



September 13, 2021

Mr. Kenneth Mwigie
Director General, Vision 2030 Delivery Secretariat
Britam Center 7th floor, Upper Hill
P.O. Box 52301-00200
Nairobi, Kenya

Dear Director General Mwigie,

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, the Public Private Partnership Unit, and the Auditor General. To ensure that our report accurately reflects the position of the Vision 2030 Delivery Secretariat 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.

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Annex: Questions for the Vision 2030 Delivery Secretariat

Does the Vision 2030 Delivery Secretariat have a response to the preliminary findings of our research?

How does the Secretariat assess the Government's progress in achieving universal health coverage (UHC)?

What changes to policy and practice are anticipated in the next year that will enable achievement of UHC in 2022?

Support for the private sector

Government policy seeks to strengthen the role of the private sector in achieving UHC. What is the government's underlying rationale for promoting the private sector in health?

What steps is the government taking to ensure that the private sector develops in a way that aligns with public health goals, for example that it provides the full range of essential health services and offers affordable care?

The role of the NHIF in achieving UHC

The primary vehicle the government has selected to achieve UHC—the planned nationwide expansion of social insurance through the National Hospital Insurance Fund (NHIF)—increases the government's role as a purchaser of private healthcare services while diminishing its role as a direct service provider.

What assessments have been undertaken looking at how this approach will achieve UHC, for example how it will improve financial risk protection and access to quality essential healthcare services and medicines? Can you share these assessments?

What is the status of the National Hospital Insurance Fund (Amendment) Bill, 2021? Is the Government still seeking to achieve passage of the Bill and, if so, what is the anticipated timeline for passage?

We are aware of reports that the National Assembly Committee on Health has rejected the proposal in the Bill that NHIF membership be made mandatory. If the Government is still seeking to make membership mandatory, or has this proposal been dropped?