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IFRC COVID-19 Emergency Decree Research: the Republic of Kenya (“Kenya”)

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- *Questions to be answered by close of business Friday, 27 March are listed below.*
- *Please be sure to include English translations of relevant text where possible.*

The following analysis is based on our research conducted as of 20 March 2020:

1. **Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?**

United Nations coordination with the Government of Kenya

- The Government of Kenya, the United Nations and members of the international community convened on 20 March 2020 at the UN Complex in Nairobi to coordinate their response to the COVID-19 pandemic in Kenya.¹
- The World Health Organization (“WHO”) Representative to Kenya is a key member of the National Public Emergency Steering Committee chaired by the Principal Secretary of Health.²
- The United Nations Country Team in Kenya is providing support through: strengthening the emergency operation centres, coordination and leadership, case management, laboratory management, surveillance strengthening, communications and resource mobilization and procurement.
- The United Nations is also providing intense technical support to the coordination pillar of the Kenyan national task force that developed Kenya’s COVID-19 contingency plan (which is currently the basis of all COVID-19 response activities).³
- The United Nations has initiated an incident management system, in some cases repurposing some staff to assist in the COVID-19 response activities.
- 15 technical officers have been seconded by the United Nations to the Ministry of Health of Kenya in order to boost capacity as response activities expand countrywide.⁴
- The United Nations has supported the Kenyan Ministry of Health in the training of 34 county rapid response teams (including by providing technical guidelines and necessary tools). Another group of 32 level 4-5 clinicians from 9 counties was trained on critical care case management while another 33 frontline workers from level 4-5 health facilities were trained on

¹ <https://www.ipsnews.net/2020/03/un-international-community-united-fighting-covid-19-kenya/>

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³ Ibid.

⁴ Ibid.

infection control. WHO training materials have been used in the roll-out of training to all health workers across the country.

Other Coordination between the Government of Kenya and Non-State Actors

- The World Bank has allocated US\$60 million to finance efforts to fight coronavirus in Kenya.
- Kenya's Health Cabinet Secretary and Ministry of Health officials held consultative meeting on COVID-19 response with the Kenya Healthcare Federation and CEO's from the Kenya Association of Private Hospitals.⁵
- World Vision has convened a global executive oversight group for COVID-19 and its recommending all of its local offices (including in Kenya) take preparedness measures such as assessing internal capacities to respond and looking into how it might procure masks, if needed.⁶
- Médecins Sans Frontières is part of a national task force to organize preparedness in Kenya.⁷

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

- While there is general mention of NGOs and other non-government experts/actors, there has not been specific mention of the role of the Red Cross or other humanitarian actors in public announcements issued by the Kenyan Government in relation to COVID-19 so far.
- According to the website of the Kenya Red Cross⁸, we understand that:
 - Kenya Red Cross Society Secretary General Dr. Asha Mohammed and Kibra Mp Imran Okoth urge Kenyans to adhere to the Kenyan government directive on Covid-19; and
 - Kenya Red Cross is implementing community sensitization in partnership with the Ministry of Health of Kenya.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

As further discussed below, travel restrictions are in place, but there do not appear to be any express exceptions to such restrictions for RC/humanitarian relief teams. Certain exceptions may, however, facilitate the movement of relief teams or supplies.

- The Government of Kenya has suspended all international flights in and out of Kenya effective midnight on 25 March 2020.⁹ Cargo planes will not be affected by this suspension, though the crew must observe strict guidelines.¹⁰ The Kenya-Uganda land border has been closed to all pedestrians and vehicular traffic other than cargo trucks.¹¹ Further closures of land borders with other neighboring countries may follow, but there does not appear to be any

⁵ <http://www.health.go.ke/consultative-meeting-on-covid-19-response/>

⁶ <https://www.devex.com/news/what-ngos-need-to-do-if-coronavirus-reaches-africa-96562>

⁷ Ibid.

⁸ <https://www.redcross.or.ke/>

⁹ <https://ke.usembassy.gov/health-alert-for-u-s-citizens-government-of-kenya-announces-suspension-of-international-flights/>; <https://www.gov.uk/foreign-travel-advice/kenya/coronavirus>

¹⁰ <https://ke.usembassy.gov/health-alert-for-u-s-citizens-government-of-kenya-announces-suspension-of-international-flights/>

¹¹ <https://www.gov.uk/foreign-travel-advice/kenya/coronavirus>

other border closures at this time. It is unclear whether the exception for cargo flights/trucks could be used to facilitate the movement of RC/humanitarian relief teams or supplies into Kenya as it does not appear that the Government of Kenya has provided details regarding the scope and application of the cargo flights/trucks exception thus far.¹²

- At the time of writing, all persons entering Kenya (including Kenyan nationals from overseas) are required to remain in 2-week isolation at a government-approved hotel or a government facility and must pay a fee of KSh 9,000 per person per day for the accommodations.¹³ Persons that fail to comply with this quarantine measure will be forced into mandatory quarantine at one of two government-designated campuses.¹⁴ There does not appear to be any exception from the restrictions for RC/humanitarian relief teams.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

The current restrictions on movement (discussed below) do not provide an exception for RC/humanitarian organizations, but the restrictions may not significantly impede RC/humanitarian organizations' access to vulnerable populations (including for psychosocial or non-medical aid) so long as the relevant personnel is already located in Kenya or can gain entry into Kenya via the cargo exceptions or an open land border.

Restrictions on Movement within Kenya

- Individuals who are showing signs or symptoms of COVID-19 and are able to self-isolate can expect to be directed to self-isolate.¹⁵ Those who are not able to self-isolate can expect to be taken to a state health facility by the Kenyan authorities for quarantine.¹⁶
- Large public gatherings are banned.¹⁷ Effective 27 March 2020, a daily curfew from 7pm to 5am will be in effect nationwide.¹⁸ Medical professionals and health workers (including Public Health and Sanitation officers from the Kenyan counties), critical and essential services providers and other authorized persons are exempt from this curfew.¹⁹
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5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

- As of the date of this report, there does not appear to be any special legal facilities or exemptions in place for the importation of medical aid or other relief items. The importation of personnel appears to be subject to the general rules described in the response to Question 3 above.

¹² Kenyan Airways CEO noted that the airline will continue to operate cargo flights "particularly so that [it] is available to offer emergency services or much needed supplies," although the scope of "emergency services" and "needed supplies" is not clear. <https://www.theeastafrican.co.ke/business/Kenya-Airways-flies-domestic-after-international-flights-ban/2560-5501328-6ggd88z/index.html>

¹³ <https://www.aa.com.tr/en/africa/covid-19-quarantine-imposed-on-those-entering-kenya/1778212>

¹⁴ Ibid.

¹⁵ <https://www.gov.uk/foreign-travel-advice/kenya/coronavirus>

¹⁶ Ibid.

¹⁷ <https://ke.usembassy.gov/health-alert-for-u-s-citizens-government-of-kenya-announces-suspension-of-international-flights/>

¹⁸ <https://www.nation.co.ke/news/Coronavirus-in-Kenya-Uhuru-full-speech-/1056-5504094-80g9lqz/index.html>

¹⁹ Ibid; see also <https://www.standardmedia.co.ke/article/2001365671/president-uhuru-declares-nationwide-curfew-as-covid-19-cases-hit-28>

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

- As of the date of this report, the categorization of the Red Cross or any other humanitarian organization as 'essential' or 'emergency' services is not apparent from the government website, nor any other source detailing the Kenyan Government's response to the outbreak of COVID-19.
- It is clear from the Kenya Red Cross' social media posts²⁰ that they continue to work to 'scale up' COVID-19 programmes aimed at preventing the spread of the disease. These include:
 - providing handwashing demonstrations for local communities;
 - providing psychosocial support services to passengers currently quarantined at Jomo Kenyatta International Airport; and
 - visiting low income estates to spread information on the risk of the virus.
- The Kenyan 'MyGov' weekly review states that "Taita-Taveta County Government has deployed public health officers and disease surveillance officials to monitor and enforce public safety rules", therefore it seems likely that if the Government do begin to categorize certain work as 'essential' or 'emergency', the Red Cross would be categorized as such.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc.).

- President Uhuru Kenyatta announced on 25 March 2020 an indefinite curfew from 7pm-5am.
- Health CS Mutahi Kagwe announced on Sunday a measure to quarantine all passengers arriving at Jomo Kenyatta International Airport at designated premises for 14 days.²¹
- The Kenyan Government has announced that from 11.59pm (local time) on 25 March 2020, all international flights to and from Kenya will be suspended.²²
- Schools have been closed.²³
- From midnight on 22 March 2020, all bars have remained closed until further notice. Restaurants are still allowed to open but only to operate 'takeaway' services. All meetings, conferences and events of an international nature are banned.
- Kenyan citizens have been advised to avoid crowded places and to work remotely where possible; all public gatherings of more than 15 people²⁴ and rallies have been banned.
- Public places have had to set a maximum capacity to conform to social distancing requirements (1.5m) and shops, supermarkets and transport systems are to implement social distancing measures.
- There are currently isolation facilities at Kenyatta National Hospital and Mbagathi District Hospital to be used by anyone who has symptoms for/has COVID-19.
- Senior ranks in the National Executive have accepted salary reductions²⁵, including:
 - Cabinet Secretaries – 30% reduction;
 - Principal Secretaries – 20% reduction; and
 - Chief Administrative Secretaries – 30% reduction.

²⁰ https://twitter.com/KenyaRedCross?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

²¹ <https://www.nation.co.ke/news/Why-government-forced-quarantine-is-a-sham/1056-5501982-a5hab6/index.html>

²² <https://www.gov.uk/foreign-travel-advice/kenya/coronavirus>

²³ <https://www.washingtonpost.com/opinions/2020/03/25/kenyas-coronavirus-strategy-is-straight-out-colonial-playbook/>

²⁴ https://en.wikipedia.org/wiki/2020_coronavirus_pandemic_in_Kenya

²⁵ <https://www.nation.co.ke/news/Uhuru-offers-tax-breaks-to-cushion-Kenyans/1056-5504426-ro2ycu/index.html>

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

- As of 26 March 2020, no such restrictions have been announced by the Kenyan Government generally. Kenya actually received medical supplies however, donated by Chinese tycoon Jack Ma, on 24 March 2020.²⁶

²⁶ <https://www.newtimes.co.rw/africa/covid-19-kenya-receives-medical-supplies-jack-ma>