

Trapped in hospital debt:

Maternal health violations in Uganda



RESOURCES

- > <https://www.monitor.co.ug/uganda/news/national/baby-detained-by-hospital-over-shs4m-bill-reunited-with-family-after-dna-4377274>.
- > <https://www.independent.co.ug/when-hospitals-become-prisons/>
- > <https://www.theguardian.com/global-development/2023/aug/22/hospital-detentions-for-new-mothers-challenged-in-ugandan-court>



CASE BACKGROUND

In 2021, the *Initiative for Social and Economic Rights (ISER)* and two young women filed a case 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. Patient detention stems from long-standing underinvestment in public healthcare services and the government's failure to effectively regulate the private healthcare providers.

In ISER's report, *'When Patient Becomes Prisoner: Detention in Health Facilities in Uganda'*, it was revealed that in the fiscal year 2020/21, the Uganda government allocated UGX 174,409,049 to Kumi Hospital, Ongino, and UGX 130,647,127 to Nkokonjeru Hospital.

Despite receiving substantial grants under a public-private partnership arrangement, these hospitals continue to detain patients over unpaid bills.

In this case, hospitals within the public-private partnership arrangement with the government have been reported to detain women and girls for inability to pay hospital bills.

MATERNAL DETENTIONS

A Human Rights Violation

Detaining women after childbirth for unpaid medical bills is a widespread practice in developing countries, but it's a violation of human rights.

This case asks the court to:

- Declare that the Government of Uganda has the obligation to safeguard the rights of women and girls seeking maternal healthcare including prohibiting and preventing unauthorized detention post childbirth for inability to pay hospital bills.
- Call upon the government to develop policies protecting women in private health facilities. Additionally, ensure the provision of free maternal health care alternatives in areas without public facilities or cover hospital bills for women in private facilities where no public options exist.

Maternal detention strips Women of their Right to Freedom, Dignity, and Healthcare.

For more information, please contact:

- > Initiative for Social and Economic Rights (ISER)
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- > Centre for Reproductive Rights (CRR)
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- Call upon the government to put an end to patient detention for inability to pay bills and issue a permanent injunction against the detention of women and girls due to unpaid hospital bills.
- Call upon the government to monitor and ensure maternal health rights are upheld.
- Award general damages of UGX 60,000,000 to the young women in the case for illegal detention and rights violations.

Importance of the case

- This case sheds light on the systemic issues within Uganda's maternal healthcare system, particularly the inadequate financing of the public health system. This inadequacy leads to inefficiency and poor service delivery, disproportionately affecting poor women and girls.

Due to the lack of functional public health options, many are forced to seek care at private facilities despite their inability to pay the associated costs.

This financial burden often results in detention of these women and girls post childbirth for inability to pay medical bills.

- The case highlights intersecting violations of women's rights, including the right to health, liberty and freedom from non-discrimination among others. It emphasizes the urgent need for legal and policy reforms to ensure that private actors involved in provision of health care services comply with established national and international human rights standards that promote equitable access to maternal healthcare services in Uganda.
- A positive outcome will ensure that the court upholds the rights of women and girls in the context of maternal healthcare and holds the government to account in provision of quality maternal healthcare in both Rural and urban settings.