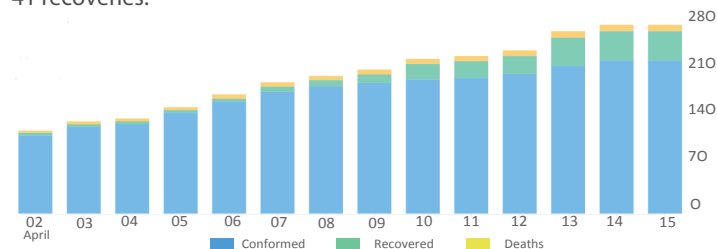


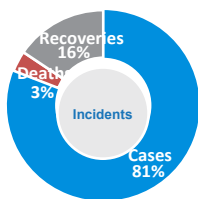
KENYA: MONITORING HUMAN RIGHTS IMPACTS OF COVID-19 IN INFORMAL SETTLEMENTS (24 MARCH TO 7 APRIL 2020)

OVERVIEW

On 13 March 2020, the Ministry of Health confirmed the first case of novel coronavirus disease (COVID-19) in Nairobi, Kenya. Since then, there have been increasing numbers of confirmed cases reported by the Ministry of Health in various counties. One month later, as of 14 April 2020, out of 8,827 tests, Kenya had confirmed a total of 216 cases, with 9 deaths and 41 recoveries.



KEY FIGURES



KENYAN POPULATION



47.5 million
Male 23.5m, Female 24.0m, Intersex 1,524
(Census 2019)

OBJECTIVES & METHODOLOGY

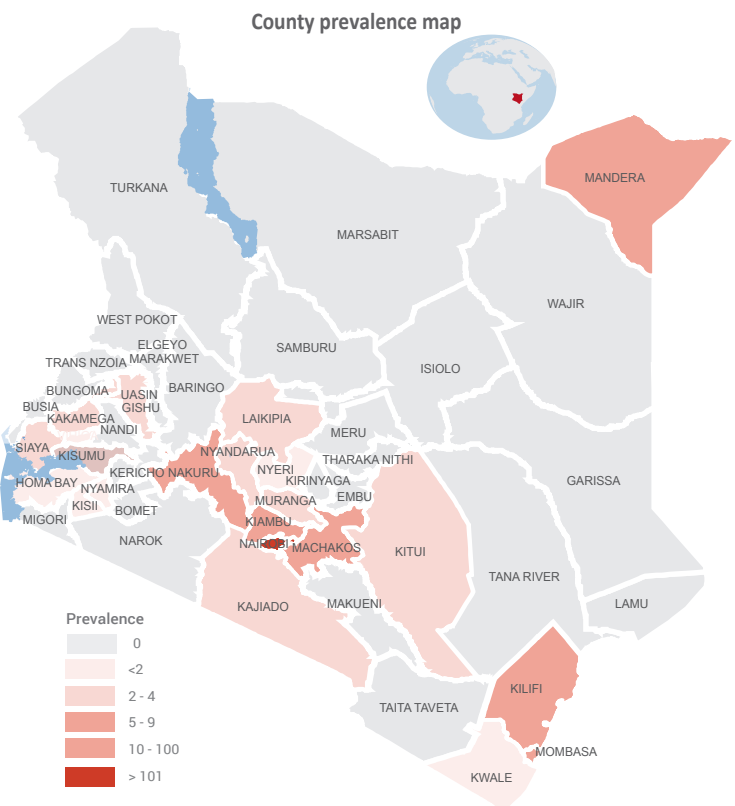
United Nations Human Rights and the Social Justice Centres Working Group (SJCWG) embarked on joint monitoring of the human rights impact of the COVID-19 pandemic in informal urban settlements. The monitoring sought to document human rights impacts within vulnerable communities and to inform advocacy initiatives with relevant authorities for targeted responses and prevention measures. It also provided a platform to share information with communities on the prevention of COVID-19.

The monitoring was undertaken through a smartphone-based household survey that was carried out in 8 counties: Nairobi, Mombasa, Kisumu, Kiambu, Vihiga, Kakamega, Taita Taveta, and Kilifi. Over two weeks (24 March to 7 April 2020), a total of 1,518 households were surveyed in these 8 counties.

IMPACTS OF THE COVID-19 PANDEMIC IN KENYA

From the beginning of the outbreak, human rights impacts, including socio-economic and gender aspects, were quickly felt at the community level, particularly within vulnerable households and communities in informal settlements.

With the imposition of a nightly curfew from 27 March 2020, the manner of enforcement of these measures by police amplified negative human rights impacts, and led to deaths, injuries, other violent incidents and numerous arrests.

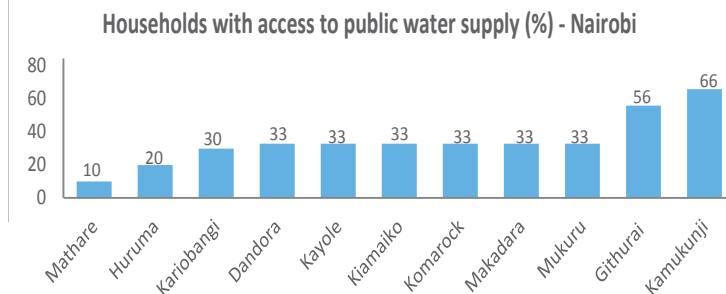


RESULTS & FINDINGS

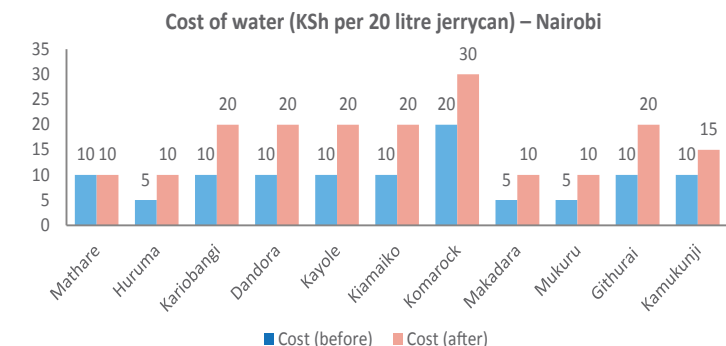
RIGHTS TO WATER AND SANITATION

Water and sanitation facilities are essential in preventing the spread of COVID-19. Even prior to the outbreak, access to water and sanitation was a challenge for people living in informal settlements. The survey indicates that inadequacy and unaffordability of water and sanitation services and facilities are prevalent in most of the informal settlements. This further exposes the communities to the risk of the spread of the virus.

a) **Availability of water:** only approximately 33% of households surveyed in Nairobi's informal settlements have access to public water sources. However, the frequency of water supply is at low levels and erratic. Most of the residents, through water rationing, receive water once or twice a week. As a result, the majority of the households rely on private water suppliers. Households surveyed indicated that water availability had worsened after the COVID-19 outbreak.



b) **Affordability of water:** there is evidence of increase in the cost of water due to increased demand and inadequate supply, particularly from public water sources. In most settlements in Nairobi, the cost of water per 20 litre jerrycan increased significantly after the confirmation of the first COVID-19 case in Kenya – doubling in many communities.



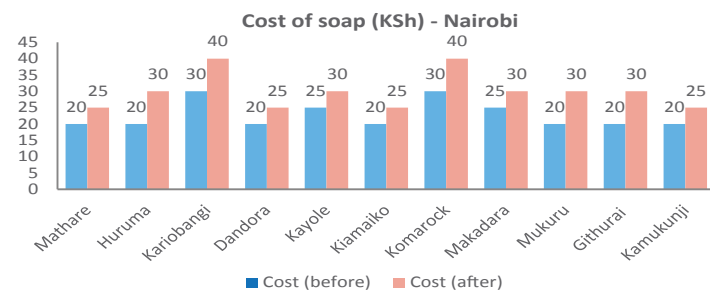
c) **Sanitation:** the majority of the surveyed population lack adequate sanitation facilities. Respondents indicated that they do not have access to toilets, and in some cases where toilets are available, the facilities are in poor condition. Since the outbreak of COVID-19 in Kenya, the costs of public toilets in communities had generally remained the same, with exceptional pockets of increases in some settlements. However, the costs of public showers had increased, likely linked to the costs and demand for water in most settlements.

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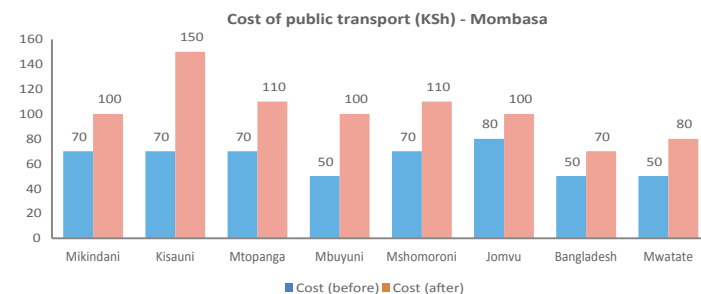
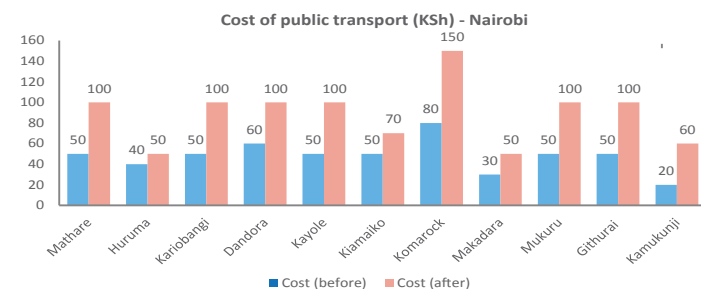
ECONOMIC & SOCIAL RIGHTS

a) Price of basic commodities & transport

Initial results indicate that the costs of basic commodities had increased slightly since the COVID-19 outbreak, by approximately 10-20% across all counties surveyed. Costs continued to increase after the imposition of a nightly curfew as of 27 March. These basic commodities include sugar, maize flour, rice, bread, milk, vegetables, soap, paraffin and cooking gas.



The costs of commuting via public transport have increased significantly in urban centres since the outbreak. This is linked to the Government's directive imposing limits on the maximum number of commuters in a public vehicle, to observe appropriate distances between passengers. In Nairobi, prices have almost doubled in most settlements. For instance, the cost of a matatu from Mathare to Nairobi increased from KSh 20 to KSh 50, and the cost of boda boda (motorcycle) increased from Kshs 50 to Kshs 100 in the same settlement.



b) Employment & livelihoods

The COVID-19 crisis quickly affected employment and businesses in informal settlements. Given the reality where most of the small scale and informal businesses operate in settlements, most are seeing reduced profits and income due to low purchasing power, reduction of business hours due to the curfew, and insecurity that has led to the closure of businesses in some places. Most casual labour jobs have reduced or are no longer available, and some have been declared redundant due to closure of small and medium enterprises.

The loss of employment and business, together with the increase in costs of basic commodities and services, have negatively impacted upon the livelihoods of most of the households surveyed. These impacts – within communities where households have limited coping mechanisms – have far-reaching effects in terms of the **right to food, right to health, tensions and violence within families, and overall community vulnerability.**

c) Right to housing

The homeless, or those with insecure housing, are particularly vulnerable during this crisis. With the imposition of the curfew, the vulnerabilities of street children and homeless families in urban settlements were further heightened. Children living on the streets, in particular, have been subjected to violence and harassment by police and security officers enforcing the curfew. Survey respondents also expressed concerns about potential threats of eviction due to non-payment of rent as a result of loss of employment and income.

GENDER PERSPECTIVES

Most parents surveyed expressed concerns about the risk of increase in teenage pregnancies, and harassment and exploitation of women and young girls. They also expressed concerns that the economic impacts of the COVID-19 crisis on households could lead to increased domestic and gender-based violence, instability within families, and the proliferation of child prostitution and illicit sexual activities, since families cannot meet their needs.

The survey found that most communities and households face a risk of increased **sexual and gender-based violence.** Following the imposition of a curfew on 27 March, there were increased cases of sexual harassment of women and girls by police and county security officers (askaris), with a number of cases reported to monitors in Nairobi. It is reported that sex workers have been targeted and subjected to violence and harassment by police during the curfew.

On 1 April, the National Council for the Administration of Justice stated that there had been a spike in the number of cases of sexual offences,

including cases of domestic violence, reported to police in the first three weeks of the crisis (constituting almost 36% of all crimes reported). Yet reports were also received of police turning away victims of domestic violence from police stations, on the basis that these crimes were 'not urgent'.

VULNERABLE GROUPS

Respondents identified groups that were marginalised or particularly vulnerable during the COVID-19 crisis, including homeless families and individuals, persons with disabilities, the elderly, people living with HIV, and drug users. They noted that these groups are at particular risk of being left behind in the implementation of prevention measures, and are also of being subjected to human rights violations.

INSECURITY

Respondents expressed concerns regarding rising insecurity in informal settlements. Many areas in Nairobi have experienced increasing cases of criminality, including home break-ins, mugging and theft. There are also concerns about regrouping and emergence of illegal gangs that harass residents and steal property.

HUMAN RIGHTS VIOLATION RELATED TO EMERGENCY MEASURES

Following the imposition of a nightly curfew from 27 March, the human rights situation worsened as a result of widespread excessive use of force by police to enforce the curfew and other emergency measures. Documented incidents include beatings and other forms of assault; shootings; sexual violence; use of live ammunition, teargas and water cannons in residential areas; arbitrary arrests; damage to property; looting and theft; and extortion.

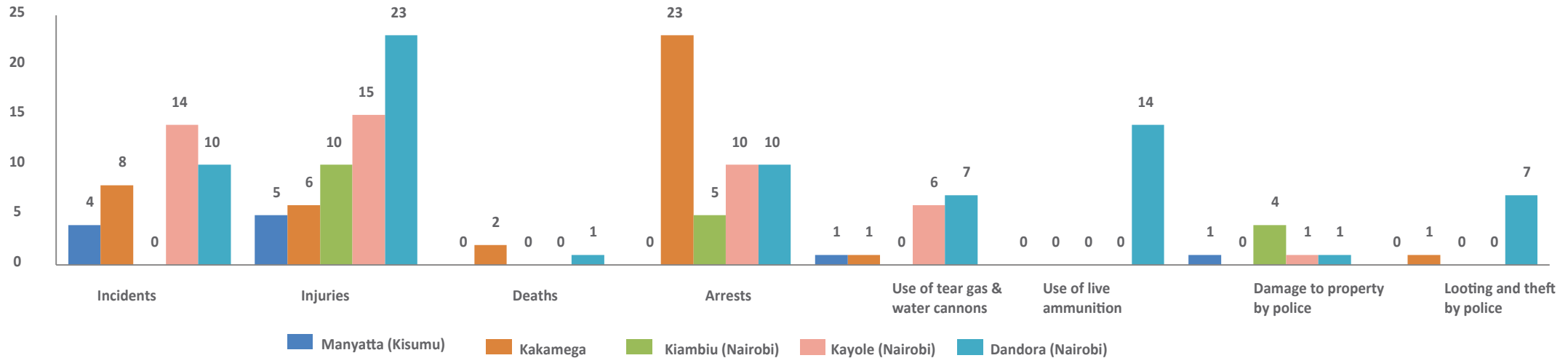
Within the communities covered by monitoring, at least 3 deaths and 61 injuries as a result of police violence were documented within the first 10 days of the curfew. These cases included a 13 year-old boy shot and killed in Kiamaiko (Nairobi), and a motorcycle taxi driver in Mombasa who took a pregnant woman to hospital after curfew and died after being beaten by police. Arbitrary arrests have also been widespread, with police soliciting bribes from individuals for their release – instead of cash bail or police bond, as advised by the National Council for the Administration of Justice. In Kayole, for example, police have arbitrarily arrested and detained civilians without recourse in the judicial system, mostly for petty offences.

During the first two weeks of the nightly curfew (27 March to 9 April), the Independent Policing Oversight Authority (IPOA) received 151 complaints about police violence and excesses. These included 18 cases of death, 59 cases of physical assault causing injury, 3 cases of wrongful detention and 1 case of enforced disappearance. Many have observed that more people have died as a result of police violence in enforcing the curfew and emergency measures, than due to COVID-19.

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The graph below depicts the human rights violations and incidents of excessive use of force documented in a number of the communities covered by the monitoring since the imposition of the curfew. It is not representative of total figures in Kenya.

Human rights violations documented since imposition of curfew (27 March 2020)



(Mombasa and coastal communities are not reflected)

RECOMMENDATIONS

Respect for human rights, including upholding the rule of law, is fundamental to effectively counter the spread of COVID-19. A human rights-based approach to the response is essential in order to promote effective prevention, and mitigate the negative impacts and unintended consequences of the crisis and emergency measures on the population.

Recommendations include:

- **Water & sanitation:** Ensure provision of water supply, soap and sanitiser, free of charge, to informal settlements and vulnerable communities. Prohibit the disconnection of water services for non-payment of bills. Ensure there are avenues for the public to lodge concerns about access to water and sanitation.
- **Socio-economic impacts:** Provide targeted support to vulnerable communities, groups and households, including social protection programmes, financial and in-kind support to help them ride out the crisis. A gender perspective should be integrated in such programmes. Immediate measures could include suspending utility costs (water, electricity), provision of public services free of charge, and food assistance – as well as psychosocial support services.
- **Housing:** Support a moratorium on evictions due to non-payment of rent or default on mortgages. Explore the provision of emergency housing and services for the homeless.
- **Sexual and gender-based violence:** Provide support services and avenues for safety for victims of sexual and gender-based violence, including domestic violence. Information on SGBV hotlines and service providers should be included in COVID-19 messaging. Ensure referral mechanisms – including for medical care, psychosocial support and safe places – are functional and equipped.
- **Enforcement of curfew and emergency measures:** Ensure clear and public guidelines to police on how to enforce the curfew and emergency measures in line with the Constitution, human rights standards, the rule of law and the public interest. Ensure police comply with bail and bond policy guidelines. Enforcement of emergency measures should not place people at greater risk or economic hardship.
- **Participation:** Inclusive participation is essential to an effective COVID-19 response that responds to the needs and vulnerabilities of the population. The Kenya National Commission on Human Rights, civil society and community-based organisations have an important role to play to inform, shape and support the Government response at the national and county levels.