H.E. Uhuru Muigai Kenyatta, C.G.H,
President of the Republic of Kenya,
Commander in Chief of the Defence Forces of the Republic of Kenya
Nairobi, Kenya
@StateHouseKenya, @UKenyatta
info@president.go.ke

Your Excellency,

RE: ADVISORY NOTE ON YOUR INSTRUCTIONS ON COORDINATION & DELIVERY OF COMPREHENSIVE HIV & AIDS SERVICES TO COUNTIES.

We jointly write to you as the Kenya Legal & Ethical Issues Network on HIV & AIDS (KELIN) and the National Empowerment Network of People Living with HIV&AIDS in Kenya (NEPHAK), two civil society organizations working on HIV and health related human rights in regard to the above referenced matter.

We refer to our letter dated 11 March, 2015 delivered to your office on the same date. (A copy is enclosed for ease of reference). We regrettably have not received a response to the letter.

It is important for us to first acknowledge that your Excellency’s desire to fight against the unacceptably high infection rates among young people is welcomed and appreciated. We all agree that the status quo is not acceptable, which is why civil society and networks of people living with HIV have worked diligently, and continue to stand ready, to advise the Kenyan government on new policies and best practices that can change the alarming trends in HIV infections among adolescents and other groups of persons living with HIV. The current directive, however, is not the right solution.
The directive will introduce a new era of “naming and shaming” that has always been beneath the government and people of Kenya. This directive violates every Kenyan’s right to privacy, confidentiality and non-discrimination, and rolls back years of work on HIV by increasing the risk that people will hide their positive status, rather than seek treatment. Forcing people to disclose their status, or those of their loved ones, has never helped to increase treatment rates, and this new directive will be no different. We are pleased to share with you reports and information demonstrating that issues of privacy and confidentiality remain critical aspects in the successful prevention and treatment of HIV.

We are aware that the directive has not been recalled because our members continue to file complaints with us indicating that they are being subjected to undue pressure by national government and county officials to provide the names of the people listed in the annex to your Excellency’s directive.

We most humbly request your Excellency to immediately recall the instruction issued vide your letter of 23 February, 2015 and issue another directive which will clearly address the following issues:

i. Indicate that the directive dated 23 February 2015 will not be applied and any names collected so far should be discarded.

ii. Confirm that no names of persons living with HIV are to be collected or recorded by anyone at any time.

iii. Spell out clearly the roles of each of the national government officials in the collection of the relevant statistical information.

Our position is informed by the strong belief that unless the directive is recalled and new guidance is given by his Excellency, the County Commissioners will still pursue the process. As we stated above, the process will not only violate human rights, it will breach the law and undermine the gains already made in responding to HIV-related stigma and discrimination.

Once again, we are pleased that the government has recognized that the status quo is not acceptable. We acknowledge the need for improvement in HIV related data and especially on the categories of persons mentioned in your Excellency’s letter, but we strongly believe the method of collection indicated in the directive would be counter-productive, and risk alienating those impacted by HIV and AIDS.
We stand ready to work with the government, along with all relevant stakeholders, to propose strategies on how to address the current gap in provision of comprehensive services to all persons infected with HIV, including children and adolescents, without infringing on the rights of Persons Living with HIV.

Yours Faithfully,

[Signature]

Allan Maleche
Executive Director – KELIN

Nelson Otwoma
Executive Director – NEPHAK

Encls: