



**GUIDING QUESTIONS FOR THE NORMATIVE
FRAMEWORK OF THE ISSUES EXAMINED AT THE IX
SESSION OF THE OPEN-ENDED WORKING GROUP
ON AGEING**

JANUARY 2019

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EXAMINED AT THE IX SESSION OF THE OPEN ENDED WORKING GROUP ON
AGEING: Long term and Palliative Care**

National legal framework

1. What are the legal provisions in your country that recognizes the right to long-term and palliative care? Do they have a constitutional, legislative or executive foundation?

The right to long term and palliative care is not explicitly provided for in Uganda's legal provisions.

General Objective XIV(b) of the Constitution, The Uganda Health Sector Development Plan 2015/16-2019/20 and the National Health Policy II 2010.

Normative elements

2. What are the key normative elements of the rights to long term and palliative care? Please provide references to existing laws and standards where applicable.
 - i) Consent of the patient or those to whom the responsibility is delegated is necessary before any treatment is given or withdrawn.
 - ii) Through the Ministry of Health, the Government of Uganda has made oral morphine available at no cost for patients experiencing moderate to severe pain
 - iii) Provision of support to patients and members of their family through counselling
3. How should long term care and palliative care be legally defined?

Palliative care should be legally defined as care that improves the quality of life of patients and families facing life threatening illnesses through

prevention and relief of pain and suffering by means of early detection, assessment and other physical, psychosocial and spiritual suffering.

Implementation

4. What are the policies and programmes adopted by your country to guarantee older person's enjoyment of their right to long term and palliative care

The policies and programmes in Uganda touch on all categories of persons requiring palliative care. There are no separate programmes for older persons. UHRC findings in 2017 however suggested that patients in need of palliative care in the ages of 65 and above were least affected by non-communicable diseases and therefore were less in need of palliative. The same findings however reveal that patients in the age bracket of 65 years and above were the ones receiving palliative care services at 37%.

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

Uganda is considered to be a model for palliative in Africa because of progressive policies, strong advocacy and active palliative organisations. However there are a few challenges in policy implementation. These include;

- **Inadequate awareness & knowledge among policy makers, health and social care professionals, communities**
- **Knowledge gap on the existing laws among policy makers, health workers, the legal fraternity and communities**
- **Inadequate knowledge among health workers, policy makers, and the general public about palliative care and narcotic medications**
- **Contrary to the provisions of the International Covenant on Economic, Social and Cultural Rights which oblige governments to take steps through legislative and other means towards enhancing the realization of the right to health in general, the government of Uganda is yet to come up with a National Palliative Care Policy.**

Equality and non-discrimination

6. What are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to long term and palliative care, paying special attention to those who are vulnerable or in vulnerable situations?

Palliative care is provided for all. There is no specific care for different categories of people.

Participation

7. Does the design and implementation of normative and political framework related to long-term and palliative care include an effective and meaningful participation of older persons.

N/A

Accountability

8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to long-term and palliative care

Courts of Judicature, the Uganda Human Rights Commission, Equal Opportunities Commission.

National legal framework

1. What are the legal provisions in your country that recognises the right to autonomy and independence? Do they have a constitutional, legislative or executive foundation?

Normative elements

2. What are the key normative elements of the rights to autonomy and independence? Please provide references to existing laws and standards where applicable.
3. How should autonomy and independence be legally defined?

Implementation

4. What are the policies and programmes adopted by your country to guarantee older person's enjoyment of their right to autonomy and independence?
5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

Equality and non-discrimination

6. Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to autonomy and independence, paying special attention to vulnerable groups or those in vulnerable situation?

Participation

7. The design and implementation of normative and political framework related to autonomy and independence, paying special attention to vulnerable groups or those in vulnerable situation?

Accountability

8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek for denial of their right to autonomy and independence.