

CENTER FOR HEALTH, HUMAN RIGHTS & DEVELOPMENT



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PRESS BRIEF

For Immediate release

Kampala – Uganda, Today Civil society in Uganda is celebrating a landmark decision in which the right to health was declared justiciable in Uganda by the High Court.

The High Court decision arose out of a case filed by the Center for Health, Human Rights and Development (CEHURD), Mugerwa David and his children against Nakaseke District Local Administration following the preventable maternal death of Irene Nanteza in Nakaseke Hospital on the 5th of May, 2012. On that fateful day, Nanteza was taken to Nakaseke hospital by her spouse, Mugerwa David to deliver her baby. While at the hospital, a nurse detected that the deceased suffered an obstructed labour that required urgent intervention by a doctor. The doctor on duty only arrived at the hospital after over eight hours when it was already too late for any medical intervention to reverse the haemorrhage that had arisen due to a ruptured uterus.

The judge held Nakaseke District vicariously liable for the acts of the doctor and administrator who failed to ensure the provision of emergency obstetric care urgently required by deceased. He further noted that the deceased did not receive the care and protection she was entitled to under the Constitution as a result of a flagrant act of neglect from the doctor on duty. The deceased's children and her spouse were similarly denied the care and companionship of their mother and wife respectively. The court emphasised that the deceased's right to basic medical care, human and maternal rights were violated. Thirty Five Million Ugandan Shillings (Ug. Shs. 35,000,000) was awarded as general damages to the spouse and children of the deceased for violation of the deceased's rights, as well as those of her spouse and children.

Mr. Mulumba Moses the Executive Director of CEHURD noted that *“This judgement is particularly important because it holds the government accountable for its failure to protect, respect and fulfil human rights as provided for under the 1995 Constitution of the Republic of Uganda and international and regional human rights instruments. A court declaration on*

emergency obstetric care as a right for women guaranteed in Article 33(3) of the constitution is a step towards the realization of the right to health in Uganda.”

On the 15th of December 2011, Parliament passed a resolution that the government would implement its commitment of allocating 15% of the total budget to the health sector as per the Abuja Declaration and address critical shortages of health service providers.

This judgment has come at an opportune time when government is considering next budget allocations for the 2015/2016 financial year. Over the past five (5) years, Uganda has shown no increment in the budget allocations to the health sector remaining in the range of 7% - 8% over the past five years.

This is retrogression in the realization of the right to health. Inadequate funding of the health sector has resulted in limited access to health care by Ugandans and has continued to de-motivate health care professionals as they find no hope even in the coming budget projections. All this is despite the fact that Uganda is experiencing an influx in maternal mortality from 435:100,000 to 438:100,000 live births.

These maternal mortality rates have been associated with a number of factors including, but not limited to, the absence of emergency obstetric care which is required to save life and health. The right to emergency obstetric care is recognized in a number of international and regional human rights instruments of which the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and General Recommendation 24 of the Committee on Elimination of all Forms of Discrimination Against Women are of major importance.

We commend the judiciary for standing up for the rights of women but now call upon the Parliament and the Executive to stand up and act urgently to protect the rights of mothers in Uganda.

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