

The Medical Legal Issues Surrounding COVID-19 Pandemic **in Uganda**

I have addressed my mind to the presidential directives and Ministry of Health guidelines associated with the COVID-19 pandemic that has taken the world by storm.

COVID-19 is the short form of Corona Virus Disease 2019 that was first diagnosed in the Chinese town Wuhan in December 2019. The virus has since spread worldwide as of now with 349,095 cases registered, 15296 deaths and 100,330 people that have recovered from the virus, 233,461 people still battling out the virus.

Uganda has so far tested and confirmed one person to have the virus, quite over 1000 are in mandatory institutional quarantine and over 100 are in self-isolation.

On the 1st, 21st and 22nd of March 2020, the president of Uganda issued several directives and guidelines regarding the COVID-19 pandemic that include but not limited to mandatory institutional quarantine for travels from category one countries.

Category one countries, are countries that have registered high infections of over 100 cases, despite the category one list continuously changing with time China, Italy, South Korea, Germany, France and the UK have been continuously on the list.

Quarantine is extremely restrictive, desperate times call for desperate measures and this is a difficult time and people have come to terms with the new norm quarantine (Lockdown).

Some people worldwide have come up to intimate that isn't this a violation of individual rights, it is my submission that the balance between individual rights and public safety is always an ever changing equation.

In light of the Ugandan regulation where the president issued directives to effect mandatory institutional quarantine and self-isolation contrarily to article 23 of the constitution that provides that no person shall be deprived of personal liberty, some other people have also said that quarantining Ugandans is a violation of their human dignity, treatment, this is a non derogable right.

Furthermore to note is exception provided under article 23(d) where personal liberty can be deprived for the purpose of preventing the spread of an infectious or contagious disease.

On the 11th day of March 2020, WHO declared that on outbreak of the viral disease COVID-19 had reached the level of a global pandemic and called on governments to take urgent and aggressive actions to stop the spread of the virus.

International Human Rights law guarantee everyone the right to the highest attainable standard of health and obligates governments to take steps to prevent threats to public health and provide medical care to those who may need it.

The international human rights law also recognizes that the context of serious public health threats and public emergencies threatening the life of the nation, restriction when it has a legal basis.

The state and severity of COVID-19 pandemic clearly rises to the level of a public health threat that could justify restrictions on certain rights, such as those that resist imposition of quarantine or isolation limiting freedom of movement.

Article 12 of the international covenant on economic, social and cultural rights (ICESCR) WHICH Uganda has ratified to, provide that everyone has the right to the highest attainable standard of physical and mental health and government is obligated to take effective steps for prevention, treatment and control of epidemic and other diseases.

The Siracusa principles adopted by UN Economic and social council and UN Human Rights Committee in 1984 on states of emergency and freedom of movement provide guidance on government responses that restrict human rights for reasons of public health or national emergency. Any measure taken to protect the population that limits people's rights and freedoms must be lawful, necessary and proportionate any curtailment of rights needs to take into consideration the disproportionate impact on specific populations.

The Siracusa principle, strictly that restriction showed be minimum and should be carried out in the accordance with the law and respectful of human dignity among others.



By Aruho Amon Kategaya

Dentist/Advocate High Court of Uganda

**PHD Candidate Medical Law- University
of Kwazulu Natal Durban (UKZN)**

Medical –Legal Advocate

**Enforcement of Patients and Health
Workers’ Rights Uganda
(www.ephwor.org)**

**Email: info@ephwor.org
[/info.ephwor@gmail.com](mailto:info.ephwor@gmail.com)**

**Member Patients’ Rights Voice
Network (PAVON)**