



MINISTRY OF HEALTH
OFFICE OF THE PRINCIPAL SECRETARY

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Ref: MOH/ADM/1/1/2

Date: 12 May 2016

County Executive Committee Members for Health
Chief Officers of Health
County Directors of Health

Thro:

The Chairman
Council of Governors
Delta Plaza
Westlands

**RE: IMPLEMENTATION OF THE HIGH COURT JUDGEMENT
CHALLENGING THE IMPRISONMENT OF TB PATIENTS**

Following the High Court ruling issued on March 24th 2016 that found the confinement of TB patients in prisons unlawful and unconstitutional, the following measures are to be applied with immediate effect:

1. Confinement of patients suffering from infectious diseases for the purposes of treatment shall not be done in prison facilities
2. Where despite all reasonable efforts, patients with infectious disease are unwilling or unable to comply with treatment; court orders shall be sought to compel isolation, confinement or detention as referred to in section 27 of the Public Health Act, CAP 242

3. The isolation can be done at a health facility in adherence to; infection control measures and for the purpose of ensuring that patients adhere to the course of treatment for the public interest and their own interest
4. The Ministry of Health in consultation with county governments, shall in due course issue further policy direction on the involuntary confinement of persons with TB and other infectious diseases.



Dr. Nicholas Muraguri
PRINCIPAL SECRETARY