarantee to their protection and put in place a life assurance cover and compensation package for their dependents in case of demise in the line of duty.

Transparency in Public Procurement:

1. All government agencies must, as a matter of right to information, proactively publish the names of companies and their beneficial owners, and individuals awarded any contracts for COVID-19 related commodities or services and the contract amounts, at national and county levels on the Public Procurement Information Portal.
2. The Public Procurement Regulatory Authority must publish a market price index of all essential drugs and commodities required for the management and response to COVID-19 to guide procuring entities on price ceilings and provide safeguards against the inflation of commodity prices.

Transparency in Public Procurement:

3. The Cabinet Secretary, National Treasury, must publish detailed expenditure information on all funds advanced for the COVID-19 response efforts through donations, donor grants, loans, salary cuts for civil servants, reallocation of budgets and other sources by all

recipient entities including the national and county governments, and the COVID-19 Emergency Response Fund Board.

4. The Cabinet Secretary, Ministry of Health, must provide full disclosure on the distribution of PPEs acquired by the Government of Kenya, whether purchased or donated giving full details on the sources and recipients.
5. All County Governments must publish detailed expenditure information on all resources received for the COVID-19 response efforts.
6. Development partners and international financial institutions must demand that the government publishes full information on the disbursement, allocation and utilisation of all funds advanced as grants or loans.
7. Development partners and international financial institutions must make public the grant agreements they have signed with the Government of Kenya and other players.
8. The UN agencies must make public on their websites and other platforms the nature of technical support, if any, that they are providing and can further provide to the national and county governments to ensure transparency and accountability in the current pandemic.

Planning, Coordination and Implementation of Response Efforts:

9. The functions of the National Co-ordination Committee on the Response to the Coronavirus Pandemic must be de-linked from the Ministry of Health, particularly in regard to financial management to enhance professionalism and integrity in the management of COVID-19 resources.

Social Protection:

10. The Ministry of Labour and Social Protection must publish all information on the criteria for allocation and distribution of social protection funds aimed at mitigating the socio-economic impact of the COVID-19 pandemic, including the list of all beneficiaries and amounts disbursed.

Oversight and Enforcement:

11. The Auditor General must conduct an independent audit of all funds advanced for the COVID-19 response efforts to all recipient entities including the national and county governments, and the COVID-19 Emergency Response Fund Board. This audit should include the accounts for the different Government institutions using public resources to respond to the COVID-19 Pandemic.
12. The Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations must fast-track independent investigations on the already suspected cases of corruption at national and county levels. The Office of the Director of Public Prosecutions (ODPP) should ensure timely prosecution while the Judiciary should facilitate the speedy hearing and determination of these cases so that those found culpable are brought to book.

13. The investigative authorities and the ODDP should set up a live dashboard on the status of all cases relating to COVID-19 corruption so that all Kenyans are able to monitor the progress of these cases.
14. The Asset Recovery Agency should act within its mandate to freeze accounts of individuals who have irregularly allocated or received COVID-19 tenders and recover all COVID-19 resources that have been stolen.
15. The National Assembly, Senate and County Assemblies must provide oversight on the allocation and utilisation of funds by the Executive.
16. The President must involve anti-corruption and other oversight agencies and, civil society organisations, in the National Co-ordination Committee on the Response to the Coronavirus Pandemic (NCCRCP) to steer comprehensive anti-corruption measures that will insulate COVID-19 resources against further pilferage.
17. The Commission on Administrative Justice must fully perform its mandate in providing oversight and enforcing the right of citizens to access information held by the State.

Ethical Business Practices:

18. The Private Sector must advance responsible and ethical business practices, with businesses holding each other to the highest standards of ethical conduct and work with the government and other stakeholders to identify effective strategies to particularly address corruption in the award of contracts for COVID-19 related works, goods and services.

Non-State Actors including the Religious Sector and Civil Society:

19. Non-State Actors must enhance efforts to advocate for transparency and accountability, and protection of human rights in all COVID-19 response efforts.

Reporting on Corruption:

20. The media should not relent in its efforts to uncover and expose corruption through in-depth coverage and investigative reporting on the management of COVID-19 resources. The media should also use all opportunities to seek information on the use of these resources to enable the public to hold duty-bearers to account.

In conclusion, we ask President Uhuru Kenyatta to urgently address the nation on the allegations of corruption and announce transparency and accountability measures to be undertaken to safeguard public resources and bring those implicated to account. We urge all citizens to unite in surmounting the crisis, by adhering to all measures and directives, and exercising vigilance to ensure that there is accountability of all COVID-19 resources at all levels.

This statement is supported by:

1. Amnesty International Kenya
2. Association of Professional Societies in East Africa (APSEA)
3. Civil Society Reference Group (CSRG)

4. Constitution and Reform Education Consortium (CRECO)
5. County Governance Watch
6. Global Compact Network Kenya
7. Institute of Economic Affairs (IEA Kenya)
8. Katiba Institute
9. Kenya Human Rights Commission (KHRC)
10. Kenya Medical Association (KMA)
11. Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU)
12. Kenya Union of Clinical Officers
13. Kenyan Section of the International Commission of Jurists (ICJ Kenya)
14. Mzalendo Trust
15. National Association of Clinical Officer Anaesthetists- Kenya (NACOA-K)
16. National Nurses Association of Kenya
17. National Taxpayers Association (NTA)
18. NEPOTEHC
19. Pamoja TB group
20. Stop TB Partnership-Kenya
21. The Institute for Social Accountability (TISA)
22. The Kenya Legal & Ethical Issues Network On HIV & AIDS (KELIN)
23. Transparency International Kenya
24. White Ribbon Alliance
25. Wote Youth Development Projects

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