

What rights do I have as a patient or user of health facilities?

i) Right to receive health services: I have the right to be provided with health services that are accessible, acceptable and of good quality.



ii) Right to reproductive health: I have a right to:

- Be informed about reproductive health services;
- Access reproductive health services including to safe, effective, affordable and acceptable family planning services;
- Access appropriate health-care services to go safely through pregnancy, childbirth, and the post-delivery period.
- Access to treatment by a trained health professional for condition occurring during pregnancy.



iii) Right to emergency medical treatment: I have the right to emergency medical treatment which means that in an emergency situation, every hospital, private or public, should ensure that:

- I receive pre- hospital care;
- My health status is stabilised; and
- The hospital arranges for referral in cases where they do not have facilities or capability to stabilise my health status.



iv) Right to health information. This means I have the right to:

- Be informed about my health status;
- Be informed about the treatment I am receiving;
- Be informed about the benefits, risks, costs and consequences of (each) treatment (option).
- Refuse recommended medical options (and information on the implications, risks, and legal consequences of such refusal).



(v) Right to informed consent:

I must give permission to be provided with health services.

(vi) Right to confidentiality:

Information relating to my health status or treatment at a health facility is confidential.

(viii) Right to dignity:

My dignity must be respected and protected as I receive health services.

(ix) Right to non-discrimination:

I have the right to access health services without being discriminated against based on any ground. For example, if I am gay, I should be provided with health services regardless of my sexual orientation.

(x) Children under five years have a right to free and compulsory vaccination.

(xi) The county and national government must provide free and compulsory maternity care.

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KNOW YOUR RIGHTS



DO I HAVE A RIGHT TO HEALTH? YES

Article 43(1) (a) of the Constitution guarantees every Kenyan the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.

What does this mean?

- The right to a system of health that provides equal opportunity for everyone to enjoy the highest attainable standard of health;
- That hospitals, clinics, medicines, and services by healthcare workers must be accessible, available, acceptable, and of good quality for everyone;
- Right to prevention, treatment and control of diseases;
- Right to access essential medicines;
- Right to maternal, child and reproductive health;
- Right to equal and timely access to basic health services;
- Right to health-related education and information; and
- Right to participate in health-related decision-making at the national and community levels.

Who ensures that I enjoy my right to health?

Under Article 21(1) of the Constitution, the government has the duty to observe, respect, protect, promote and fulfill rights and fundamental freedoms, including the right to health.

- The **duty to respect** means that the government must refrain from interfering with the enjoyment of the right to health.
- The **duty to protect** means that the government must take measures to prevent third parties from interfering with the enjoyment of the right to health.
- The **duty to promote** means that the government must actively aim to increase awareness and respect for the right to health.
- The **duty to fulfill** means that the government must adopt legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of the right to health.

Therefore, the government has the duty, among others to:

- Ensure provision of a health service package at all levels of the health care system;
- Develop policies, laws and other measures necessary to protect, promote, improve and maintain the health and well-being of every person;
- Ensure the prioritisation and adequate investment in research for health;
- Ensure the realisation of the health-related rights and interests of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities and members of particular ethnic, religious or cultural communities.

What health-related information should the government provide to me?

In order for me to enjoy my right to health, the national and county governments have the responsibility to provide the following:

- The types, availability and cost of health services
- The organisation of health services
- The working hours and timetables of visits to health facilities by healthcare workers
- Procedures for access to the health services
- Procedures for laying complaints
- The rights and duties of users and health care providers
- Management of environmental risk factors to safeguard public health

Adapted from the Health and Human Rights Resource Guide

Underlying determinants to the right to health

These are socio-economic factors that promote conditions in which people can lead a healthy life. They include but are not limited to:



Access to health-related education and information



Adequate supply of safe food



Access to housing



Adequate sanitation



Safe drinking water



Adequate nutrition



Healthy working and environmental conditions

Adapted from WHO (2009) A human rights-based approach to health. Geneva.

Essential elements of the right to health

All services, goods and facilities must be available, accessible, acceptable and of good quality.

Availability:

Functioning public health and health-care facilities, goods and services must be available in sufficient quantity. These facilities include:

- the underlying determinants of health including drinking water and sanitation facilities;
- hospitals, clinics or other health-related buildings;
- trained medical and professional personnel, and
- essential drugs.

Accessibility:

- **Non-discrimination:** health facilities, goods and services should be accessible to all, especially marginalized and vulnerable.
- **Physical accessibility:** health facilities, goods and services, medical services, and the underlying determinants of health should all be provided within safe physical reach for all sections of the population.
- **Economic accessibility (affordability):** health facilities, goods and services should be affordable for all.
- **Information accessibility:** information must be accessible and includes the right to seek, receive and impart information and ideas on health issues, while respecting the right to confidential personal health data.

Acceptability:

The facilities, goods and services should also respect medical ethics, and be gender-sensitive and culturally appropriate.

Quality

- The facilities, goods and services must be scientifically and medically appropriate and of good quality.
- There must be trained health professionals, scientifically approved unexpired drugs, hospital equipment, adequate sanitation and safe drinking water.

Adapted from the Health and Human Rights Resource Guide