

## **MACHAKOS AND KITUI COUNTY HUMAN RIGHTS MONITORING**

*Reports of the impacts of Covid-19 to the vulnerable groups and general public*

### **A. BACKGROUND**

The impact of government policies and responses to COVID-19 to the vulnerable populations and the general public has been dire on their lives and livelihoods. It is on that basis that Kenya Human Rights Commission (KHRC) in partnership with its grassroots based Human Rights Networks has commissioned a human rights- based monitoring and responses at all levels.

This brief covers the developments observed in Machakos and Kitui Counties from the beginning of April up to the second week of May 2020. It is based on the reports submitted by a team of monitors living in the respective counties.

Our monitors observed and documented several developments in relation to human rights standards and governance mechanisms expected in the preventing, combating and responding to the spread of the novel COVID-19 in Kenya and beyond as follows:

### **B. KEY FINDINGS**

#### **a) Machakos County**

##### **1. Levels of Preparedness and Responses to the Pandemic at All Levels.**

###### ***a) Quarantine and Isolation Measures and Systems.***

Although the county Government has set isolation wards, no cases have been admitted across all level 4 hospitals. However there was an isolated incident whereby by a group of over 700 Youth from Nairobi held a meeting at Maanzoni Lodge and as a result, the Government quarantined them therein. The local government has also received an approval of testing of Covid virus at its Machakos level 5 hospital.

Finally, the government has also set aside Kenyatta stadium and pitched a tent (Doom) as an isolation centre. There has been concerns regarding the non-utilization of these facilities, the huge sums of public funds being invested there and the set up not being ideal for patients due to coldness, mosquitoes and rains which soak the stadium grounds.

###### ***b) Access to Health Safety Supplies***

The levels of access to the requisite hygiene and safety supplies is very minimal since the vulnerable groups and the rest of the population cannot afford most of re-usable masks going for at least fifty shillings (50) per piece with no supplies or support from the county government. The local government had mainly supplied a few to Bodaboda operators and overlooked the vulnerable groups in the villages and some town settlements such as Swahili village in Machakos town, Kwa Mang'eli in Mavoko.

Moreover, water tanks that have been erected in some areas do not have enough to supply the populations with water since they end up running dry and some areas lack the same. The available sanitizers often run out and the populations especially those in market areas, busparks and

Bodaboda stages and the solutions are so dilute especially at Machakos town bus stage and Machakos town main market.

There has not been any psycho-social support for these target groups. This has led to fear with no clear understanding of how to handle the pandemic. Those who have been bereaved have hurriedly buried without even involving participation of entire family members something which has had some psychosocial impact. Finally, there is a major concern in decline of patients coming for other health services, children no being taken for immunization.

***c) Support to front line workers***

While generally these have received PPEs, shortages have been reported in health facilities occasioning threats by them to go on strike. There has also been concerns regarding their delayed salaries and implementation of their allowances by the county government and National Government.

They are also questioning the way the government has handled their COVID-19 allowance terming it as discriminatory against nurses and clinical officers and lab technicians who are the most at risk compared to Doctors.

Finally, is the issues with how the county government continues to keep the under-utilized tents at Kenyatta stadium's isolation centre for over a month. They see it as a waste of resources which could have been put in proper use by expanding a permanent structure at the Machakos Level 5 hospital.

***d) General Compliance***

First, our reports indicate that normal burials have often been hurried with a participation left to close family members as per the state directives. The vulnerable populations have responded by limiting their movements within the villages and towns. Most of their social gatherings and meetings such as merry-go rounds, funeral Associations, welfare groups are held mainly with the chairperson, secretary and treasurer attending to update records and receive contributions from members who come in a scheduled manner.

Moreover, there seems to be have been relaxation of the rules with some transport routes carrying excess passengers than directed. In some incidences, deep in the villages there are cases of people sharing masks to go to *posho mills* and markets, an arrangement which leads to more exposures.

Third, members of public feel perturbed by the increasing number of cases of immigrants into the county despite the cessation of movements. Road blocks along Mombasa road especially at the Small Word and Komarock along Nairobi / Kangundo road have been criticized by the residents for allowing people coming from Nairobi into Machakos.

These have been cited as avenues for corruption with commuters moving in and out of Nairobi. Some of those allowed in are neither essential service providers nor do they have a passes. Its

alleged most are parting with between Ksh. 200 and 500 with junior police officers being the conveyors of the bribes and aiding those by passing the road blocks. Some people who work in Nairobi have often been seen in the villages despite the cessation over the weekends and bragged how easy it was to pass the road blocks.

Moreover those walking on foot have freely moved past the road blocks and transported by *Bodabodas* who wait at a distance from either side. This has led to a negative and suspicious relationship on how they are enforcing the restrictions in the urban areas and villages. This is said to have exposed people in the villages, going by the incident reported elsewhere where an infected man traveled from Kilifi to Kathiani.

There was also an incidence of an accident at Ndunyu ya Ngiti along Machakos / Kathiani road which involved two (2) matatus. One of the *Matatus* was alleged to have been flouting the directives issued on passenger carrying vehicles by carrying eleven(11) passengers instead of 8 passengers. Two (2) people lost their lives and several injured in the incidence.

## **2. Social and Economic Impacts and Supports**

Curfew hours and the cessation of movements have affected most of employees who are daily commuters to Nairobi. They have been forced to look for alternative accommodation in Nairobi resulting to economic pressures and disorganization of families.

The vulnerable groups have been hit hard economically resulting to rationing of meals at the household levels. Staying at home has also limited their spending. Those operating in the market spaces have taken upon themselves to manage their operations but still operating in cash form since the quantities they sell are small and can't use cashless payments.

There are also many cases where populations have accumulated a lot of debts from borrowing for their daily up keeps which has led to hardships and petty crimes being on the rise. A case is reported where a certain lady found her house which was under construction broken into and timber and iron bars stolen, an incidence she attributes to the jobless youth who have been laid off.

PWDS complain that the County covid-19 response committee is yet to distribute the food stuffs donated by well-wishers which may go to waste because most of it perishable. They indicate many families need food supplies because the restrictions initiated have affected their economic wellbeing. They also note the responses initiated are discriminatory especially to those with blurred and low vision challenges.

The Covid-19 Response Committees has so far received donations of food stuffs i.e Rice, cooking oil, green grams, wheat and maize flour, water tanks from the local factories and companies through the Governors resource mobilization directorate. The food stuff are said to be stored at the National Cereals and produce board stores.

A well-wisher distributed food stuff donations to 30 households through the Assistant Chief Kyanda, Mua location of Machakos Sub-County on the 11/5/2020. Some orphanage homes received some food stuffs from the Machakos county first lady on Thursday 14/5/2020 at the Governor's office. She has urged other well-wishers to support the the vulnerable populations at this time of the pandemic.

Religious Leaders are also calling on the Government to ease restrictions for worship. They feel the church has an obligation to reach its population on moral values and heed the government directives. They also believe they have the best entry points for food distribution since they are able to better identify the vulnerable and real deserving cases.

Apart from the "Inua Jamii" programme by the National Government that benefited those enrolled especially the Elderly, OVC and those with severe disabilities with Ksh 8000 shillings (i.e Ksh 2,000 per person per month for 4 months), it is not clear how the other programmes benefit the vulnerable groups.

### **3. Conduct of, and relations with the State Security and Administration Apparatus**

The enforcement of the curfew has created animosity between the enforcers and the residents which has led to insults and attacks. First, there was an incident on the 5/4/2020 noon where a man was beaten and injured (broke his hand) by a police officer from Kibauni Chief's camp. He was allegedly caught locked in a bar drinking at day time, thus disregarding the government directives.

Moreover and in Machakos town, police officers have allegedly taken advantage of the situation to extort money from bodaboda riders. Most of those arrested are hardly arraigned in Court and end up parting with 1000 to 2000 shillings to be released. According to the riders interviewed, over 100 members have been arrested and none has been arraigned in court. In some cases, the enforcement officers confiscate the Bodabodas and only release them after the riders pay the aforementioned amounts.

Third and on relationships, there was an incident in Kisooni village, Mung'ala sublocation, Mumbuni location on 3/5/2020 night where youths allegedly attacked the Assistant Chief Mung'ala sub-location for her stance on enforcing the government directives. The Assistant Chief was being accused by the youth of organizing an operation in response to their alleged conniving with bar operators to disregard curfew and other directives. As a result, there was a scuffle where the youth started pelting her house with stones but the police were quick to respond and manage the situation.

There are also cases of positive relationships with residents informing the enforcers on any new immigrants in their vicinity which has led to tracing and testing of a man who had come all the way from Kilifi county. The man in question had clandestinely used trucks from which he connected a matatu to his Kathiani home. Having been found positive of COVID 19, he was quarantined at Kinanie isolation centre in Mavoko sub-county.



The residents have been on high alert following the Kathiani incidence. Chiefs, Assistant chiefs, police officers and community policing teams have been moving in market Centres to ensure people are in masks. An incidence of a man alleged to have come from Tanzania on Sunday 17/5/2020 was reported by the neighbors in Mumbuni location near Mumbuni girls. The enforcers are said to have arrived at the venue on 18/5/2020 Monday morning to make tracing and take the man for testing.

#### **4. Gender Based Violence**

There was of an incidence where a young man aged 39 years stabbed to death his friend, a lady aged 27 years. The two worked at a local hotel in Mutituni market and lived together. The lady is said to have secured another a job in a nearby hotel. Later they had differences and separated. They reported their differences at Mutituni Chiefs camp after which they were later summoned by the office on the 6/5/2020. The suspected perpetrator did not report back to work since then, only to emerge on Saturday 9/5/2020 where he trailed the lady on her way to work and stabbed her to death before fleeing. He was later arrested and was arraigned in court on 11/5/2020 at the Machakos law courts and remanded.

There are also incidences of defilement that have been reported in Matungulu sub-county, Oldonyo Sabuk police station on 4/5/2020 where a girl aged 15 yrs was defiled by the father who is said to have fled but the matter is in court. Another incidence occurred in Nguluni, matungulu sub-county where a girl aged 9 years was burned in her private parts by her step mother with hot water. She was rushed to Kangundo level 4 and admitted. The matter was reported on 4/5/2020 at Tala police station.

#### **5. Inclusion and Accountability in the Key Decisions related to COVID-19**

The vulnerable and general public are hardly involved in decision making processes which has led to criticisms on social media platforms. There also lack of information sharing mechanisms with an exception of some county call toll free numbers which were shared on some platforms but not the general public.

There has been no real sensitization on the policies apart from those who are able to access media information through different platforms with a minority not able to access the same. The other channels have been TVs and Radios being used for the daily National briefings.

The level of accountability is very low with so many questions being raised on how the government plans to spent the Ksh. 40 billion set aside for the pandemic. The issue of hiring ambulances when the county and other government's agencies have the same has also arisen. There is also a concern on how the committee set to oversee support and donations is doing it. Finally is the aspect of equity in the distribution of the donations, who are targeted and why those giving the donations are not going directly to the specific population in a timely manner.

## **b) KITUI COUNTY**

### **1. Levels of Preparedness and Responses to the Pandemic at All Levels.**

#### ***a) Access to Health Safety Supplies***

Kitui County has been in the lime light as one of the counties which seem to be leading in the production of masks in bulks and even sharing with other counties. However this has not been very useful to the local poor for very few have access to the same. The only organized way for reaching out the community is through five hundred pieces of face masks issued to the MCAs per ward which is inadequate.

There is also shortage of hand wash facilities. A case in point is Ngaie sub-location( a limestone extractive zone within the remote sides of Kitui county) where people have only received one water container for the market and no one seem to be responsible to fill it with water and even provide hand wash soap.

#### ***b) Compliance with Government Directives***

While this have been realized to a greater extent, citizens haven been forced to change market days and hours. This have seen more people operating during early morning hours, mainly by 8:30am, allegedly to evade police interventions. This has created more exposures to infections.

#### ***c) Support to front line workers***

Health workers are mainly issued with one disposal mask per day and no additional personal protection equipment.

#### ***d) Quarantine and Isolation Measures and Systems.***

The biggest challenge in those centers is hygiene and security of those who might not be infected.

### **2. Social and Economic Impacts and Supports**

The negative effects are caused by the local policies to decongest and limit markets which has affected access to food and business opportunities. There is no specific resources allocated to support the local needy populace.

### **3. Conduct of, and relations with the State Security and Administration Apparatus**

In Mwingi North Constituency, Tharaka ward and Kamaindi sub-location an expectant woman was assorted by a police officer. As a result of the vigilant citizens in demand, the local OCPD responded by transferring the alleged officer to un-known destination.

Moreover, a man with a mental condition reportedly died after being beaten by police officers in Mwingi town during one of the rainy periods coinciding with curfew hours. Police reports claims he was rained on and died as a result.

The OCS and his officers are in-charge of ensuring everyone is indoors by seven PM and those who do not adhere to the curfew period are arrested and charged in court and fined 2000/= or quarantined for 14days or both to cater for upkeep in the set quarantine facilities.

#### **4. Inclusion and Accountability in the Key Decisions related to COVID-19**

The established decision making organs/ forums like Court Users Committee have been very instrumental in taking action where necessary and advising key stakeholders accordingly. Whatsapp groups have been key for dissemination of information from the ground but most of the vulnerable groups do not have access to such channels directly. Moreover, there is no direct involvement of the vulnerable groups or reach citizens for their views and feelings about the pandemic and the decisions to be taken.

Finally, there are speculations that most of the masks shared by the county government and sold at 50/= by those who are given an opportunity to distribute by their elected leaders, but in very small quantities. This was witnessed in Tharaka ward in Mwingi north where MCA announced to have shared 50 Masks per village as reported by Wilson Nyaga a human rights defender.

### **B) KEY RECOMMENDATIONS WITHIN AND ACROSS COUNTIES**

1. Enforcement of the government directives and regulations should be within the law to ensure no human rights violations are committed.
2. The public should ensure compliance with the regulations and directives put in place and as seen in Machakos, avoid the temptations to circumvent the same which is inimical to public health.
3. There is a need for adequate supplies of masks, hand wash/ soap, water tanks among other facilities within the key towns and market centres within the counties. County governments should identify the vulnerable groups within counties and develop a mechanisms for the provision of food and other supports within the counties.
4. Efforts should be put in place for pscho-social support to the differently impacted groups. Special mechanisms should be effected regarding the welfare and safety of the front line works.
5. Both levels of governments need to initiate measures for awareness creation, information sharing and involvement of the vulnerable groups and the general public in key decisions.
6. The county and national assemblies together with the national anti-corruption agencies should foster effective use and accountability for all the financial and material resources.
7. IPOA and DCI should consider investigations into incidents where the state security and administration apparatus are allegedly involved in human rights violations.
8. For Machakos, it is important to identify the workers who work in Nairobi and are affected by the cessation of movements for the necessary financial and material supports.
9. Also for Machakos, its critical to manage the movement of people and vehicles within the main road blocks along the Mombasa road and Kangundo road to minimize exposures to the locals.
10. For Kitui county, it critical for the government to initiate enforcement mechanisms which do not on the access to food and business in local markets.



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