



FOR IMMEDIATE RELEASE

JOINT PRESS STATEMENT

TRANSPARENCY IS THE MUCH NEEDED VACCINE TO SAVE MORE LIVES IN KENYA

Nairobi, Kenya - 8th October 2020: We, the undersigned, organisations and associations, are representatives of various civil society and non-governmental organisations, professional bodies and the private sector in Kenya. We make reference to our previous jointly issued statements on [accountability and transparency measures in public procurement](#) and [“Corruption in the Health Sector is Negatively Affecting Realisation of the Right to Health”](#).

We note that there has been some progress in the disclosure of public procurement information with the publication of tender awards issued by the Kenya Medical Supplies Agency (KEMSA) from September 2019 to September 2020.

We also note that the Office of the Auditor General has released a [Special Audit Report on Utilisation of COVID-19 Funds by KEMSA](#).

We continue to urge the Government to enhance transparency and accountability measures and make further observations and recommendations as follows:

1. The publication of tender awards by KEMSA followed a presidential directive in August 2020 even after concerted efforts by non-state actors demanding for the same action since April 2020 and a similar presidential directive through Executive Order No. 2 of 2018

being ignored by majority of the public procuring entities for close to two years now with continued contraventions by many public entities to date.

- For ease of timely access to this information, KEMSA should also upload the data on the Public Procurement Information portal (PPIP).
 - We demand equal respect for citizens' voices and the law by all public entities in adherence to legal requirements on access to information, transparency and accountability demands by citizens.
 - We demand for a transparent and fair opportunity for businesses to compete for Government tenders moving forward and particularly for procurement related to COVID-19.
 - The Office of the President and the Public Procurement Regulatory Authority should follow through on the implementation of Executive Order No. 2 of 2018 by all public procuring entities and put in place enforcement mechanisms for those that are not compliant.
2. The Ministry of Health is yet to make public detailed allocation, disbursement and expenditure information on use of all the COVID-19 Funds by all Government entities for further scrutiny by the public.
 - The Ministry of Health should follow through in ensuring that all procurement information on COVID-19 resources, in addition to that done by KEMSA, is also publicised on the Ministry's website and the same is also made public by all other government entities where COVID-19 resources were used including at County Level.
 3. The National and County Governments are yet to fully deliver on the Resolutions of the Covid-19 Virtual Conference held in August 2020 requiring that, 'Both levels of government embrace open government and publicise tenders and awarded contracts on County and National Government websites'.
 - The Office of the President, the Council of Governors and the Public Procurement Authority should follow through on this commitment made by both levels of Government and ensure compliance within the shortest time possible as this action is long overdue.
 4. The Auditor General's Special Report makes various recommendations noting that KEMSA violated laws on public procurement and public finance management leading to a loss of Kshs 2.3 billion and mismanagement of Universal Health Coverage funds.
 - The Ethics and Anti-Corruption Commission and the Asset Recovery Agency should immediately institute asset recovery procedures from the public officials and companies who benefited in any manner from the irregular and illegal procurement processes at KEMSA.
 5. In addition to the Auditor General's Report, there have been other public enquiries and fact-finding missions by different parliamentary committees.
 - Parliament should make public all findings from the parliamentary committee enquiries and investigations.

- The findings from these reports by the Auditor General, the Controller of Budget, Parliamentary Committees and investigative agencies should inform a reform process in the management of public resources more so in the Ministry of Health and constituent agencies. These reforms could be also replicated in other ministries to enhance transparency and accountability mechanisms in budgeting, allocation, disbursement, procurement, utilisation and audit processes on public funds.
6. There is a substantial investment in the counties health budget by both Government and development partners and the health sector remains a largely devolved function which is meant to enhance involvement of citizens in decision making and oversight.
- There is need for the Government and all development partners contributing resources to the Health Sector to establish minimum safeguards to ensure public participation in decision making at all levels including at the National level for improved service delivery and accountability. These would include: public disclosure requirements on budgets, allocations, disbursements, procurement, implementation and audit reports as well as involving health sector stakeholders in decision making processes including the health workers, patient groups, religious organisations, civil society organisations and other representatives as the case maybe.

This statement is endorsed by the following organisations:

1. Constitution and Reform Education Consortium (CRECO)
2. County Governance Watch
3. Global Compact Network Kenya
4. Inuka Kenya Ni Sisi!
5. Kenya Human Rights Commission (KHRC)
6. Kenya Medical Association (KMA)
7. Kenyan Section of the International Commission of Jurists (ICJ Kenya)
8. National Taxpayers Association (NTA)
9. The Institute for Social Accountability (TISA)
10. The Kenya Legal & Ethical Issues Network On HIV & AIDS (KELIN)
11. Transparency International Kenya
12. Wote Youth Development Projects
13. Youth Agenda

Media contact: imutuku@tikenya.org /0729584812