



## **PRESS RELEASE**

**TUESDAY MARCH 31, 2020**

### **ADVISORY ON CONSIDERATION OF THE WELFARE OF PERSONS IN VULNERABLE SITUATIONS, BY THE GOVERNMENT, IN ITS EFFORTS TO COMBAT THE COVID-19 PANDEMIC**

The National Gender and Equality Commission applauds the National and County Governments for timely and continuous implementation of measures to suppress the transmission of the Coronavirus disease (COVID-19) in Kenya. We specifically applaud the Ministry of Health for the design of firm COVID-19 prevention strategies including evoking the Kenya Public Health Act, 1986 (Revised 2012), improving access to essential health services, facilitating screening, counselling and education of those at risk of infection, offering testing services for the virus and training the public and healthcare workers to manage the diseases.

Further, we congratulate the citizens, communities and leaders who have supported the Government in mitigating the transmission of the COVID-19 through compliance with measures issued by the Government from time to time.

We should all note that, Article 43 the Constitution of Kenya, 2010, provides for economic and social rights and specifically Article 43(1a) provides that every person has the right to the highest attainable standard of health which includes the right to health care services and reproductive health care.

The Commission is cognizant of the Government's efforts being put in place to secure the citizenry from the pandemic. The Commission is also aware of the Public Curfew gazetted on 26<sup>th</sup> March 2020, which took effect on 27<sup>th</sup> March 2020.

#### **Observations of the Commission**

The Commission in exercise of its function of auditing the status of the special interest groups (SIGs) including minorities and marginalized groups, persons with disability, women, youth, children and older members of the society with regard to the various steps and communication of directives issued by the Government has **however** noted the following:

1. That special interest groups and/or vulnerable members of our society are most affected by the COVID-19 pandemic and therefore there is a need to reach them through appropriate channels of communication and assist them to achieve highest standards of basic hygiene.
2. Government communication on COVID-19 has so far not been accessible to persons with disabilities, in particular persons with hearing impairments due to the glaring absence of sign language interpreters during press briefings to the nation.
3. The advertisements being aired by national broadcasting houses to the citizenry to sneeze in their elbows as one of the measures to suppress spreading of COVID-19 is not sensitive to persons with physical impairments of the upper limbs as this might aggravate the spread of COVID-19 within this group of persons.
4. The directives as issued on implementation of basic hygiene measures are not alive to the diverse barriers faced by various categories of persons with disabilities for example on hand washing. The washing points or sinks may be physically inaccessible and/ or the PWD may not be able to rub their hands together thoroughly while washing them.
5. Persons in vulnerable situations face a lot of economic related challenges and may not access adequate clean water, soap and sanitizers for basic hygiene.
6. The difficulties that the sick from all social clusters of our society and in particular those from the informal sectors get while trying to access medical services including reproductive health services during the curfew period.
7. The inadequacy of the enforcement mechanisms in handling and dealing with persons in extreme vulnerable situations including PWDs, pregnant women, the elderly and sick who will be caught up in the curfew.
8. Lack of modalities for ensuring that vulnerable populations with limited mobility get access to inclusive public transport especially during this time when transport sector has been ordered to reduce the number of passengers per vehicle. The vulnerable populations have been and are still likely to be discriminated particularly passengers on wheelchairs.
9. Lack of specific guidelines to ensure optimal facilitation of PWDs, older members of society, pregnant women and children to get access to the ferry services (queuing, embarking and disembarking) and fully comply with the Government directives of keeping social distance and hygiene.
10. Inadequate preparedness of the enforcers of the curfew including the police to ensure that they protect themselves and the persons they serve from transmission



of the COVID-19 diseases through self-protection, keeping to social distance and supporting those at high risk of the infections.

### **Advisory on Public Sanitation**

- a) In exercising the provisions within the Public Health Act, 1986 (rev.2012); the Ministry of Health should consider the differential special needs of women, older members of society, persons with disability and children. Such persons who may be in need of health care services, including reproductive health, should be facilitated to access such services as and when they need them even during this time when Kenya is under countrywide curfew. For example, expectant mothers whose labour pains strike and/or delivery threatens to happen during the curfew period should be assisted to get to the hospital without any harassment.
- b) In provision of services to suppress transmission of COVID-19 in ferries and other vessels, the Ministry of Health should guide on consideration of the differential needs of vulnerable populations including PWDs, older members of society and Women using these vessels. More specifically, these vulnerable populations should be facilitated to embark and disembark vessels, access and use COVID-19 prevention methods while in the vessels including hand washing and access information while in the vessels on how to protect themselves from community transmission of the corona disease. On the other hand, the public transport systems should be guided to consider applications of inclusive transport for persons with limited mobility (PWDs, older members of society and women who are expectant or are accompanied by children) during this time when we are battling COVID-19 pandemic. The Ministry of Health should offer guidelines to the transport sector to offer more-guided and personalized sanitizer services to people with limited mobility by virtue of their age, disability, sickness or pregnancy who desire to use public transportation.
- c) The Ministry of Health and by extension the County Government departments of health should scale up public education directed at vulnerable populations about their role in the prevention of transmission of the COVID-19 including the need to stay at home, avoid crowded spaces, washing hands and maintenance of the highest level of hygiene among others. The messages should appreciate that PWDs are heterogeneous and information should also target care-givers, guides and personal aides especially for persons with visual impairment whose movement is guided through the folded elbow or white cane. Where PWDs do not have upper limbs for example, the caregivers should support the PWD to use disposable tissue when sneezing or coughing. Further care-givers and PWDs should be well guided in observance of social distances.

To the greatest extent possible, the Ministry of Health is encouraged to use and advice members of the public to refer to the '*Disability considerations during the COVID-19 outbreak*', briefing issued by World Health Organization in March 2020.



- d) The Ministry of Health should consider issuing sanitizers to people in vulnerable situations including PWDs and to those in identified high risk areas.
- e) The Ministry of Health should use captioning and sign language for all live and recorded events and communication including national addresses, press briefings and live social media and as much as possible the Ministry should work with disability organizations, including advocacy bodies and disability service providers to disseminate public health information on the COVID-2019 pandemic.
- f) The Ministry of Health should work with persons with disability and their representatives to identify fiscal and administrative measures that aid the PWDs to play their role in combating COVID-2019. Such measures may include:
  - i) Financial compensation for families and caregivers who are part of the casual and self-employed disability workforce, who may need to self-isolate, and where coming to work would place people with disability at greater risk of infection;
  - ii) Provision of a hotline in multiple formats such as telephone and email for people with disability to communicate with the Government, ask questions, and raise concerns; and
  - iii) Prioritizing disability caregiver's agencies for access to free (no-cost) personal protective equipment and resources including: masks, aprons, gloves, hand washing points or hand sanitizers.

### **Advisory on the Public Curfew**

1. The Ministry of Interior and Coordination of National Government should come up with a comprehensive implementation framework of the curfew that not only guarantees people's safety, but also dignity and rights. The framework should include:
  - a) Simple and effective mechanisms of ensuring that vulnerable members of the society in particular PWDs, pregnant women, elderly and children have access to critical services like the ferry and public transport;
  - b) Guidelines to State Apparatus of Force (National Police Service and Kenya Defence Forces) and caregivers of the Hearing Impaired, Visually Impaired and other persons with disabilities to keep social distance while accessing critical services such as ferry and public transport;
  - c) Guidelines to the State Apparatus of Force on how to humanely handle PWDs, pregnant women, elderly and sick caught up during the curfew; and
  - d) Guidelines and measures to facilitate those in need of medical care to access such critical services during times of the curfew.



2. Provide a hotline for PWDs to communicate with your Ministry and raise their concerns;
3. Draw the attention of the State Apparatus of Force (National Police Service and Kenya Defence Forces) that even during situations of epidemics or state of emergency, freedom from torture and cruel, inhuman or degrading treatment or punishment as enshrined in Article 25 of the Constitution of Kenya, 2010 cannot be limited and therefore, the implementation mechanisms of the curfew or any other decision of Government geared towards addressing and protecting Kenyans from the COVID-19 pandemic must not be an opportunity for the State Apparatus of Force to torture, handle Kenyans in a cruel, inhuman or degrading manner or mete out any form of punishment not sanctioned by law; and
4. The Ministry, in collaboration with other State organs, considers the option of having Government vehicles being used to provide public transport to members of the public and particularly the special interest groups who may require to use transport to access essential services. This will reduce inequalities in access to essential services during this time of battling the COVID- 2019 pandemic.

The Commission further draws the attention of the Government to the guidelines published by the World Health Organizations '*Disability considerations during the COVID-19 outbreak*', March 2020, which will no doubt be useful in instituting some of the recommendations suggested by the Commission.

The Commission will continue to coordinate and facilitate mainstreaming of the issues of gender, persons with disability and other marginalized groups through all means available at its disposal and to advise the Government on all aspects thereof.

Let us all work together to combat COVID-2019 in Kenya.



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**CHAIRPERSON**