UPHOLDING HUMAN RIGHTS IN THE TIME OF COVID-19:
A STATEMENT ON KENYA’S HUMAN RIGHTS OBLIGATIONS
March 17, 2020

With 182,591 confirmed cases 7,159 reported deaths and at least 67,003 people having recovered from the Corona virus (COVID-19) as of noon today, the world faces the greatest pandemic threat of our generation so far. All Governments, inter-governmental, non-governmental actors and citizens must now respond with a single mind to the pandemic. Kenya is not exempt from this global threat.

We reiterate the global advice by the World Health Organisation that human rights approach must be at the centre of all prevention, preparedness, containment, and treatment efforts to protect public health and support the most vulnerable groups.

We commend the establishment and leadership being taken by the National Emergency Response Committee under the Health Cabinet Secretary to contain the spread of the virus and to quarantine and treat the emerging cases. We call on the Government to focus on the protection of people living in poverty and our health-workers and stop stigma, discrimination and abuse of civil liberties.

Lastly, we call on the National Parliament and County Assemblies to actively monitor and act on any excessive limitations to human rights and inappropriate use of public funds to support an effective rapid scale up in line with our constitution.

Make Social Distancing and Quarantine Work for People Living in Poverty
Social distancing, working from home, 14-day self-quarantining of travellers and the provision of hospital isolation facilities are critical measures to contain the spread of the virus. It is also important that Government of Kenya ensures that there are no barriers placed on all persons to access basic rights to basic necessities such as water, food, hygiene supplies and healthcare.

We urge the Government to immediately focus their efforts on the provision of clean water and testing facilities within low income and marginalised communities. Blanket quarantine measures do not address the disadvantages people living in poverty have in securing the sufficient resources to buy water, food, health and other supplies.

The Ministry of Labour and Social Protection has an obligation to provide social protection measures that cushion staff and stimulate employers to protect their staff over this period. They must now provide leadership on preparing the millions of Kenyans living and working in the informal sector and cushioning those who live on daily wages. We urge employers to resist the knee jerk reaction to institute mass staff lay-offs now. It will have a particularly catastrophic impact on households below the poverty level and fuel the pandemic.

The public must reduce all essential travel at this time. Leaving home for other counties exposes travelers and the country to two fundamental risks; infection while travelling and secondly, exporting the epidemic out of Nairobi. Our public health system cannot withstand a spread of the disease to the counties.
Protection of our Health Workers
We support the recent statement by the Kenya Medical Practitioners and Dentists Union that the health workers who are on the frontline of this pandemic must be protected to serve effectively. The risks that health workers face include contracting COVID-19, long working hours, psychological distress and fatigue.

We join the call for the Ministry of Health to provide adequate and quality personal protective equipment, information, training and psychosocial support for health care workers responding to COVID-19. We also call for mechanisms to support the families of health workers who will become sick or die because of exposure to COVID-19.

New National Police Service guidelines required
In the recognition that the national police and county askaris arrest 3,800 people, most being poor youth arrested for petty offences each month, we welcome the recent de-congestion measures being announced by the National Council on Administration of Justice (NCAJ) and the Office of the Director of Public Prosecutions (ODPP).

We call upon the Office of the National Police Service Inspector General to swiftly develop comprehensive guidelines regarding the disposal of cases at the police station, bail and bond and public order management procedures. These guidelines must ensure that arrested and detained persons retain their right to a lawful arrest, detention and a fair trial under Article 49 and 50. This must include provisions for swift release on bail and bond especially for petty offenders, immediate medical care for those with COVID-19 symptoms, reliable information on their summons and plea dates and complaint hotlines.

Access to information & transparency
In accordance with Article 35 and the right to receive information, we urge the Government of Kenya to maintain its daily briefings to the nation on COVID-19. Accurate and timely information will be critical for maintaining public trust and a singular focus for the nation. We call on all persons to desist from sharing unverified information but also to actively and widely share basic safety measures.

Stigma and Discrimination
We support the National Emergency Response Committee’s position that this is not a time to discriminate or stigmatise real and perceived COVID-19 patients. Article 27 of the Constitution of Kenya prohibits direct or indirect discrimination of another person based on their health status. Stigma will push people to hide illness, prevent them from seeking healthcare and disincentivise the adoption of safe behaviour.

In support of the national effort, all Amnesty staff in Kenya have elected to serve the public from home for the rest of March. We have suspended all public activities to slow down the spread of the virus. By adhering to measures announced and ensuring all Government, private sector and civic efforts work together within a human rights framework, we will defeat this threat also.

Signed
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