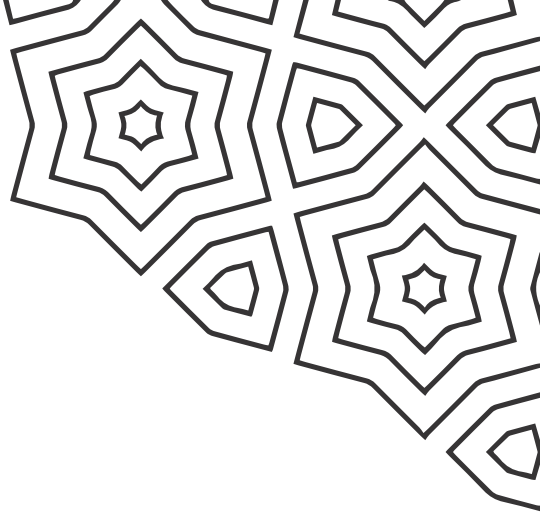


UNDERSTANDING HUMAN RIGHTS

Featuring top essays from the essay competition
organized by Katiba Institute.



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ROYAL NORWEGIAN EMBASSY



Introduction

Katiba Institute organized an essay competition on human rights in September 2020. The call, which targeted young persons, classified participants into three categories: up to 13 years, 13 to 18 years, and 18 to 25 years. Over 150 entries from different age sets were submitted to Katiba Institute. A team of examiners with immense experience in education and the human rights field marked and graded the essays. This booklet is a collection of the best essays in the competition.

Katiba Institute appreciates all those who took their time to submit their entries to this writing competition.

Congratulations to the winners for excellent pieces on human rights. This publication will further simplify the meaning of human rights and we hope that you will continue to advocate for respect to human rights in your activities.

Acknowledgments

Katiba Institute appreciates the Royal Norwegian Embassy for supporting the successful implementation of the essay competition under the project “Strengthening the Work of Human Rights Defenders and Enhancing their Protection.”

We thank the authors for taking their valuable time to write very inspiring stories on human rights and human rights defenders. We believe that the experiences shared will motivate other young people to play their role in defending and promoting human rights.

This exercise would not have been complete without the support of the team that oversaw the marking and grading process. We sincerely thank Dr. Conrad Bosire, Dr. John Osogo Ambani, Dr. Wandia Njoya, Hesbon Owilla, and Petronella Mukaindo for the excellent work.

Finally, we thank the Katiba Institute team who worked tirelessly to ensure the compilation and publication of this book.



TOP ESSAYS



ME AND MY FRIEND

By Akunzirwe Conrad

First time I met this young gentleman was in 2011. I was only 10 years old, and he had been brought home to work just as any other 'Shamba-men' that had come and left my home. I admit that at first, we were not much of friends because I had earlier been warned by my mother that the only thing, I would learn from associating with such a class of people would be all the immoral acts that this world has to offer. Eight years had passed before I went back to my village and to my surprise this gentleman was still working for our family unlike others that came and did not spend a month or even a fortnight at home. I would have remained blinded by the single sided story I was told about such a class of people in our society was it not for the lockdown this year.

Where I come from, or rather the kind of society, I was born in considers this class of people to hold the highest level of ignorance on not only the law but also simple etiquette of society. With this kind of living, their rights have been stepped over for close to a decade and no one seems to be bothered since as I have said, 'it is a way of living.' I am now above eighteen years of age, mature enough to differentiate good from bad and critically think while being skeptical about what I hear and see. A rhetorical question I would put at this time is that, have you seen any constitution classify the rights of people according to classes. The answer is No. We are all equal in the society.

During my time in the village, I and Asaph have become very good friends however much the society would define us according to classes. One day, I woke up to a banging on my door. Yes, this wasn't new to me as it had now become my father's morning routine that to some extent I thought he did actually enjoy this or he was doing exercises. All this was always accompanied by a loud 'roar' that had become a daily alarm as he was always complaining of how I had become a nuisance to the family because I always dodged house chores. I actually did manage to leave my bed, but this was after he had left because I would have received a serious beating if I had opened the door when he was still on the other side.

On this particular day I decided to go the shamba (plantation) and this is when I found out that my friend Asaph had been feeling sick, so I made a suggestion to him that he should go to the nearest Health Center clinic so as to get medication and he went. People in his class were never expected to go to the clinics because they believed that they would survive on local herbs such as Aloe Vera. It always disturbed my mind that the government set up these health centers for the general community, but a certain class of people was excluded from using them. Now this is where things get a little bit



interesting. It was just a few hours later that I saw him and asked him if all went well at the clinic but to my dismay, he told me that the health worker had actually refused to give him the required medicine. First, because he was from a peasant class and second, the worker had actually charged him some money. Now these are government established health centers and their main aim is to provide health services to the villagers who are not able to travel to town, and also the health workers are public officers meaning they are paid by the government. I actually had to step in for my friend Asaph and, trust me: it was a struggle to get him to the hospital as he was scared because such a thing was unheard of - where a lower-class person stood up against someone of such a high class or any authority. At last we went to the health centre clinic and I engaged in a heated argument with this health worker who had denied Asaph his constitutional right of getting proper medical treatment. I promised that I would get to the bottom of this and yes, I did. We wrote a letter to the Local Council Chairperson and he actually called for a meeting attended by all the community where people were sensitized on how to advocate for their rights as also a warning was issued to those who found it easy to step on the rights of others. Asaph later got his proper medical care and even got to go back for various medical checkups as the new health worker prescribed. I decide not to give up on my friend's freedom and rights because we are all equal and we stand together against anyone who dares to deprive us of our rights. We choose to be the beginning or join the revolution against abuse of Human Rights because together we stand and divided we fall.

After thinking deep about this, I came to understand that the main reason why such incidents keep happening is because the local people are not very well educated, therefore the people from the higher and middle class use this chance to exploit them and deny them their rights. For Example; statistics show that "According to the National Population and Housing Census 2014 Area specific profiles on Bushenyi District, 23.9% are females and 19.7 are males who are all illiterate. This gives the chance to the higher-class people and other people to rob these people of their rights because they even barely know them.

I therefore came up with a plan that together with the help of the Local Council Chairperson and other youth from my village including my friend Asaph, we decided to start up monthly communal gatherings and have guest facilitators from different Human Rights Organizations or Non- Governmental Organizations to brief the people and sensitize them on how to fight for their rights. We have so far held one meeting earlier this month and our guest facilitator was Counsel Kirabo Bablah, a member of the Rotary Club Kabarole, Uganda who has various positions in the local women organizations.

I know that we all want a good life, but why step on other people's rights? What happened to the concept of living as brothers and sisters? Why do we have to turn our world in to a brave new world? I am sure that this world has enough space for everyone, and the resources are in plenty, but this can only be maintained if we stop putting our needs first and being selfish. If we work together and live as a family then the resources will surely be enough for all of us.

Akunzirwe Conrad is a law student at Strathmore University, an Effective Altruist and a Human Rights Advocate



WHY HUMAN RIGHTS MATTER

By Were Kadogo Immaculate

I am a brave young woman, or at least I would like to think so. I purposely use the term 'young' to signify the great potential that lies in me and 'woman' because I believe that that is one of my superpowers. Imagine having the power to be bold, be beautiful, procreate, raise the next generation all the while pursuing career ambitions and changing the world one day at a time. Being a woman however, comes along with its own set of challenges as you will discover in the course of this essay.

Here is why I think I am brave. First, when I want something, I go for it not caring who or what is on my way. Second, I will not lie down while an atrocity is being committed right before my eyes. I believe in raising my voice, speaking out and most importantly I value being heard and listened to. Today, once again, in this essay I am going to be brave. I am going to talk about a topic that scares me as a person especially given the stigma that is associated with it. However, I find solace in the words of Patricia A. Knight, "there can be no bravery without fear": Reproductive health rights are that topic.

I cringe talking about reproductive health rights because of the stigma that is associated with sex especially for young people, let alone access to reproductive health rights. We cannot however simply overlook the provisions of Article 43 (1) (a) of the Constitution of Kenya 2010 (COK 2010) that speak to the right to the highest attainable standard of health, and particularly the right to reproductive health care.

Reproductive health rights are close to my heart for various reasons and to illustrate why I am so invested in the provisions of Article 43 (1) (a) of the COK 2010 allow me to share a personal story. Rumours had it that the campus dispensary could offer reproductive health services including implants and emergency contraception. So, brave as I am, I walked myself to the school dispensary where I met this doctor/ nurse who had been assigned to me. He was pleasant at first but then as soon as I mentioned that I was there to consult him about reproductive health his facial expressions instantly changed, and I could tell that he was uncomfortable with the topic. I, however, continued to ask him about it because how on earth does a doctor, male or not, not have the competence to discuss reproductive health?

After a few minutes of trying to obtain information from a trained nurse/ doctor he brushed me off by telling me that I had to come back at 2 pm that day to see the another doctor since he did not know much about reproductive health. I did not return to the facility later that day since I'd already seen the attitude that attendants at the facility had towards reproductive health matters.

Brave me decided to pursue reproductive health yet again and this time I went to a private hospital. Once again I met a nurse. She on the other hand was very comfortable talking to me but one statement that stuck with me was that I didn't have children yet so I should not have been in a hurry to get contraceptives. She finished by telling me that I should go home and think hard about whether or not I wanted to use contraceptives. Her general advice was sound but the fact that she kept insisting that I was too young and had no children yet made me think twice about getting contraceptives. Less than a month after visiting the private hospital I got pregnant and today I have a child raising him as a single mother

Before anyone accuses me of beating around the bush and not making myself clear I might as well go ahead and voice my thoughts. I honestly think I was wronged by a system that is too ashamed and stigmatizes conversations and access to reproductive health rights. Most importantly, I think I was wronged by a patriarchal society that refuses to believe that a young woman, at some point in her life or even forever, can fail to want children, and therefore goes ahead to deny them of reproductive health rights just to push an unproductive patriarchal agenda.

I am well aware that as per Article 21 (2) of the COK 2010 the right to reproductive health care is a progressive right meaning that there is no obligation to realize the right immediately but rather steps have to be taken by the state to realize the right over time.² The question I keep asking myself, however, is: can reproductive health care really wait? How many young women will have to bear the burden of becoming single mothers or teen mothers before something is done about it? Most importantly, what is the meaning of 'realizing the right over time'? Should women endure discrimination for 5 years, 10 years, 20 years or until the patriarchs decide that it is finally time to realize the extremely fundamental right to reproductive health care? Or should we just keep living in denial of the fact that both young and old people are engaging in sexual activities which although pleasurable leaves so many, especially women, with heavy burdens to bear.

So here is why human rights, particularly reproductive health rights, matter;: because their realization could mean the difference between someone, women in particular, realizing their dreams or not. They matter because their realization could mean the difference between living a comfortable life and having to be on edge every single day wondering where the next meal for two will come from. Their realization matters because, at a very young age, immature women are forced to make extremely tough choices between having an unsafe abortion, giving birth or putting up their children for adoption. Most importantly they matter because not realizing reproductive health rights could just mean perpetual discrimination of one gender unless something is done about it.³

Immaculate Were believes in a better world for women in both private and public spheres



HUMAN RIGHTS DEFENDER; A PERSONAL DEFINITION

By Tabitha Waithera Munyaka

At the age of 10, my family and I relocated and moved to Europe. Shortly afterwards, I joined a British international school that was dominated by white people. For the 4 years that I was there, I was the only black person in the class. The year group had about 10 black students. I went in excited, scared and I remember driving in with my parents and being mesmerized. I admired their lives and I wanted to be part of this new world.

A couple of months into the school year, one of my deskmates told me I did not have a father because I am black. A couple of weeks later, it was explicit that students did not want to play with me, so I had to eat my lunch in class. Days later, my teacher told me my handwriting looked like a chickens' and alluded to the fact that I was illiterate. I never told my mother. I never told anyone. At first, I thought it was because I was new, but over the years it became crystal clear it was because I was black. Something that had never been of concern to me. As a 10-year-old, I was introduced to racism. It has been 10 years now and my sisters and I have over the years shared these experiences and there seems to be a consensus on the kind of treatment we got. Their classmates had constantly told them they looked like boys when they wore tracksuits and braided cornrows. Their teachers had to force the other students to do projects with them. What bothered and continues to push me to strive to be better is that I conceded. I fussed about clothes and made sure they were of the brand 'Abercrombie and Fitch'. I wore the same sneakers as them and even spent a whole summer learning how to do backflips to join gymnastics. I constantly sought for validation and my sisters saw that and mirrored it.

The first time my sisters shared this it broke me. It was inimical! I was the one to set an example and I had failed. Over the years I have grown more aware of how recurrent racial discrimination is from family members such as my parents, relatives and friends. This has led me to people, books and shows that have continued to educate me and shared the bitterness I felt. So, what does this have to do with human rights defenders? I never considered myself an activist for human rights.

The term human rights defender meant an activist who spent their everyday life fighting for others. It could be social, economic, cultural rights, discrimination, or other rights. It was their job and only certain people could do it and at a certain age. It never concerned me until I watched a speech by a girl of the name Severn Cullis-Suzuki's titled 'listen to the children'. I was 14 and I remember writing the speech and memorizing it so that I could perform it for my family. This is the moment I became aware of the power that I had. That defending something did not require me to be of a certain age. Moreover, I had tolerated abuse for so long that I had started accepting it and other black students in

the school had coined a nickname for me; 'Oreo'. A derogative term that simply meant I was trying to be white while I was black. I was ashamed, angry, frustrated and questioned why it never occurred to me that I could do more. So, I turned to books.

I started with African writers such as Chinua Achebe, Chimamanda Ngozi Adichie and moved to writers such as Khaled Hosseini whose books are based on the refugee crisis and wars in areas such as Afghanistan. I wanted to know more. Toni Morrison's books have also been life changing. Shows painted a different picture. I became more aware of films with African characters and in the process discovered Ava Duvernay, a producer of black-centred movies that tell the history of racial discrimination. I admire actresses such as Viola Davis who have fought against the system to be where they are. Women such as Elizabeth Eckford who rebelled against the system and Harriet Tubman-, a woman I have read about repeatedly. Her strength and determination continue to inspire me every day. These people shaped me. I did not know them personally but their work, movements, lives changed mine. And writing this makes me emotional because I do not think I can express it enough.

The journey to discover oneself is rough and full of potholes but it is one that must be taken. These women walked with me and continue to do so. I cannot ignore what is happening in the world right now. The Black Lives Matter movement that has taken the world by storm. I have followed the movement and had awe-inspiring conversations. More people are starting to share their stories and struggles. The voices are growing. I have come to understand that being a human rights defender is not a job that you register for. It is anyone who has suffered any injustices in their life. It does not matter if it is racial, sexual, or social. You are part of it. Those conversations that you have with your friends and your family members about human rights make you a defender.

Police brutality is another issue that Kenya has been facing and if you have been out in the streets, have written articles on it or participated in the conversation or on social media, you are a defender. The 'me too' movement concerning women's, harassment and sexual abuse is another one that if you took part in any sort of way, makes you a defender. My point is simple, I am still the same 10 and 14-year-old girl that was confused and in need of guidance and continues to seek for it. But one thing I am sure of is it that, where I am, I am not only a human rights defender for myself but for my sisters and my friends and anyone who has experienced an ounce of discrimination. I am a human rights defender, and nothing should limit you from saying so. It is not a subscription. It is personal.

Tabitha Munyaka, Human Rights Activist and writer is currently a Law Student at Strathmore University.



Harriet Tubman,
a woman I have read about repeatedly. Her strength and determination continue to inspire me every day.



MY FIRST ENCOUNTER WITH DISABILITY

By Valencia Aluoch Misenga

I have a friend who stares at my mouth when I speak, and she appreciates it when I face her during conversations. You may find it very uncomfortable at first when you meet her, but she'd rather you don't make a big deal out of it, because that's how she listens. Expect that she will quietly repeat every word you speak during your conversation with her, and at some point, she may ask you to speak louder than normal or she might bring her ear too close to your mouth; don't take it the wrong way, she just wants to grasp every word you say. Prejudgment has been the biggest challenge she has faced since I met her back at a youth camp.

Most people believe that they are not discriminatory towards the disabled, but it's the little actions that count, like not allowing someone to express themselves in the way they know best. My friend, Maggie, and I had one thing in common when we met, we both preferred to sit at the front of the bus where there was less noise and little interaction. Unlike me, she had her own reasons for self-isolating which I found out as soon as the bus rolled off the church ground. I tried to start small conversations occasionally, but my words fell on deaf ears, literally. I had to tap her to get her attention, that's when I noticed she was trying to read my lips.

Each time she did that I found myself frowning questionably at her. Eventually she had had enough of my judgmental looks and to prove her point, she placed a huge pair of headphones on her ears and stared out the window for the entire ride. I noticed a little thing at the back of one of her ears when we were alighting, which I now know as a hearing aid, then I realized that she must have been struggling with her hearing throughout the ride to camp. I spent the better part of the evening trying to find Maggie in the girls' dorm as she kept disappearing from my sight, I had a feeling she was doing this intentionally, and that gave me more reason to want to clear the situation up.

I caught up with her later that night and apologized for making her feel uncomfortable. I also refrained from frowning at her when she looked at my lips, though I could not help but ask her about her hearing. "Do you have a problem with your ear?" I asked as politely as I could. As if she was waiting for that question, she immediately began to pour out her situation to me, and it wasn't thrilling to hear what she had been through with most people; no wonder she kept to herself. I went to bed thinking of how strong she had to be to take in such criticism and judgement. I vowed to be different from the rest, to make her stay at camp comfortable. The most difficult part about trying to help someone get back on their feet after they've been crushed for so long is dealing with their denial.

Maggie became so comfortable around me and, for her, I was enough. She didn't see the need for more friends or, rather, she didn't want to confront her fear of expression around other people. She would even get angry when we were separated during indoor games. At one point she was placed in the team that was playing against mine and their team leader gave secret instructions to them in a whisper. I had become so protective of Maggie that I immediately noticed that she hadn't heard what was said, because she widened her eyes at me nervously and I smiled encouragingly, hoping she would voice her concern. Just then, their leader pushed her in the middle of the circle and she did the exact opposite of what he had instructed them. Their whole team laughed at her and the furious leader walked up to her and scolded her. Maggie left the hall in tears as the other team members continued to ridicule her for crying yet she had caused them some points on the scoreboard. At this point I had to take action, now I knew how deeply she was hurt for being judged yet she hadn't gotten a fair chance to participate in the game. I approached the team leader and told him that Maggie had difficulty with her hearing, she was partially deaf and the treatment she got from her peers made it even harder for her to let anyone into her space.

He felt guilty and explained that he had no idea about this, and I also explained to him it was Maggie's wish to keep it secret. She did not want to receive any special treatment, she just wanted to belong, to be accepted as she was, by the people she encountered. At that moment I was courageous enough to explain the situation to the circle of youths who had surrounded us. I had to do this for Maggie, so she could express herself more often and make more friends. It is never easy to convince everyone to support those who need a little more compassion in our midst. By the last week of our camp, Maggie had made a lot more friends than she could have imagined, and she rarely followed me around. Most of the other youths had begun to accept her difference but there were still a few who laughed and ridiculed her whenever she seemed to misinterpret information. The best thing about Maggie's transformation was that she had learnt to ignore people who tried to bring her down and she had become so confident in her own way of expression that she taught us how to read words from each other's lips. I needed not to tell her how to interact with people at this point; she knew when to let people know that she wasn't getting them clearly, instead of shying away. We both still preferred to sit at the front of the bus, though for other reasons this time round.

Our camp had ended, and I wanted to spend the ride back home with Maggie before we parted ways. She was so bubbly, and talkative throughout the trip. Our youth master handed out gift cards to each of us to write something positive to one friend then indicate their name at the bottom before giving it back to him. Of course, I wrote my note to Maggie, then we walked to the church ground and had our evening tea together before I waved goodbye and took my gift card from the youth master. It was from Maggie and it said, "Thank you for letting me read your lips." And her phone number was written under my name. I smiled at the thought of my long note to her, which said, "I know of a girl who smiles a lot, laughs a lot, talks a lot and is an expert at lip reading. She has made me understand that disability is not inability, it is super-ability."

Valencia Misenga, a keen advocate for equality and fair treatment of all peoples especially the voiceless and minorities.

HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF CORONA VIRUS?

By Kenneth Ochwer

The Covid-19 pandemic is continuing to disrupt the world with heavy tolls on economic activities and human lives. Its rapid rate of transmission in various countries such as Kenya is threatening to affect millions of citizens, already rendered vulnerable by malnutrition, food insecurity, effects of poverty, ignorance, disasters such as floods and locust invasions, and tribal and domestic conflicts. The utmost priority is saving lives (World Health Organization, 2020).

In view of the exceptional circumstances and to protect lives, the Kenyan government has been left with no choice, but to adopt extraordinary restrictive measures. The country adopted extensive lockdowns to minimize the rate of spread of the virus among the locals. The partial lockdown, combined with other efforts, has restricted, by necessity, our freedom of movement, and consequently the ability to enjoy other fundamental liberties.

The measures have inadvertently affected our security and livelihoods as well as access to proper care, water and sanitation, food, education, leisure, and employment.

COVID-19 and Our Rights

According to the United Nations (2020), human rights derive from the worth and dignity inherent in humans. They are guaranteed by internationally recognized standards and lawful treaties. They are protected by law under the constitution.

Furthermore, they focus on human dignity, obligate governments and their actors, cannot be taken away or waived, and are interrelated, universal, and interdependent. Public health and human rights share the common goal of safeguarding people's overall wellbeing. Some human rights that are critical for public health responses encompass the right to quality healthcare, right to life, freedom from discrimination, right to equality, right to security and liberty, right to privacy, right to receive, impart, and seek information, freedom from torture, degrading, and inhumane treatment, and the liberty to self-determination.

According to WHO (2020), governments that enforce protective regulations to ensure nondiscrimination for particular groups have achieved more excellent coverage of prevention services for infectious diseases such as HIV and AIDS. This can be applied to the case of Covid19 pandemic. The Kenyan government must ensure there is no police brutality and political inequality when enforcing particular laws such as curfews. It should be noted that punitive laws have been demonstrated to have undesirable implications for access to healthcare services. For instance, Asia and Pacific punitive regulations relating

to men who engage in sexual activities with transgender people and fellow men have been linked with condom confiscation by law enforcers, restricted condom distribution, censoring of sexually transmitted infection and HIV prevention education materials, and detention and harassment of outreach employees.

These measures have increased the chances of people in these regions engaging in unsafe sex. It is our responsibility to report cases of harassment by anybody during curfew hours, including law enforcement officers, to the relevant authorities. Nonetheless, we have to abide by the set regulations to prevent the spread of this deadly pandemic. Additionally, our right to education has severely been impeded by the spread of the novel virus. In August this year, Human Rights Watch interviewed education officials, teachers, parents, and students across Zambia, South Africa, Nigeria, Morocco, Madagascar, Kenya, and DRC. The study uncovered that the closure of learning institutions necessitated by the virus exacerbated inequalities among citizens and that learners with a greater risk of not receiving quality education have been affected most (Human Rights Watch, 2020). With some remote, rural and marginalized areas in Kenya not having access to the Internet, reliance on online learning will be discriminatory. As citizens, we should always advocate for access to social amenities and other vital services such as proper channels of communication. I think it could be a good proposal for the government to ensure that all regions in Kenya have access to at least 3G network to allow students to access quality education by using the Internet to retrieve books, revision documents, and other learning materials. Every nation must protect the lives of its citizens by tackling the general conditions in societies that pose direct threats to life.

The Kenyan government is making extra efforts to do this as it has remained its primary focus (Nation Media Group, 2020). The right to access quality healthcare is closely associated with the right to life. Infectious diseases such as Covid-19 tend to test the ability of governments to protect our right to health. The government should ensure we enjoy the highest achievable health standard regardless of our economic or social status. Finally, the spread of Covid-19 has posed a significant challenge to our freedom of movement. With the stay-at-home instructions and lockdowns imposed by the state, we cannot move freely past the specified hours.

Reacting to Covid-19 and Implications on Our Fundamental Rights

Controlling the spread of the virus and protecting the lives of the citizens means breaking the infection chain. People must limit their movements and interaction with each other, especially in crowded public spaces (United Nations, 2020).

Many countries, including Kenya, have resorted to restricting their citizens' freedom of movement as a public health measure to minimize the spread of the virus. In Kenya, this has been achieved through stay-at-home instructions and partial lockdowns. This strategy is a necessary and practical method recommended by the WHO to stop the virus transmission and prevent the available healthcare facilities from becoming overwhelmed. However, the implication of the partial lockdowns on livelihoods, jobs, access to vital services including food, water, care, social services, education, adequate living standards, family life, and safety at home can be severe.



As Kenyans and other citizens around the world are discovering, the freedom of movement is a necessary legal provision that enables people to enjoy many other rights. While international law may permit particular restrictions on the liberty to move freely, including for security and national emergency reasons such as health emergencies, the restriction should be strictly relevant for that purpose (United Nations, 2020). It should be non-discriminatory and proportionate. The availability of efficient generalized tracing and testing, and targeted isolation and quarantine measures may mitigate the need for more indiscriminate policies.

Thus, we can argue that although the government restrictions have helped in managing the spread of the virus, thus protecting our right to life, it has restricted our ability to move freely and interact with friends and family.

Tackling the Virus without Putting our Health at Risk

Even as we devise strategies to tackle the virus, we should appreciate that the threat is the virus and not our fellow citizens.

Thus, security and emergency measures, if needed, should be proportional to the sole aim of protecting the people. Justice, restraint, and the rule of law are critical in responding to the virus (United Nations, 2020). States should ensure that law enforcement is effective. They have to protect older people, women, children, and people with disabilities from abuse and violence and ensure a continuous provision of support services to survivors of gender-based violence during this crisis. Citizens must push back opportunists who may use the situation to steal by indulging in corrupt practices and misusing the resources allocated for the pandemic response.

At personal levels, we should protect ourselves by following the WHO guidelines. Specifically, we must adopt behaviours such as isolating in a community or home facilities if we feel sick, identifying ourselves as contacts of confirmed cases when relevant, following the physical distancing measures, and restrictions to movement, practicing proper respiratory etiquette, desisting from touching our faces, and washing our hands regularly with soap and running water or sanitizing with alcohol-based hand sanitizers (WHO, 2020).

At the community level, we should engage in practices like protecting vulnerable groups, supporting health workers, education, contact tracing, case finding, and cooperating with the social and physical distancing policies proposed by the state. Finally, government officials must coordinate and lead the response to the virus across party lines to empower and enable all citizens and members of the community to own the response through capacity building, support, education, engagement, and communication. In a nutshell, the emergence and spread of Covid-19 have affected our usual ways of life and some of our fundamental rights. We cannot move freely and enjoy with friends as before. However, as a country, we have a chance to come up with more robust policies, healthcare systems and stronger collaborations to face a threat like this in the future. Thus, we should learn some lessons from this crisis and ensure our behaviours leave a lasting positive legacy so that we can make the world a better and safer place in the future.

Kenneth Ochwer, passionate about the economic and human rights issues around the world.

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The country adopted extensive lockdowns to minimize the rate of spread of the virus among the locals. The partial lockdown, combined with other efforts, has restricted, by necessity, our freedom of movement, and consequently the ability to enjoy other fundamental liberties.



WHAT DOES HUMAN RIGHTS DEFENDER MEAN TO YOU AND YOURS?

By Amondi G Onyango

The story of my first encounter with a human rights defender is also the story of how I found love and in a huge irony, also the story of how I lost love.

At the time, Aunty had found out about M, the girl I was seeing. Sort of seeing. We hadn't done anything really past a brief accidental kiss and long walks in public parks while holding hands. Somehow, Aunty got wind of our hand-holding activities and she was on fire.

There were two issues: M was a girl (and Aunty like most parents wanted to make her sure her niece grew into a proper society woman with a good job, married in white to a godly man and blessed with children. God forbid we lost our traditional African guilt in our children! It wasn't going to happen under her watch).

The second problem was that M was a Muslim. A Somali Muslim, (in some way, Aunty felt that any wanting between us offended not one but two Gods. Also, she thought I was dumb for believing in what we had with M. Since when did Muslims marry non-Muslims? What did I think it was, the miracle of Mt. Carmel?)

I had two options, move out and live off the streets or admit the truth and get kicked out to live off the streets. So, really, the choice was not whether or not to end up on the streets but rather whether to be humiliated or not (although in all fairness there existed a possibility, albeit very minimal that Aunty would not have minded my sticking around after her little discovery).

I moved out about a week later. There was no fight about it, because Aunty was not around. I left a note saying I was going to stay at a friend's place for a couple of days. I wasn't going to a friend's, of course. The ones I knew were living in small crowded houses with their families and distant relatives. M's family was one of those. So, her place was not an option. However, I knew of a community center in San Benedetto. Most of those who frequented there were refugees and undocumented immigrants, but it was my only hope.

"Parli Inglese?" I asked the bubbly girl in big glasses I found at the desk.

"Si. A little." She answered, a little embarrassed. "I speak French." She added, shrugging her shoulders.

I hesitated a little. I had not prepared what to say. I had just somehow assumed I'd show up and be allocated a roof over my head.

“I’m in trouble.” I said, pointing at my bag with my mouth. “I need your help.”

She smiled. A big genuine smile then picked a form from a pile of papers on her left and a pen and handed them to me, the smile not leaving her lips. Two minutes later when I returned it, she looked at the form then looked at me. Her big smile now a little troubled.

“Aspetti.” She said. Wait. Then she headed to a door to her right.

The small brown girl that came from the other side of the door was the bubbliest, most beautiful thing I had ever seen.

“I’m Dounia,” she said, her lovely eyes dancing from one corner to another. “I am a lawyer-a human rights advocate. Welcome to our community.”

Then she did a whole monologue about what they do and I did not hear a thing because I was lovestruck and all I had in my head was how I was going to marry her someday.

Let me say in advance though that I have not married her yet. I would have, if not for that stubbornness of hers. (If you are reading this, lawyers are the hardest to propose marriage to, but the sweetest once they fall in love. However, I set this matter down not to prejudice anyone but to instruct myself.)

Centro Comunitario di San Benedetto del Tronto is housed within an old building which is part of what used to be a monastery in the early 19th century. It must have been destroyed during the war or the monks eventually just gave up and left to be worldly, but it had been abandoned a good long time before Dounia and her team of life savers decided to make good use of it. Today, it has about twenty volunteers and handles over ten new cases a day. Most of those who visit the community center are undocumented immigrants, either running away from the immigration police, looking for a place to stay or just looking for a community. Most of them are of African descent. Some of whom, to escape the devil, have crossed a thousand miles across the Mediterranean, braved the ungodly waves, survived the monsters in their crowded boats, sneaked into the country illegally only to find him at the shore. So, the Community centre tries to be their heaven. Or to be more practical, the less devilish thing in their lives.

Out of the twenty volunteers, there are two lawyers, a bunch of social workers, teachers, community health workers and a cleric. Despite many cases being about documentation, the centre also takes care of other needs such as food, shelter, spiritual needs and the most common- loneliness.

Perhaps what makes it more popular and necessary is how resourceful it is. They know who to call when one of their members is in trouble or when the police come. The police come once or twice a year just to remind them not to get comfortable. They have people in several embassies and consulates (although they have learnt that most embassies don’t often respond to anything asked nicely. It has to be packaged in threats and controversies.) They are in contact with schools, hospitals, churches and other organizations. They even have a sort of understanding with the Madams that control the brothel business and with some of the big men that supply both the merchandise and the demand for those merchandise, (this may sound unnecessary until you are trying to trace somebody that the embassies don’t even know exists.)



All in all, it is a community of genuine friendships, of hardworking and loving people, and what cannot be set right in law is set right by love.

I came out to my aunt in 2015 on a cold winter day. Outside, it was grey and dull from the now stale snow that had fallen two days ago. It was quiet, and the universe listened in envy. Dounia was holding my hand (I had been living with her for the most part of the two years since I moved out.)

To date, it was the hardest conversation I have ever had. I had wanted to do it in English but once I opened my mouth, the little speech I had prepared evaporated.

‘Aunty, an gi wach moro.’

There’s no English word existing that can explain her face when I finished. In English, you are gay, in Luo, you have killed your whole family with shame. Aunty stared at me, confusion, shame and anger testing her love for her only sister’s daughter. She stared at us. Stared at Dounia’s hand in mine. I stared back. Dounia looked away.

In the end, the expensive gifts we had bought her and the money (I had been helping with part of their bills) bullied her into silence. Eventually, when she got over herself, she managed a barely audible “I hope it is what you want.”

So, if you asked me today what a human rights defender means to me, it means a home. It means a shoulder to cry on, on those ugly nights when fear and uncertainty and rejection shook me and boxed me into a cage. It means courage to face those fears. It means acceptance. Safety. It is gentleness, Genuity and friendship. To me it’s loving and being loved by a bad ass feminist lawyer, the girl after my own heart.

***Gloriah Amondi** is a memoirist and a recent graduate of law. She’s passionate about human rights .*



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HUMAN RIGHTS DEFENDERS

By Alice Kayo Mwando

“I disapprove of what you say, but I will defend to the death your right to say it,” this should be our slogan too as Voltaire wrote in his fight against persecution. More than a billion adults are unable to read and given the magnitude of human rights violations of which those listed in violations of human rights section are only a glimpse of the picture, it is not surprising that 90 percent of people are unable to name more than three of their thirty rights. Who, then, with so many unaware of their rights will make sure that human rights are promoted, protected and become a reality?

Do we call them Human Rights Defenders (HRDs)? Indeed yes. These are people who individually or with others, from their acts of service promote or protect human rights which include civil and political rights as well as realization of economic, social and cultural rights. Such defenders play a variety of roles in our societies like Nelson Mandela and Martin Luther King Jr to defend rights and more so to those who will often feel oppressed or sidelined from societal participation yet have no voice. It's crystal clear that defenders voice is safe refuge.

First and foremost, Human Rights Defenders (HRDs) address all human rights for all. They address human rights concerns such as summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, forced evictions, employment issues, access to health care and toxic waste and its impact on our environment. In conjunction, they also support all human rights as diverse as rights to life, food to non-discrimination and sometimes address the rights of categories of persons such as women's and children's rights, rights of indigenous persons, rights of refugees and rights of linguistic or sexual minorities. Hence, defenders will address all rights to our communities without sidelining any families.

Besides that, “Injustice anywhere is a threat to justice everywhere,” Martin Luther King Jr. HRDs exercise human rights everywhere; in states that are divided by internal armed conflicts as well as stable states, in democratic and non-democratic states, in developing and developed states and this is not an exemption to our communities and families too. They protest and promote human rights in the midst of all challenges such as migration and HIV AIDs. Their actions are experienced from the local where you and I are to the national, regional and international leading to a peaceful community.

In addition, HRDs collect and disseminate information on violations in my community. They investigate, gather information regarding and report on human rights violations. Mostly human rights organizations use lobbying strategies to bring their reports to the attention of the public and of key political and judicial officials with a view to



ensuring that their investigative work is given consideration and human rights violations are addressed. This is clear that it will aid in fighting human rights violations in our community and each of us enjoys their rightful rights.

Not only that, but they also support victims of human rights violations which is one of the major activities HRDs do in our communities. The less privileged are no longer discriminated against since the HRDs support victims of human rights violations by investigating and reporting on violations which help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some also provide legal advice and present victims in the judicial process as well as providing victims with counselling and rehabilitation support. What could happen if we were all humanitarians whose acts show such love for humans?

In conjunction, they act to secure accountability for respect for human rights legal standards in our societies. The focus on accountability can lead human rights defenders to bear witness in public forums such as newspaper or before a court to human rights violations that have already occurred. By doing so, defenders contribute to securing justice on behalf of victims in specific cases of violations and to breaking patterns of impunity hence preventing future violations. This example has been set by our own Wilfred Olal who received a HRDs award in Kenya in 2019 who is a coordinator of the Dandora Community Justice Centre and convener of the social justice centers working group. The movement involves advocacy for the expansion of civic space and a campaign on the right to protest against corruption and impunity. We cannot agree any more to the fact that these will be equal to direct development in our local governments since funds will be accounted for in the right way.

Moreover, some HRDs support better governance and government policy by encouraging a government as a whole to fulfill its human rights obligations such as by making public the information on the government's record of implementation of human rights standards and monitoring progress made. This will ensure that our families and communities as well as marginalized areas aware of their rights and are protected by such implementation. They also support democratization and an end to abuse of power by training citizens on how to vote and why it is important. HRDs stand on the principle that "the care of human life and happiness and not their destruction is the first and only legitimate object of good government," Thomas Jefferson.

Despite that, HRDs contribute to the implementation of human rights treaties. This is so of many non-governmental organizations (NGOs) and intergovernmental organizations that help to establish housing, healthcare and sustainable income generation projects for marginalized communities among us. They offer training in essential skills and provide equipment such as computers to give communities improved access to information. This gives members of the communities' confidence to stand for what is rightful theirs as they are aware of what their rights are.

Public awareness is also another key role that HRDs play in our communities. They provide education by teaching about human rights in schools, universities or to the general public or to vulnerable population. They also actively participate in the provision

of material means to make human rights a reality; building shelters, providing food, strengthening development among others. They also contribute to improvement of social, political and economic conditions, building of peace and the nurturing of national and international awareness of human rights. This awareness as a result will open doors to people respecting others' rights as well as theirs and hence become defenders of human rights.

In a nutshell, HRDs play a key role in our families and communities and there is no specific definition of who is or who can be a human right defender, but anyone can be. We can appreciate the HRDs by becoming defenders of human rights too and emulate an ethnic German and Catholic, Oskar Schindler who despite his foreboding bio of being a ruthless and industrialist member of the Nazi party, risked it all to rescue more than 1000 Jews from deportation to Auschwitz during World War II. It's time to make an impact and promote equality for all humans!



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"HUMAN RIGHTS DEFENDERS" – WHAT DOES THIS MEAN TO ME AND MINE?

By Linda Ngari

Media reports show that, ironically, police in Nigeria have been using police brutality to address protests against police brutality. President Muhammadu Buhari revealed that at least sixty-nine people were killed in the protests as of 24th October 2020. Be that as it may, some protesters still took to the streets relentlessly agitating for human rights in the face of law enforcement. They do this even with the frightening possibility that they might be next on the death toll. They bleed, physically or emotionally, becoming sacrificial lambs on behalf of their nation, the society, generations to come and the world at large because in Martin Luther King's words, "injustice anywhere is injustice everywhere".

Coming from a family with a lot of girls, human rights defenders- especially female defenders and those fighting for gender equality has shown me that against all odds women too can challenge dogmatic traditions and oppressive cultures. That contrary to popular belief, especially in the African culture, women can use their unique experiences to change the world. How bold and beautiful!

Wangari Maathai for instance was one woman ahead of her time, stepping up and putting on a fierce fight at a time when Kenya's leadership was outrightly autocratic. Citizens who dared as much as speak, let alone act against the president would never be heard from again. The then President Daniel Moi called her a "mad woman". During one of his Jamhuri Day speeches, the President Moi further suggested that Wangari Maathai apparently ought to be a "proper woman" who should "respect men and be quiet".

See, women were regarded as "proper" when they turned a blind eye to fundamental aspects such as governance, the economy and environmental degradation. "A proper woman in the African tradition has always been imagined within the context of the family," Wangari Maathai wrote in her autobiography *Unbowed*. "A proper woman puts the family interest first before even her own personal interest. She is not concerned about trees and the environment. If she were to be concerned about trees, it would be in terms of firewood which she needs to provide fuel for her kitchen."

Not for Wangari Maathai. In her deliciously tantalizing wit, she dismantled the idealistic "proper woman" designation by using her experience and those of the women around her. Like a true "proper woman", her Green Belt Movement was formed to respond to needs identified by rural women. They would lack firewood, clean water, and shelter and this would in due time be addressed through tree planting. "Through their involvement,

women gain some degree of power over their lives, especially their social and economic position and relevance in the family,” Wangari Maathai said in her speech after being awarded the Nobel Peace Prize in 2004.

This however was not just handed to her. She was harassed, insulted and even physically assaulted, but not in vain. Eventually her actions proved to be the symbolic pebble in the pond that created the ripple for change. By challenging the traditional mindset that the African woman was forced to fit in and was oh so afraid of getting out of, girls like me my sister, cousins and friends have her example to show that we too can raise our voices, make noise, blow tantrums regarding issues such as governance, the economy and environmental degradation. Above all, we can also be on the frontlines to come up with solutions.

Just like the frontline health workers during the COVID-19 pandemic, human rights defenders have been on the frontline of recurrent, and often overlooked pandemics in society such as corruption, police brutality and gender-based violence. Except they are and have always faced an even greater threat of suddenly losing their lives even when the cure for social pandemics is just a policy decision away.

“Silence never won rights,” American civil rights activist Roger Baldwin said, “they are not handed down from above; they are forced from pressures from below. They have rights they who dare defend them.”

Human rights defenders give themselves as the sacrificial lamb, to get battered, bleed, and bombarded by insults for other people’s sake. For one to speak out against police brutality, the price to pay can indeed be very hefty: losing their lives as is evident in Nigeria’s protests. The consequences are even more severe for female human rights defenders.

A UN ‘report of the special rapporteur on the situation of human rights defenders’ reveals that women human rights defenders are often subjected to sexual violence. They are also “often pressured by family members of victims or threatened by perpetrators or their own family members to drop cases”. The Human Rights Watch also published a report titled ‘Good Girls Don’t Protest’ which highlights an array of challenges that female activists and human rights defenders have to contend with. Revealing the discrimination against female human rights defenders in Sudan, the Human Rights Watch report states that in addition to sexual abuse, female activists further stand to endure crimes that include “limiting their movement and role in public life and humiliating corporal punishments of lashing and stoning” which their male counterparts are not subjected to.

Even with such repercussions, 22-year-old Alaa Salah stood undeterred on the frontline of protests that toppled former Sudan president Omar al-Bashir’s 30-year rule. A video of the audacious Nubian queen went viral, showing Salah standing on a podium, in an all-white outfit, surrounded by hundreds of people, and leading a chant. “The bullet doesn’t kill. What kills is the silence of people”, a line in Salah’s chant reads as quoted by The Guardian.



Again, thanks to women like Nadia Murad, who made it her life's purpose to be the last girl to suffer sexual violence. The 27-year-old became the first Iraqi national to receive the Nobel Peace Prize for her work in fighting sexual violence as a weapon of war and armed conflict. This she did based on her personal experience as a survivor of sexual abuse as she was previously abducted by the Islamic State (IS) and held as a sex slave. Nadia Murad is avenging her excruciating experience by making sure no one else goes through the hell that she did. She said that "survivors must play an active role in the peacebuilding process because they know best what they need to heal and recover."

Drawing back to the Bible, where the term sacrificial lamb stems from, the one who was set out to come and die for the sake of the whole world at some point wanted to quit his job by asking his father to "take away the cup of suffering". This proves that being the sacrificial lamb is quite the herculean task. He however had to finish the job for him to accomplish his purpose on earth. Human rights defenders wind up having severe wounds, emotionally or physically, for doing their job. The result however, whether as grand as Wangari Maathai's Nobel Peace Prize or as small as the influence of a mother on her daughter, makes a huge difference.

As a young African woman, I can look up to some of the women who refused to simply be the "proper woman". My imagination is elevated to thinking about how my voice can have a global impact which would last generations. Female human rights defenders have made it possible for me and mine to use our unique experiences and challenges as women to change the world in a way that only we can.

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HUMAN RIGHTS DEFENDERS

By Omondi Felix Omondi

The Kenyan Constitution upon its promulgation on August 27th 2010 came with the Bill of Rights under Chapter Four. Many were happy and highly optimistic that finally their rights would be put into consideration. However, this has not been properly implemented. It further led to the increase of rights activists to campaign against human rights violations. In this regard, this essay is intended just to shade light on some but a few human rights, how they are violated and what Human Rights Defenders do.

Human rights Defenders, in essence, have spearheaded for the recognition of human rights. In this modern age show me a society or a mere village without rights activists and I will show you a flying pig! After all, pigs can't fly.

Nevertheless, the constitution protects us from any form of discrimination regardless of race, religion, social stratification, name it. Did I just mention social stratification? Well, many a times I am taken back at how the poor citizens are highly discriminated against. This discrimination occurs in situations ranging from provision of basic services such as health to money meant for the common mwananchi being stolen. Read it again. It is not a shocker to find a person who once caused disturbance at a public ceremony behind bars, while he who stole from public coffers partying around. Is it double standards? Despite several attempts by human rights activists to address this unfairness in justice delivery, the impact is yet to see the light of the day.

On that fateful day, Natalie sat on a rock by the riverside. She was thrown out of the homestead by her parents after refusing to undergo female genital mutilation... Natalie isn't alone. This is what many girls experience out there. The practice itself is not that much hygienic as more often than not it has led to many losses of lives and health complications. To add insult to an injury, cultural relativists call it a "right of passage". Rights defenders in such cases act by setting up rescue centers where the victim(s) can easily seek accommodation. In addition, the practice has been illegalized hence lowering the rate at which it is carried out.

Some time back I used to pass by a market place until recently when I abruptly stopped using the route. Not because I liked but rather there was a huge dumpsite nearby. Traders continued to go about with their day-to-day activities with very little interruption. The authorities seemed to have swept the issue under the carpet, little did they know that it was a violation of human right. Thanks to the human rights activists who followed up the matter and the dumpsite was cleared. This made me like the very work of these rights activists.

Finally, having realized the importance of human rights defenders and their impact in the society, I would be much glad if the government could partner with this great men and women, for they go to greater lengths for the sake of Wanjiku. Indeed, they deserve thumbs high. Why not?

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WHY HUMAN RIGHTS MATTER

By Beryl Andeso Ambale

Human rights are undeniably important in the view of everyone in the world, as nearly all governments in the world have some sort of Bill of Rights. This right claim that all human beings, no matter what gender, race or religion are equally entitled to them. These rights are clearly spelled in our Constitution under the Bill of Rights, which is Chapter Four of our Kenyan Constitution.

Human rights are extremely important to us as a nation and even on a personal level. For either nation or person to develop it is important for the rights to exist. We can therefore not dispute Eleanor Roosevelt when she said” Basically we would not have peace, or an atmosphere in which peace could grow. Unless we recognized the rights of individual human beings, their importance, their dignity and agree that it is the basic thing that has to be accepted in the world”.

According to our Constitution, we all have a right to life. According to me, this right is the most important as the rest just exist to make sure you stay alive and contented. This right gives us peace of mind as it promises safety that no one is out to get you. There is also a right to movement which enables us to travel to wherever we want. Freedom of association makes it possible for diversification as people share ideas. Freedom of speech gives us the opportunity to express our opinions and thoughts freely.

Human rights give us the right to acquire basic needs and ensure that they are met, this helps us live a comfortable life. We therefore get freedom from slavery hence no one can indulge in slavery or make anyone a slave. Human rights also promise justice as it gives freedom of fair trial thus we can trust the court to give us justice whenever everything else fails. Human rights are also important as they protect the vulnerable groups in the society, such as the elderly, marginalized and minority groups, children and the disabled.

I think that the rights of the disabled must be brought to our attention. As I was feeding chicks one day, I noticed that one was disabled and could not walk without supporting its weight on the wall. It struggled to get food as it was being constantly pecked by the rest. I could not help but feel pity so I decided to get into the chick-house, took it to a corner and gave it some food. The other chicks realizing what was happening left their food and came struggling for the little this chick had. I took it as my mission to get the other chicks away from it. Just to be clear I took my mission seriously . This scenario got me thinking, why do human beings behave like animals or should I say chicks when it comes to the disabled? We are always busy making their life difficult, struggling for the little resources they have. The disabled have rights according to our constitution. A right to be treated with dignity and referred to a manner that is not demeaning. A right to access

educational institutions. They also have a right to access all public places, transport and information. Most importantly to access materials and devices to overcome constraints. In short human rights are essential for a happy living. However sometimes the rights are violated but it is up to us and the government to work together and handle the issue. This will make the world a better place for everyone.



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ME AND A FRIEND

By Linda Chepkemoi Twei

It is all chaos and messy when a society fails to stay firmly rooted on values that respect humanity. These are undisputed basic rights and freedoms that are really enjoyed by humans all through from birth to death in a society that endeavours them.

The Constitution of Kenya acknowledges human rights as a solid core and the cornerstone of international law. It is thus published in Chapter 4 as the Bill of Rights.

So much can go wrong when humans discriminate against others. Hatred and conflict are adverse results and in extreme cases it could get worse like the Rwanda genocide.

It is easier to say 'human beings are human beings just treat them like that' but it is so hard to practice it. Amidst the happy satisfied citizens enjoying their fine share of rights are the tears of the few discriminated and unfortunate humans.

In the journey of life fate finds for every man, his share of misery and in the case of my friend Jake, it did not just rain on him, but it poured heavily. Jake was born normal, a firstborn boy in a family of four. His parents a middle classed at the off town stretch of Southlands. He was roughly my age but a little bit older-to be precise he was 16 years old when a misfortune befell his family. While in their holidays they took a vacation to their upcountry sides at Mbale but a sudden tragedy happened. The bus they had boarded swayed off the road, down a cliff and landed in a forest killing almost all the passengers. That was roughly 5 years ago, a worse nostalgic to reminisce. It was among the deadliest road accidents ever recorded in history. Luckily for Jake, he survived but with extreme injuries enough he lost all his entire family. After undergoing a series of treatments, he was officially recorded in the books of disabled individuals. He had been permanently dislocated.

Being a lone wolf and a disabled one, life couldn't get any worse. He was miserable and as you know misery likes company. Sadness was now his middle name. Life changed drastically for him. His relatives from his dad's side promised to take care of him since he was still a minor and now disabled so Jake moved upcountry to stay with his relatives who had even promised to buy him a wheelchair for locomotion that is when I met him since his relatives are my immediate neighbours.

His life started draining off to the gutter when his relatives apparently turned so evil towards him; they started yelling and scolding him calling him worthless. He was left behind alone as everyone went about their duties, and he was neglected and silently left to die slowly. The mistreatment graduated from little food to no food at all, he was later thrown out of the house to sleep in a goat shed. His clothes were filthy and his health

was deteriorating but nobody really cared. He was in great agony, and pain and sufferings were his new home.

One Saturday, Jake was left alone on the compound while the entire family went to church. Strange how the same people treating people like garbage were out their worshipping God! Jake was outside wiping in sorrow, his handmade crutches had been hidden making it hard for him to get himself to toilet and answer the call of nature that day and so he ended up soiling his pants and now dogs were all over cleaning him up.

I sneaked into their compound with some food and cleaned him up, changed his clothes and washed them for him fed him and after a conversation with him that had me crying, I promised to help him. I moved him back to the shed which was his new shelter with goats and went home.

I narrated the all mistreatment to my parents and there my father informed us that the unfair treatment was against human rights for the minors and disabled . Early the next day, we went to the nearest chiefs office but apparently he didn't seem to know much about human rights either but he advised us to call the child labour landline which we did and luckily that was the alternative to us to the human rights activity and defenders of Kenya together with the Kenya Human Rights Commission.

Amazingly they came down and rescued my friend Jake. Quickly his relatives were charged for violating human rights but later on released on bail, but for Jake it was the light he was hoping for at the end of the tunnel. His life took a new phase he was enrolled in a school for the disabled. The property that his parents had left were reclaimed and documented for him. he was now happy and grateful that I bailed him out of misery, but, as John F. Kennedy once said, the rights of everyman are diminished when the rights of one man are threatened he was true.

Human rights are indeed the glue that holds the society together and without it all tattered fragments, I vowed to become a Human Rights defender myself and just like Martin Luther King Jrn. until justice rolls down like water and righteousness like a mighty stream.

It is crystal clear that human rights ensure a healthy living environment for all humans, Free education for minors, good health and in general peace and security are guaranteed. Biblically the creator as well made human beings and gave them freedom to do what is good without being bound by restrictions . The states as well continues with this through the drafted constitution, organizations supporting and advocating for human rights.

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WHY HUMAN RIGHTS MATTER

By Nyakara Isabelle Prempeh Morara

Human rights are standards that allow all people to live with dignity, freedom, equality, justice, and peace. It does not matter a person's race, colour, gender, religion, or political opinion, everyone has these rights simply because they are human. These beliefs are the guiding light for my essay, which discusses why human rights matter.

The approval and use of the Universal Declaration on Human Rights in constitutions around the world is proof that yes, human rights really matter! Since independence, Kenya has witnessed many human rights violations. From Jomo Kenyatta to Moi's security forces regularly subjecting opposition leaders and pro-democracy activists to arbitrary arrests, detention without trial and abuse in custody, Kenya has experienced a lot of human rights violations.

The Kibaki government oversaw various rights violations, such as the illegal killings of Kenyans in Mt Elgon, the killings of Mungiki as reported in KNCHR's *The Cry of Blood* and the post-election violence of 2007. With such a history of human rights violations, having Chapter 4—The Bill of Rights—in the 2010 constitution is proof that human rights and its values matter. Human rights matter because they help us realize our humanity. Helen Keller, Mandela, Maathai and Malala, though born in different places and times, all believed and fought for the rights of all. Some people think of human rights as something that is very political when, in fact, human rights come from people's daily struggles to make the world better for all. Human rights matter because they recognize and push for equality for all. Her books, Chimamanda Ngozi Adichie points out, "that we teach girls to shrink themselves, to make themselves smaller.

We say to girls, you can have ambition, but not too much. That they should aim to be successful, but not too successful".

I believe that this way of teaching girls is completely mistaken. Some of the world's most promising inventors, teachers and engineers are educated women, who followed in the footsteps of women like Graça Machel and Ellen Johnson Sirleaf, who continue to fight for the right to education for girls and who refuse to only be seen as "house managers." In the Kenyan constitution, Article 53 (1) (b) makes it compulsory for all children to be in school. Such recognition is why women can participate in global affairs.

Human rights matter because they normalize the equal rights of women. Human rights matter because they promote justice and peace. I have heard of families who abuse their house managers and at times even refuse to pay their salaries. The Kenya Employment

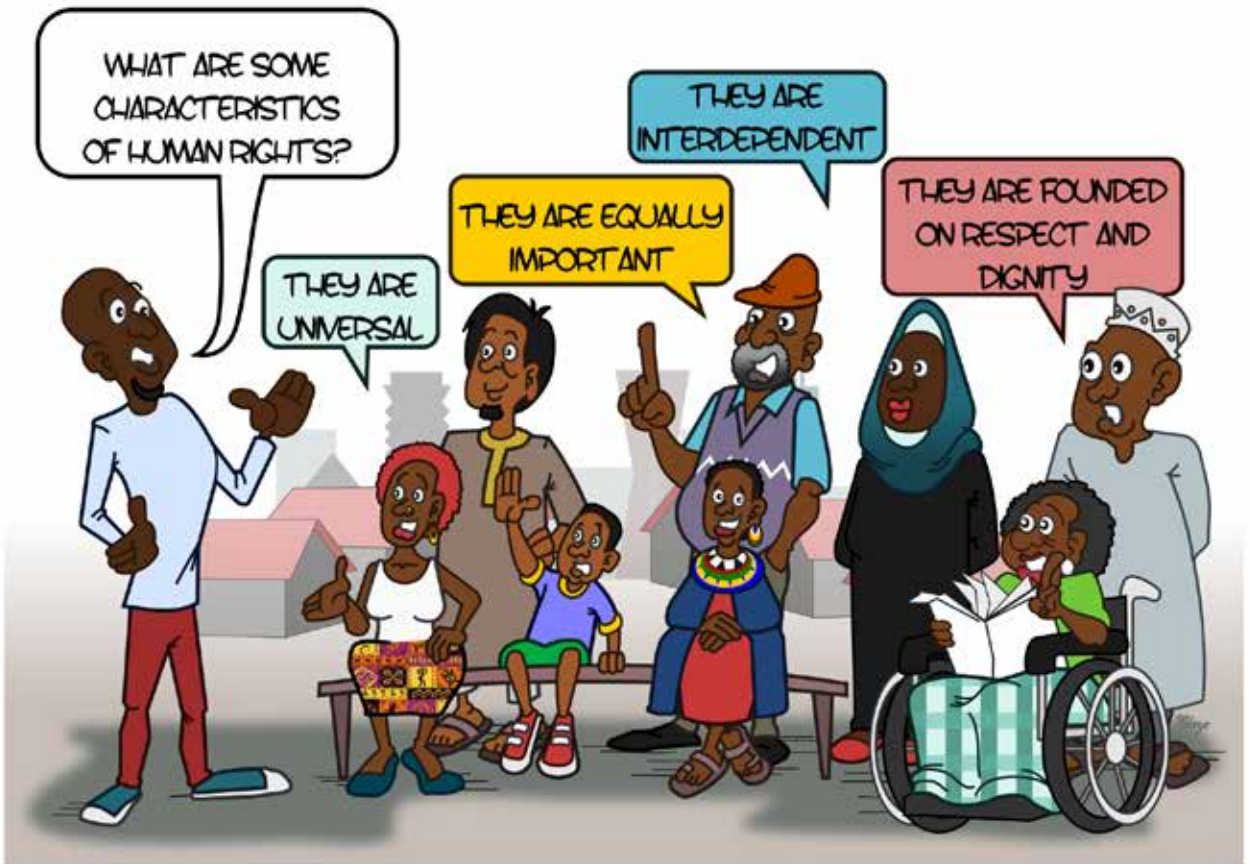
Act, 2007 now allows employees to have rights that include fair treatment and pay. Workers who are not treated fairly can go to places like KNCHR and Katiba Institute to get help while looking for justice under the law. In conclusion, Human rights matter and can only be actualized as a force for good when we all work together to fight and protect each other's rights.

Nyakara Isabelle Prempeh Morara loves her dogs. She wants to be an astronaut or a research scientist when she grows up.



We say to girls, you can have ambition, but not too much. That they should aim to be successful, but not too successful.





HONOURABLE MENTIONS



HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF COVID-19

By Steve Mokaya

The outbreak of the novel coronavirus in Kenya just pulled away the veils that somewhat protected how lightly we esteemed human rights. It exposed so vividly blatant violations of the very rights that our constitution champions. COVID-19 was a real test of our loyalty to the constitution and to fellow human beings. But it has not been all bad. In these very tempestuous times we got an opportunity to rethink our attitude to fellow human beings. It presented us with rare gems (in a few very good souls) that stood up against the tides and protected and defended human rights, even when their own lives were at risk. These few good men and women gave us an example whence we can learn, and taught us that we can stand up for ourselves and for others' good. Yes we can. It can be done. It must be done. If it's not done, then we'll be done.

With confirmed cases of COVID-19 surging in Kenya, the government moved with speed to put in place rules and measures to contain the spread of the virus. That was a good gesture as it was done in the best interest of the citizens. In fact, it was a step to enhance one of the basic and very vital rights- the right to good health. We all ought to know that it is our right to get good healthcare from our government. It is not a favour. While at it, we must applaud our government for showing a sign of caring for its people, by seeking to counter the spread of coronavirus.

However, with the measures came even worse and gross violations of the rights, unfortunately. The curfews and restrictions of movement that were introduced went a long way in curtailing human rights, especially to the common folk in our societies. Sad to say, the measures were used by a few rogue individuals in the government as a recipe to mete horror and terror on the weak, helpless and hapless Wanjiku.

From Mombasa's Likoni ferry channel to Nairobi's massive slums, and elsewhere in the Republic, people were mistreated and deprived of their rights, even in the broad daylight and before the watching eyes of the camera. We can remember so well how police officers in Mombasa beat up the residents of the port city even before curfew hours had clocked. On that dark Friday evening of March twenty-seventh, our police officers once more went down in the annals of history as perpetrators of human rights. The images of armed police officers rounding up and beating up citizens without a cause punctuated our screens and papers; and disturbed our minds. The people whom we had trusted to protect us had turned against us. Alas!

Women and children ran helter-skelter, to avoid the police batons and tear gas, not the coronavirus. Even worse, they beat up scribes, the voice of the voiceless, who were even listed as among the special service providers. A famous clip went round, in which a police officer was kicking and beating a journalist without a cause. But thankfully, journalists still exposed these ghastly actions and acted as the defenders of the common mwananchi. Thumbs up to the members of the fourth estate!

I say a big thank you once more to the journalists because through their role of exposing these ill manners from the government agencies focus was turned on helping make life better for the victims.

I remember getting it on news about how police officers had marooned a doctor who was going home from hospital. They beat him up until they broke his spinal code. That was inhumane. His case was not isolated. Elsewhere in Coast, the guys in uniform stopped a tuktuk taxi which was ferrying an expectant mother to hospital. They beat up the driver and the pregnant mother as if they were the virus itself. Sad!

Thankfully, not all police officers are bad. They are human after all, aren't they? We have very good police officers who have stood up for the common citizen and acted as fathers, brothers and sisters. They deserve honour and a round of applause.

Do you know, rather remember one Amina Ramadhan? OK. Let me remind you who she is and what she did that is worth recognising her. April second this year at evening hours. Nairobi. Curfew hours had set in. At one bus stage in, a woman with a huge bag and a child alights from a bus, to find police officers enforcing the curfew measure. People were running here and there trying to avoid the police. This woman passenger on seeing this throws off her bag and runs away, like everybody else. It is on that occasion that Amina Ramadhan, a female police officer went after her. She caught up with her, calmed her down, carried her neglected bag and escorted her calmly to a side. She told her to call her husband who went there and picked her. Safely they went home. Ms Amina demonstrated a true spirit of a police officer. She acted like a fellow human being to the other lady. She didn't use force. Perhaps if she had, she could have made the woman to be injured, and maybe not get home. We need to see more of such acts of kindness from our police officers.

We as the common citizens can do our bit too. We can do our part, however small to protect and defend each other's rights. And it doesn't have to be through application of force. We can win big battles through kindness and voice. A point in case here is derived from one of the local dailies that I read of one Sunday, a few months ago. I can't remember the details quite well, pardon me.

A man was in downtown Nairobi and curfew hours were drawing nearer and nearer. Just around that time, a matatus halted near the man was and dropped two small boys, around ten years and sped off without caring to help them cross over the busy road. The man watched the two boys try to cross over to the other side without success. Everyone was busy moving up and down and they all left the two young souls to their own destiny. Then



the man walked to them calmly, held their arms and walked with them across the busy road until they were safe on the other side.

This man did his bit, he came for this boys' Mayday cry. Perhaps they could have run across, out of panic and a careless motorist could have knocked them down. The nation could have lost young souls to COVID-19, albeit indirectly. Thankfully, the Man came for their rescue.

You can it too. I can do it as well. You can help that person in your area who is struggling in one way or another. Help your fellow brothers or sisters get better service in hospital, help one with a face mask if you can. The news of an expectant mother giving birth outside Pumwani Hospital was a gross violation of her rights. The people who were involved should know better and do better. Life is sacred and so we must do all that is humanly possible to jealously protect it. The little acts of kindness can tone down COVID-19 and make the world a better place to live in, especially vis-a-vis human rights. We can all stand up for one another.

Steve Mokaya is a third-year student of journalism at the Technical University of Mombasa (TUM) with a soft spot for human interest and environmental stories.



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ME AND MY FRIEND

By Sheila Nangila

One thing that amazes me about my life is how often times I've not sat down to decide on my friends, we just find ourselves in a friendship. That is how I found myself with Maina¹ as my friend. He is mute and I still remember our first encounter; he came to our home, I was alone in the house, knocked severally and each time I kept responding "come in". And when finally, very bored I rose to open the door and said "nimeshinda nikisema ingia, kwani hukuskia?"² he made gestures. Never have I been so embarrassed. All this time I had made the assumption that whoever was at the door could hear me. Six years later, I still get up to get the door.

Finding a way of communicating with Maina wasn't as easy. Sign language is not like the alphabet you can recite within some few days or hours, for a quick student. It is also not offered everywhere³ like the alphabet charts we always buy on streets. So we had to find a way to communicate, and a way we did find. Thanks to the fact that he is well schooled, we write most things. And with constant time in his company, we can understand some of the signs and also make some in reply. Whenever there's a visitor at our home, we inform them about him and advice that just in case they do not seem to understand what he is saying, they should simply get a pen and a paper for writing.

We always endeavor to make Maina feel at home whenever he is around. It is more about him than us when he is around. So we only watch movies with subtitles. Whenever that cannot be done we opt to play games such as chess, cards or any other he is comfortable with. He is such nice company that I must say I'm often times challenged to learn the sign language so I engage him in far much more than just games and talks of how we are faring on.

One thing I'm so grateful for is Maina's parent's dedication to his education. This is in acknowledgement of the fact that it is not very cheap to have a child in a special school⁴ as well as the limitation of the number of such available nationwide⁵. His education is what has made it easier for our day-to-day interaction. After finishing school, he attended a hair dressing course to enable him start a business or be employed. My desire is that parents of children with special needs could always dedicate themselves to ensuring that their children get an education to overcome some constraints that seem more in the absence of education. It is also a great way to make them feel more appreciated as members of the family.

Sometime last year Maina decided to start a business and we all supported him. He now owns a barber shop where he has partnered with a lady who runs a salon. Since he knows most salon tasks, he sometimes also helps her for some extra income. Though I myself



keep my hair and I may not need the services of a barber, I have made my relations so fond of him that they always get their services there. He offers such quality services that there has not been reason not to go back. Another friend of mine helps making posters for his shop so we help him find customers. My uncle has volunteered to supply him with surgical spirit for his shop.

One thing I have loved over the years about Maina is that he has not let life revolve around himself. Sometimes when he comes home he brings movies with him in the acknowledgment that we may not always have movies with subtitles or may have lacked time to get more. When he finds someone who does not understand his condition at our home or anywhere else, he will type whatever he is saying on the phone to make communication with the person easier. Even after he started his business, he does not offer poor quality services to his customers expecting them to understand simply because he is abled differently. He also understands that not everyone who enters his shop will automatically know he cannot communicate. He therefore has photos of most of the common haircuts to make it easier for customers to explain their need to him. The salon lady has also been of tremendous in his communication.

Have I felt challenged having him for a friend? Very much. Even though I cannot afford signing up for a sign language class, I have constantly made the effort to learn the basics. Also, my choice of entertainment does not cater for me only; I must go out of my way to ensure I accommodate even him, unless impossible since some movies lack subtitles. However, for such, I do not play in his company. I have to tell my other friends about him and what some of the gestures he makes means so that even in their presence he is not out of place. I used to encourage him to participate in events such the Mr and Miss disability Kenya though he has been clear about not wishing to and I respect that. I have learnt not to make assumptions that everyone is as I am. Though I do not ask, I am not quick to assume and take my time to learn the other person. One habit that seems small but means a lot to me is getting up to get the door just in case whoever is at the door might need special assistance.

Is there more we can do as a nation for persons abled differently? Absolutely. Having more institutions that offer special education could come in handy. Just like every county currently has a referral hospital, every county could have a special school well equipped to cater for the diverse special needs. Subsidizing their school fees would also help. In the same way we have free primary and secondary school education, their education up to a certain level could be facilitated by the government similarly. Debate about two-third gender rule has been heightened all across, but what about five percent of persons with disabilities?⁶ As a nation, there's still much we can do for persons with disabilities. Despite the existence of article 54 and 56 in the constitution so little has been done to implement them. There needs to be more than just existence of policies⁷.

As a nation and individuals, there's a lot we can do to make these people feel more human and appreciated as members of our society. A change in mentality could go so far. They are humans and their lives matter too.



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HUMAN RIGHTS

By Neil Samuel

The Coronavirus Pandemic has had adverse effects that have been felt in all spheres of life. The enjoyment of Human Rights has not been spared. The pandemic has curtailed the exercise of certain rights and enjoyment of certain freedoms.

The cessation of movement for instance, which is now suspended, limited people's freedom of movement from place to place.¹ Closure of schools has denied children the right to education.² The closure of places of worship, which has since been reviewed, limited the freedom of religion.³ The ban of large social gatherings has limited the exercise of our freedom of association.⁴ With courts not operating at full capacity, it may sometimes be difficult to present accused persons in court within twenty-four hours.⁵ Access to health care services has been affected.⁶ The Pumwani maternity hospital, one of the largest maternity hospitals in the city, was on a go-slow at some point when around forty members of staff tested positive for the virus.

How citizens and governments react to such a situation may affect people's rights in both good and bad ways. On the bright side, much dissemination of information has been done virtually during the pandemic. Take for instance the numerous Zoom meetings that were held to discuss the milestones made and challenges faced one decade after the promulgation of the 2010 Constitution. Being at home means people have more time to spare to attend these webinars. Further, having no charges means more people can attend them as compared to when charges are there to attend a physical meeting.

Volunteers, such as law students, can create opportunities to share their knowledge on constitutionalism. Since there aren't many social gatherings as it is not safe to hold them, they can have online sessions on platforms such as WhatsApp, Google Meet or Zoom. In addition to that, in the few gatherings where preventive measures such as social distancing, wearing masks and sanitization are observed, people can be educated on their rights.

On the contrary, people's reaction can and has led to violation of many human rights and freedoms. A while back, activists in Nairobi and Mombasa were protesting the alleged theft of Covid funds, following the airing of the "Covid Millionaires" exposé. They were arbitrarily arrested on grounds of violating social distancing measures, in a bid to stop them from protesting. This is a violation of their right to demonstrate.⁷

With school closures, children are being subjected to harmful cultural practices. According to the Thomas Reuters Foundation, there has been a rapid increase in the number of girls who have undergone Female Genital Mutilation (FGM) since the onset of the pandemic.⁸ A violation of their right to be protected from harmful cultural practices.⁹

The executive, through the police force, has chipped in in this as well. The Kariobangi demolitions in the midst of a pandemic and a rainy season were uncalled for. A complete violation of their right to accessible and adequate housing.¹⁰ More recently, we witnessed the same police officers preventing senators from leaving their houses. Allegedly, because they were being arm-twisted to vote a certain way on the contentious division of revenue bill.¹¹ A violation of their freedom of opinion.¹²

We cannot forget the people who were seriously injured, or worse, killed by police, in the name of enforcing curfew rules.¹³ Within the first few days of the curfew, the police had killed more people than the virus had.

Aware that there isn't much monitoring of policy processes, Parliament has taken advantage of the situation to make unconstitutional laws. Take, for instance, the controversial pension payment scheme for MPs who lost their seats.¹⁴ It was a move citizens were enraged by, and a clear violation of the principle of public participation.¹⁵

What then can we do to protect our rights and those of others during such times?

First, education is key. Law-enforcement officers need to be trained on dealing with citizens in a humane manner. This will ensure they do not unnecessarily resort to force. The public and the officers also need to be educated on The Bill of Rights as well as the limitations. This is because, officers sometimes violate rights unknowingly, as they do not know the rights in the first place. Citizens sometimes also overstep their mandate, not knowing that rights and freedoms have limitations. A culture of love between citizens and officers is also important. As was the case where Black Lives Matter protestors in the US hugged police officers,¹⁶ here in Kenya we need such a relation, since most people fear the police.

Courts and tribunals should be adaptive to such changes. When the court process is slow or non-operational, the people have nowhere to go in the face of injustice. Setting aside an emergency fund for this and improving infrastructure such that court processes can be done virtually is the way to go.

Citizens need to be vigilant of what transpires in their surroundings and report any suspicious activity. This will ensure attempts to practise harmful acts like FGM can be discovered and reported before the damage is done. This also applies to some of these debauched parties that have led to teenage pregnancies.

In terms of ensuring rights such as that of education and worship are upheld, citizens can improvise ways to do so. These could include the online classes and services we have witnessed. Or doing them at the comfort of our homes.

It is worth noting that a considerable portion of human rights violation are perpetrated by the executive. These very people took oaths under the Third Schedule of the Constitution, swearing to uphold and protect the Constitution. If they lived up to their oaths, maybe we wouldn't have to deal with a lot of these issues.

We, the people, hold all sovereign power.¹⁷ So, let us not be quiet while injustices exist. When we lose our fear, they lose their power.



Neil Samuel, a thoughtful citizen committed to change, is a Musician, Writer and a Law Student at the University of Nairobi.

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ME AND MY FRIEND.

By Chukwu Chidera

Aisha sat on the bed on the lower bunk, staring out the window just beside the bunk, that was situated about 6 meters away from the wall, I noticed her right away as I came closer. As I stared at her, I noticed how her physical features hadn't changed one bit from junior year. She was smallish and curvy still with a perfectly oval face and her hijab framed around her face perfectly, while I had a low cut with a tall figure that lacked curves.

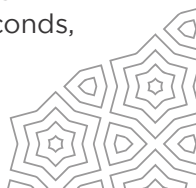
"I was going to be staying in the top bunk then" I thought to myself as I walked closer to the bunk where Aisha was.

Aisha and I had been together in the same school in our junior year, and I was surprised to see her again here in the all - girls boarding house, where I joined for my senior year. But we did not become friends until that day I saw her stare out the window - in our final year in Senior year, when she became my bunk mate.

Back in junior year, she was always walking with her friends in their hijabs and kaftans and we; Christians usually called them 'malo' which was a colloquial for Muslim girls that spoke Hausa language, and walked in groups of more than three. I never considered they may have hated that, till Aisha and I became friends and we talked about it. She told me of how they never said anything because Christians never had names tagged to them and thus she assumed we did it to make ourselves feel superior to them.

Seeing her again in senior year, I didn't know we were going to be friends because of how we had different religions, but from that day when we became bunkmates; the days that turned into months saw us become very good friends down to the day of our graduation and after.

What sustained our friendship was how we tolerated each other's religion even as we explored our teenage life, from our budding womanhood to our sexuality. A typical day for us, started with me being the first to wake up, then I'd pray on my bed for about 10 minutes, and wake Aisha up for her own prayers which she did in the corner; spreading out her mat facing the nearest mosque which was to the north. Then she would sit on bent knees and start her prayers with her hijab on. Her prayer lasted longer than mine, so I always left the corner where we shared to her, to avoid distracting her. After she was done, I would help her wrap up the mat and arrange the corner while she picked up her Quran herself and kept in her locker. The first time I picked up the Quran while she was out having her bath, I heard a loud scream followed by rushed jumbled words in arabic from a girl in hijab who stayed in our room too, before I could say anything, she was right in front of me, dragging the Quran from me. All of this happened in seconds,



while I stood there wondering how she got to me so fast. Aisha later told me that day politely that I wasn't supposed to touch it even though she didn't exactly know why.

Aisha had other prayer times during the day but usually we didn't see each other again till in the afternoon when we came back for a 2-hour nap after lunch and then we went out again for night prep and then got back at night. We would talk about our day and then Aisha would join me in our night prayers singing some of the songs she had come to learn along with us, after which we would return to our room and go to bed.

Our relationship deepened when we both discovered we started having feelings for other girls. We only had ourselves to talk to about this, because everyone else would discriminate against us. One day, we decided to pour our hearts out in letters addressed to the girls we had feelings for, and to our surprise, they liked us back. We even got to kiss and cuddle with them which made us both very happy, as we talked about all of it at night on our bunk in hushed tones. After we left school, we both discovered we still liked men but we were both happy we enjoyed exploring our sexuality.

The Ramadan fast, were the times I relished being a friend to a Muslim. Aisha made sure she fed properly during the time before 6am and after 6pm and she would make me eat with her. We ate so many things we were not allowed to eat inside the boarding house; from chunks of ram meat to all kinds of fruits like apples, melon, pineapple and we ate food too- noodles, rice. Those times were the best of times.

A lot of people had an issue with our relationship and felt we were not supposed to be friends because of the religious differences we had, but somehow, we made it work. We formed boundaries like me not touching Aisha's Quran, and we bonded over my sharing her meals for the Ramadan fast and her joining me for our Christian evening prayers. My friendship with Aisha, helped me to properly tolerate other religions, having an open mind and not tagging anyone with colloquial names as that could hurt them. I also discovered there was more to an individual and though their religion may play a part, it never meant that wrote that person off as someone without rights to be loved, to be accepted, to explore their sexuality, to be heard, and most importantly not to be discriminated against.

Just the other day, I went to see Aisha and we stayed in her room eating huge chunks of ram meat and samosa and recalling all our fond days in high school. She told me of how studying in Dubai was not all bliss but she couldn't wait to become a Computer Scientist. I told her of how I couldn't wait to finish studying law here in Nigeria. We both laid down on our backs on Aisha's big neatly dressed bed, staring at the ceiling after eating. I then turned to look at Aisha with her face framed round with the hijab and I thought back to the day our friendship started; the day when I met her sitting on the lower bunk, staring out the window.

"Are you not feeling hot in that hijab?" I asked

"You know I can't remove it" She replied.

HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF CORONA VIRUS (COVID-19)

By Lilian Olivia Orero

“Nothing is of greater importance than the conservation of human life.”

- Former U.S. President Calvin Coolidge

Introduction

Human rights are pivotal in shaping the COVID-19 response for the broader impact on people’s lives and livelihoods. Notably, the world is facing an unprecedented crisis and human rights put people at the center-stage. Understandably, responses that are shaped by and respect human rights result in better outcomes in beating the pandemic. It is imperative to note that we need to defend and protect three rights which are at the frontline in the time of Corona Virus: right to life, right to health and freedom of movement.

In view of this exceptional situation and to preserve life, Kenya has adopted extraordinary measures. For instance, President Uhuru Kenyatta implemented extensive lockdowns, curfews and suspended all international flights around March 2020 with the intention to slow transmission of the virus. All these drastic measures were arrived at without any plan for how the poor would have access to basic items.

It is against this backdrop that this essay delves into the ways we can defend and protect these rights in the time of Corona Virus. It addresses the challenges that we have faced while trying to ² protect and defend these rights. Additionally, it concludes by articulating on the above mentioned issues and provides an acme of recommendations in ensuring that human rights are well protected during this time of Corona Virus.

Challenges

Despite the laudable efforts, guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree. The COVID-19 crisis has exacerbated the vulnerability of the least protected in society. It is highlighting deep economic and social inequalities and inadequate health and social protection systems that require urgent attention as part of the public health response. Women and men, children, youth and older persons, the poor, people with disabilities, persons in detention, minorities, among others, are all being affected differently. We have an



obligation to ensure everyone is protected and included in the response to this crisis. Kenya faces the following challenges in the time of Corona Virus:

Right to life and duty to protect life

By combating Corona Virus in order to protect lives of all human beings, we should address the general conditions in the society that give rise to direct threats to life. In a democratic state like Kenya, the police have the mandate to protect rather than impede fundamental human rights of citizens. However, the police act to the contrary when they use excessive force on people during curfew hours. Indeed, the shift from being a police force to a police service that was supposed to signal change in operations was in vain for sure, the police are more disposed towards the use of brute force than offering selfless service. Several people have lost their lives from police violence during the dusk to dawn curfews imposed to contain the spread of Corona Virus in Nairobi, Mombasa, Busia and Kakamega counties just to mention but a few.

It is shocking that people are losing their lives and livelihoods while supposedly being protected from Corona Virus infection. Worth noting is that police brutality is counterproductive to fighting the spread of COVID-19 as the social distancing rules are never observed when people get arrested. The police, without apparent justification have shot and beaten people at markets or

those returning home from work even before the daily start of the curfew. This is a violation of Article 26 of the Constitution of Kenya, 2010 on the right to life and how a person shall not be deprived of the life intentionally.

The right to health and access to health care

The right to health is inherent to the right to life. Article 43 of the Constitution of Kenya, 2010 stipulates that every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. Sadly, historical underinvestment in health systems has weakened the ability to respond to this pandemic as well as provide other essential health services. COVID-19 is showing us that universal health coverage (UHC) is very important. If only Kenya had a strong and resilient healthcare system, then we would be better equipped to respond to Corona Virus.

It would be fallacious to think that with the Corona Virus Pandemic, then the government would start investing in the health care system. With the rising numbers of the COVID-19 cases, Kenya resorted to home-based care for patients since the hospitals did not have the capacity to admit any more patients. Understandably, outside private facilities and the national referral hospitals in Nairobi, many hospitals lacked ventilators, intensive care beds and trained personnel. COVID19 has proven to us that you can have infrastructure, but if the people are not healthy, who will be there to drive those cars and use those roads?⁴

Despite the government receiving funding from international donors such as the World Bank, International Monetary Fund and European Union, all that money goes to individual pockets through corruption. Unfortunately, a large consignment of donations

including masks and ventilators from Chinese Billionaire Jack Ma went missing once they arrived in the country.

Resultantly, people have been forced to purchase masks at exorbitant prices yet they could be given these masks for free. It is important to note that health care workers are also in protest over the lack of adequate personal protective equipment. The public health crisis is fast becoming an economic and social crisis and a protection and human rights crisis rolled into one.

The central challenge to freedom of movement

Article 39 of the Constitution of Kenya, 2010 outlines that every person has the right to freedom of movement. Controlling the Corona virus means breaking the chain of infection: people must stop moving and interacting with each other. This measure is a practical and necessary method to stop virus transmission, prevent health-care services becoming overwhelmed, and thus save lives.

However, the impact of lockdowns on jobs, livelihoods, access to services, including health care, food, water, education and social services, safety at home, adequate standards of living and family life can be severe. Freedom of movement is a crucial right that facilitates the enjoyment of many other rights.

Recommendations

Many countries have adopted, within their available resources, fiscal, financial and economic measures to mitigate the negative impact of COVID-19 on their populations. We can borrow best practices and apply the same. Examples include:

- Provision of emergency water supplies to slum areas;⁵
- Suspension of housing evictions for unpaid rent during the crisis;
- Preserving jobs and wages through targeted economic measures, in some cases close to
- providing universal income, and support to employers and businesses;
- Providing or extending paid sick leave to workers or unemployment benefits;
- Securing emergency shelter for the homeless;
- Expanding domestic violence responses for victims of abuse;
- Providing child care for essential service workers.
- Ensure that stimulus packages and other responses to mitigate the economic impacts of the pandemic are people-centred and adequately support groups most affected by the loss of their livelihoods, such as informal and independent workers without access to unemployment benefits, and more generally people and groups without access to social
- safety nets.



Conclusion

This is a time when, more than ever, governments need to be open and transparent, responsive and accountable to the people they are seeking to protect. Civil society organizations (CSOs) such as Katiba Institute, as well as the private sector and business, have contributions to make that need to be facilitated.

(The author is a Lawyer, Human Rights Enthusiast and an Award Winning Writer and Researcher. She has written on various topics affecting young women in Africa such as sexual consent and rape, domestic violence, demystifying abortion, youth inclusion in governance and discrimination in the workplace.)

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Lilian Olivia Orero is a Lawyer, Human Rights Enthusiast and an Award-Winning Writer and Researcher.

HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF CORONA VIRUS (COVID-19)

By Yvonne Kiprof

When I was in my final year of university, I took a course on Human Rights and Accountability in Service Delivery, HRA for short. I sat at the front of the class for no reason other than my myopic vision. I was therefore easily noticeable- the girl at the front with the glasses. In the first class, my lecturer asked me to define what human rights are. "Remember what Einstein said about being able to explain it to a six-year-old? If you can't do it, then you probably don't understand it yourself," he said. I instantly thought of my niece who was around five years old at the time. What would I say to my favourite little girl if she were to ever ask her aunt this question? The explanation I shared in that HRA class is the same one I stand by to this day.

Human rights are the various freedoms we are entitled to by virtue of being born human. There exist various international instruments that collectively form the legal framework for these rights.

These instruments are however rooted in the Universal Declaration of Human Rights¹ which was aimed at setting a common standard for all peoples, everywhere. Rights are categorized into political rights, socio-cultural and economic rights and group rights. It must be noted however that there is no group of rights that is more important than the other. As Rhoda E. Hassman argues, these rights are interactive and not sequential.²

The COVID-19 pandemic has highlighted the characteristics of human rights of indivisibility, interrelatedness and interdependence. With the most obvious being realisation of the right to reasonable standards of healthcare, other rights and fundamental rights and freedoms have been

affected one way or another. The curfew and lockdown restrictions implemented by governments have affected the freedom of movement, the previous closure and now regulatory measures of places of worship has affected people's freedom of religion and worship, various measures taken by employers has affected the right to fair labour practices, the closure of schools has to some extent limited the enjoyment of the right to education among others.

In his journal article, Jerome Shestack argues that to understand the complexities of a human right, one must examine, from a philosophical approach, the nature of that right



in order to establish factors such as the rights' degree of protection, exceptions if any, what 'trumps' what

1. Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)

2. Rhoda E. Howard Hassmann, 'The Full Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa', (1983) Political Science Faculty Publications 17 <http://scholars.wlu.ca/poli_faculty/17> when it comes to competing rights among other things.³ Some of the philosophical theories include paternalism, John Locke's social contract theory, the theory of utilitarianism and communitarianism among others. In one way or another, the responses of governments in various jurisdictions have been as a result of these theories.

To put it more cohesively, all these theories in relation to human rights and the COVID-19 pandemic have shown that the Kenyan government has taken necessary measures to ensure that the realization of people's rights are met but not to the detriment of others. What would be best or derive maximum pleasure to the majority? Further, by adopting the paternalistic approach, the State has been seen to interfere with our rights and freedoms with the intent of doing good and preventing harm to the larger Kenyan demographic.

Evidently, in so far as human rights and fundamental freedoms are to be enjoyed by all by virtue of our humanness, sometimes, based on various factors, some rights may face certain limitations.

Under Article 25 of the Kenyan Constitution, the only rights and freedoms that cannot be limited are freedom from torture and cruel, inhuman or degrading treatment or punishment; freedom from slavery or servitude; the right to a fair trial; and the right to an order of habeas corpus. The limitation of rights is provided for under Article 24. Under this provision, it is paramount that the limitation be provided for by law and be justifiable and reasonable. In the For the right to be limited, one must consider its nature, the importance of the purpose of the limitation, the nature of the limitation, ensuring enforcement of one's rights does not infringe on the enjoyment of another's and the nexus between the limitation and the purpose while examining whether there are less restrictive ways to achieve that purpose.

There exist various players involved in the human rights arena called human rights actors. The major categories are the right-holders and the duty bearers. International conventions signed by State Parties automatically place the primary responsibility of these member states to ensure the protection of human rights in their countries upon ratification of the instrument. Based on the social-contract theory, citizens are expected to surrender certain powers to the State and in return, the government has an obligation to offer its citizens services and programs that ensure the protection of their rights and fundamental freedoms.

The State is however not the only actor when it comes to obligations. Non-State Actors such as Non-Governmental Organizations (NGOs), civil societies, international

organizations, corporate, individual actors among others also have a role to play. As youth in Kenya, some of the ways we can be involved in the protection of these human rights include active advocacy particularly through the use of social media platforms. The internet and social media is such a powerful tool in a democracy. This is evidenced by successful hash tags such as #EndPoliceBrutalityKE that ³Jerome Shestack, 'The Philosophical Foundations of Human Rights', (1998) 20(2) Human Rights Quarterly 201.⁴ The Constitution of Kenya, 2010 have seen the Executive being held to account for the actions of the National Police Service by using excessive force in the name of enforcing curfew regulations.

Additionally, another way to ensure the protection of human rights would be through getting involved in humanitarianism. By this I mean volunteering with organizations that offer food and clothing to persons from low income areas and marginalized communities that are unable to access basic needs and are thus unable to enjoy basic human rights like the right to food security.

By giving out items for donations, we can be able to indirectly assist persons who are struggling through the COVID-19 pandemic.

In conclusion, the entire situation with COVID-19 has greatly evidenced the dynamics that revolve around human rights, regardless of the categories the rights fall. This therefore elucidates

the notion that human rights are interconnected and bear equal importance. I opine that the application of a human rights-based approach in dealing with the pandemic has brought into perspective the importance of the protection of our human rights.

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Additionally, another way to ensure the protection of human rights would be through getting involved in humanitarianism.



COVID-19 AND ITS IMPACTS ON HUMAN RIGHTS

By Kirema Brian Karithi

Initially thought of as a non-threat and perhaps even an insignificant health occurrence when it surfaced in Wuhan China in late 2019, the virus that would later be christened COVID-19 rapidly spread across the globe in an unprecedented scale. This 'biological disaster' as some would prefer to call it was declared a global pandemic by the World Health Organisation in March. Over time it has become apparent that the virus is a challenge not only to medical professionals but also to virtually everyone on the globe. In a frantic effort to mitigate the spread, most of humanity has been forced to forfeit some of their basic human rights. Rights such as the right to freedom of movement were and are continuing to be infringed by mitigation efforts.

The idea of having entire cities and in some cases countries on lockdown would have seemed too far-fetched and I dare say ridiculous months ago yet this is the crude reality in many areas today. The limitation to people's freedom of movement has had a huge impact on individuals as well as businesses especially in the tourism sector. Night time curfews have brought the 'night life' and a huge part of the entertainment sector to a standstill. This, however, should not be the narrative but rather governments should institute strict safety protocols for travelers to minimize the risk of spread while still preserving the people's right to freedom of movement. Businesses in the tourism sector and entertainers should view this as a chance to re-invent themselves by embracing Virtual Tours and live streams. Bars and restaurants ought to consider home delivery options for their customers. This way their economic rights too are protected without compromising safety.

Discussing COVID-19 without talking of its profound impacts on the right to access health care would be, for lack of a better word, insane. Most hospitals that used to offer health care facilities to the masses before have now been transformed into isolation centers for COVID-19 patients. This 'preferential treatment' of this virus has left patients with all sorts of other ailments such as cancer on the brink. Vaccination efforts have either slowed in most areas or stalled altogether. In areas where they continue, parents are hesitant about taking their children for vaccination for fear of contracting the virus in the hospitals and clinics. This has greatly hampered efforts such as polio eradication in the remaining parts of the Middle East. Government and key health bodies can fix this by commissioning the construction of emergency hospitals and transformation of public grounds such as stadiums into field hospitals. Mental health too is increasingly becoming an issue of concern. This can be addressed through virtual counselling and being in constant communication with people in isolation or quarantine.

Governments across the world raced to shut down schools when index cases got confirmed in their countries. This paralysis in the education sector means that learners were, and in some countries such as Kenya continue to be, denied their right to education. The uncertainty surrounding the reopening of schools and the crushing realization that this could drag on for another agonizing six to twenty-four months has dealt a devastating blow to learners' morale. Instead of having learners sit idly at home, they should continue with uninterrupted learning online through use of devices provided by the government, schools and parents accompanied by internet data subsidized by the government. While preserving the learners' right to education, E-learning also prepares learners for a post-COVID world where virtual and integrated learning are expected to be the norm.

Gender discrimination and abuse cases are on the rise during the pandemic. Hardly a day went by especially in the early days of the virus without news outlets airing cases of gender abuse meted out mostly on women. From an increase in cases of domestic violence, to rape and a subsequent rise in the number of teenage pregnancies, people have almost grown accustomed to such news. Whether news outlets blew this issue out of proportion is not of concern but rather the incredible spike in cases of abuse is. A solution to this can come in form of counseling sessions to help couples, relatives or friends living together to learn how to co-exist peacefully amidst the anxiety, stress, and limited freedom of movement. Stiff penalties for convicted abusers could also serve as a warning to other like-minded people.

The right to accurate, unbiased information too is at risk during this pandemic period. Social media is being used to spread misinformation and propaganda about the virus and its origins on a large scale. I too have unfortunately been a victim of fake news when I came past a very convincing article on a website touting a COVID-19 vaccine breakthrough long before Russia came out to announce its 'Sputnik' vaccine. The solution to this growing issue is to train social media users on how to spot fake news and how to verify the news and credibility of its source before branding it as true or fake news.

Though largely apprehensive at first, many governments have resulted to having to having cellphone apps being developed to aid in contact tracing. This change of tune especially in more liberal democracies was inspired by the success of South Korea and China in battling the first wave of the virus in their countries through speedy contact tracing enabled by such apps. In China, for example, there were concerns that the Chinese Communist Party would use the app to collect sensitive data about users. This infringement of the right to privacy could easily be avoided if the data collected stays only on the user's phone rather than being gathered to one central server. This means that people can be aware of their risk of infection while being assured of privacy.

Lastly, the idea of free society where individuals can express themselves without censorship is edging closer and closer to being a pipe dream. Governments are quickly closing in on those who criticize their response to the pandemic calling it a 'crackdown on the spread of misinformation.' Government critics now face an even greater threat of opposition by the people as people seem to gravitate more towards authoritarian regimes citing their relative success in combating the spread unlike their struggling



democratic counterparts. This can however be fixed by establishing sufficient avenues where critics can air their complaints and concerns in anonymity.

While to the more optimistic COVID-19 could be a doorway to the future of interaction, it is worth noting that it is a rude awakening to the ever growing need to be vigilant and guard against abuse of human rights. Preservation of human rights is a social responsibility of the government, the people and the international community at large. The virus could possibly be here to stay and like all other outbreaks that came before, we don't have to choose between our health and our human rights—we can have it all! As Marija Pejnovic Buric Secretary General of the Council of Europe put it, "...we must nonetheless prevent it (the virus) from destroying our way of life—our understanding of who we are, what we value, and the RIGHTS TO WHICH EVERY HUMAN IS ENTITLED.

Karithi Brian, passionate about human rights, is a student at the Africa Nazarene University School of Law.



The limitation to people's freedom of movement has had a huge impact on individuals as well as businesses especially in the tourism sector. Night time curfews have brought the 'night life' and a huge part of the entertainment sector to a standstill.

DEFENDING AND PROTECTING THE RIGHTS OF ACCESS TO JUSTICE FOR SEXUAL AND GENDER BASED VIOLENCE VICTIMS DURING COVID-19

By Victor Werimo

One of the major social, political and legal challenge posed by the coronavirus pandemic (COVID-19) is the ability of the state to respond to it effectively, whilst ensuring that the mitigation measures they take do not undermine human rights, democracy and the rule of law. Kenya recorded her first case of COVID-19 on 13th March 2020, as of the time of writing this essay there were 36,724 confirmed cases, with 23,709 recovered patients and 646 related deaths.¹ In order to protect its citizens from mass infections the government issued a number of containment measures such as social-distancing, quarantine, and curfews.

With the enforcement of these containment measures the country witnessed a rise in Sexual and Gender Based Violence (SGBV) cases. Statistics from the Kenya Demographic Health survey show that, 45% of women aged 15 to 49 have experienced physical violence and 14% have experienced sexual violence.² The National Council on Administration of Justice (NCAJ) reported a significant spike in sexual offenses with sexual violence cases constituting 35.8% of the cases reported between March 16th to April 1st, 2020.³ Media reports citing data from a government-managed health information system have also highlighted a sharp increase in early unintended teenage pregnancies with schools closed due to the pandemic.⁴ This increase in reported cases of SGBV since the start of the COVID-19 crisis is driven by several factors. Financial hardship due to restriction of movement and curfew affects livelihoods, especially for those working in the informal sector. Confinement at home, under heightened levels of stress, uncertainty, and fear, can produce stressful environments that precipitate violence.⁵

Whereas SGBV cases in the country are increasing exponentially due to the pandemic and responses to it, victims have been finding it difficult to access essential free legal aid services, medical care, courts, and safe houses. To make matters worse, the National Council on the Administration of Justice (NCAJ) has consequent to the pandemic, scaled down its operations and issued directives to ensure that courts continue operating while maintaining social distance. These directives include limiting the courts to handling only urgent cases, such as taking pleas for serious cases and bail applications being granted to persons to ensure the non-congestion of detention facilities. Further on 25th March 2020, the Inspector General of Police instructed all police officers to afford reasonable bail terms to petty offenders to ensure that police detention facilities were not crowded.⁶



This essay seeks to assess the impact of the pandemic on their constitutional right of access to justice for victims of SGBV. The Kenyan Constitution anchors and guarantees access to justice by providing for rights to institute court proceedings, guaranteed access to the judicial system and fair administration for all irrespective of status.⁷ Other legal and policy framework on access to justice in Kenya constitutes The Police Service Act, Legal Aid Act 2016, Victim Protection Act, Witness Protection Act and rules, sexual offenses rules under the Sexual Offenses Act and The Police Service.⁸

As was highlighted earlier in the essay, with the enforcement of covid restrictions it became increasingly hard for the victims of SGBV across the country to access essential legal and care package services such as safe houses, reproductive services, child protection, police, and legal aid mechanisms that would ensure they get justice. SGBV cases have been sidelined with key justice sectors actors such as the police deeming it a non-priority. Reports indicate that when victims lodge their complaints to the police, some are denied access to P3 forms because the department is not running at the moment because efforts are focused on arresting and detaining curfew violators. Such delays lead to the loss of evidence and eventually the victims often lose hope and return to the hands of the people abusing them.

The adoption of technologically driven solutions such as Zoom by the judiciary to ensure the delivery of justice has blocked many victims from accessing the same services due to its affordability, internet access and knowledge challenges.⁹ For most victims struggling with 'bread and butter' issues, access to smartphones and computers remains a luxury. In addition, in a country where only one in five people have access to internet services, access to these virtual platforms is far from reality.¹⁰ Consequently many victims may lack the means or access to stable internet services in the city or rural Kenya and may end up missing court appointments.

Victims have been forced to resort to other forms of justice because they can not access courts or police stations. Many people in most of the rural parts of Kenya, resorted to seeking justice through the use of non-state justice systems such as a council of elders or extended family members, and religious institutions.¹¹ Although the Alternative Dispute Resolution Mechanisms are considered easier to access, much more familiar and less bureaucratic, they may not be appropriate in the settlement of SGBV cases because most of these systems hold a gender cultural bias that might not consider the victims perspective.

Other issues brought about by the pandemic that have hindered the access to justice for victims include poor investigations, inadequate care in the protection and handling of evidence, protection of witnesses in the cases and the undue delays in the hearing and determination of the cases.

It is undeniable that only a human rights-based approach will be able to respond effectively to this pandemic without leaving anyone behind. Just like national human right laws, international human rights law demands that persons who suffer violations of their human rights have the right to effective remedies and reparation for the harm they have suffered.¹² The right of access to justice for victims of SGBV is important and

should not have been limited by the pandemic or any other crises.

Therefore, the first step towards ensuring the right of access to justice among victims of SGBV is by raising awareness. Once people are aware of a problem you can mobilise them towards a common goal. In the wake of the pandemic this can be achieved by the use of digital advocacy tools such as social media, blogs and websites which are often cheap and quick. Human Rights movements such as #PoliceBrutalityKE and #BlackLivesMatter relied on these tools to amplify their efforts and reach more young people in a safe way.

The second step involves lobbying people in positions of influence. Through the use of social media campaigns and hashtags you can also remind state actors in the justice system about their unmet constitutional roles, promises in relation to the state of justice on the ground. This will in turn ensure that the relevant state officials respond to the pandemic in an evidence informed manner such as putting a complaint desk for handling SGBV cases.

Lastly, the best way to ensure the right of access to justice among victims is by joining, supporting or volunteering with non-state actors such as Civil Society Organisations and Community Based Organisations working to improve human rights standards and better implementation in society.

Werimo Victor, a strong advocate for people-centered development and a final year student of Public Policy and Administration at Kenyatta University.



The adoption of technologically driven solutions such as Zoom by the judiciary to ensure the delivery of justice has blocked many victims from accessing the same services due to its affordability, internet access and knowledge challenges.



WHY HUMAN RIGHTS MATTER

By Virginia Wangui Mwangi

Human rights are essential rights and freedoms that belong to every individual from birth to death for their full development and their communities. They are also referred to as social principals laid in the structure of people's society. Awareness and interests of human rights have grown over the past decades and hence the discussion, why human rights matter.

Human rights enable every individual to be have basic needs met. Every person needs food, shelter, clothing, and rest to have an easy life. Without basic needs many tend to find it difficult to continue with their lives and tend to live miserably. Rest is one of the rights being denied to many people especially in areas of work where they would do loads of work without taking a break to get the money to cater for their daily living. Unfortunately, there are still millions of people out there have not got the chance to get this necessities but saying it's a matter of human rights allows activists and others to work towards getting those for everyone.

Human rights are essential to protect the vulnerable group. In every society there is always a vulnerable group of people that may tend to live in fear, but the human rights were created for the very purpose of protecting them. For instance, black people in various countries are vulnerable to appoint of being killed yet they have the same color of blood like everyone else. I would also urge the vulnerable people in the community to fight for their civilized manner for them to be listened to, since the rights are made for them.

In addition, allowing people to stand up to societal corruption is also why human rights matters. Many a time have taken advantage of the illiteracy of people on the human rights and their helplessness on how they do not know how to act on them. Governments should ensure that any form of corruption is punishable by law immediately, and the people should also play their part of reporting any forms of corruption to avoid exploitation especially of government funds by the leaders.

Furthermore, human rights encourage freedom of speech and expression. People can practice their human rights and speak their minds in many instances such as through peaceful protests in case of a misunderstanding to put across a valid argument. In many cases, many have lost their lives in protests police claiming that it was a "violent protest" yet all was being done was speaking their opinions to be heard. Therefore, huge action should be taken in such cases to avoid bloodshed.

Freedom to practice one's religion is also a human right that matters in a person's life. In countries such as India many Muslims are denied the right to worship Allah and even

go to an extent to even take their lives just because they are not Hindi. Such rights are important since not everyone shares the same beliefs and everyone must have an opportunity to choose their religion regardless of where they are or what religion is the majority.

Moreover, human rights encourage equal work opportunities. This is to ensure issues like biasness and favoritism do not hinder anyone from getting any job of their choice. If human rights were not present, many privately owned companies would employ their family members mainly even if they do not deserve the chance. It also encourages the young people to continue working hard to get jobs.

Another aspect of why human rights matter is it gives people access of education. It is fascinating to see even an old man can sit for the same examination as a 14-year-old child. This clearly shows that given that the opportunity is there many tend to take care of it. Kenya has portrayed this right by also putting up learning institutions where education is free enabling those who cannot afford paying fees to continue getting their education regardless of their situation.

Also, human rights enable people to protect the environment. We humans tend to destroy the environment whether knowingly or unknowingly in various manners such as creating noise, littering the habitat, and cutting trees. We need to realize that we depend on the environment to survival making it essential to us. Therefore, protecting the environment should be a priority in to make our living easier and to avoid consequences such as climate change that may lead to drought or even floods. The environment is our home and we should keep up to improve it.

Human rights protect the lives of the people. This right protects each individual and gives him or her the liberty to live and enjoy his life. Most people tend to violate this right when it comes to thieves and murders and people take justice in their own hands instead of approaching the matter in a different way, in a way the wrong doers still get to live but punished. We should remember that God is the giver and taker of life and we do not have any right to take any human being's life.

Lastly, human rights matter since they guarantee justice to all people. This right enables everyone regardless of their position whether rich, poor, literate, or illiterate. It gives individuals hope that justice will be served by law and be able to stand in court and prove that they deserve justice with their evidence of course. People should also not fear coming out to get help from the authorities, since they are guaranteed to be served rightfully. The human rights has also ensured that nobody is above the law, making it fair.

In a nutshell, human rights are very essential for a happy living of human beings. However, these days they are violated endlessly, and we need to come together to tackle this issue. The governments and citizens must take efforts to protect each other and progress for the better. Creation of awareness to the people of their human rights should also be advocated to educate them and let them know how to deal with certain issues relating to their human rights. In other words, this will ensure happiness and prosperity all over the world.



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If human rights were not present, many privately owned companies would employ their family members mainly even if they do not deserve the chance.

WHY HUMAN RIGHTS MATTER

By Shakilah Akinyi

According to United Nations, Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. These rights include: right to life, education, liberty, expression, freedom from slavery and torture and right to work among others. It is imperative that all people are cognizant of these rights so that they are not in any way infringed.

Human rights engender freedoms for instance by giving people the freedom to choose how they live, how they express themselves and what kind of leaders they want through exercising their right to vote. Human rights also guarantee people the means necessary to access their basic needs i.e. food, housing, education, medical care and a decent life. Consequently, people can take full advantage of all opportunities. Moreover, by guaranteeing life, liberty and security, human rights protect against abuse by those who are more powerful.

Human rights consciousness gives every citizen the power to do and not to do; for instance by virtue of having the right to liberty, it is unlawful to be impermissibly confined. Besides, human rights are important since they have provisions for the protection of the less fortunate in the society; these rights are able to speak for them. Therefore, without such protection by human rights, individuals would be subjected to mistreatment. Although many people in many countries may still be fighting persecutions based on gender, race, class and other social relegations, human rights systems are at least a beacon of hope for justice.

Furthermore, human rights structures are important because they enlighten people about their rights and freedoms. Such structures are enshrined in constitutions, judicial systems and other universal legal structures. For a long time since the civilization, human rights structures have championed for equity; for instance in many African cultures, education was initially a reserve for the boy child while the girl child was considered only fit for marriage, rearing children and performing household chores. Many a girl were subjected to early marriages and no education. However, universal basic education as a human right has since changed things for the better. In Kenya for instance, the government has introduced free Primary and Secondary school education and continues to enforce the right to education for all children. Forced and early marriages are barely there anymore as a result.

The modern human rights can be traced to struggles to end slavery during the colonial period, fight against genocide, advocacies for equity and equality as well as the fight against oppression by dictatorial regimes.



Atrocities during world war 2 made pertinent the need and efforts to protect individuals rights from government violations. This instigated the universal Declaration of Human Rights (UDHR) as part of the emergence of the United Nations.

Human rights also provide for fair representation of the people in governance. For instance, in Kenyan parliament we have the Two-thirds Gender rule which advocates for fair representation of both gender

in parliament. The rule, as enshrined in the 2010 Kenyan constitution, had empowered women, giving them a fighting chance in an otherwise male-dominated arena and further dissipating the false belief that a woman shouldn't lead.

Janet, a victim of Gender violence, tells her story on how her husband maltreated her. She narrates how he would insult her but she was afraid of speaking up. She didn't want her marriage to end. She was scared of what the society would say if she decided to file for divorce. So she chose to put on a fake smile hoping that things would change for the better; at least for the sake of her son's whom she did not want to grow up without a father. The abuse instead got worse to a point her husband would beat her in front of her kids. The pain of physical and emotional abuse was overwhelming and her rage had overpowered her love for him. Still, in a state of confusion, she insisted on giving hope a chance in that bleak situation.

The situation continued to worsen. The bruises she had in her body shouted that enough is enough. Eventually, Janet decided to speak out and reach out to institutions that could save her from her situation. She got help from a women's group in her society. 'I almost died of my husband's cruel hands simply because I didn't know that I have a right to be loved and appreciated as a woman' she said in between sobs.

It is evident that most women are unaware of their rights in marriage. Most of them live in the hope that their violent husbands would change but that is not the case here. Domestic violence may be classified as torture; human rights provide freedom from torture. Victims of home based violence should speak up for help.

Everyone is entitled to equal and fair trial irrespective of our status and therefore one shouldn't bribe for a fair trial since it is your right to be judged fairly. Everyone is entitled to clean environment, to good health, freedom of speech and expression, freedom of worship and therefore one shouldn't be discriminated against.

Human rights matter since each right is able to speak, defend and give hope where it had been taken away. For instance, the right to equality spells out the aspect of racism in terms of color that one race is more powerful. This is a lie, we are all equal irrespective of our skin colour and therefore all races deserve equal opportunities since we all have unique abilities. The right to equality gives hope to a young black man or woman that he/she is protected from the inflictions from other race. It not only gives hope but also light to the future generations that they matter and the false perception about superiority of a particular race that can be debunked. Just like the other race, the child is entitled to the same right to be loved, to be appreciated and to be given the same opportunities.

Through human rights we are able to speak up when our rights are discriminated against

and fight for them once ignored. Let everyone own it, know their rights so that you are not afflicted in any way.

Shakilah Ochara, advocating for equal human rights, is a writer and podcaster



ME AND MY FRIEND

By Chrispus Munene Ng'entu

Taabuni is a Nubian lady that I met when I visited Lang'ata Women Prison on their Cultural Day festival. On that day, Taabuni was on stage performing a rap song titled Taabu a Swahili word for predicament. I could easily conclude that Taabuni was gifted, passionate and emotionally scarred.

I am a great lover of music and so I instantly fell in love with the way Taabuni could flawlessly tell a touching story in a rap song. Once she was offstage I made efforts to reach out to her, obviously not without difficulties, since she was a prisoner. We got to share in conversation so deeply and so immensely that I ended up noticing a tiny scar on her left ear.

Not only did Taabuni have a tiny scar but she had a colossal one that was so conspicuous that I did not need to draw closer to her to notice it. I had noticed it from a far when she was on stage performing. The tiny one is a Nubian ritual symbol for women. The colossal one is as a result of police brutality and use of their powers arbitrarily and excessively. On a day tragic like all others in a Nubian's life, the police forcefully evicted Taabuni from their land in Kajiado without prior notice or any measure of procedural propriety. The following day after the unjust act, Taabuni and other Nubians who had also been forcefully evicted from their land exercised their constitutional right to demonstrate and protest. Taabuni alludes that the demonstrations were peaceably and procedurally conducted but despite that, the demonstrators were pummeled ruthlessly by the police in a bid to dismiss the aggrieved lot. And that is how Taabuni sustained the colossal scar on her neck.

Once the peaceful Nubian protesters were violently dismissed, justice was casually dismissed and impunity ran high and alive. Their rights to get back to their property or even be compensated where the eviction is justifiable and lawful was denied. Reason being, Kenyan land belongs to Kenyan citizens and not to a helpless and stateless wretched lot. Taabuni's family immigrated to Kenya from Sudan in the late 70's and has been living in Kenya since then with no identification cards. The process to register them as citizens has been onerous, lax and deprioritized and thus since to date they exist as stateless persons.

Taabuni had been living in their Kajiado home as the family's sole breadwinner. Their parent's demise caused by the 2007 post-election mayhem necessitated her to take charge of the family being the first born child. After the forceful eviction from their land they went to seek refuge and shelter in the sprawling slums of Kibera where they ended up being slum dwellers. To fend for the family, Taabuni would seek casual jobs in affluent neighborhoods. One day as she was mowing a lawn in a home in Kilimani, a home theatre reportedly went missing and she was labeled the key suspect because of her social status.

An ordeal that led to her serving three years behind bars charged and convicted of theft and larceny. Maybe the reason why we met but ultimately the reason she was at Lang'ata Women Prison when I met her.

She averred that she was falsely accused and that she was not cognizant with what appertains a fair trial. From the circumstances surrounding her trial, I could tell a fair trial did not suffice. The evidence admitted in her trial was barely corroborated and it was as though she was being convicted of being poor lady trying to make the ends meet. She alludes that there is a bad habit of labeling slum dwellers as thugs and menace to the society in prejudice without any probative information.

Her arrest was unlawful as she claims that she was not informed of the reason for her arrest and when she tried to inquire, she was abused and beaten. She spent eight days in police custody before being arraigned to court. The conditions were harsh with only morsels to feed on. She was not given adequate time to prepare for the trial or even be informed of the charge, with sufficient detail to answer to it. They only remembered to frequently refer to her as 'mwizi' even before the judgment was passed. All these, Taabuni narrated as a man on the Clapham omnibus with sincerity and very little knowledge of her rights. As a law student I could understand that her rights had been violated, denied and infringed. My hands were tied and I could not do much to remedy the malady of injustice. The best I could do was to make her cognizant of her human rights. Luckily, when I met her she was serving the last quarter of her incarceration and she was about to walk to freedom. But what is freedom to a stateless person?

When Taabuni left jail and we frequently met and it was soon clear to me that she was friend I did not want to lose. Her vulnerabilities gave me a sense of purpose as a law student and aspiring human rights advocate. I had a great feeling that the major primacy of law is to protect human rights especially those of the minority and the marginalized. Their disability and unique affiliations are not subject to affliction or humiliation but the ultimate essence of the law.

Taabuni further unfolded a script of a series of serious miscarriages of justice and abuse of human rights that needed to be unraveled with a sense of urgency. Taabuni had twin sisters that were albinotic. Their condition subjected them to constant humiliation and danger. One of the twins was abducted, never to return. It was believed that a group of Tanzanian sorcerers, famous and notorious for hunting albinos was responsible for the felony. Taabuni did not know that abduction was a crime that with court's intervention, the felons would be held accountable and maybe her sister produced. Her heart bruised and her hands tied, she let go.

Just months after the abduction, the other twin was found brutally murdered by Nairobi River her eyes enucleated and her genitals mutilated. Murder was unlike abduction for Taabuni, she knew it was a crime and the situation remediable in the corridors of justice. There were two key suspects in the murder charges who were believed to hail from Zambia. At the preliminary hearing of the charges, Taabuni's sister was labeled disenfranchised and thus the progression of the case was to await the eventual registration



of the Nubian persons. Justice was delayed unreasonably and Taabuni despaired.

Taabuni was not aware that there are continental courts established to ensure protection of human rights especially those of the marginalized and the minority. I informed Taabuni that there is African court on Human and Peoples Rights where such court proceedings could be instituted. With the aid of a human rights advocate, the case is now in the files of African Court on Human and Peoples Rights awaiting consummation.

Taabuni's other sister who is also albinotic committed suicide at sixteen. On a note she left, she stated that their local church priest had coerced her to sleep with multiple men driven by a superstitious belief that sleeping with an albino cures AIDS. She was threatened that if she revealed the incident her life would be terminated. She felt abused, misused and the pressure exerted by the threats was too much to handle that she decided to take her own life.

Taabuni's only brother once took a part in an army recruitment exercise in a bid to join the Kenya Defence Forces. He highly excelled actually coming first in a race that the recruits take part in. His dreams were shattered because he did not have an identification card as he is a Nubian. The door of opportunity that met preparedness was shut down discriminatively. After a series of unsuccessful job application in other areas, Taabuni's brother gave up and drowned in the ocean of depression and began abusing drugs. He became an addict. Drugs are expensive or fair enough, drugs are not free. Therefore, to afford them he indulged in crimes including drug-trafficking, a fate that led to him serving a 5-year jail term.

It is not legally permissible or morally acceptable to abuse or sell narcotics but it could be a reflection of the failure of the society or the government. When people are discriminated against and opportunities to improve their livelihoods squandered, engaging in crime would not be the unthinkable. As a law student I uphold the rule of law and not in any way whatsoever advocate for impunity, but when the government turns you into a monster and blames you for being a monster, it is simply outrageous and plainly wrong. Therefore a more just action to fill that loophole ought to be taken.

After Taabuni left jail she picked up the broken pieces of her life and decided to start a M-Pesa business which barely thrived because of the lack of an identification card. She could not access essential government services as a person and as a business woman. Amidst all that, Taabuni came across a firm supplying casual labourers to United Arab Emirates. The firm promised to pay handsomely and motivated by the juicy pay, Taabuni applied for the job. Taabuni is currently in the UAE and as per an email she sent me; she has not been paid for ten consecutive months. What is more perturbing is the constant assault her and her colleagues are facing from the malevolent Arabs and the rejection by the dubious firm which could not come to their refuge at the hour of need. What Taabuni is going through is unconstitutional and against human rights. Therefore the government needs to ensure that Kenyans being assaulted in UAE find their way home and the dubious firms held accountable for the lack of pay to the workers.

This essay is penned down from an observer’s point of view and in reflection of what happens to the minorities, the disabled and the stateless in Kenya;a series of miscarriages of justice, human rights violation and discrimination. Taabuni is a representation of the minority, the disabled and the stateless.



This essay is penned down from an observer’s point of view and in reflection of what happens to the minorities, the disabled and the stateless in Kenya;a series of miscarriages of justice, human rights violation and discrimination.



DEFENDING HUMAN RIGHTS

By Cynthia Awuor Auma

Mostly, when some people come across feminism their minds linger and dwell so much on the toxicity of the characters, who poison them with their own ideas and their favors. They less focus on it as a human rights movement in defense of women defending women in relation to human rights.

Human Rights-are the standards that ensure human beings live with dignity, freedom, equality, justice and peace. Every person is guaranteed to them, without distinction of race,sex, language, birth, status or any other barriers.

Human rights defenders-are all the individuals, and or organizations that uphold the rights consecrated in the Universal Declaration of Human Rights(UDHR) and strive for the expansion and implementation of these rights. This Declaration in recognizing their roles, acknowledges that everyone's right to defend human rights is necessary if our human rights are to be respected and protected. They advocate for human rights by ensuring fair and equal treatment for the citizens.

Human rights defenders should be protected and recognized. States should ensure that all measures restricting the right to defend human rights, are strictly necessary and proportionate for the protection of public at large.

Each country must recognize that human rights defense is an essential activity in any situation and ensure that human rights defenders are allowed to exercise their roles free from retaliation, intimidation or threats.

Roles of Human Rights Defenders

Human rights defenders cover almost all the corners of societal fields. Some work in research fields, health and social care and journalism among other areas, to ensure that every country provide accessible and reliable information in a fair and the most transparent way possible.

Human rights defenders watch out for the measures taken by authorities to make sure they do not infringe unduly on human rights - for instance on the right to freedom of expression, right to privacy, or rights to health, housing and to an adequate and suitable standard of living - and speak out when such happens.

Human right defenders keep a check on the misuse of power of non-state actors. They raise their voice against abuses by businesses and corporations, including when they fail to uphold labour and human rights standards, or when they shift the economic impact on workers, or when they fail to provide adequate protection from contagion for workers at risk.

Human rights defenders address any human rights concerns, such as, in summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders support human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women's rights, children's rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

Human rights defenders investigate, gather information regarding and report on human rights violations. They may use lobbying strategies to present their reports to the attention of the public and of key political and judicial officials to ensure that their investigation is considered and to the address of human rights violations.

Most human rights defenders secure accountability for respect for human rights legal standards. They dig deep into the authorities and advocate for greater efforts by the government to implement the international human rights obligations it has accepted by its ratification of international treaties. The human rights defenders can bear witness, either in a public forum like newspaper or before a tribunal, to human rights violations that have already occurred. Therefore, defenders secure justice on behalf of victims in specific cases of human rights violation and to break patterns of impunity, thereby preventing future violations.

Advocates for better governance and government policy. Some human rights defenders encourage a Government to fulfill its human rights obligations, while others focus on good governance, advocacy to support democratization and an end to corruption and the abuse of power.

Human rights defenders educate on the human rights. They train on the application of human rights standards in the context of a professional activity, about human rights in schools and universities or disseminating information on human rights standards to the general public or to vulnerable populations. They provide training to a population on how to vote and the importance of their participation in elections.

From the gathering and dissemination of information, to advocacy and mobilization of public opinion human rights defenders find ways to their work. These tools as



Human Rights-are the standards that ensure human beings live with dignity, freedom, equality, justice and peace.



well, provide information to uplift and train others. They transform democracy in order to increase the participation of people in the decision-making thus shaping their lives and strengthen good governance. They ensure improvement of social, political and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights.

Nothing limits anyone from becoming a human rights defender; not sex, age, race nor profession or status. Human rights defenders can be government officials, civil servants as well as members from NGOs and intergovernmental organizations.

Characterizing a person as a human rights defender does not require the person's title or the name of the organization he or she works for, but rather the human rights character of the work undertaken.

While many people work in a professional capacity as human rights defenders and are paid a salary for their work, there are those who work in a professional capacity as human rights defenders on voluntary basis and receive no remuneration. Typically, human rights organizations have very limited funding and the work provided by these volunteers is invaluable.

Others as well strive for the realization of human rights according to their circumstances and in their own way.

You may be willing to become or know what is required of you to be a human rights defender?

Well, no "qualification" is needed to be a human rights defender, such a good news from UNHR.

However, the standards can be complex as the Declaration indicates that defenders have rights as well as responsibilities. They are also human beings and the human rights are universal thus they have to accept this principle as defined in Universal Declaration of Human Rights (UDHR) [3].

The validity of the argument on the table also matters. It will only be essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender, with their concerns falling within the scope of human rights.

Finally, the human rights defenders must take peaceful actions in order to comply with the Declaration on human rights defenders.

"Women belong in all places where decisions are made" Ruth Bader Ginsburg.

Maybe you have Miriam Miranda in you. Or you're the next Kivutha Kibwana, Wanjeri Nderu; Rise up to voice against the violations of the human rights and fight beyond the threats, intimidation, disappearance and the judicial harassment imposed on the human rights defenders.

Cynthia Ouma, passionate about human rights, is an artist who uses a pen and words to influence and encourage.

HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF COVID – 19

By Rogers Mugambi Miriti

The Covid-19 pandemic has upended all aspects of our lives. Lives have been lost and livelihoods disrupted. Governments, like deer in a headlight, have scrambled to find a response to this unprecedented event. Any upheaval to our normal way of life, let alone a global pandemic, is bound to have a huge effect on human rights. Human rights are viewed as pesky irritants by the powerful while to the powerless they are the first line of defence to their liberties. The global pandemic has shone the spotlight on human rights as one of the loci of power: how it is wielded by the state and its contrasting effects on different groups of people in the state.

Human rights are not absolute. They can be restricted to achieve certain objectives. In a pandemic this tradeoff is essential to combat the virus. However, restriction of rights by the state creates avenues of abuse especially if the restrictions are disproportionate, arbitrary and without sunset clauses. The Constitution in anticipation of this requires that any restriction to be proportional to the need and be based on the law.

A report by the KNCHR noted that this global health emergency has put a slew of human rights under the firing line. The pandemic directly affects the right to life. The government has a duty to protect, uphold and respect the right to life. Another right on the frontline is the right to access to healthcare. Every person has a right to access healthcare regardless of his socio-economic condition. Underinvestment in healthcare by governments has hobbled the full implementation of this right. The freedom of movement and worship has also been restricted through imposing curfews and lockdowns to stop the spread of the virus.

Some groups have also had their rights curtailed both directly and indirectly. For instance children's right to education has been abridged to protect them. Vulnerable groups have had their rights affected for instance the shadow epidemic of gender based violence has led to women's right to dignity and life being violated. Workers especially in the informal sector have had their livelihoods disrupted due to restriction of movement and the absence of sturdy safety nets.

Existing inequalities have cruelly primed certain groups for human rights violation. The right to equality and freedom from discrimination has never been so important. The pandemic has cleaved to and worsened disparities that existed before. Prisoners, refugees, the elderly, LGBTQIs, persons with disabilities and infected persons have borne the brunt of the pandemic as they are usually at the bottom of the totem pole when it



comes to their socio-economic conditions and government priority. People who contract the disease may suffer instances of stigma and discrimination from their communities out of fear and ignorance. Marginalized persons such as older persons and persons with disabilities may suffer the double whammy of their pre-existing conditions and Covid-19. The fact that they are also not represented in decision-making organs, their views and perspectives are usually ignored. This leads to government responses that may have adverse and unintended consequences.

The framing of the crisis dictates how the government responds to it. A press release by human rights group MUHURI warned that viewing the virus from a state security lens and employing a militaristic vocabulary is likely to lead to extreme actions and gross human rights violations. The deployment of a trigger-happy and unaccountable police service prone to heavy-handed tactics creates a perfect storm for human rights violations.

Governments are likely to react to a public health emergency by criminalizing certain actions to halt the spread of the virus. Despite this being necessary in some instances, the police are likely to violate the freedom and security of persons by carrying out mass arrests and compulsory quarantines of people who are violating government guidelines.

The Covid-19 control measures have created a raft of new offences. The closure of courts to control the spread of the virus has led to the wheels of justice grinding to a halt. Consequently the citizen's access to justice has been violated and those remanded in overcrowded jails have been put at risk of contracting the virus.

The right to privacy may be also at risk. Governments usually tread a thin line when it comes to contacting and notifying individuals who may be exposed to the virus. There is a danger of unnecessary disclosure of a person's medical details.

The imposition of curfew and lockdown measures indirectly affects the right to labor, housing and other socio-economic rights such as access to housing, healthcare and water. The pandemic has had a devastating impact on the economy leading to massive job losses. The loss of income puts people in a precarious position where access to basic needs is limited.

On the other hand the pandemic may lead to enhancing some human rights provisions. Ironically by restricting some human rights such as freedom of movement, the government may limit the spread of the virus and thus end up saving lives of its own people. Access to information is another right that may end up being enhanced. The government through creating awareness to the public on measures that control the spread of the virus and the nature of the spread of the virus may help in combatting the virus.

These dangerous assaults to human rights should raise the public consciousness on their enduring importance in a democracy. Citizens can and must resist these violations. The freedom to assemble and protest peaceably is a potent arrow in the quiver of citizens' power. Peaceful and sustained protests have been efficient tools in channeling people's anger to turbo-charging reforms.

In the age of Covid-19, the form of the protests may change through adhering to social distancing guidelines, but the aims and effects are still the same. Citizens, who are vulnerable to Covid-19, may still participate in the protests through social media. The importance of social media to organize, mobilize and even educate cannot be gainsaid. Movements such as the Arab Spring, #metoo and #blacklivesmatter have employed the use of social media to earth-shattering effects. Through protest citizens apply pressure to authoritarian regimes to uphold and protect their human rights.

To supplement protests citizens can organize themselves into local campaign groups that educate the public on human rights. These local organizations can be mobilized to record human rights violations, organize protests and petition leaders to take action on human rights violations. These groups may carry out stunts that keep members engaged and bring the country's attention to human rights violations.

Public interest litigations can be used to hold the government to account. Individual citizens and campaign groups may petition courts to issue declaratory orders, conservatory orders or injunctions to stop any human rights violations.

Human rights are usually at risk when we need them most. Being important democratic guardrails to power, they also contain tools that citizens can harness to fight against all forms of oppression. As noted by a UN report on Covid-19 and human rights 'human rights put people center-stage. Responses that are shaped by and respect human rights result in better outcomes in beating the pandemic, ensuring healthcare for everyone and preserving human dignity'

Rogers Mugambi, *aspiring writer and passionate about human rights and good governance, is a student at Kenya School of Law.*



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HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF CORONAVIRUS (COVID-19)

By Betty Daisy Wanjiku Nduku

Covid-19 is a serious and highly infectious disease which was first reported in China in December, 2019. It has spread over all continents since then, having adverse effects on social life, economies of countries among other aspects. Covid-19 has also affected human rights in various ways. The people's and government's response to it has also had both positive and negative effects on human rights application. People can only defend their rights and those of others if they know them and how they are being violated or limited.

Covid-19, being highly infectious, made the government impose movement restrictions. This put a cap on people's freedom of movement to some parts of the country. This freedom according to the Constitution of Kenya is given to all persons into and out of any part of the country. This was restricted due to the outbreak of the virus.

Most of the Covid-19 victims and their families were discriminated against on grounds of their health status. The Constitution of Kenya prohibits discrimination by persons or by the State on such grounds. Some of the victims are not even aware of the manner in which they contracted the virus and even if they were, they should not be discriminated against. None of them wished it upon themselves. Everyone should be treated fairly and be free from discrimination.

Every person has the right of freedom and security which includes the right not to be subjected to torture of any manner, physical or psychological. Once the government put in place the curfew among other restrictions, the police force was instructed to enforce the set restrictions. Some resulted in using force for example by giving a heavy beating to those found defying the instructions. This is an example of physical torture. Their inherent dignity by the virtue that they are human beings was not respected. This is an indirect negative effect of Covid-19.

Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of any kind of an association. There were restrictions imposed as to the gatherings people would attend, meaning people could not be involved in any activities publicly as before. Covid-19 affected the application of the freedom of association and especially with regard to physical gatherings. The freedom of assembly has been restricted.

Every person has the right to the highest attainable standard of health, including right to health care services and reproductive health. The government responded to the virus' outbreak by investing in new medical equipment and building new hospitals which are ensuring patients get better health services closer to them. Despite this positive response from the government, some of the hospitals with high quality medical equipment and that were being used for the treatment of Covid-19 got overburdened as a result of the rising Covid-19 cases and have subsequently requested some of their patients who come for check-ups for other diseases to not come until advised otherwise. The right to health services has been limited due to the outbreak and spread of the virus.

Every person has the right to education. Due the outbreak of Covid-19, the government responded by closing schools, sending all students home, as a necessity. However, the right to education has been limited. Most students in the country lack access to digital phones or equipment to facilitate online learning hence they have not been able to engage in any learning sessions since they left school.

Immediately after the outbreak of Covid-19 in Kenya, the government responded by temporarily closing the courts until a method was devised as to how court proceedings would go on. This limited some people's rights to fair trial without delay as some had to wait longer before their cases would be heard since the courts were closed.

Every person has the right, either individually or in community with others, in public or private, to manifest any religion or belief by worship, practice, teaching or observance, including observance of a day of worship. After the Covid-19 outbreak in Kenya, the government ordered the closure of all worship places and people had to worship in their homes. There was a limitation to the application of the right to worship, particularly in public.

After the outbreak of Covid-19, the economy deteriorated, people's purchasing power declined significantly, corporations and entities could not sustain themselves and as a means of cutting down expenses, laid off some workers. This made it difficult for those who were laid off to cater for their needs and those of their families. This led to children getting forced to engage in manual work (child labour) so as to get some money to add onto the little that the parents could get. This put the children's lives at risk especially at such a time when the virus was spreading at a fast rate. Additionally, there were increased cases of domestic violence, mainly due to lack of resources to meet the family's needs resulting in some kind of blame game between the husband and wife.

The lack of employment also meant lack of money to buy food hence families went hungry, a violation of the right that every person should be free from hunger and should have adequate food of acceptable quality.

It is clear that Covid-19 has affected human rights directly or indirectly and people should be actively combating its spread. People should be involved in educating the general society as to how they can best protect themselves to avoid contracting the virus for example by maintaining social distance and proper hygiene. This will reduce the number of daily infection cases reported in the country and subsequently, restrictions will be



eased. This will prevent limitation of some human rights such as freedom of movement into any part of the country.

The general public should be educated as to what their rights are so that they are aware and can identify when they are denied of them. Lack of knowledge about one's rights is the first avenue or loophole for denial of rights. Having known their rights, they can then defend them.

Persons whose rights have been violated or feel so, should question politely as to why such is happening and report the same to relevant authorities. This will prevent repetition of such an action and that will have protected rights of others. People can also engage activists whom after discussing how human rights can be upheld will champion for the same at higher levels.

Citizens could use their immediate representatives, say in the National Assembly, to champion for their rights to be upheld. These representatives have resources within their reach which are meant for development and assisting those within their territories. They could also advocate for allocation of those resources in a way that will create employment at such a time when others have lost their jobs. The people will therefore be empowered and they can provide for their families.

Mentorship could be provided to ensure good mental health and prevent domestic violence. This will uphold the right that every person should have security and should not be tortured either physically or psychologically.

Betty Nduku , passionate about human rights, an
Accountant and Student Actuary at Strathmore University.

“ After the outbreak of Covid-19, the economy deteriorated, people's purchasing power declined significantly, corporations and entities could not sustain themselves and as a means of cutting down expenses, laid off some workers.

HOW WE CAN DEFEND AND PROTECT RIGHTS IN THE TIME OF CORONAVIRUS (COVID-19)

By Caroline Wahu Mutua

“Covid-19 is a public health emergency that is fast becoming a human rights crisis. People and their rights must be the front and the center. The best response is one that responds proportionately to immediate threats while protecting human rights and the rule of law.” ~ António Guterres, United Nations Secretary General.

The Covid-19 pandemic has been termed as not only a health or a socioeconomic crisis but also a human rights crisis. This is because it has put human rights protection under a lot of pressure and has also affected the rights of vulnerable persons, including women, children, refugees, migrants, people with disabilities, the poor and persons in detention. Further, the measures being taken to combat the pandemic, for instance lockdowns, have resulted in restriction of certain rights and freedoms. Some of the affected rights include the freedom of movement, freedom of assembly, the right to education, the right to access health care and the right to work among others. It is therefore, important to protect and defend human rights during the period of the pandemic. Some of the ways this can be done will be discussed in the following paragraphs.

Firstly, states should ensure they respect human rights while fighting the pandemic by ensuring that any restriction taken is within the law. Human Rights Law classifies rights as either absolute or not absolute. While absolute rights are considered so important that they are non-derogable, rights that are not absolute can be restricted as long as the restriction is prescribed in law, it is necessary and it is reasonable and justifiable in an open and democratic society. Since the restrictions taken to contain the pandemic are leading to limitation of or interference with certain rights, the government should ensure that the restrictions meet the above criteria and are proportionate to the threat. This will help in ensuring that human rights are not violated in the process. For instance, where surveillance measures are installed to assist in contact tracing, the government ought to respect the right to privacy of people.

The restrictions should also be limited in duration and extended only on a reasonable basis. The decisions made should be reevaluated frequently with a re-balancing of the rights at stake. This is necessary because measures that are proportionate at the start may end up becoming disproportionate with time leading to violations of fundamental rights. The measures taken by the government should not be discriminatory and neither should be their impacts. While putting in place measures to contain the pandemic, the government should put into consideration the effects of the measures on the citizens especially the vulnerable groups.



Where the impact is disproportionate, the government ought to put in place mitigation measures so as to ensure non-discrimination.

It is also important to ensure the independence of the judiciary is maintained in such times. This will help ensure that the courts are able to scrutinize the laws and their implementation with regards to protection of human rights. The procedures should be fair and the judgments should be obeyed so as to ensure rights and freedoms are protected.

Another way of protecting human rights is exposing violations committed under the pretext of combating the pandemic, for instance police brutality. Using the example of Kenya, police have used unreasonable force and brutality while enforcing the covid-19 measures put in place by the government, for instance the dusk to dawn curfew. Such actions amount to violation of the rights of the affected persons and should be reported and the guilty parties punished.

The government should also work in collaboration with human rights institutions so as to ensure the measures put in place comply with human rights law. Examples of these institutions include the Kenya National Commission on Human Rights (KNCHR), the East African Centre for Human Rights (EACHRights) and Kituo cha Sheria. Given the fact that they specialize in the protection of human rights, these institutions will provide credible advice on the human rights implications of measures taken by the government. These organizations can also play a major role in handling complains of human rights violations by all people, especially the vulnerable groups. Government collaboration with these institutions would therefore go a long way in protecting and defending human rights.

The government should also take positive measures towards ensuring protection of human rights. In order to ensure protection of the right to life and right to healthcare, the government should make extraordinary efforts to ensure health care is accessible to everyone and is affordable as well. This will entail provision of adequate testing equipment and specialist care for the most vulnerable regardless of their ability to pay. For instance, in response to the pandemic, some countries have extended health cover to everyone in their country while others have reached agreements with private sector health-care providers to make their facilities available to the pandemic response.¹

The measures taken to combat the pandemic have disproportionately affected some people, especially those who are working in the informal sector who have no recourse to social protection. Such effects could lead to loss of livelihood for them which would thereby result to their inability to meet their basic rights, such as right to food, shelter, water and clothing. Under such circumstances the government could put in place favorable measures for such groups. Such measures include suspension of housing evictions for unpaid rent during the crisis, Provision of emergency water supplies to slum areas and securing shelter for the homeless.

Freedom of the media should not be interfered with. The state should not hide under the guise of reducing public tension so as to censor and restrict free flow of information. Efforts should be made so as to provide and maintain access to the internet and any other communication platform.

The government should counter any false information with correct and accurate information instead of imposing disproportionate criminal sanctions. This measure will also ensure that citizens enjoy their right of access to information. The state should ensure there is a safe space for civil society and human rights defenders to engage in their activities.

In conclusion, it is clear that the effects of the pandemic as well as the measures taken to combat them might negatively affect fundamental rights and freedoms. It is therefore important for governments to ensure human rights remain in force during the pandemic putting into consideration the fact that the pandemic does not discriminate but its impacts do.

***Wahu MUTUA**, passionate about research and writing, is a law student at the University of Nairobi who strongly advocates for human rights and the rule of law.*



ANNEX 1: The call

Bored? Time on your hands? Under 25? Can we challenge you to an essay competition?

“It’s not fair!” Do you or other young people ever say this – about their own treatment or treatment of others? People have strong sense that it is wrong to treat them differently from others. And they feel it is wrong to prevent them expressing themselves in the way they speak, the way they interact with others, and to prevent them achieving their full potential as individuals and as members of society. These are among their rights as human beings.

An important aspect of the Constitution is its recognition and protection of human rights. We, at Katiba Institute, want to encourage young people to think and write about what human rights means to them. And what they think they and others can do to defend human rights.

Understanding human rights

Rights belong to all human beings, and to communities. Government must not interfere with our rights – unless there is a very good reason and there is no other way to achieve the purpose. A few examples of human rights are that everyone has the right to express their opinions, to have religious and political beliefs, to gather with other people, and to form organisations. Everyone is equal – the law must treat everyone equally and fairly. Rights for some groups are spelled out in a bit more detail: children’s right to education is explained, people with disability must not be disrespected or insulted, older people have a right to continue to take part in society.

Everyone has the right to food and water, to adequate housing and to health. Everyone has the right to a clean and healthy environment, and to decent working conditions.

We must all respect the rights of other people. This means that we all have a responsibility to avoid doing something that is against other people’s rights – it is not just a matter for government. We must not discriminate against people: treat them badly because of their skin colour, place of origin, religion, language etc. And the states’ (government bodies’) duties including protecting people’s rights against others. For example, not only should the state not interfere with our right to express our opinions by demonstrating, and not only should other people not interfere with others’ rights of expressions and protest, but the state also should protect the right to express opinions and protest. Imagine a peaceful protest march that is disputed by noisy counter-protesters. The public authorities should take steps to prevent this behaviour.

About the essay competition

The essay topics are intended to make you think about human rights, and what they mean to you and your family and friends and what you can do to protect human rights. It is all right to talk to your family and learn from others. You may get ideas from newspapers, radio and

TV, and even from everyday incidents in your community. From older students who are able to do internet research, or have access to books, we hope for some research using such sources. But the first topic is more about personal experience than research.

Who can participate?

Any young person (up to 25 years old).

Topics: choose ONE of the following:

1. Me and my friend: write about a friend of yours who is a bit different from you (maybe from a different place of origin, or religion, or someone with a disability) and how you and they try to ensure that their rights are respected.

2. Why human rights matter: This is for any age group, but we shall expect the approach, the research and the quality of the writing to be better from older participants.

3. How we can defend and protect rights in the time of coronavirus (COVID-19): for older participants. Think about how a serious and infectious disease like this affects people's rights, and how the way people, and governments, react to it may also affect rights (in good and bad ways). Suggest ways in which people (without putting their own health at risk) can help to protect their own rights and those of others.

4. "Human rights defenders" – what does this mean to me and mine? As you think and read about it, you may find that you know one or human rights defenders. Maybe you are actually a human rights defender yourself already, though you have never described yourself like that. Discuss what human rights defenders do that is relevant to you and your family and the community where you live?

Length of the essay

- Up to 13 years 400 or 500 words
- 13 to 18 about 600 words
- From 18 to 25 around 1000 to 1200 words.

Language

- Please write in English. This is not a test of English, but you will get credit for a clearly-written and well-organised essay.
- Use your own words: do not copy from what other people have written (except perhaps for very short quotations, and then say who wrote the original).

Submitting your essay:

Send your essay (in WORD or PDF) by email to essays@katibainstitute.org

Tell us:

- Your name (and ID card number if you have one)
- Contact: where you live and how we can contact you ☺ Phone number is essential



- Your level of education
- One or two sentences about how you went about writing this essay, who you talked to, what research and reading you did.

What happens next? [Assessment and prizes]

Katiba Institute will organise a marking system. Your name will be concealed from markers. The top five in each age group will win a prize. The prizes may include cash prize, vouchers for books, having your essay published in a newspaper and/or on Katiba Institute platforms; a booklet of several essays; and where possible offer internship/attachment/volunteership opportunities to the authors of the best essays.

Submission deadline:

30th October 2020.



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