



September 13, 2021

Nancy Gathungu
Auditor General
P.O. Box 30084-0100
Nairobi, Kenya

Dear Auditor General Gathungu,

We are writing on behalf of the Economic & Social Rights Centre-Hakijamii and the Center for Human Rights and Global Justice (CHRGJ) to request a response to the attached questions regarding the growing role of the private healthcare sector in Kenya.

Hakijamii is a leading national human rights organization that supports marginalized groups to claim their economic and socio-cultural rights. CHRGJ is a premier human rights center based at New York University School of Law in the United States. The Human Rights and Privatization Project at CHRGJ is focused on how the privatization of essential sectors and services affects the realization of human rights, particularly for low-income people. We will soon release a report on privatization of healthcare in Kenya. The report is based on extensive interviews and focus group discussions with community members, public and private healthcare workers, and community health volunteers living and working in informal settlements in Isiolo, Mombasa, and Nairobi; interviews with health and human rights experts, government officials, and other stakeholders; and a review of public documents, surveys, and laws related to health in Kenya.

Our research to date documents significant concerns about the growing role of the private sector in healthcare. These include high costs for individuals and the government, safety and quality concerns, and shortcomings with regard to public health priorities, accountability, and workplace conditions. People interviewed raised serious human rights concerns, reporting that they were denied and excluded from private facilities, received inadequate care from private providers, and were pushed into debt and economic hardship due to the high cost of private sector care. People in poverty, those with disabilities, rural residents, and women have raised particularly acute concerns.

We are writing to a number of government entities including the Ministry of Health, the National Treasury, the National Hospital Insurance Fund, and the Public Private Partnership Unit. To ensure that our report accurately reflects the Office of the Auditor General's position on these issues, we have attached an annex of questions to this letter. In order for us to reflect your responses in our upcoming report, we request that you respond to us by October 1, 2021; alternatively, we would be happy to discuss these questions and our report in a meeting at your convenience. We can be reached at rebecca.riddell@nyu.edu.

Thank you for your attention to this matter.

Philip Alston
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Annex: Questions for the Office of the Auditor General

Does the Office of the Auditor General have a response to the preliminary findings of our research?

Has the Office of the Auditor General conducted any recent audits of healthcare programs, public-private partnerships, or other initiatives involving the private sector? If so, can you share those findings?

Has the Office of the Auditor General begun a forensic audit of the Government's Managed Equipment Services arrangement, as recommended by the Senate ad hoc committee? If so, when will it conclude, and will the Office share the results publicly?

Has the Office of the Auditor General undertaken any value-for-money analyses of public support for private healthcare provision? If so, can you share those findings?