



MINISTRY OF HEALTH

OFFICE OF THE CABINET SECRETARY

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| NO   | DATE        |
| 107  | 29 JUN 2020 |
| Telephone: Nairobi 020-2717077<br>Email: cshealth2015@gmail.com<br>Fax: 254-20-2713234<br>When replying please quote |             |
| THE NATIONAL ASSEMBLY<br>PAPERS  |             |
| Ref. No: MOH/LEGAL/055(36)   |             |

AFYA HOUSE  
CATHEDRAL ROAD  
P.O. Box 30016 -00100  
NAIROBI

29<sup>th</sup> June, 2020.

**Mr. Jeremiah M. Nyegenye, CBS**  
Clerk of the Senate,  
Parliament Buildings,  
NAIROBI.

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly,  
Parliament Buildings,  
NAIROBI.

*DLSP*

*register and head team tubed.*

29 JUN 2020

CNA

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PARLIAMENT OF KENYA LIBRARY

**RE: 1. THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (NAIROBI METROPOLITAN AREA) (EXTENSION) ORDER, NO. 3 OF 2020- L.N. 104/2020;**

**2. THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (DAADAB REFUGEE COMPLEX AND KAKUMA REFUGEE CAMP) (EXTENSION) ORDER, NO. 2 OF 2020- L.N. 105/2020;**

**3. THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (MOMBASA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020- L.N. 106/2020; AND**

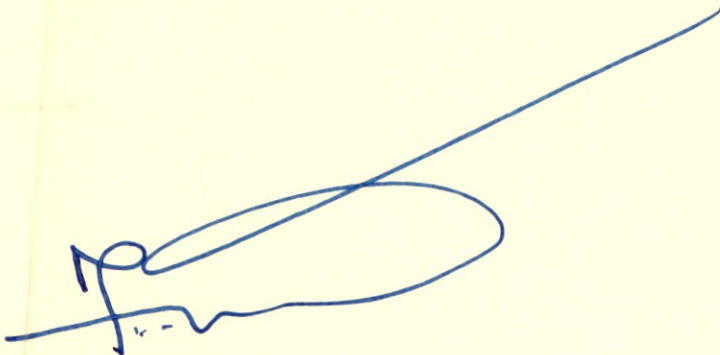
**4. THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (MANDERA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020- L.N. 107/2020.**

We make reference to the above captioned Orders dated 6<sup>th</sup> June, 2020 and published on 8<sup>th</sup> June, 2020 with respect to COVID-19.



In line with the requirements of sections 5A and 11 of the Statutory Instruments Act, 2013, please find enclosed herewith copies of the captioned Orders together with the accompanying explanatory memorandums, for your further necessary action.

The said Orders have been made pursuant to section 36 of the Public Health Act and Rule 3 of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 (L.N. 50/2020) which vests in the Cabinet Secretary for Health, the power to make Rules whenever any part of Kenya appears to be threatened by any formidable epidemic, endemic or infectious disease, to prevent the further spread of such disease.



**SEN. MUTAHI KAGWE, EGH**  
**CABINET SECRETARY.**

Encl.

Copy to: Principal Secretary.

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 90*

LEGAL NOTICE No. 103

|                                      |                   |            |                     |
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| THE NATIONAL ASSEMBLY<br>PAPERS LAID | DATE: 07 JUL 2020 | TABLED BY: | CLERK AT THE TABLE: |
| DAY                                  |                   |            |                     |

1285

*18th June, 2020*

*(Legislative Supplement No. 61)*

**THE PUBLIC ORDER ACT**

(Cap. 56)

**THE PUBLIC ORDER (STATE CURFEW) (EXTENSION AND VARIATION) ORDER, NO. 3 of 2020**

IN EXERCISE of the powers conferred by section 8(1) and (5) of the Public Order Act, the Cabinet Secretary for Interior and Co-ordination of National Government makes the following Order—

**THE PUBLIC ORDER (STATE CURFEW) (EXTENSION AND VARIATION) ORDER, NO. 3 of 2020**

This Order may be cited as the Public Order (State Curfew) (Extension and Variation) Order, No. 3 of 2020. Citation.

The Public Order (State Curfew) Order 2020 is varied as follows: Extension and Variation of Legal Notice 36 of 2020.

- (a) By extending the curfew period under clause 3 for a further thirty (30) days with effect from 7th June 2020; and
- (b) By deleting the words “seven o’clock in the evening and five o’clock in the morning” in clause 3 and replacing thereof with the following words:

“nine o’clock in the evening and four o’clock in the morning.”

Dated the 6th June, 2020.

FRED MATIANG’I,  
*Cabinet Secretary for Interior and  
Co-ordination of National Government.*

LEGAL NOTICE No. 104

**THE PUBLIC HEALTH ACT**

(Cap. 242)

**THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (NAIROBI METROPOLITAN AREA) (EXTENSION) ORDER, NO. 3 OF 2020**

IN EXERCISE of the powers conferred by section 36 of the Public Health Act and and Rule 3 of the Public Health (Restriction of Movement of Persons and Related Measures) Rules 2020, the Cabinet Secretary for Health makes the following Order—

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(NAIROBI METROPOLITAN AREA) (EXTENSION) ORDER, NO.  
3 OF 2020

1. This Order may be cited as the Public Health (COVID-19  
Restriction of Movement of Persons and Related Measures) (Nairobi  
Metropolitan Area) (Extension) Order, No. 3 of 2020. Citation.

2. The restriction period under the Public Health (COVID-19  
Restriction of Movement of Persons and Related Measures) (Nairobi  
Metropolitan Area) Order, 2020 published vide Legal Notice No. 51  
dated 6th April, 2020, is further extended by thirty (30) days with effect  
from 7th June, 2020. Extension of  
L.N. 51 of  
2020.

Dated the 6th June, 2020.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*

LEGAL NOTICE NO. 105

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(DAADAB REFUGEE COMPLEX AND KAKUMA REFUGEE  
CAMP) (EXTENSION) ORDER, NO. 2 OF 2020

IN EXERCISE of the powers conferred by section 36 of the  
Public Health Act and further to the Public Health (COVID-19  
Restriction of Movement of Persons and Related Measures) Rules,  
2020, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(DAADAB REFUGEE COMPLEX AND KAKUMA REFUGEE  
CAMP) (EXTENSION) ORDER, NO. 2 OF 2020

1. This Order may be cited as the Public Health (COVID-19  
Restriction of Movement of Persons and Related Measures) (Daadab  
Refugee Complex and Kakuma Refugee Camp) (Extension) Order, No.  
2 of 2020. Citation.

2. The restriction period under the Public Health (COVID-19  
Restriction of Movement of Persons and Related Measures) (Daadab  
Refugee Complex and Kakuma Refugee Camp) Order, 2020 published  
vide Legal Notice No. 77 of 2020 dated 28th April, 2020, is further  
extended by thirty (30) days with effect from 7th June, 2020. Extension of  
L.N. 77 of  
2020.

Dated the 6th June, 2020.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*



LEGAL NOTICE NO. 106

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(MOMBASA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020

IN EXERCISE of the powers conferred by section 36 of the Public Health Act and further to the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(MOMBASA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020

1. This Order may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) (Extension) Order, No. 3 of 2020.

Citation.

2. The restriction period under the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mombasa County) Order, 2020 published vide Legal Notice No. 52 of 2020 dated 6th April 2020, is further extended by thirty (30) days with effect from 7th June, 2020.

Extension of  
L.N.  
52/2020.

Dated the 6th June, 2020.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*

LEGAL NOTICE NO. 107

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(MANDERA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020

IN EXERCISE of the powers conferred by section 36 of the Public Health Act and further to the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 RESTRICTION OF  
MOVEMENT OF PERSONS AND RELATED MEASURES)  
(MANDERA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020

1. This Order may be cited as the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mandera County) (Extension) Order, No. 3 of 2020.

Citation.

2. The restriction period under the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mandera

Extension of  
L.N.  
71/2020.

County) Order, 2020 published vide Legal Notice No. 71 dated 22nd April 2020, is further extended by thirty (30) days with effect from 7th June, 2020.

Dated the 6th June, 2020.

MUTAHI KAGWE,  
*Cabinet Secretary for Health.*

**EXPLANATORY MEMORANDUM TO PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (DAADAB REFUGEE COMPLEX AND KAKUMA REFUGEE CAMP) (EXTENSION) ORDER, NO. 2 OF 2020-L.N. 105/2020**

**A. The Purpose of the Order**

1. The Order has been published in exercise of the powers conferred by Section 36 of the Public Health Act and Rule 3 of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020- L.N. 50/2020.
2. The general purpose of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 is to prevent the spread of COVID-19. The specific objectives of the Rules include:
  - (i) to provide for the restriction of movement into and out of COVID-19 infected areas;
  - (ii) to provide a framework for prohibiting and or regulating certain public gatherings;
  - (iii) to define hygiene conditions to be applied in public places during the restriction period; and
  - (iv) to provide for penalties for violations thereof.
3. The effect of the Order is to extend the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) Order, 2020 published vide Legal Notice No. 77 of 2020 dated 28<sup>th</sup> April, 2020, which brought Daadab Refugee Complex and Kakuma Refugee Camp under the provisions of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020.

## **B. Legislative Context**

4. Section 35 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter, the Cabinet Secretary) the power to declare, by order, a disease a formidable epidemic disease. By Legal Notice No. 37 dated 27<sup>th</sup> March 2020, the Cabinet Secretary declared COVID-19 a formidable epidemic disease. Section 36 of the said Act gives the Cabinet Secretary the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 were made in this context.
5. Rule 3 of these Rules provides that “*the Cabinet Secretary may, by order, declare these Rules to be in force within an area specified in the order and such area shall be deemed to be an infected area.*”

## **C. Policy Background**

6. The World Health Organization declared COVID-19 a public health emergency on 30<sup>th</sup> January 2020. Since then, the disease continues to spread rapidly, across boundaries. The disease spreads mainly through close contact with infected persons. On 13<sup>th</sup> March 2020, Kenya confirmed its first case of COVID-19. As at 06 June 2020, there were a total of two thousand six hundred (2600) confirmed case of COVID-19 in Kenya, with eight three (83) deaths.
7. Kenya is the second biggest refugee-hosting country in Africa after Ethiopia. According to the UNHCR, Daadab Refugee Complex a population of 217, 511 registered refugees and asylum seekers as at the end of March 2020 while Kakuma camp and Kalobeyei Integrated Settlement had a population of 196,050 registered refugees and asylum-seekers at the end of the same period. If early measures were not taken, there was a possibility that because of the densely populated nature of these areas, COVID-19 could spread quickly among the population.
8. The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures had been or are being implemented in several jurisdictions that have



been afflicted by COVID-19. These measures include maintaining social distance; washing hands with soap and water; observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.

9. The provisions of the Rules which the Order invokes and extends, seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and or implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

#### **D. Public Consultations**

10. In view of the emergency circumstances occasioned by the rapid spread of COVID-19 and the measures that have already been taken to prevent and control the spread of the same, public consultations were not feasible prior to the publication of the present Order, which simply seeks to extend the existing restriction period.
11. It would also be appreciated that the restriction has already greatly assisted in the suppression/ curbing of community transmission of COVID-19 and it is important that it remains in place pending further review by the Ministry and health experts.
12. While there is reasonable probability that Daadab Refugee Complex, Kakuma Refugee Camp and Kalobeyei Integrated Settlement certainly have infected persons, not all of them have been identified, tested and isolated, partly due to limitations of contact tracing, and the time required to undertake the said contact tracing. Consequently, without the restrictions imposed by the present Order, interactions with such persons would enable community transmission across the camps and outside, thereby jeopardizing efforts at containing the spread of the disease.
13. The Order is reflective of the necessary executive action that, as a matter of necessity, has to be taken urgently, to prevent and contain the further spread of COVID-19.

## **E. Guidance**

14. The Ministry of Health, the Office of the Government Spokesman, Turkana County and Garissa County Governments shall sensitize members of the public on the provisions and requirements of the Order and the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020*.

## **F. The Contact Person in the Ministry of Health**

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache CBS.

Dated the 06 June, 2020.



**Sen. Mutahi Kagwe, EGH**  
**Cabinet Secretary for Health.**

**EXPLANATORY MEMORANDUM TO THE PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (NAIROBI METROPOLITAN AREA) (EXTENSION) ORDER, NO. 3 OF 2020-L.N. 104/2020**

**A. The Purpose of the Order**

1. The Order has been published in exercise of the powers conferred by Section 36 of the Public Health Act and Rule 3 of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020, L.N. 50/2020
2. The general purpose of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 is to prevent the spread of COVID-19. The specific objectives of the Rules include:
  - (i) to provide for the restriction of movement into and out of COVID-19 infected areas;
  - (ii) to provide a framework for prohibiting and or regulating certain public gatherings;
  - (iii) to define hygiene conditions to be applied in public places during the restriction period; and
  - (iv) to provide for penalties for violations thereof.
3. The effect of the Order is to extend the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Nairobi Metropolitan Area) Order, 2020 published vide Legal Notice No. 51 dated 6<sup>th</sup> April, 2020, which brought Nairobi Metropolitan Area under the provisions of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020.



## **B. Legislative Context**

4. Section 35 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter, the Cabinet Secretary) the power to declare, by order, a disease a formidable epidemic disease. By Legal Notice No. 37 dated 27<sup>th</sup> March 2020, the Cabinet Secretary declared COVID-19 a formidable epidemic disease. Section 36 of the said Act gives the Cabinet Secretary the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020- L.N. 50/2020 were made in this context.
5. Rule 3 of these Rules provides that “*the Cabinet Secretary may, by order, declare these Rules to be in force within an area specified in the order and such area shall be deemed to be an infected area.*”

## **C. Policy Background**

6. The World Health Organization declared COVID-19 a public health emergency on 30<sup>th</sup> January 2020. Since then, the disease continues to spread rapidly, across boundaries. The disease spreads mainly through close contact with infected persons. On 13<sup>th</sup> March 2020, Kenya confirmed its first case of COVID-19. As at 06 June, 2020, there were a total of two thousand six hundred (2600) confirmed cases of COVID-19 in Kenya, with eight three (83) deaths.
7. The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures had been or are being implemented in several jurisdictions that have been afflicted by COVID-19. These measures include maintaining social distance; washing hands with soap and water; observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.
8. The provisions of the Rules which the Order invokes and extends, seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and or implemented in other

jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

#### **D. Public Consultations**

9. In view of the emergency circumstances occasioned by the rapid spread of COVID-19 and the measures that have already been taken to prevent and control the spread of the same, public consultations were not feasible prior to the publication of the present Order, which simply seeks to extend the existing restriction period.
10. It would also be appreciated that the restriction has already greatly assisted in the suppression/ curbing of community transmission of COVID-19 and it is important that it remains in place pending further review by the Ministry and health experts.
11. While Nairobi Metropolitan Area has infected persons, not all of them have been identified, tested and isolated, partly due to limitations of contact tracing, and the time required to undertake the said contact tracing. Consequently, without the restrictions imposed by the present Order, interactions with such persons would enable community transmission across the county and outside, thereby jeopardizing efforts at containing the spread of the disease.
12. The Order is reflective of the necessary executive action that, as a matter of necessity, has to be taken urgently, to prevent and contain the further spread of COVID-19.

#### **E. Guidance**

13. The Ministry of Health, the Office of the Government Spokesman and the Nairobi Metropolitan Area shall sensitize members of the public on the provisions and requirements of the Order and the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020-L.N. 50/2020*.

**F. The Contact Person in the Ministry of Health**

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache CBS.

Dated the 6<sup>th</sup> June, 2020.



**Sen. Mutahi Kagwe, EGH**  
Cabinet Secretary for Health.



**ATORY MEMORANDUM TO THE PUBLIC HEALTH (COVID-19  
CTION OF MOVEMENT OF PERSONS AND RELATED MEASURES)  
DERA COUNTY) (EXTENSION) ORDER, NO. 3 OF 2020- L.N. 107/2020**

**A. The Purpose of the Order**

1. The Order has been published in exercise of the powers conferred by Section 36 of the Public Health Act and Rule 3 of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules 2020, L.N. 50/2020
2. The general purpose of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 is to prevent the spread of COVID-19. The specific objectives of the Rules include:
  - (i) to provide for the restriction of movement into and out of COVID-19 infected areas;
  - (ii) to provide a framework for prohibiting and or regulating certain public gatherings;
  - (iii) to define hygiene conditions to be applied in public places during the restriction period; and
  - (iv) to provide for penalties for violations thereof.
3. The effect of the Order is to extend the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Mandera County) Order, 2020 published vide Legal Notice No. 71 dated 22<sup>nd</sup> April 2020, which brought Mandera County under the provisions of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020.



## **B. Legislative Context**

4. Section 35 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter, the Cabinet Secretary) the power to declare, by order, a disease a formidable epidemic disease. By Legal Notice No. 37 dated 27<sup>th</sup> March 2020, the Cabinet Secretary declared COVID-19 a formidable epidemic disease. Section 36 of the said Act gives the Cabinet Secretary the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020, L.N. 50/2020 were made in this context.
5. Rule 3 of these Rules provides that “*the Cabinet Secretary may, by order, declare these Rules to be in force within an area specified in the order and such area shall be deemed to be an infected area.*”

## **C. Policy Background**

6. The World Health Organization declared COVID-19 a public health emergency on 30<sup>th</sup> January 2020. Since then, the disease continues to spread rapidly, across boundaries. The disease spreads mainly through close contact with infected persons. On 13<sup>th</sup> March 2020, Kenya confirmed its first case of COVID-19. As at 06 June 2020, there were a total of two thousand six hundred (2600) confirmed cases of COVID-19 in Kenya, with eight three (83) deaths.
7. Mandera County also borders Ethiopia and Somalia and is open to public movement into and out of the county from other parts of the country.
8. The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures had been or are being implemented in several jurisdictions that have been afflicted by COVID-19. These measures include maintaining social distance; washing hands with soap and water; observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.



9. The provisions of the Rules which the Order invokes and extends, seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and or implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

#### **D. Public Consultations**

10. In view of the emergency circumstances occasioned by the rapid spread of COVID-19 and the measures that have already been taken to prevent and control the spread of the same, public consultations were not feasible prior to the publication of the present Order, which simply seeks to extend the existing restriction period.
11. It would also be appreciated that the restriction has already greatly assisted in the suppression/ curbing of community transmission of COVID-19 and it is important that it remains in place pending further review by the Ministry and health experts.
12. While Mandera County has infected persons, not all of them have been identified, tested and isolated, partly due to limitations of contact tracing, and the time required to undertake the said contact tracing. Consequently, without the restrictions imposed by the present Order, interactions with such persons would enable community transmission across the county and outside, thereby jeopardizing efforts at containing the spread of the disease.
13. The Order is reflective of the necessary executive action that, as a matter of necessity, has to be taken urgently, to prevent and contain the further spread of COVID-19.

#### **E. Guidance**

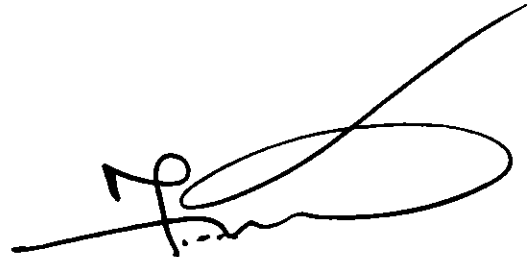
14. The Ministry of Health, the Office of the Government Spokesman and the Mandera County Government shall sensitize members of the public on the provisions and requirements of the Order and the *Public Health (COVID-19*

*Restriction of Movement of Persons and Related Measures) Rules, 2020-L.N. 50/2020.*

**F. The Contact Person in the Ministry of Health**

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache CBS.

Dated the 6<sup>th</sup> June, 2020.

A handwritten signature in black ink, consisting of a large, stylized loop and a horizontal line extending to the left.

**Sen. Mutahi Kagwe, EGH  
Cabinet Secretary for Health.**

**EXPLANATORY MEMORANDUM TO PUBLIC HEALTH (COVID-19 RESTRICTION OF MOVEMENT OF PERSONS AND RELATED MEASURES) (DAADAB REFUGEE COMPLEX AND KAKUMA REFUGEE CAMP) (EXTENSION) ORDER, NO. 2 OF 2020-L.N. 105/2020**

**A. The Purpose of the Order**

1. The Order has been published in exercise of the powers conferred by Section 36 of the Public Health Act and Rule 3 of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020- L.N. 50/2020.
2. The general purpose of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 is to prevent the spread of COVID-19. The specific objectives of the Rules include:
  - (i) to provide for the restriction of movement into and out of COVID-19 infected areas;
  - (ii) to provide a framework for prohibiting and or regulating certain public gatherings;
  - (iii) to define hygiene conditions to be applied in public places during the restriction period; and
  - (iv) to provide for penalties for violations thereof.
3. The effect of the Order is to extend the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) (Daadab Refugee Complex and Kakuma Refugee Camp) Order, 2020 published vide Legal Notice No. 77 of 2020 dated 28<sup>th</sup> April, 2020, which brought Daadab Refugee Complex and Kakuma Refugee Camp under the provisions of the Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020.



## **B. Legislative Context**

4. Section 35 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter, the Cabinet Secretary) the power to declare, by order, a disease a formidable epidemic disease. By Legal Notice No. 37 dated 27<sup>th</sup> March 2020, the Cabinet Secretary declared COVID-19 a formidable epidemic disease. Section 36 of the said Act gives the Cabinet Secretary the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease. The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020 were made in this context.
5. Rule 3 of these Rules provides that “*the Cabinet Secretary may, by order, declare these Rules to be in force within an area specified in the order and such area shall be deemed to be an infected area.*”

## **C. Policy Background**

6. The World Health Organization declared COVID-19 a public health emergency on 30<sup>th</sup> January 2020. Since then, the disease continues to spread rapidly, across boundaries. The disease spreads mainly through close contact with infected persons. On 13<sup>th</sup> March 2020, Kenya confirmed its first case of COVID-19. As at 06 June 2020, there were a total of two thousand six hundred (2600) confirmed case of COVID-19 in Kenya, with eight three (83) deaths.
7. Kenya is the second biggest refugee-hosting country in Africa after Ethiopia. According to the UNHCR, Daadab Refugee Complex a population of 217, 511 registered refugees and asylum seekers as at the end of March 2020 while Kakuma camp and Kalobeyei Integrated Settlement had a population of 196,050 registered refugees and asylum-seekers at the end of the same period. If early measures were not taken, there was a possibility that because of the densely populated nature of these areas, COVID-19 could spread quickly among the population.
8. The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures had been or are being implemented in several jurisdictions that have

been afflicted by COVID-19. These measures include maintaining social distance; washing hands with soap and water; observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.

9. The provisions of the Rules which the Order invokes and extends, seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and or implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

#### **D. Public Consultations**

10. In view of the emergency circumstances occasioned by the rapid spread of COVID-19 and the measures that have already been taken to prevent and control the spread of the same, public consultations were not feasible prior to the publication of the present Order, which simply seeks to extend the existing restriction period.
11. It would also be appreciated that the restriction has already greatly assisted in the suppression/ curbing of community transmission of COVID-19 and it is important that it remains in place pending further review by the Ministry and health experts.
12. While there is reasonable probability that Daadab Refugee Complex, Kakuma Refugee Camp and Kalobeyei Integrated Settlement certainly have infected persons, not all of them have been identified, tested and isolated, partly due to limitations of contact tracing, and the time required to undertake the said contact tracing. Consequently, without the restrictions imposed by the present Order, interactions with such persons would enable community transmission across the camps and outside, thereby jeopardizing efforts at containing the spread of the disease.
13. The Order is reflective of the necessary executive action that, as a matter of necessity, has to be taken urgently, to prevent and contain the further spread of COVID-19.


## **E. Guidance**

14. The Ministry of Health, the Office of the Government Spokesman, Turkana County and Garissa County Governments shall sensitize members of the public on the provisions and requirements of the Order and the *Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020*.

## **F. The Contact Person in the Ministry of Health**

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache CBS.

Dated the 06 June, 2020.



**Sen. Mutahi Kagwe, EGH**  
**Cabinet Secretary for Health.**