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Court orders continued blood transfusion for 3-year-old boy against mother's wish

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THE Lusaka High Court has ordered that a three-year-old boy suffering from sickle cell anaemia continues to receive blood at UTH against his mother's religious belief and opposition to the procedure.

This was in a matter where Monze Muyeka, the father to the minor, sued Miniva Nakamba, a Jehovah's Witness, seeking a court order to compel her to allow the child to receive blood to save his life.

Muyeka also sought other reliefs the court might deem fit and that costs occasioned and incidental to the application be in the cause.

He had stated in his affidavit that he was the biological father of the minor and that he was suing on behalf of his child born on February 19, 2012.

At the time of the commencement of the matter, the child had fallen ill and was admitted to UTH and the doctors had advised that it be given blood from the blood bank in order to save his life.

Before blood transfusion could be conducted, both parents were required to agree and give consent, but Nakamba refused to allow the doctors to administer treatment through blood transfusion.

Muyeka further submitted that Nakamba's refusal was unreasonable and vexatious, hence seeking an order to be granted to compel her to allow blood transfusion on their child.

However, Nakamba submitted that she firmly believed in the Bible's injunction against blood transfusion and that she looked at it as a violation of God's law and therefore could not allow the blood of another creature into their bodies.

But in her judgment of November 20, High Court judge Mungeni Mulenga said she had considered both arguments and ordered that the interim order of June 23, 2015 was now made interlocutory.

□ Meaning that the medical personnel will continue conducting blood transfusion on the minor as and when need arises without the consent of the respondent [Nakamba] as it is in the best interest of the minor to do so, □ ordered judge Mulenga.