

STOP HOSPITAL DETENTION OF WOMEN SEEKING MATERNAL HEALTH SERVICES, CIVIL SOCIETY PETITIONS COURT

PRESS STATEMENT FOR IMMEDIATE RELEASE

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Today, the Initiative for Social and Economic Rights (ISER) together with community members filed a case in the High Court Mukono District, challenging detention of mothers in private health facilities who fail to clear hospital bills. In the civil suit, ISER together with the plaintiffs are holding the hospitals, the Attorney General, and respective Local Governments accountable for the violation of constitutional and international human rights. The plaintiffs want government to provide alternative public maternal healthcare services for mothers who are currently forced to use costly private health facilities and for the hospitals to desist from the practice of detaining mothers.

“This practice undermines women’s rights, the right to dignity, the right to be free from inhuman and degrading treatment”. The government has the duty to protect women and their rights, taking into account their unique status and natural maternal functions in society. *“The Constitution is clear about gazetted places of detention. A hospital is not one of them. The law provides other ways for these facilities to recover their money,”* noted Elizabeth Atori, ISER’s legal officer.

“I am a prisoner here. I am not allowed to go past the entrance gate. If I need anything from outside, I must send the security guard,” noted Chandiru who the ISER team found detained at St. Francis Mission Hospital, Buikwe. She had been detained for three months post-delivery of her child. In Nkokonjeru town council, where she is based, the nearest public health facility is a health centre II and doesn’t offer child delivery services. She had no resort but to go to St. Francis Mission Hospital.

Recounting her experience, a minor who was recently released from St. Francis Mission Hospital in Buikwe after ISER’s intervention noted, *“I had no way of raising this money since I was detained and not allowed to leave the hospital premises. I had no money for food and the hospital didn’t provide me with anything. I survived on handouts”*

Hospital detention further pushes the victims and their families into poverty as one mother trying to get her daughter out of detention for failure to clear the bill recounts.

“Akello’s medical care at Ongino Hospital left me high and dry. Presently, I live with lots of fear and receive threats of imprisonment due to unpaid loans from my village saving SACCO. I have had to flee my village and I presently reside with my mother.”

Hospital detention stems from the persistent chronic under investment in public health services and government's failure to regulate the private sector providing health services. It harms patients and risks undermining Uganda's progress on universal health coverage, particularly for vulnerable women. The poor, especially women bear the brunt of the health inequity.

"We can't forget that healthcare is a right. A number of these cases of detention are at Public Private Partnership (PPP) health facilities that receive government funding to provide health services in underserved areas. Yet they still detain patients. A woman whose baby is on the way is rushed to your facility and after delivery you detain her for months."
Labila Sumayah, ISER's Program Officer, Right to Health

In the financial year 2020/21, the Government of Uganda approved grants to the tune of UGX 174,409,049 to Kumi Hospital, Ongino and UGX 130,647,127 to Nkokonjeru Hospital alone under a public private partnership arrangement. Both these hospitals listed in the lawsuit continue to detain patients for failure to pay including women seeking maternal health services.

The practice of patient detention has become systemic and widespread, which is why we have been forced to resort to court action. *"Community advocates in the different districts where ISER works keep raising this concern"* said Elizabeth Atori, ISER's Legal Officer.

Urging government to swiftly act, civil society advocates note that fear of detention may forestall the seeking of medical care in health facilities, particularly if the woman experienced it during her prior pregnancy. They want court to declare that patient detention is unlawful, illegal, and discriminatory. They also want court to order government to avail alternative free public maternal health services in all communities and ensure that no mother is detained.

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