ANNUAL REVIEW
Key highlights
Our work and efforts were recognized through two different awards in national and global spaces. Below are the highlights.

KELIN wins the 2019 Kochon Prize

On 30 October 2019, the Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN) was awarded the 2019 Kochon Prize by the Stop TB Partnership, Kochon Foundation and the REACH and KIT Awards, during the 50th Union World Conference on Lung Health in Hyderabad, India.

“KELIN started and continues the essential work on promoting and protecting human rights in TB. In a space where there are few organizations calling for human rights to be an integral part of TB programming, KELIN fights for the rights of people to access TB prevention, diagnosis, treatment, care and support. The Stop TB Partnership is proud of our collaboration with KELIN to promote a TB response that is equitable, rights-based and people-centred. Stop TB Partnership has worked with KELIN on several initiatives, including the development of the Nairobi Strategy, the Legal Environment Assessments for TB and has supported KELIN through the Challenge Facility for Civil Society to support communities and advance human rights responses in Kenya. Their achievements are outstanding, notably their work in strengthening the capacity of other similar organizations across the world and of course their formidable work in 2016 when they used the courts to finally put a stop to the arrest and imprisonment of people with TB,” said Dr. Lucica Ditiu, the Executive Director at Stop TB Partnership.

The Kochon Prize is awarded annually by Stop TB Partnership to individuals and/or organizations that have made a significant contribution to combating TB, a disease that is curable but still causes the deaths of three people every minute. The Kochon Prize consists of a USD $65,000 award.

“Much more needs to be done to make human rights in TB response a reality. We at KELIN call for increased funding for work on TB and human rights to grassroots organizations and continue to demand that human rights be placed at the centre of the TB response, in prevention, treatment and management. TB programming will not be successful unless global, regional, national and community programmes are grounded in human rights. We, therefore, commit to leveraging the Kochon Prize to expand our ongoing work and influence TB policy at all levels toward a human rights-based response,” asserted Mr. Allan Maleche, the Executive Director at KELIN.

KELIN’s Deputy Director emerges first runner up in the 2019 Pro Bono Lawyer of the Year Awards

On Human Rights Day, 10 December 2019, the first runner up Pro Bono/Public Interest Jurist of the Year Award was bestowed upon KELIN’s Deputy Executive Director, Saoyo Tabitha Griffith. She received the award during the 7th Award Ceremony held in Nairobi, Kenya. The award recognizes jurists that have excelled in pro bono, access to justice, public interest and strategic litigation.

Tabitha, who is a 2019 Aspen New Voices Fellow, received the award in recognition of her exemplary work in public interest litigation, with a particular bias on emergency medical treatment, HIV and sexual and reproductive rights. Among the notable works by Tabitha was the pro-bono representation at the Medical Board of the family of Alex Madaga, an indigent man who spent 18 hours in an ambulance due to lack of emergency care.

“Foregoing her pain, her fears and all the trauma she had gone through, Alex Madaga’s wife, Jessica Moraa, allowed me to represent her at the Medical Board because she was seeking for justice for the death of her husband... To the many men and women who forgo their own pain, their trauma, their own human rights violations and through a lot of courage and bravery represent themselves as petitioners, this award is dedicated to them. Because without the courage of people who are going through such pains to allow us as lawyers to fight for their cause, we as lawyers do not have anyone to represent,” remarked Tabitha Saoyo, while accepting the award. The team at KELIN is proud of Tabitha.
2019 Highlights: Sexual and Reproductive Health and Rights

Kisumu County First Lady ‘Mama Kisumu’ commits to support adolescent girls and young women through the DREAMS Project

On 15 April 2019, during a collaborative review meeting hosted by KELIN, Her Excellency Dorothy Nyong’o expressed appreciation at the impact the DREAMS Project has had on the lives of adolescent girls and young women (AGYW) and committed to engaging the County First Ladies Association to ensure the sustainability of the project.

The collaborative review engaged stakeholders, partners and community members from Homa Bay and Kisumu counties to take stock of the two-year DREAMS Innovation Challenge project supported by ViiV Healthcare. In the two-year period through trainings, dialogues, advocacy, legal and medical support KELIN using a multi-layered approach reached: 379 AGYW and 80 orphaned and vulnerable children; nurtured 60 AGYW champions as peer mentors; used football to reach over 1,500 AGYW; and disseminated key messages on SRHR and HIV using sanitary towels to over 13,000 AGYW.

In seeking to address societal barriers KELIN: fostered partnerships and received commitments from 60 court user committee members and over 100 legislators; engaged 26 pro bono lawyers in supporting cases; trained 60 elders and 60 widows and facilitated the development of an Elders Committee as a referral mechanism; trained 45 community based organizations on SRHR programming for AGYW; and engaged over 600 community members in 15 sub-counties facilitate dialogue on traditionally ‘taboo’ subjects and encourage community engagement in addressing SGBV.

The collaborative review provided the partners with an opportunity to interrogate the impact of the project, discuss lessons learned and work towards consensus on how to ensure the sustainability of this project. KELIN shall be sharing comprehensive findings of the End-line survey and shall be implementing the second phase of this project after June 2019 in collaboration with the communities of Homa Bay and Kisumu counties.

“I used to have low self-esteem but since joining DREAMS I have high self-esteem. I now know about my rights, how SGBV affects girls and how they can be helped to come out of their situation in life.” Mariam Apiyo, an AGYW champion, shares her perspective of the DREAMS project.

November 2019

KELIN launches the county reproductive health model law with county government partners

KELIN and partners launched the Model County Sexual and Reproductive Health and Rights Act that was collaboratively developed with the County Governments of Mombasa, Kisumu, Homa Bay and Nairobi. The launch was held on Friday, November 29, 2019.
One of the main pillars of the new constitutional dispensation is the process of devolution which establishes two forms of government, the national and county government. Consequently, a decentralized process of governance and decision making has been the order of the day in Kenya. Under the new dispensation, one of the functions that have been devolved is health, the implementation of which is under the mandate of the County Governments. In the past five years, counties have been exercising their legislative mandate. Of particular importance has been the response to Article 43(1) (a) in the Constitution, 2010 which guarantees the right to the highest attainable standard of health, including reproductive health.

The driving force behind the joined efforts has been catalysed by early experiences with other counties’ legislative efforts that have indicated that there are some shortfalls in drafting and conceptualization of laws and an additional tendency to adopt the efforts of other counties. This is, in most instances, done without proper contextualization informed by unique circumstances within the counties that significantly contribute to the state of reproductive health. Consequently, the development of the County Reproductive Health Model Law project was aimed at coming up with a model law that is comprehensive and can be easily adopted by the four pilot counties to address and promote the state of reproductive health care therein.

As a result of the launch and the collaborative development process, Nairobi, Mombasa, Kisumu and Homa Bay counties pledged to take forward efforts in 2020 to adopt the model law as part of their SRHR legislative framework. These pledges represent the political will of the county governments in completing the journey that they have started.

Lastly, KELIN committed to continue providing technical assistance to the County Governments in adopting a human rights-based approach in tailoring the Model Law to their county-specific needs and to streamline its contents with existing laws and policies touching on SRHR. KELIN looks forward to these gains in 2020 and appreciates the four counties for their continued partnership. The online version is available for download via this link: [http://bit.ly/2F6vWO1](http://bit.ly/2F6vWO1).

**ICPD: Kenyan CSOs unite to advance sexual and reproductive health and rights for girls and women ahead of the ICPD+25**

On 8 November 2019, the Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), Kenya Medical Association (KMA), the Coalition on Violence Against Women (COVAW) and Trust for Indigenous Culture And Health (TICAH), working jointly under the umbrella of Reproductive Health and Rights Alliance (RHRA), convened a collaborative dialogue on advancing sexual and reproductive health and rights (SRHR).

The meeting discussions brought out several key intervention strategies that will facilitate the integration of SRHR services into Universal Health Coverage which will in turn ease access to reproductive health services for girls and young women. KELIN was able to bring together a cross-section of organizations that collectively come up with these innovative and tangible routes that can be utilized to champion for girl’s and women’s rights during and beyond the ICPD Nairobi summit.

Through their representatives, the participating organizations went a step further to make commitments that they intend to abide by and be held accountable to ensure that their focus, is never distorted from the realization of sexual and reproductive health and rights as an inherent human right for all persons. Kenya is privileged at this time as most countries may never get an opportunity such as this to host a ground-breaking conference in their country and call to attention their specific issues. Thus, the voices of Kenyan girls and women must be heard and as actors of influence, we must take this occasion to push for reforms as well as accountability within our country. Having a unified approach is the best chance that most of the key agendas will be heard.

**Sights and sounds from ICPD+25 Nairobi summit**

On 8 November 2019, the Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), Kenya Medical Association (KMA), the Coalition on Violence Against Women (COVAW) and Trust for Indigenous Culture And Health (TICAH), working jointly under the umbrella of Reproductive Health and Rights Alliance (RHRA), convened a collaborative dialogue on advancing sexual and reproductive health and rights (SRHR).
2019 Highlights: Women Land and Property Rights

KELIN partners with the Family Division and the Attorney General to launch succession tools

On 26 February 2019, at the Milimani Law Courts in Nairobi, the Kenya Legal and Ethical Issues Network on HIV/AIDS (KELIN) in partnership with the Judiciary and the Attorney General’s Office launched information and education materials on succession aimed at simplifying the court processes and educating the public on how to access to their inheritance rights. Some of the guests and partners who attended the launch include the Hon. Lady Justice Lydia Achode (Principal Judge and the Chief Guest), Hon. Justice Aggrey Muchelule (Presiding Judge of the Family Division), representatives from the Judicial Service Commission, Office of the Attorney General, Law Society of Kenya, elders, chiefs, widow champions among others.

The event, which was aimed at sensitizing the public on the inheritance process, reached over 300 members of the public, who received the launched IEC materials and legal aid services. Over 1,500 copies of the developed materials were distributed to all the 150 court stations in Kenya to facilitate the dissemination of the simplified materials to all parts of the country.

“The backlog of cases has been reduced from 25,000 cases from 1980 to 8,500 cases by December 2018. In partnership with KELIN, we aim to bring access to justice closer to the people by demystifying the court processes on succession matters and availing the knowledge in a simple form,” remarked Hon. Justice Aggrey Muchelule, during the press conference.

“The partnership between KELIN and state workers symbolize how institutions can efficiently work together to increase engagement of the public with the justice systems for purposes of safeguarding their inheritance rights. KELIN will continue to strengthen institutions to ensure access to justice, especially for the marginalized and vulnerable is attained for all,” said Hon. Dr. Otiende Amolo, a member of the KELIN Board.

The team engaged the public at the Milimani Law Courts from the 27 to 28 February 2019 during the Family Division open week which focused on reducing the backlog of succession cases.
From 5–6 November 2019, KELIN participated in the Western Region Alternative Justice System (AJS) Conference. The meeting brought together stakeholders working on alternative forms of dispute resolution to validate the AJS policy document aimed at operationalizing Article 159(2)(c) of the Constitution of Kenya 2010. The participants include civil society organizations, Alternative Dispute Resolution Commissioners, chiefs, paralegals, community-based organizations and civil society organizations.

During the meeting, the Alternative Justice System task force shared the research process, the community engagement exercise and the legal background of the policy. The major outcome was geared towards ensuring the policy is inclusive, rights-based and seeks to ensure recognition of AJS decisions by the judiciary.

As a result of the meeting, KELIN developed an abstract paper themed “the civil society’s perspective on alternative justice systems” that was presented during the Strathmore University ADR conference held in Nairobi on 13th November 2019. The content was informed by the memorandum, signed by 30 partner civil society organizations and submitted to the AJS task force to guide the policy development process.

“We are looking forward to receiving a copy of the alternative justice systems policy to ensure advocacy is conducted on the content and communities are sensitized on the provisions as it aims to enhance access to justice for the vulnerable and marginalized,” remarked Ms Jessica Oluoch, the Senior Programme Officer, WLPR, at KELIN during the conference.
2019 Highlights: Key & Affected Populations

Fourth Regional Capacity Building Forum strengthens the capacity of stakeholders to engage with the Global Fund grant-making processes to advance human rights and gender.

For the last three years, the annual Regional Capacity Building Forum on HIV, TB, Human Rights and The Law for Law Enforcement Officers and Health Care Workers has provided a platform for health care workers and law enforcement officers from Botswana, Kenya, Malawi, Nigeria, Senegal, Seychelles, Tanzania, Uganda and Zambia to share their personal and professional experiences on removing legal barriers that affect key and vulnerable populations from accessing health services.

During the forum that was held from 27 – 28 August 2019, an in-depth analysis was carried out on the successes of the regional grant nationally, regionally and globally. Emerging issues such as the lack of mental health care training and inefficient in-country health care services, funding and documentation were intensely deliberated.

The purpose of the forum was to ensure that key national players were aware of the challenges facing the healthcare and law enforcement sectors concerning addressing gaps in HIV, TB, human rights and the law and be enlightened on the existing opportunities to tap into the Global Fund processes and resources.

Additionally, stakeholders were enlightened on the developments in the fields of HIV and TB as they relate to law enforcement officers and healthcare workers. They were also supported to develop a holistic and synergized approach to mitigate the impact that HIV and TB have on key populations in their respective countries.

Participants were urged to think about the big picture by linking it to the achievement of the 90:90:90 global targets in treating and ending HIV and TB by 2030. This is the first step in the right direction to safeguarding the rights of key populations and people affected by HIV and TB. This, however, must be accompanied by realistic objectives, accurate budgets and sustainable results.

To make their action plans practical, country representatives developed individual work plans to ensure human rights issues for key populations, law enforcement officers and healthcare workers are taken into consideration during the fundraising efforts. Action plans should be aligned to the critical interventions of the Global Fund country grant and subsequent implementation in respective countries in the next Global Fund cycle, geared towards scaling up access to healthcare services and meeting global targets to end AIDS and TB by 2030.

KELIN in collaboration with the United Nations Development Programme (UNDP Regional Office) look forward to supporting the stakeholders in strengthening the in-country mechanisms to enhance human-rights based approaches to access to healthcare for key populations, in line with the objectives of the Africa Regional Grant on HIV: Removing Legal Barriers, financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria.
2019 Highlights: HIV & TB

Civil society and community representatives from across Sub-Saharan Africa call upon ARIPO to implement public health sensitive TRIPS flexibilities in the Harare Protocol

Over 50 representatives from Civil Society Organizations and communities from across Sub-Saharan Africa convened from 23 to 24 October 2019 in Entebbe, Uganda to discuss the intersectionality in the implementation of public health sensitive TRIPS flexibilities concerning access to medicines.

The meeting was a collaborative effort by the Third World Network, Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), Centre for Health Human Rights and Development (CEHURD), the AIDDS and Rights Alliance for Southern Africa (ARASA) and Southern African Programme on Access to Medicine and Diagnostics (SAPAM), and with financial support from Aidsfonds. The meeting follows a 2018 regional consultative meeting held in Entebbe, Uganda on TRIPS and access to medicines, which called for meaningful civil society organization representation at the African Regional Intellectual Property Organization (ARIPO) level.

Sub-Saharan Africa suffers from multiple communicable and non-communicable (NCD) disease burdens aggravated by many other developmental challenges such as widespread poverty and the out-of-pocket health expenditure is way too high. Effective implementation of TRIPS Flexibilities provided in the Harare protocol will ensure access to adequate medicines at affordable prices. The Africa Region Intellectual Property Organization (ARIPO) Office administers the filing, examination and grant of pharmaceutical patents for the 18 Contracting States of the Harare Protocol, Kenya included. ARIPO’s rules and practices have a direct impact on whether the population in the region have access to affordable medicines and whether the ambition of a robust generic industry in the region will be realized. It has a crucial role in the implementation of TRIPS flexibilities and its impact on access to medicines; and

Creating awareness of public health sensitive TRIPS flexibilities and the impact on access to medicines;

Creating awareness about ARIPO’s operations, gaps in the implementation of TRIPS flexibilities and its impact on access to medicines; and

Strategizing on engagement at the national and regional level to fully exploit TRIPS flexibilities to promote access to medicines by integrating public health perspectives and safeguards into the Harare Protocol as well as ARIPO’s policies and practices.

The meeting hence focused on developing a roadmap of engagement with the ARIPO Secretariat, the Member States and all interested stakeholders. The meeting was informed by the following objectives:

- Creating awareness of public health sensitive TRIPS flexibilities and the impact on access to medicines;
- Creating awareness about ARIPO’s operations, gaps in the implementation of TRIPS flexibilities and its impact on access to medicines; and
- Strategizing on engagement at the national and regional level to fully exploit TRIPS flexibilities to promote access to medicines by integrating public health perspectives and safeguards into the Harare Protocol as well as ARIPO’s policies and practices.

At the end of the meeting, a clear roadmap was developed to engage ARIPO before and during the upcoming Administrative Council and Council of Ministers meeting that will be held from 18 – 24 November 2019 in Liberia.

KELIN will follow up on the advocacy activities agreed upon within the action plans and will continue to provide leadership in advocating for access to medicines in Kenya and at ARIPO level from a human rights perspective.

KELIN shares its experience on the impact of Legal Environmental Assessments in strengthening TB response in Kenya

On 20–21 May 2019 in Istanbul, the UNDP HIV and Health team convened a global stocktaking meeting that brought together UNDP colleagues from the five regional offices, partners and communities of people living with and affected by HIV and TB. KELIN was represented at this meeting by its Executive Director Mr Allan Maleche who shared their experience in carrying out the first ever TB legal environmental assessment in Kenya.

The meeting had three main objectives:

- To provide an opportunity for the UNDP and their partners’ teams to review eight years of experience in undertaking Legal Environmental Assessments across Africa, Arab states, Asia Pacific, Eastern Europe and Central Asia, and Latin America and Caribbean regions;
- Understand the impact of LEA’s in reducing inequalities and social exclusion that drive HIV and poor health and strengthening legal, policy and regulatory environment for HIV and health; and
- To agree on any necessary revisions to the LEA methodologies and a work plan for implementation.

During the meeting, it was revealed that UNDP had supported 25 countries to undertake LEA’s which have been useful in strengthening rights-based HIV responses. It equally had strengthened the work of partner agencies including The Global Fund to Fight AIDS, TB and Malaria, The Stop TB Partnership and PEPFAR. The methodology for undertaking HIV LEAs has since been used for TB and Tobacco control and are now being adapted for Hepatitis C and non-communicable diseases.

Key recommendations to UNDP from the meeting included:

- Commissioning an independent analysis of the LEAs undertaken so far and their contribution to enabling legal environments for rights-based responses;
- Revision of the LEA methodology guide and development of a methodology for joint HIV-TB-Hepatitis C LEAs;
- Strengthen the capacity of a wider range of regional consultants, including academic institutions to understand and support LEAs, including potentially an online training module on conducting LEAs; and
- Development of templates for LEA advocacy and policy briefs tailored to different stakeholders.

KELIN remains committed to partner with all stakeholders to ensure the LEAs contribute to the reduction of inequalities and social exclusion that drive HIV and poor health.
2019 Highlights: Strategic Litigation

Hearing of Petition 244 of 2019 formerly Machakos Petition 8 of 2017 on challenging the constitutionality of the provisions of FGM Act.

On 17 December 2019, the Initiative for Strategic Litigation in Africa (ISLA) and Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN) returned to court as joint amici curiae in the case in which Dr Tatu Kamau, the Petitioner, is challenging the constitutional validity of the Prohibition of Female Genital Mutilation Act (The Anti-FGM Act).

The case commenced on 24 October 2019 before the Constitutional Division of the High Court in Kenya. It was enrolled for 5 December 2019 but did not proceed after the case was removed from the court roll.


ISLA and KELIN sought admission as amici curiae in this matter as it relates to Kenya’s obligation to protect, prevent and respond to violence against women where Female Genital Mutilation (“FGM”) is the form of violence that is implicated.

Dr Kamau filed a petition seeking a declaration from the Court that the Anti-FGM Act is unconstitutional for being in violation of adult consenting women’s right to culture, health and equality. That the practice of FGM seems entrenched in certain communities in Kenya as a social norm is fundamentally the basis of Dr Kamau’s petition.

Her submission is that adult women from these communities who opt to partake in the practice and those who support the practice should not be subjected to the sanctions set out in the Anti-FGM Act.

The Court is asked to consider the rationale for regulating the practice of FGM through legislation and legislative sanctions within the context of a constitutional democracy with a supreme Bill of Rights.

There are proponents for and against the use of legislative sanctions to eliminate the practice of FGM.

However, the submissions that ISLA and KELIN have placed before the Court are aimed at demonstrating that in enacting the Anti-FGM Act, Kenya has acted in line with the International standards requiring it to enact gender sensitive legislation to prevent, protect against and respond to FGM.

Additionally, that Kenya has acted in line with the standards set out in the African Human Rights system and in the practice of comparative African states.

Finally, in considering the question of an individual’s consent to FGM, ISLA and KELIN will address the Court on why consent to FGM is immaterial to the obligation on Kenya to protect human rights and eliminate violence against women.
There are many troubling aspects of the judgment. Not least is the Court’s endorsement of the view that the dignity and rights of LGBT persons are secondary to religious and traditional morality. In reaching this decision, the Court strained to justify an irrational interpretation of the Constitution’s protection of the right to marriage between two persons of the opposite sex, to require the prohibition of sexual intimacy between persons of the same sex.

There are many inadequacies in the judgment, including the Court’s reasoning on why the criminal law does not violate the right to health; this is illustrative of the extent to which it misapplied legal principles to reach its conclusion.

One of the arguments made in support of the Petitioners’ case was that sections 162 and 165 of the Penal Code violated the constitutional right to the highest attainable standard of health. In support of this argument, the Petitioners gave evidence of their personal experiences. There was also extensive expert evidence provided, including testimony from Professor Chris Beyrer, the Desmond M. Tutu Professor of Public Health and Human Rights, Johns Hopkins Blomberg School of Public Health, US, and from Professor Anand Grover, the former United Nations Special Rapporteur on the right to health, and expert on HIV and law.

This evidence showed that criminal laws that punish same sex sexual acts drive LGBT persons and men who have sex with men (MSM) away from healthcare and HIV services for fear of being identified as gay, discriminated against, persecuted or prosecuted.

When people do access services, the reproachful attitudes of healthcare workers, reinforced and legitimised by the criminal law, leads to LGBT persons and MSM being treated with hostility and denied services. The existence of the criminal sanctions further inhibits healthcare, HIV-prevention services, and access to information and counselling particular to the needs of LGBT persons and MSM.

The evidence illustrated that the environment of stigma and discrimination is exacerbated and sustained by the law which contributes to MSM’s vulnerability to HIV, thereby compromising the country’s HIV response. The experts gave extensive references in support of their claims, from local studies, inter national consensus at the World Health Organization, UNAIDS, and the government’s own policy documents.

The Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), an interested party in the case, pointed the Court to the government’s HIV Response Progress Report, which indicates that HIV prevalence among MSM is 18.2% (the national average is 4.9%) and HIV service coverage for MSM is only 65%.

KELIN also pointed to the government’s AIDS Strategic Framework in which the Ministry of Health acknowledges the need to decriminalise same-sex consensual sex to stop violating the right to health. It demonstrated to the Court that the Ministry of Health has actively fundraised and received funds from the Global Fund to Fight AIDS, Tuberculosis and Malaria and the United States Presidents Emergency Plan for AIDS Relief (PEPFAR) to remove these legal barriers. The National AIDS & STI Control Programme (NASCOP) has an entire program dedicated to key populations including MSM, and in 2016 published a Training Manual that acknowledges violence against key populations hinders access to HIV services.

The Kenyan government’s own documents therefore show significantly disproportionate vulnerability to HIV for MSM and inadequate access to services. The link between these facts and the legal barriers in the Penal Code were demonstrated to the Court. This is not only a human rights violation for MSM and LGBT persons but a public health failure, sustained by the criminal law.

In response, the State denied these facts. The Court specifically requested the Ministry of Health to respond to its effective admissions in policy on the harmfulness of the law. The State failed to respond, leaving KELIN’s contentions unopposed.

The Kenya Christian Professional Forum filed affidavits in support of the State’s case, not from specialists with expertise on HIV or epidemiology, but from an obstetrician-gynaecologist and a psychiatrist. Their affidavits, the high watermark of evidence supporting the State, largely related moralistic opinions on the origins of homosexuality and a baseless claim that the disproportionate vulnerability of MSM and gay men to HIV is a justification to punish same-sex sexual practices. Read more via this link: http://bit.ly/2QCW4W7.
KELIN ventured into a new area of work in 2019, on the role of the law in promoting healthy diets. "Having spent a number of days with regulators, policy-makers, health professionals, lawyers and civil society representatives including academia working on combating non-communicable diseases, I am even more convinced that the law has a vital role to play in ensuring we have access to healthy diets and that the environment around us is conducive for physical activity. I have also arrived at the conclusion, drawing from my experience on working on matters HIV and rights, that one needs a multi-sectoral response if they are to achieve the objective of managing and preventing NCDs by ensuring everyone has access to healthy diets and effecting an increase of physical activity."

These were the reflections of Allan Maleche, KELIN’s Executive Director after he participated in a training that was organised by WHO in collaboration with International Development Law Organization (IDLO) and International Development Research Centre (IDRC) on legal issues in policy design and implementation on healthy diets and physical activity. The training was part of the Global Regulatory and Fiscal Capacity Building (RECAP) project to build capacity on law and non-communicable diseases with a focus on healthy diets and physical activity. The training sought to strengthen the capacity of participants to develop and defend policies, laws and regulations that support public health, by facilitating networking and information sharing. This included thought-provoking conversations on restrictions on the marketing of foods and non-alcoholic beverages to children, nutrition labelling, reformulation of food to reduce salt and transfat, fiscal policies and physical activity. The workshop brought together over 50 participants drawn from five countries including Kenya.

Moving forward, KELIN will continue to collaborate with the Ministry of Health, County Governments, WHO, IDLO, IDRC and all other relevant stakeholders in taking this three-year project forward at the country level.

On 18 October 2019, at the invitation of the Senate Ad Hoc Committee, KELIN together with Transparency International appeared before the Committee. By a motion adopted by the Senate on 19th September 2019, the Committee was established to investigate the Managed Medical Equipment Services (MES) and set out to establish a series of issues including the following:

- the involvement of counties in the prioritization of medical equipment according to their needs,
- details of the companies from which medical equipment was leased,
- viability of the leasing, and
- the costs incurred in the supply of equipment.

In line with our mandate of promoting health-related rights, and through a series of letters to the Ministry of Health, Council of Governors, and county governments, KELIN and other like-minded civil society organizations (Katiba Institute and Transparency International) has demanded access to information held by the state in this matter and has previously demanded transparent engagements on the leasing of medical equipment.

Ultimately, KELIN hopes that the Senate’s report will furnish sufficient evidence to enable civil societies to take legal action against the misuse and abuse of office evidenced in this matter.

Below are some links to key documents and videos to provide more information on the medical equipment scandal:

- KTN News story: [Leased Equipment Scam](18th October 2019)
- Ministry of Health Letter Response to Audit Report
- Daily Nation article: How officials manipulate IFMIS to steal public funds
- Matrix of reported malfeasance and corruption in Kenya’s health sector post-2013 (KELIN analysis)
- Senate Ad Hoc Committee letter inviting KELIN to appear before the committee on 18 October 2019.
Anticorruption, accountability and transparency are key in achieving Universal Health Coverage

“A wise man, Bill Savedoff, once said that the most effective way to mitigate corruption is to create a system in which it is easy for the honest person to do the right thing, and difficult for the dishonest person to do the wrong thing.” These were the concluding remarks of our Executive Director, Allan Maleche when he spoke at a side event during the United Nations High-Level Meeting (UNHLM) on Universal Health Care Coverage (UHC).

The event organised by the World Health Organisation, United Nations Development Program and Global Fund brought together a multi-sectoral panel discussion. The panel explored the impact of corruption on achieving Sustainable Development Goal (SDG) 3, ensuring healthy lives and promoting wellbeing for all, with a specific focus on SDG 3.8 on achieving universal health coverage (UHC).

The discussion considered how the ongoing establishment of an Anti-Corruption, Transparency and Accountability for Health Alliance (ACTA) can leverage its multi-stakeholder platform to foster coordination and collaboration, provide normative guidance to assist countries in developing strategies and partnerships to prevent health sector corruption, and contribute to interventions that strengthen the global pledge to leave no one behind. This is in consideration of the recently adopted political declaration on UHC.

Recent findings by Transparency International show that corruption in the health sector causes losses of over US$500 billion every year, more than it would cost to bring about worldwide universal health coverage.

It is therefore inevitable for KELIN to actively seek partnerships with stakeholders, to promote a culture of transparency and accountability that will aide the fight against corruption in the health sector.
Happy New Year 2020!

May the new year be blessed and bring you and your loved ones peace, love, good health, and happiness.

In case you missed out on any of our newsletters in 2019, access them via these links: January; February; March; April; May; June; July; August; September; October; and November.