**COVID-19 IMPACTS IN KENYA ON THE ENJOYMENT OF HUMAN RIGHTS**

The first case of Covid-19 in Kenya was discovered and reported on 12th March 2020, by the Kenyan Government. Through this pandemic human rights in Kenya have been affected in different ways.

**Impact on Human Rights**

**Education**

Access to basic education is a human right for all in Kenya. Article 43.1 of the Constitution of Kenya states that “every person in Kenya has the right to education” After the discovery of the first case of COVID-19, Schools, Colleges and Universities were closed on 15th March 2020 affecting over 20 million children and youths as they were forced to stay at home. With the closure of schools, this right has been infringed in the following ways:

* Many children and Youth could not access education leading to the introduction of online classes. This has had challenges for both students and teachers because unequal access to technology and internet costs is prohibitive for many. Not all have access to the internet, a smart phone or a laptop. Some parents are not even able to pay for the internet services. Many rural areas do not even have network coverage. This has led to a number of students lagging behind in the syllabus. Class sizes will be adjusted for social distancing
* Prolonged school closure and home confinement has had negative effects on children’s physical and mental health.
* There have been indication of children dropping out schools due to various reasons, such as, child pregnancies, child marriage, complete closure of private schools etc
* Many children have also been forced to change schools, some of whom are to sit for their final examinations.

On the seventh presidential address on the COVID-19 pandemic the 8 point economic stimulus programme it was stated that the Ministry of Education was allocated 6.5 Billion so as to hire 10,000 teachers and 1,000 ICT interns to support digital running and to also improve the schools infrastructure to enable social distancing.

**Child Protection**

Article 53 Of the Constitution of Kenya states the specific rights of every child in Kenya, such as to be protected from harm, neglect and others. This right has been infringed in the following ways:

* As jobs and businesses have been lost in households this has forced children to work so as to bring in some extra money so that they are able to even have a meal on the table. This interferes with their ability to attend the online classes or even do the assignments.
* A rise in cases of child abuse has been witnessed across the country.
* There has also been a rise in cases of child pregnancies and child marriages
* Drugs and substance abuse; with children being at home for a very long period of time, and parents being away most of the day, the children are left idle and with little or no supervision at all. Children have been greatly exposed to drugs and substance abuse as a way to pass time.
* The introduction of online learning has also brought about issues of online child harms. Children spend long hours online with minimum supervision. Online predators have taken advantage of this to exploit children. Children are also able to access websites that are inappropriate which can in-turn affect them morally, mentally and emotionally.
* Many children have also been exploited across the country. Teenagers have been recruited into cults and brainwashed by adults and led into engaging in immoral acts with adults and their peers.

**Health**

Article 43 (1) (a) of the Kenya Constitution states that every person has the right to the highest attainable standard of health which includes the right to health care services including reproductive health care. Kenyans have not been in a position to access proper medical care as jobs and businesses have been lost hence not in a position to remit monthly contributions on the National Hospital Insurance Fund or other medical covers in the country.

* The pandemic has also made people afraid of going to hospitals as they fear contraction of the virus in the hospitals.
* The president of the republic of Kenya stated that through the 8 point stimulus programme 5,000 healthcare workers will be hired for a period of 1 year and this will also assist in the implementation of the Universal Health Coverage (UHC) programme.
* Covid-19 has caused loss of income, Isolation and bereavement have triggered mental health in people and also made it worse to people who had mental health issues. This has forced people to abuse alcohol more and use hard drugs and suicide cases. Because of this the Ministry of Health has been in the process of developing a National Suicide Prevention Strategy and Program and also providing mental health and psychosocial support.
* Food and Nutrition; Getting a good balanced diet for most Kenyans has been a tall order during this pandemic as people have not been in a position to buy food but through the government of Kenya and help from world Food Organization they have been able to Kenyans (Children, men, Women and Elderly) who struggle to feed themselves daily with a stipend of 4000 Kenyan shillings ($40) for three months to cushion them.

**Socio-economic impact**

* Access to employment is also a right according to article 55 © of the Kenya Constitution. The informal sector comprises 84% of the Kenyan working population. This sector was hit hard. Many people lost their jobs, businesses, and for the few who were able to retain their jobs had their salaries reduced.
* Due to the loss of jobs and businesses people have been unable to provide food or shelter for themselves and their families hence been staying without food and being evicted from their homes because they are not able to pay rent. This has forced many people to relocate to the rural areas where they are able to work in a farm and get food or live in the family home.
* The country's economy has been affected by the pandemic in that as Kenya is a country that relies on imports, this has caused disruption in the global supply. Due to the county wide curfew and lockdown a large number of manufacturing and production sectors that also rely on imports and exports have been affected forcing them to adopt to the new norm and find ways to work.
* Considering that the agricultural sector contributes 26% of (GDP), another 27% of GDP indirectly through linkages with other sectors, employs 40% of the total population and more than 70% of the rural population in Kenya, the impact of COVID-19 on overall economy has affected the agricultural and food security sector. In this regard, there has been an adverse impact on food security and nutrition. The COVID -19 pandemic coincided with start of the planting season for maize, the major staple food. As the early season drought caused a sharp decline in maize production in 2019 and locust pandemic this year, which is still unresolved, food stocks were destined to decline, and prices to increase. This has overally had an adverse effect on poorest and the most vulnerable segments of the population
* The COVID-19 pandemic has worsened the already high prevalence of gender-based violence (GBV) due to greater economic stress in households in times of crisis coupled with increased social isolation. This has been further compounded by more limited access to health care and other service. Women and children are the most affected.

**Actions taken by the state to respect, protect and fulfill human rights**

* There has been clear and effective communication and updates about the COVID-19 pandemic at both national and County levels. This has increased awareness to the public on the impact of the virus and especially on how spreading can be curbed.
* The government undertook various measures to curb the spread of the virus, including limiting movement in places with reported cases; closure of public spaces with high human traffic, such as schools and public events; dusk-to-dawn curfews; and ensuring basic hygiene and social distancing in order to protect Kenyans from contracting the virus.
* The president ordered and directed a 100% Tax relief for persons earning a gross monthly income of up to 24,000 Kenyan shillings and a reduction of Income Tax Rate (Pay-As-You-Earn) from 30% to 25%. Residential Income tax (Corporation Tax) has also been reduced from 30% to 25%. Turnover tax rate has also been reduced from 3% to 1% for all Micro, Small and Medium Enterprises (MSMEs)
* The president also allocated Ksh10 Billion for payment of outstanding VAT refunds and other pending payments.
* Ksh.1.0 billion from the Universal Health Coverage kitty, was appropriated strictly towards the recruitment of additional health workers to support in the management of the spread of COVID-19.
* Appropriation of an additional Ksh. 10 Billion to the elderly, orphans and other vulnerable members of our society through cash-transfers by the Ministry of Labour and Social Protection was done, to cushion them from the adverse economic effects of the COVID-19 pandemic;
* Ksh. 3 Billion was allocated as seed capital for the Small and medium sized enterprises credit guarantee scheme and the intention is to provide affordable credit.
* Another 3 Billion was prioritized for the supply of farm inputs targeting 200,000 small scale farmers and 1.5 Billion to aid flower and horticultural producers to access international markets.
* Kenya’s tourism and hospitality sector is the worst hit by the pandemic. The government allocated KSh2 billion stimulus package to the industry, a move to cushion the industry from the impacts of the COVID-19 pandemic, that has been seeing a dip in its revenues.
* The government also allocated Kshs. 100 million stimulus package for artists, actors and musicians at the Kenya Cultural Centre through the “work for pay” initiative, with the objective of ensuring that the sector continues developing and nurturing talent to ensure that the sector remains a significant contributor to our economy post-COVID.
* Due to the demand of Personal Protective Equipments (PPEs) in the country, production companies directed to adapt to the situation and start producing PPEs hence keeping the job including employment of women.
* The government also embarked on a project to supply adequate water to informal settlements in order to encourage hygiene, especially, washing of hands to prevent the spread of the virus.

**Social Protection**

* Social protection in Kenya has been able to cushion its beneficiaries through the ongoing Cash Transfer programmes for the Orphans and Vulnerable children, Older Persons 70+ and Persons living with disability. In addition the GOK has partnered with WFP to cushion vulnerable households in the city of Nairobi and Mombasa that have been affected by the pandemic through a cash transfer of 4000 Kenya shilling per month ($40) and nutrition support. Plans are underway to expand this programme to the city of Kisumu.
* As stated above, an appropriation of an additional Ksh.10 Billion to the elderly, orphans and other vulnerable members of our society through cash-transfers by the Ministry of Labour and Social Protection was done, to cushion them from the adverse economic effects of the COVID-19 pandemic;
* The president of Kenya under his government has engaged the youth in a National Hygiene Programme known as ‘’Kazi Mtaani Initiative'’. Under this programme the government will spend 10 billion shillings to engage the youths in restoring public hygiene. During the trial period the president stated that they will have 26,000 youth then increase the number to 200,000 youths all over the country. The president also stated that even after the Covid-19 crisis the youths will be put into groups and with the county government they will look for ways to generate work for them.

**Questions on extreme poverty and Human Rights**

1. The economic recovery plans adopted by the government include measures towards making progress towards establishing or strengthening of a national social protection floor by ensuring that all basic Kenyans can access basic Social Protection guarantees.

**Questions on the right to food**

1. Importation and exportation of goods was halted. However, the state took measures to ensure that there was steady supply of food staff all over the country. Food markets were fumigated and left to operate, ensuring that they followed the COVID-19 guidelines. Even with the imposing of the national curfew and secession of movies in several counties, transportation of food was allowed as it was marked as essential services. Therefore, food supply in the country was not disrupted.
2. The National Government together with County governments and partners embarked on a food distribution programme targeting the vulnerable population
3. Workers working in those sectors had to be tested in order to protect fellow workers and citizens at large.
4. The government has partnered with WFP to support vulnerable households, especially those whose livelihoods were lost due to the pandemic, in Nairobi and Mombasa with cash transfers and nutrition support.

**Questions on adequate housing**

On this issue, the president requested landlords to be lenient with their tenants and not evict them for failure to pay rent. He also requested banks to readjust mortgage terms in favour of clients due t the hard economic times. However, this was not enshrined in law. He also directed that no evictions should take place until the country is done with the COVID-19 pandemic challenges.

**Questions on human rights of older persons**

* The facilities of the older persons in Kenya have taken precautions during this pandemic time because they are more susceptible to the infection due to the number of underlying conditions they have. The facilities have put in measures like there been social distancing in places of communal eating or worship, limited or no visitation, providing enough food, water and medication for them, making sure that even the staff taking care of the elderly have been tested and have the masks and adhering to the measures put in place.

REFERENCES

https://www.president.go.ke/2020/05/23/the-seventh-presidential-address-on-the-coronavirus-pandemic-the-8-point-economic-stimulus-programme-saturday-23rd-may-2020/

https://www.president.go.ke/2020/05/23/the-seventh-presidential-address-on-the-coronavirus-pandemic-the-8-point-economic-stimulus-programme-saturday-23rd-may-2020/

https://kenya.unfpa.org/sites/default/files/pub-pdf/older\_persons\_report.pdf

https://www.wfp.org/

Socio-Economic-Impact-COVID-19-Kenya-Policy-Brief-UNDP-Kenya-April-2020.pdf: Articulating the Pathways of the Socio-Economic Impact of the Coronavirus (COVID-19) Pandemic on the KenyanEconomy1