

## **MODEL NATIONAL HARM REDUCTION POLICY BRIEF 2023**

### **INTRODUCTION**

Voices of Community Action and Leadership (VOCAL Kenya) is a Leading East African Drug Policy Reform Organization working towards the promotion on evidence based drug policy which takes into consideration public health, human rights and global standards which prioritize communal health and wholesome wellbeing.

### **BACKGROUND (CURRENT SITUATION)**

Kenya has one of the most progressive constitutions in the World and has not established legislative framework to fully operationalized the right to the highest attainable form of health, right to privacy and right to be protected against discrimination. People with problematic drug use disorder are not accorded with fairness neither are these Rights fully realised under the current public health statutory, institutional and Policy Framework. Progressive democracies Like the United States<sup>1</sup>, Portugal<sup>2</sup> and Australia<sup>3</sup>, and most recently Ghana in Africa<sup>4</sup> have recognized Problematic drug use as a public health concern and incorporated Harm Reduction Policies as an effective way to win the war against problematic drug use. Kenya has a high population of Problematic drug users and inherently this creates not only the need to offer addiction recovery and counseling services but also Harm Reduction services to prevent and control infectious disease spread. Harm Reduction has been proven to be extremely effective in reducing morbidity and mortality in affected populations having been successfully applied in low- and middle-income country (LMIC) programs.

Psychoactive substance use and substance use disorders continue to be a major problem around the world taking a toll on global health and on social and economic functioning. Kenyan Population is largely made up of the growing youth population which is the most vulnerable to drug use disorders. The lack of a targeted and intentional approach to Harm reduction condemns the Youth already in problematic drug use to a life with few to no alternatives. Injecting drug behaviours are recognised as key facilitators of HIV transmission. Research conducted four years ago among people who inject drugs in Nairobi found that 18.3% of them were HIV positive. Of these, 16% of men were HIV positive and 44.5% of women were HIV positive. Women who inject drugs are therefore more than two times more likely to have HIV than men<sup>5</sup>. The absence of adequate and systematically collected data, research and intentional public awareness creation on the impact that Harm Reduction can have on

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<sup>1</sup> <https://www.networkforphl.org/resources/harm-reduction-laws-in-the-united-states/>

<sup>2</sup> <https://substanceabusepolicy.biomedcentral.com/articles/10.1186/s13011-021-00394-7>

<sup>3</sup> <https://nceta.flinders.edu.au/society/harm-minimisation>

<sup>4</sup> <https://idpc.net/blog/2020/04/parliament-of-ghana-passes-historic-new-drug-law-paving-the-way-for-a-west-african-approach>

<sup>5</sup> <https://theconversation.com/women-using-heroin-in-kenya-why-its-important-to-intervene-early-in-life-122470>

the community leaves the exposed youth to the wits of the families since there exists no institutionalized framework that would support social reintegration by way of addiction recovery. Kenya stands exposed to a bleak future since there exists no strategy to recover the communities exposed to problematic drug use and more so the inherent exposure to infectious diseases. The lack of a Harm Reduction framework denies the public health practitioners avenues for training and capacity strengthening on how to handle, treat and engage with persons with problematic drug use and inherently denying these communities access to the highest attainable standard of healthcare safeguarded under Article 43.

## **OBJECTIVES**

The objects of the Act are

- Entrench the provision of harm reduction services in the Public Health Framework in Kenya by providing for training, service provision and standards for Harm Reduction,
- To ensure access and provision of the highest attainable standard of healthcare to persons who use drugs including mental health services and psychosocial support for reintegration;
- Promote research and dissemination of information on the effects of problematic drug use, the health risks that may arise therefrom and available treatment and rehabilitation options.

## **Constitutional Background**

The guiding principles for performance shall rely on the national values and principles set out under **Article 10** as read together with Socioeconomic Rights under Article 43 and the objects of devolution specified under **Article 174** of the Constitution on service delivery specifically on the Provision of Public Health.

- Inclusive and equitable provision of harm reduction services achievable by standardization of care giver training and service provision;
- Co-ordinated public participation in the formulation, implementation and monitoring of policies, strategies and plans aimed at ensuring the delivery of effective harm reduction services;
- Transparent and accountable implementation of harm reduction programmes and activities aimed at ensuring the realisation of the right to health;
- Accessible and timely harm reduction services;
- Accessible reliable information on harm reduction services; and

- Monitoring and evaluation of the policies, strategies and programmes established to enable the realisation of the right to health and the suitability of interventions put in place to address any gaps in the delivery of harm reduction services

## **RECOMMENDATIONS**

Vocal, in collaboration with civil society organizations and the communities exposed to the problem of drugs and drug use call upon the Government of Kenya;

- To adopt a comprehensive policy and Legislation framework on harm reduction health services which shall ensure the development of standards for training, provision and access to Harm Reduction Services;
- To establish a model for resourcing, appropriation and management of funds for the provision of Harm Reduction Services and connected Purpose;
- To provide the necessary resources for research, data collection and analysis and publication so as to ensure the improvement of Training on provision of Harm Reduction Service;
- To safeguard the rights of persons with problematic drug use to access Harm Reduction services as of Right safeguarded under Article 43.

## **CONCLUSION**

Harm reduction plays a significant role in **preventing drug-related deaths and offering access to healthcare, social services, and treatment**. These services decrease overdose fatalities, acute life-threatening infections related to unsterile drug injection, and chronic diseases such as HIV/HCV.

**Harm reduction saves lives and prevents further unnecessary exposure that may lead to loss of life.**

The problematic use of substances can be traced to other life challenges, such as the experience of violence and trauma but the continued exposure to the challenges caused by problematic drug use is violence meted out on the victims by the state and by the community. Everyone deserves an opportunity to turn their life around and that is what this legislation offers.