



Joint Press Statement: KELIN and NEPHAK ISSUE AN ADVISORY NOTE TO H.E. THE PRESIDENT ON HIS INSTRUCTIONS TO COUNTY COMMISSIONERS TO COLLECT HIV RELATED INFORMATION BY 15 MARCH 2015.

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NAIROBI- On 23 February, 2015 His Excellency Hon. Uhuru Muigai Kenyatta issued an instruction to all County Commissioners to work with County Directors of Education and Medical services, to collect up-to-date data and prepare a report on all school going children who are HIV positive, information on their guardians, number of expectant mothers who are HIV positive and number of breastfeeding mothers who are HIV positive. The data is to be collected in a prescribed data matrix that links the names of the children to their home area and school. The information is to be submitted to his Excellency by 15 March, 2015.

The directive is aimed at ensuring that the Government has accurate information with regards to the status of children infected and affected by HIV in schools across the counties. This will enable the government to respond and provide appropriate services and support to children living with HIV. The directive is also in relation to his Excellency's noble intention to end adolescent AIDS, as envisaged under the global [ALL IN Initiative](#) launched on 17 February, 2015 in Nairobi.

KELIN & NEPHAK, however, have brought to attention of the President, vide a letter dated 11 [March 2015](#) the fact that his instruction will lead to the violation of the right to privacy and confidentiality of people living with HIV, contrary to the provisions of

Article 31 of the Constitution of Kenya 2010, sections 20, 21, 22 and 23 of the HIV & AIDS Prevention and Control Act 2006, sections 19 of the Children's Act, and the relevant International Instruments that Kenya is a party to by virtue of the provisions of Article 2(6) of the Constitution of Kenya. The matter has been brought to the attention of the Cabinet Secretary for Health, the Director of the National AIDS Control Council, the Chairperson of Council of Governors, the Chairpersons of the Commission on Administrative Justice, National Gender & Equality Commission, Kenya National Human Rights Commission and the Commission on Implementation of the Constitution. The relevant UN-country offices as well as non-state actors working with children infected and affected by HIV have been alerted about the matter.

We have humbly requested his Excellency's to immediately recall the instruction and have offered to join wide consultations to provide direction on how best the information he requires can be captured without infringing on the rights of Persons Living with HIV. Our position is informed by the strong belief that proceeding with the instruction of his Excellency the President, will undermine the gains already made in responding to HIV related stigma and discrimination.

While we acknowledge need for improvement in HIV related data and especially on children infected with HIV, we believe that the information currently available with the Ministry of Health is adequate to inform the provision of comprehensive HIV and AIDS services to persons living with HIV, including children. We also believe that consultations with all the relevant stakeholders will help reach consensus on how to address the current gap in provision of comprehensive services to all persons, infected with HIV, including children and adolescents.

ENDS

For Further Comments Contact:

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ABOUT KELIN

KELIN is a human rights NGO working to protect and promote health-related human rights in Kenya. We do this by; providing legal services and support, training professionals on human rights, engaging in advocacy campaigns that promote awareness of human rights issues, conducting research and influencing policy that promotes evidence-based change.

ABOUT NEPHAK

NEPHAK is a national network that unites over 1,500 groups of people living with HIV and those affected by TB, & AIDS through post-test clubs, support groups, community based organizations, non-governmental organizations and PLHIV networks.

Link to the PDF Version

<http://kelinkeny.org/wp-content/uploads/2010/10/letter-to-the-President-final.pdf>