

**THE REPUBLIC OF UGANDA**  
**IN THE CONSTITUTIONAL COURT OF UGANDA**  
**CONSTITUTIONAL PETITION NO. 16 OF 2011**

[Coram: Hon. Justice Alfonse Owiny Dollo, DCJ, Hon. Mr. Justice Kenneth Kakuru JCC, Hon. Mr. Justice F.M.S Egonda Ntende JCC, Hon. Mr. Justice Barishaki Cheborion JCC and Hon. Mr. Justice Christopher Madrama JJCC]

1. CENTER FOR HEALTH, HUMAN RIGHTS AND DEVELOPMENT (CEHURD)
2. PROF. BEN TWINOMUGISHA
3. RHODA KUKIRIZA
4. INZIKU VALENTE.....PETITIONERS

**VERSUS**

**ATTORNEY GENERAL.....RESPONDENT**

**DECREE**

This Constitutional Petition coming up for Judgment this 19<sup>th</sup> day of August, 2020 in the presence of Mr. Peter Mukidi Walubiri, Mr. Ibrahim Nsereko, Ms. Rose Wakikona, Counsel for the Petitioners and Ms. Patricia Mutesi, Principal State Attorney, Counsel for the Respondent, **IT IS HEREBY ORDERED** that: -

1. The Government's omission to adequately provide basic maternal health care services in public health facilities violates the right to health and is inconsistent with and in contravention of Articles 8A, 39 and 45 read together with objectives XIV and XX of the National Objectives and Directive Principles of State Policy of the Constitution.
2. The Government's omission to adequately provide basic maternal health care services in public health facilities violates the right to life and is inconsistent with and in contravention of Article 22 of the Constitution.
3. The Government's omission to adequately provide basic maternal health care services in public health facilities violates the rights of women and is inconsistent with and in contravention of Articles 33(1), (2) and (3) of the Constitution.
4. The Government's omission to adequately provide emergency obstetric care in public health facilities violates the right to health, life and rights of women and is inconsistent with and in contravention of Article 8A, 22, 33(1), (2) and (3), 45, 287 read together with Objectives XIV and XX of the Constitution.
5. The Government's omission to adequately provide emergency obstetric care in public health facilities which results into obstetric injury subjects women to inhuman and degrading treatment and is inconsistent with and in contravention of Articles 24 and 44(a) of the Constitution.

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DATE..... 16/08/2020

6. In order to meet the constitutional obligation of the State to uphold the rights of women and fulfil their reproductive rights, the Government should in the next financial year prioritize and provide sufficient funds in the national budget for maternal health care.
7. The Government of Uganda through the Minister responsible for Health is directed to ensure that all the staff who provide maternal health care services in Uganda are fully trained and all health centers are equipped within the next two financial years (2020/2021 and 2021/2022).
8. In order to maintain a consistent and deliberate effort to improve the status of maternal health care in Uganda, the Government of Uganda through the Minister responsible for Health is directed to compile and submit to Parliament with a copy to this Court of a full audit report on the status of maternal health in Uganda at the end of each of the next two financial years (2020/2021 and 2021/2022).
9. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents are awarded UGX 70,000,000/= each as general damages for the psychological torture, violation of the rights to life, health and cruel and degrading treatment of their loved ones.
10. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents are each awarded as exemplary damages Shs. 85,000,000 for the loss suffered as a result of acts and omissions of the medical personnel at Mityana Hospital and Arua Regional Referral Hospital.
11. The Attorney General is directed to submit a report at the end of the financial year 2020/2021 showing progress and implementation of the orders in (8) above.
12. Each party will bear its costs.

DATED at Wakiso this.....<sup>18<sup>th</sup></sup>..... day of.....September..... 2020

We approve:

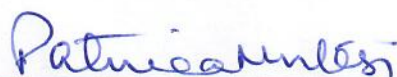


**Kwesigabo, Bamwine and  
Walubiri Advocates**

**(COUNSEL FOR THE PETITIONERS)**



**Dalumba Advocates**



**The Attorney General's Chambers  
(COUNSEL FOR THE RESPONDENT)**

EXTRACTED on the.....<sup>8<sup>th</sup></sup>.....day of.....<sup>oct</sup>..... 2020

  
REGISTRAR

**JOINTLY EXTRACTED BY:**

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