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(Kampala – Uganda) Today the undersigned coalition of civil society groups hailed a landmark ruling by the Supreme Court on preventable maternal mortality as a decisive victory for access to justice and health rights for women in Uganda. The ruling struck down a judgment in 2012 by Constitutional Court that it had no mandate to hear a case regarding the alleged violation of health rights and the rights of women. “Uganda is facing an epidemic of preventable deaths of pregnant women,” said Ms. Primah Kwagala. “With today’s ruling, the Judiciary has agreed that it should no longer turn a blind eye to the health rights violations women face. We are taking a step closer to health justice.”

The case had been filed by families of two pregnant women who died in childbirth and the Center for Health Human Rights and Development (CEHURD) against the Attorney General in 2011 (Constitutional Petition No. 16 of 2011), arguing that non-provision of maternal health services in Uganda violated the Constitution. The Attorney General argued on preliminary objection that issues relating to health rights were “political questions”—matter that the Judiciary had no authority to address. Constitutional Court agreed with the State’s objection and dismissed the case. Today’s ruling struck down the Constitutional Court’s judgment, and means the original case can now be heard on its merits.

In appealing the Constitutional Court ruling, the family members, Prof. Ben Twinomugisha and CEHURD argued before the Supreme Court that the failure to provide the basic maternal health services to pregnant women in Uganda was a human rights issue that the Constitutional Court had the mandate to hear, citing Article 137 (3) of the Constitution, which states that Constitutional Court has the mandate to determine whether any act, law or policy of the government is in violation of any provision of the Constitution.

According to the activists, the Supreme Court decision alters the course of jurisprudence on the right to health in Uganda. The judgment gives women an opportunity to access justice when suffering from lack of access to basic maternal health services.

“The judiciary has shown that it is awake to the life and death struggle pregnant women confront when they deliver,” said Mr Mulumba Moses, Executive Director of CEHURD.

“We know that this judgment will not completely turn around the quality of maternal health services in Uganda but we are very confident that this decision represents real progress in the fight to ensure that no pregnant woman in Uganda dies while giving life,” Ms. Nakibuuka Noor of CEHURD notes.

The undersigned coalition of civil society groups today congratulates the Judiciary of Uganda upon standing up for the rights of women in Uganda. This is a landmark decision that makes opportunities for access to justice for victims of health rights violations in Uganda limitless. Civil society called on government to increase funding for priority areas of the health sector such as the health workforce, and for all candidates in the 2016 general elections to prioritize health service delivery in their campaign platforms and pledges.

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