

Health and Safety in Kenya: Public Health Ethical Issues and Considerations

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Abstract

Kenya is making efforts to be ethical in handling research involving human beings and laws have been enacted to that extent. There is still room for improvement by establishing the code of ethics for public health practitioners and developing an effective curriculum for training public health officers.

The Public health officers' professional body need to speed up the enactment of the code of ethics in order to hold the public health practitioners to account for their actions and also get protection for their well intended actions to promote good health and prevent disease.

The current ethical debate is the tetanus toxoid vaccine which is laced with HCG hormone at 1 in every four. The government has been ready to explain the reason for the presence of HCG in the vaccine.

Key Words: *Public Health, Ethics, National Legislation, NACOSTA, Tetanus toxoid, HCG*

Introduction

Public health is defined as “the art of preventing diseases, prolonging life and promoting health through the organized efforts and informed choices of the society , organizations, public and private communities. ” It has also been defined as” the science of protecting and improving the health of communities through education, promotion of healthy life styles and research for disease and injury prevention and detection and control of infectious diseases. ” (CDC,)

The main preoccupation of public health professionals is to try to prevent problems from happening or re-occurring. This is made possible through:

- Implementing educational programs
- Developing policies
- Administering services
- Regulating health systems and some health professions
- Conducting research

This is different from the approach of clinical professionals whose focus is treating individuals who fall sick or get injured in accidents.

In the furtherance of these responsibilities, the public health professional should not lose focus on the client i. e. the person or people in need of their services. These clients have rights as enshrined in the Kenyan constitution and other existing statutes.

Information Background

Prevention, Detection and Control of Infectious Diseases

Infectious diseases with high case fatality rates are among the reportable diseases and every country under WHO, is obliged to adopt the well guided strategies for the detection of such diseases. This is one of the key functions of Public Health.

To this effect (WHO, 2009) , came up with the international health regulations 2005 (IHR 2005) , which was designed to help protect all countries (states) from the spread of diseases. The scope of IHR 2005, focuses on all serious public health risks that may spread across international borders. The main purpose of IHR 2005 are to prevent, protect against, control, and provide a public health response to the international spread of diseases in ways that are commensurate with and restricted to public health risks and which avoid unnecessary interference with international traffic and trade”.

The IHR 2005 includes the rights and obligations for countries as concerns national and international surveillance, assessment. And public health response.

The IHR 2005 requires states to provide:

National legislations, regulations and other instruments to meet its requirements

Develop national public health capacities for surveillance and response throughout the country and capacities at specific international points of entry or departure. Coordination of public health communications and assessment across relevant ministries, departments and levels of government (national, regional, local) .

Control

The best options for the control of diseases is the interruption of transmission and behavior change using the best practices that are evidence based.

Health Promotion

Health promotion strategies are not specific to a given disease or health problem nor to a specific set of behaviors. They can be applied to a variety of population risk factors, diseases and in various settings. Putting health promotion and assessment efforts in education, community development, policy, legislation and regulations makes them valid for prevention of communicable and non communicable diseases.

Research

Research in health is needed for the progress towards universal health care coverage. This the most important concept public health is able to offer. In the process of developing systems for universal health coverage, countries can use research to determine the key health issues needed to be addressed by Kenya and any other country. The investment in health research is low in developing countries, but is growing at 5% every year. Through research, evidence based interventions can be reached at which goes a long way in preventing, controlling of diseases and providing better functioning health systems. 3 The different approaches to research are complimentary be it clinical trials which provide information on the efficacy and adverse effects of medical interventions or feedback from real world clinical experiences which are important for comparing and pretesting the use of drugs, vaccines, medical devices and diagnostics (NAS,)

Problem Statement

Ethics should be a major component of the Kenyan healthcare system. Ethics should be the most important contributor to the behavior of the public health professionals. Ethics should guide the application of processes even before laws are formulated. The laws in public health narrows the discretion of the health care provider. Ethics constrains the behavior of the provider to within the limits of the law (Fox et. al, 2007) and guidelines of their profession.

Kenya has had controversies as concerns vaccinations. The tetanus vaccine has been opposed by some churches in Kenya due to the presence of HCG hormone. The HCG is known to control subsequent pregnancies and as such is opposed. The government has not come out clear why the HCG is included with the tetanus toxoid. There has been rampant labour strikes by the health personnel due to the devolution of health care to the newly created constitutional counties (GOK, 2010) . This has created

undue suffering and even death to Kenyan population. The effectiveness of the public health department in the ministry of health is in question. This is because:

Inspection of foods and eating places is not effective leading to the consumption of uninspected meats
Clear guidelines in waste disposal are either not there or not adhered to with impunity

Failure to enforce traffic rules is causing injuries , disabilities and deaths

Literature Review

Public health programmes designed to promote health, prevent disease or injuries have always raised questions about the responsibilities:

The responsibility of individuals to live healthy lives

The government's role in creating an environment in which individuals are able to exercise their health related responsibility

The role of government in coercing or influencing health related behavior or developing education programmes

The use of incentives economic or otherwise to promote good health

The relative importance for society of pursuing good health, especially when the existing culture favour autonomy rather than government interventions

In these aspects of public health endeavors', there must be professional code of conduct and ethics binding members of the profession in whatever decisions they make to save life. This approach to use of human beings in public health research came into scrutiny during the Tuskegee syphilis investigations. The community did not know what was the real truth about the programme nor were they asked for consent (). Similar issues were raised during the Nuremberg trials (). This led to the 4 recommendations guiding physicians in biomedical research involving human subjects. This is known as the Declaration of Helsinki (1964) . The result was the international Code of Medical Ethics. (World Medical Organization (1996) .

In ethical analysis, there are several aspects of ethic including,

Professional ethics

Applied ethics

Advocacy ethics

Critical ethics

The public health society then must initiate the process to establish a code of ethics to confront ethical issues. This will confront scandals in the field of public health help establish moral credibility of public health profession Provide the profession with a moral compass and set forth its ideals.

In October 2005, UNESCO adopted the universal declaration on bioethics and Human rights and was expected that member states will incorporate it in their national laws, regulations or policies in order to take effect (UNESCO, 2007) .

Kenya and South Africa were chosen as field work destinations due to their significant involvement in genomics and bioethics.

The ethical considerations become more important as the prominence of public health improves. Health promotion and disease prevention programmes in the areas of disease and injury preventions depends on the responsibility of the individual to live healthy life and the government participation in creating the conducive environment for the people to exercise their health related responsibility (Callahan, 2002) . In Kenya, the ministry of health is engaged in health promotion programmes to improve the health status of Kenyans. This was established through the Kenya's first National Health Promotion Strategy and Guiding frameworks launched in February 2014. This sets the guidelines for health promotion in Kenya

There are still issues arising from the programme especially with vaccinations for polio and tetanus. There is the outcry why the tetanus toxoid vaccine is combined with HCG hormone which has negative effects on the fertility of women.

Risk reduction on the public poses some problems, the definition of risk is not very value neutral and as such is controversial. Questions that arise are the degree of risk acceptable by the community. In Kenya in the last one year there has been a number of bills passed through the parliament and the senate that relate to motor vehicle accidents. These include prohibition of night travels for public service vehicles and removal of carrier racks on top of these vehicles. The community has rejected the extent of these risk to injury protections and have to the law courts for redress. It shows that the community finds it too much of risk reduction to the extent that they are inconvenienced by the hike in cost of travelling. (Callahan, 2002) .

The most recent research involving human subjects was the resistance to AIDS Virus by a section of commercial workers in Majengo slums in Nairobi city. It was discovered that some of these women has some immunity to the AIDS virus hence scientists from University of London and Kenyan doctors teamed to study the phenomenon. It require consent from the subjects and this led to the establishment of the Bioethical board in Kenya run by the National commission for Science and technology. Through delegation the National commission for science and technology has delegated ethical approval of research to Universities and Research Institutions (NACOSTI, 2009) .

The public health practitioner involvement in reducing the socioeconomic disparities especially in occupational health and safety which is having negative impact on health status of communities. Many Kenyans working in various industries get involved in accidents through moving parts of machines they are handling or get poisoned especially those handling dangerous chemicals like in the flower farms. The level of training offered to them in terms of safety at work rests with public health officers. Such workers are protected through the Work Injury Act 2007 (GOK, 2007) .

There is need for the public health practitioner to be involved in all the aspects of ethics, Applied ethics where they adopt a more moral and social point of view, Advocacy ethics for the social goals and reforms that would enhance General health and well being of the community, Critical ethics to deal with distinctive issues and problems of public health (Weed, 1998)

Methodology

Research Design

This research adopted the literature review or secondary data analysis. It analyzed the extent to which Kenya conforms to the world standards in public health practice. This involved the analysis of existing laws, regulations and practices governing public health profession. Some data was obtained from key informants in the public health profession and those who may have participated in clinical trials.

Research Questions

To what extent has Kenya come up with laws, regulations and Code of ethics in Public health practice
How does Kenya government handle public health issues raised by the communities

Broad Objective

To establish if Kenya Government is compliant in the practice of public health

Specific Objectives

To analyze the laws and regulations controlling public health ethics
To analyze the public health code of practice
To Analyze Kenya's response to public health issues/occurrences

Data Analysis

The data is qualitative and as such qualitative methods of analysis has been used

Ethical Considerations

Informed consent was sought from the respondents by either verbal or written

Results and Discussion

Through the NACOSTA, Kenya has established Bioethical committees in various universities and research institutions. This takes care of the protection of the human subjects in bio researches. Hence all research in the country is documented since it is mandatory for the researcher to deposit both the proposal and the research findings with the organization. There is compliance with the Helsinki Declaration on human related/involvement in research (World Medical Organization, 1996) .

The ministry of health has a department of environmental health and sanitation that handles hygiene and health promotion and also injuries to human beings. They inspect food restaurants, Buildings and personal hygiene of food handlers according to the Public Health ACT (GOK, 2012) .

To date there no clear code of ethics for public health practitioners in Kenya. This leaves a lot to be desired since there is no common action among these group of professionals. Recently there was a move to adopt the American Code of ethics but this is still in process.

To some extent the cross training of medical doctors in Public Health is complication the development of the code of ethics.

The response of Kenyans to public health issues is mixed. The main area of contention is the polio vaccination and Tetanus toxoid vaccine. The older generation above 30 years of age received only one time vaccination for polio while the under five currently are receiving multiple vaccinations of polio yet no clear explanation is not coming forth from the government/Public health Practitioners. There are some religions in the country totally opposed to the polio campaign and the government has resorted to arrests and imprisonment. This shows lack of dialogues and forced public health activity and goes against established public health ethics.

The other issue involves the combined tetanus toxoid and HCG vaccine for pregnant women which is opposed by some medical practitioners and churches yet there is no clear explanation to the community.

This is an indication of lack of transparency in Public health actions.

Lastly but not the least is the frequent strikes by health workers due to the devolution process. There is resistance by some health workers to join the devolved governments and also agitation for higher pay . All these lead to suffering of the sick who go un attended to for days and in some cases leading to death.

Conclusion and Recommendations

Kenya is making efforts to be ethical in handling research involving human beings and laws have been enacted to that extent. There is still room for improvement by establishing the code of ethics for public health practitioners and developing an effective curriculum for training public health officers.

The Public health officers' professional body need to speed up the enactment of the code of ethics in order to hold the public health practitioners to account for their actions and also get protection for their well intended actions to promote good health and prevent disease.

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