

REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT KISUMU  
CONSTITUTIONAL PETITION NO. E008 OF 2023

IN THE MATTER OF ARTICLES 1, 2, 3, 10, 19, 20(1) & (4), 21, 22, 23, 24, 25, 26(1), 27,  
28, 29, 35, 43(1)(a), 47, 53 (1)(c), 165, 232(1), 258 & 259 OF THE CONSTITUTION OF  
KENYA, 2010

AND

IN THE MATTER OF SECTIONS 4(b), (c), (d), (e), (f), (h), (i), (l), (m) & (n), 14(f), 20, 24,  
32 & 33(2) & (5) OF THE EAST AFRICAN COMMUNITY HIV & AIDS PREVENTION &  
MANAGEMENT ACT, 2012

AND

IN THE MATTER OF SECTIONS 4(c)(d), 5, 8(c)(d) 15 OF THE HEALTH ACT, 2017

AND

IN THE MATTER OF SECTION 19 OF THE HIV PREVENTION & CONTROL ACT

AND

IN THE MATTER OF SECTIONS 8, 9, 10 & 16 OF THE CHILDREN ACT, 2022

BETWEEN

FA (Suing on her own behalf and as mother and next friend of DM – A Minor).....	1 <sup>ST</sup> PETITIONER
.....	
BK.....	2 <sup>ND</sup> PETITIONER
CN.....	3 <sup>RD</sup> PETITIONER
PATRICIA ASERO OCHIENG.....	4 <sup>TH</sup> PETITIONER
AMBASSADOR FOR YOUTH & ADOLESCENTS REPRODUCTIVE HEALTH PROGRAM (AYARHEP).....	5 <sup>TH</sup> PETITIONER
KENYA LEGAL & ETHICAL ISSUES NETWORK ON HIV/AIDS (KELIN).....	6 <sup>TH</sup> PETITIONER
KATIBA INSTITUTE.....	7 <sup>TH</sup> PETITIONER

-VS-

THE HON. ATTORNEY GENERAL.....	1 <sup>ST</sup> RESPONDENT
THE CABINET SECRETARY FOR HEALTH.....	2 <sup>ND</sup> RESPONDENT
KENYA MEDICAL SUPPLIES AUTHORITY.....	3 <sup>RD</sup> RESPONDENT

ORDER

This matter coming-up under **Certificate of Urgency** on **25<sup>th</sup> September, 2023** before the **Hon. Lady Justice M. S. Sharrif (J)**. Upon perusal of the Notice of Motion dated **21<sup>st</sup> September, 2023** and its Supporting Affidavit;

**IT IS HEREBY ORDERED:**

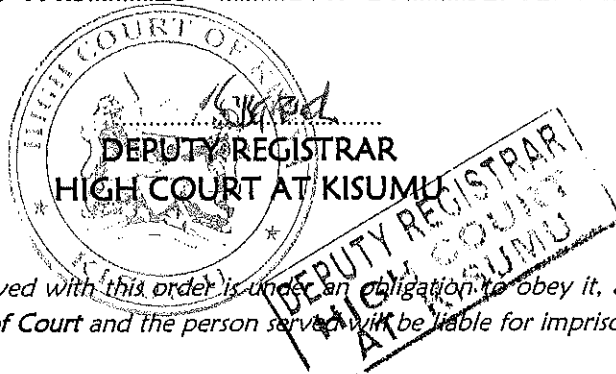
1. **THAT** the Notice of Motion dated **21<sup>st</sup> September, 2023** be and is hereby certified as urgent.
2. **THAT** the **1<sup>st</sup> to the 3<sup>rd</sup> Applicants** be and are hereby granted leave to prosecute the Application using their initials and not their full names.
3. **THAT** the identities of the **1<sup>st</sup> to the 3<sup>rd</sup> Applicants** shall be concealed throughout and after these proceedings.

4. THAT the identities of the 1<sup>st</sup> to the 3<sup>rd</sup> Applicants shall only be revealed to the Respondents upon the latter signing an undertaking to protect the identities of the 1<sup>st</sup> to the 3<sup>rd</sup> Applicants.
5. THAT the Application be served for *inter partes* Hearing on 2<sup>nd</sup> October, 2023.

GIVEN UNDER MY HAND AND SEAL OF THIS COURT AT KISUMU THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2023

HON. LADY JUSTICE M. S. SHARRIF  
JUDGE

ISSUED AT KISUMU THIS 25<sup>TH</sup> DAY OF SEPTEMBER, 2023



Penal Notice:

TAKE NOTICE that any party served with this order is under an obligation to obey it, any disobedience of the same shall amount to Contempt of Court and the person served will be liable for imprisonment for a period not exceeding Six (6) Months.