

UPDATE ON ADVISORY NOTE

Your Ref: TBA; Our Ref: C/KELIN/2012; Date: 1st March 2012

1. Hon. Beth Wambui Mugo E.G.H., M.P,
Minister for Public Health and Sanitation,
Afya House, Cathedral Road,
P.O Box 30016-00100, Nairobi.
2. Hon. Peter Anyang' Nyongó E.G.H., M.P,
Minister for Medical Services,
Afya House, Cathedral Road,
P.O Box 30016-00100, Nairobi
3. Hon. Esther Murugi Mathenge E.G.H., M.P,
Minister of State for Special Programmes,
Comcraft House, Haile Selassie Avenue,
P.O Box 40213-00100, Nairobi
4. Hon. Mutula Kilonzo E.G.H. SC., M.P,
Minister for Justice National Cohesion and Constitutional Affairs,
Co-operative Bank House, Haile Selassie Avenue,
P.O Box 56057, Nairobi
5. Hon. Prof Githu Muigai, M.P,
Attorney General, Republic of Kenya,
Attorney Generals Chambers, Harambee Avenue,
P.O. BOX 40112-00100, Nairobi.
6. Mr. Otiende Amollo EBS,
Chairperson, Commission on Administrative Justice,
6th Floor Prime Ministers Building, Harambee Avenue,
P.O Box 20414-00200, Nairobi (CAJ/M.HEA/O12/107/2012/MA).

Dear Sirs,

RE: PROTECTION OF PUBLIC HEALTH & HUMAN RIGHTS IN RESPONSE TO A REPORTED CASE OF A PATIENT WITH EXTENSIVELY DRUG RESISTANT TUBERCULOSIS (XDR-TB)

We refer to the above captioned matter and our letter dated 10th February 2012. We have since received official responses from the Ministry of Justice & Constitutional Affairs and the office of the Commission on Administrative Justice in relation to this matter.

We write to give you the following update about the condition of Mrs X and the larger issues raised in our advisory note that affect our country's TB programme. Following the issuance of our advisory note the following are the emerging facts:

- i. Mrs. X has received a three weeks supply of Linezolid (Oxazolidinones) 600mg and Lclacid 500mg after a visit was made to her house by government officials from the Ministry of Public Health and Sanitation on the 11th of February 2012. We are reliably informed that they have verbally reassured the patient that they will continue to supply the drugs.
- ii. Mrs X is still not receiving the much needed Viomycin drug and the same still remains unregistered by the Poison and Pharmacy Board
- iii. Mrs X is still purchasing an anti-vomit drug called Kytril (Granisetron) worth Kshs 950, on alternate days in the week, to help deal with some of the side effects of the medication she is on. The drug is readily available locally and the Ministry officials, who visited her home, were made aware of this fact during their visit.
- iv. Mrs. X receives Kshs 500 a week for her transport to hospital and food provision.
- v. Mrs X is receiving treatment and care from the confines of her home, with healthcare workers visiting her once a week to administer treatment.
- vi. On the larger issue of long term concern, we have since heard government officials give verbal commitments, on national TV and Radio on completion of the isolation ward by June 2012 and reassuring the public that Mrs. X's condition is being handled well.



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vii. 30 regional and international organizations have since signed to advisory note to show their solidarity on this important issue.

Given the response we have received from the office of the ombudsman, we shall be writing to his office in two weeks time, with a view to providing his office with further and better particulars of the treatment of Mrs. X, the non-completion of the isolation ward and the gaps in the existing TB policies, lack of medicines to treat side effects, and on the management and care of patients with XDRTB. This will be done with a view of facilitating him to undertake his statutory mandate to ensure the rights of Mrs X and that of the public are upheld in light of the provisions of Article 47 of the Constitution of Kenya 2010.

We shall keep you updated on the condition of Mrs X.

Signed



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Allan Maleche
Coordinator, Kenya Legal & Ethical Issues Network on HIV & AIDS (KELIN)

SIGNED BY KENYA LEGAL & ETHICAL ISSUES NETWORK ON HIV & AIDS (KELIN) ON BEHALF OF THE FOLLOWING ORGANISATIONS

- Action Aid International Kenya (AAIK)
- Aids Law Project Kenya (ALP-K)
- Alliance for Care and Prevention of Tuberculosis in Kenya (ACT KENYA)
- Health Rights Advocacy Forum (HERAF)
- Kenya Aids NGOs Consortium (KANCO)



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- Kenya Consortium to fight AIDS TB and Malaria (Kecofatuma)
- Kenya Medical Care Development International
- Kenya Network of HIV Positive Teachers (KENEPOTE)
- Kenya Network of Women Living with AIDS (KENWA)
- Kenya Treatment Access Movement (KETAM)
- Lean On Me Young PLHIV Group
- National Empowerment Network of People Living With HIV and AIDS Kenya (NEPHAK)
- Kenya Hospices and Palliative Care Association (KEHPCA)
- Network of Men Living With HIV & AIDS in Kenya (NETMA)
- TB Action Group
- VSO Jitolee
- Women Fighting AIDS in Kenya (WOFAK)
- Wote Youth Development Project

CC:

1. Mr. Mark Bor,
Permanent Secretary,
Ministry for Public Health and Sanitation,
Afya House, Cathedral Road,
P.O Box 30016-00100,
Nairobi, Kenya.

2. Ms. Mary Ngari,
Permanent Secretary,
Ministry for Medical Services,
Afya House, Cathedral Road,
P.O Box 30016-00100,
Nairobi, Kenya.
3. Mr. Andrew A. O. Mondoh,
Permanent Secretary,
Ministry of State for Special Programmes,
Comcraft House,
Haile Selassie Avenue,
P.O Box 40213-00100,
Nairobi, Kenya.
4. The Permanent Secretary,
Ministry for Justice National Cohesion and Constitutional Affairs,
Co-operative Bank House,
Haile Selassie Avenue,
P.O Box 56057,
Nairobi, Kenya.
5. Prof. Alloys Orago,
The Director,
National AIDS Control Council,
Nairobi, Kenya.



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6. Dr. Ibrahim Mohammed,
National AIDS & STIs Control Programme,
Nairobi, Kenya
7. Dr. Joseph Sitenei,
Head of Division of Leprosy, TB and Lung Disease (DLTLD),
Ministry of Public Health and Sanitation,
Nairobi, Kenya.
8. Ms. Maya Harper,
The Country Director,
UNAIDS- Kenya,
UN GIGIRI Complex,
Nairobi, Kenya.
9. Dr. Abdoulie Jack,
WHO representative,
Kenya County Office,
ACK Garden House – 4th Floor,
Bishops Road,
Nairobi, Kenya.
10. Mr. Richard Leresian Lesiyampe,
C.E.O Kenyatta National Hospital,
KNH,
Nairobi, Kenya.
11. The Chairperson,
National Commission on Gender and Development,
NSSF Building Block A,
24th Floor Eastern Wing,

P. O. Box 27512 – 00506,
Nyayo Stadium
Nairobi, Kenya.

12. The Chairperson ,
Kenya National Commission on Human Rights
1st Floor CVS Plaza, Lenana Road,
P.O Box 74359-00200,
Nairobi, Kenya.

ENDNOTES

Mrs X's name has been protected for reasons of privacy. Please contact Allan Maleche, Coordinator of KELIN for further information on amaleche@kelinkkenya.org.

