

**Joint Statement by ISER & Center for Reproductive Rights: Advocating for Respectful
Maternal Healthcare in Uganda**

The Center for Reproductive Rights (the Center) and the Initiative for Social and Economic Rights (ISER) welcome the ruling of the High Court of Uganda granting our application to join an ongoing case as Amicus Curiae (Friend of the Court) to provide technical legal expertise in Miscellaneous Cause of 126 of 2023 where Alinda Khyrst (suing through next friend Alinda Bridgers Mugenyi) and Atudirinda Saloome sued Roswell Women and Children Hospital Ltd.

In the case, a young mother, together with her newly born baby were detained by Rosewell hospital, owned and operated by medical hub Kampala, a fully owned subsidiary of Citadel Holdings, for failure to pay the hospital bill. The baby was separated from the mother and the mother was denied access to her newly born baby including to breastfeed. This is despite the husband's efforts to commit to paying the hospital bills, and in fact paying some of it.

“Our intervention in this case elaborates on Uganda's domestic and international obligations and commitments to prevent patient detention, as well as the government's role in regulating private hospitals,” noted Labila Musoke, program officer, right to health program, ISER. “We offer additional expertise to assist the court in its determination. We hope this Court will still make a decision to safeguard human rights in its ruling and urge the Uganda government to take swift measures to curb this unlawful practice.”

“The detention of women and newborns in hospital settings due to inability to pay medical fees perpetuates obstetric violence and triggers a number of maternal and reproductive health rights from a regional and international perspective. This case will contribute to the existing maternal health jurisprudence in Uganda, particularly regarding the detention of women and newborns in healthcare facilities due to unpaid medical bills.” Salima Namusoby, Vice President for, Africa, Centre for Reproductive Rights.

In 2021, [ISER](#) filed another maternal health case of two young women challenging the detention of women and girls in health facilities for inability to pay hospital bills post childbirth. This practice

violates Uganda's constitution and international human rights law, specifically violating the rights to health, dignity, protection from inhuman treatment, and freedom of liberty. As documented in ISER's report, [When Patient Become Prisoner: Detention in Health Facilities in Uganda](#), patient detention is increasingly prevalent due to government's failure to regulate private health providers and government's underinvestment in public health facilities.

In both maternal health cases, the petitioners outlined that the detention of patients amounts to torture, cruel, inhumane and degrading treatment and is in utter violation of their rights under the Constitution of Uganda including but not limited to the right to life, the right to liberty and security of a person, the right not to be subjected to cruel, inhuman, or degrading treatment, right to dignity, right to privacy and family, the right to equality and the right to non-discrimination.

As human rights organizations, we are committed to advancing and promoting equitable access to high-quality maternal healthcare and advocating for laws preventing maternal health violations based on the availability, accessibility, acceptability, quality (AAAQ) framework. We will continue to work with different partners to ensure that healthcare systems are held accountable for respecting the human rights of all individuals, regardless of their socioeconomic status.

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