

FOR IMMEDIATE RELEASE

Kampala – Uganda. It is a dark day in Kampala today. The High Court of Uganda has regrettably declared the practice of torturing mental health patients for hours in Secluded rooms at Butabika National referral hospital a legal practice.

In a case filed in 2015 by The Center for Health, Human Rights and Development (CEHURD) and Mr. Kabale Benon against the Attorney General of the Government of the Republic of Uganda, the plaintiffs argued that the practice of seclusion of patients with mental Impairments at Butabika National Mental Referral Hospital is in violation of the right to health, the right to freedom from torture, the right to be free from cruel, degrading and inhuman treatment. In addition, it breaches the right to liberty, the right to a clean and healthy environment contrary to Articles 23, 24, 31, 44 (1) and 45 of the Constitution of the Republic of Uganda and Section 3 of the Prevention and Prohibition of Torture Act, 2012.

The case is premised on the continued violation of human rights by the staff and the administration of Butabika Hospital. We are specifically challenging actions of locking up and undressing anaesthetised patients in 2 square meter seclusion rooms which have no toilet, no beddings, and are poorly ventilated for periods of over 8 hours without any supervision. These patients urinate and defecate in these rooms and then endure living in the room with such excreta.

Prior to being put in these rooms patients are undressed and have to endure the cold cement the whole time while stark naked regardless of the weather conditions. There are no beddings and the patients have to lie on the concrete during the period in which they are detained under seclusion.

“It is unfortunate that the presiding Judicial officer commended Butabika Hospital for violating rights of patients in seclusion rooms instead of safeguarding rights and dignity of persons with mental impairment. For the right to health to be fully realised, health services ought to be Available, Accessible, Acceptable and of Quality. The way Butabika handled Mr. Kabale Benon was unacceptable. His right to health was clearly violated. No Ugandan should be handled with such indignity - Says Ms. Primah Kwagala, Program Manager, Strategic Litigation at CEHURD.”

Ann Campbell, Litigation Director of the Validity Foundation said: “This has been a missed opportunity for the Ugandan judiciary to take a firm stand against abuses faced by persons with mental health issues in psychiatry. Seclusion is restrictive and

cannot be regarded as ‘treatment’. Dignity must be at the heart of all mental health services.”

CEHURD and Mr. Kabale are appealing the retrogressive decision. We emphasize that persons with mental impairment are human beings who are entitled to enjoyment of human rights on equal footing like other Ugandans. They deserve to be respected and protected against draconian inhuman and degrading practices. To this end, we urge Government to treat mental health patients with dignity whilst in their care.

We want to thank our partners, The Validity Foundation (formerly the Mental Disability Advocacy Centre), an international organisation specialising in human rights litigation on behalf of persons with mental health issues, that is providing support for the case.

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