

NAIROBI, NYERI AND MERU 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 counties in Nairobi, Nyeri and Meru counties from the beginning of April up to the second week of May 2020¹. 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

1. Levels of Preparedness and Nature of Responses to the Pandemic at all levels

a) General Administrative Actions

The Government's responses to the COVID-19 has been through suspending travel in and out of the country, secession of movement in Nairobi and Mombasa Counties, social distancing, establishing government quarantine facilities, appointment of national emergency response committees, the imposition of a curfew from 7.00pm to 5.00am, banning of public gatherings, imposition of a stiff penalties for not wearing masks, mandatory wearing of masks in public places and closure of schools amongst others.

These measures have not adequately addressed the pandemic, specifically due to lack of mass testing and the absence of relief packages for vulnerable populations. Suspected Covid-19 patients and Kenyan's who returned from abroad prior to the suspension of international flights and those found flaughting the curfew have been detained at their own cost in quarantine facilities for an in ordinate period of time.

Most public medical facilities in low income areas lack adequate personal protective equipment such as masks and gowns and the same has not been adequately provided by the government. This has not only limited health workers ability to fight the corona virus pandemic but is also putting their own lives at risk. Additionally, most counties unpreparedness to deal with the pandemic has been evident in the number of isolation centers and beds that have been set aside to deal with the pandemic. For instance Meru level 5 hospital has set aside only 20 isolation beds to deal with the Covid-19 pandemic.

b) Use of Technology to deal with the Covid-19 Pandemic

¹ The national wide curfew applies to all the three counties

On the 23rd of March, the Kenyan Government announced that it would launch an app christened msafari to conduct contact tracing. Public Service Vehicle operators and passengers would be required to provide critical data that would help trace back the movements of infected or suspected cases. The use of this application has raised serious fundamental questions on the breach of privacy and data protection laws as the application can disclose the GPRS location on whichever phone it's installed on.

c) Shutting down of Schools

The Government suspended learning in all education institutions throughout the Country in an effort to deal with the covid-19 pandemic, thus disrupting learning for close to 17 million learners. As such, the Government through the Ministry of Education has encouraged learners to embrace online learning that has not worked out for learners from low income areas or marginalized communities and persons with disabilities who cannot afford to access internet regularly.

The Government's directive on embracing e-learning has exacerbated already existing inequalities for learners from low income areas or marginalized communities. For instance in Naromoru town, most learners cannot access internet services or the online platforms to continue with their education because most of them are from poor backgrounds and the area generally lacks proper internet connectivity.

2. Social and Economic Impacts to Vulnerable Groups

Impact on Workers

The Government's directive on secession of movement in and out of Nairobi and Mombasa counties has led to massive unemployment within the transport sector. Many employers have come up with a raft of measures that has either led to loss of employment or a reduction in salaries as a measure of staying financially afloat during the pandemic. For instance, Delmonte Kenya Limited has sent all workers above 58 years on unpaid compulsory leave. Such decisions have had a negative impact on the lives of most of these workers, who were the sole bread winners for their families.

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

a) Excesses by State security and Administrative Apparatus

State security and the administrative apparatus (chiefs and assistant chiefs) have been at the forefront of ensuring that citizens comply with numerous Government directives and measures that are aimed at containing the covid-19 pandemic. In doing so, the Police have committed numerous human rights violations that have include torture, cruel, inhuman and degrading treatment, unlawful arrests, use of lethal force and soliciting bribes amongst others. For instance on the first day of the curfew, the police subjected many citizens to brutality through beatings, and unlawfully arrests including motorists found in public places at 7.00pm.

In Nyeri, a 35 year old man, clinically diagnosed with schizophrenia was arrested and bundled into a police land cruiser for not having worn a mask despite pleas by locals in Majengo who were all

aware of his condition. In Kibra, the police used tear gas to ensure residents comply with the dusk to dawn curfew. For instance on the 8th of April 2020 at about 7.10pm, police officers threw teargas into the homestead of Ahmed Said during Ifta. In yet another incident, Zuber Hassan, a physically disabled man was beaten by police officers doing a routine patrol.

b) Extra Judicial Executions

Yassin Moyo, a 13 year old boy was struck by a stray bullet when police officers conducting a routine patrol while enforcing the curfew fired live ammunition towards the balcony of his home in Kiamaiko. He would later on succumbed to his injury at Mama Lucy hospital. On the 13th of April 2020, Karani Kinyiri, a 26 year old man was fatally shot by a police officer in Mathare while enforcing the curfew. On the 3rd of May 2020, Vitalis Owino, a father of two succumbed to his injuries after being severely beaten by Police officers while walking from Mradi towards number 10 in Mathare.

c) Unlawful Evictions

On the 4th of May 2020, over 5000 families living in Nairobi's Kariobangi sewerage slum estate were left homeless after the government demolished their houses to reclaim the land. These evictions were supervised by the Police and the Nairobi City Water and Sewerage Company that arrived at 6.00am and begun to flush out families from where they had called home for over 10 years. Residents claimed that the local administrators had informed them of these evictions only a few days before, despite numerous legal provisions on how to conduct evictions.

These evictions were carried in spite of a Court Order barring the exercise, thus compounding the problems faced by these now homeless people who had begun struggling with how to survive in the wake of the Covid-19 pandemic. Ruth Mumbi, a vocal human rights defender working with the KHRC received a message from an unknown number, threatening to make her disappear if she did not remove posts she had made on social media that documented the eviction of over 5000 households in Kariobangi.

About two weeks later, on the 16th of May 2020, over 1500 residents from Ruai watched helplessly in the night as police officers and bulldozers flattened their houses to pave way for the expansion of the sewerage treatment plant.

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

There has generally been a lack of inclusivity and accountability in key decisions around the COVID-19 pandemic. Citizens have on multiple occasions been informed of a raft of measures taken by the executive and announced by the ministry of health and the ministry of interior and coordination of national government. These announcements have had serious ramifications on basic rights like food, livelihood, education and movement amongst others. Despite receiving 50 million USD from the World Bank, Kenyan's are yet to feel the impact of this financial contribution as they continue to fight this pandemic.

C. KEY RECOMMENDATIONS

1. The Government's response to the pandemic should be more of a health response with appropriate civic education.
2. The Government needs to urgently investigate all excesses by security agencies and hold to account all officers found culpable.
3. The Government needs to urgently review its policy on access to education for marginalized communities and people from poor backgrounds.



*Documented by Kenya Human Rights Commission
P.O Box 41079-00100, Nairobi, Kenya.
Email: admin@khrc.or.ke | Twitter: @thekhrc
Facebook: Kenya Human Rights Commission
Website: www.khrc.or.ke*