

Economic and Social Rights Are Not Mere Development Goals: They are Human Rights

Today we celebrate International Human Rights Day, an opportune time for us as a country to take stock of our progress realizing human rights. International Human Rights Day commemorates the 1948 Universal Declaration on Human Rights, a foundational document that resulted in treaties like the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that emphasized the universality of human rights.

This year, the Sustainable Development Goals were launched with a commitment to: “Leave no one behind.” While the country has made commendable progress in realizing human rights, we cannot ignore the fact that the country is failing to safeguard the rights of the poor and vulnerable, resulting in deepening inequality. 2 in 3 Ugandans remain poor or vulnerable to falling back into poverty, living on less than 2 USD per day.

Ensure access to quality education for all regardless of social status

Quality education is a basic human right and a public good— a powerful tool by which people can lift themselves out of poverty. Yet only 3 in 10 children complete primary school. Underfunding of the education sector— for example as evidenced by the 10,000US\$ per pupil per year in capitation grants allocated to primary schools – has resulted in pupils lacking textbooks, writing space and classrooms. Whereas Uganda has a legal and policy framework regarding private actors in education, there are still significant gaps both in design and in implementation, which are being exploited by private actors investing in education. While international human rights law recognizes the freedom to establish private education institutions, private actors must conform with the minimum education standards laid down by the state and private education should not be developed to the detriment of human rights—in particular, it should not lead to discrimination.

Universal Health Coverage is essential to realizing the right to health

In health, households in Uganda continue to pay high out of pocket costs for health, risking household impoverishment. This particularly affects people in the lower income quintile with 71.1% of women in the lowest income quintile noting that lacking money for treatment prevented them from accessing health care. To mitigate high out of pocket costs, the government should implement a National Health Insurance Scheme that extends coverage to the informal sector, low income households and individuals, people with disabilities, the elderly and other vulnerable groups so as to ensure universal access to healthcare. However, while Uganda has a National Health Insurance Bill in the offing, it is yet to receive a certificate of financial implication from the Ministry of Finance, Planning and Economic Development and it is yet to cater for vulnerable groups like the elderly and those in the informal sector that need it most.

Invest in Social and Economic Rights

In line with its international commitments, realizing

social and economic rights, particularly for the poor, vulnerable and marginalized requires the government to dedicate maximum available resources. Yet investment in critical areas of health and basic education that affect the most marginalized and vulnerable groups remain low. Health receives only 8.9% far below the 15% Abuja declaration target Uganda committed to. Despite a recent increase, government spending on education has averaged 2.4% of GDP over the past five years far below the 6% target Dakar Framework for Action on Education for All it committed to and less than its neighbors. This gravely undermines the quality of public services that most Ugandans rely on. Many health facilities lack essential staff and face persistent drug stock outs. Only 36% of rural health centers surveyed by the World Bank followed clinical guidelines for essential services.

Private sector- led growth requires adequate regulatory framework

Despite these shortcomings, in 2010, Uganda set out an ambitious agenda to become an upper middle-income country within 30 years. In line with this agenda, the country’s second five-year National Development Plan (NDP II) prioritizes private sector-led growth— particularly in agriculture, tourism and, most notably, the extractive industry. However, this increasing private sector involvement in the country’s development has not been accompanied by adequate efforts to balance the promotion of investment with protection and respect for human rights. Despite the government’s acknowledgement that the private sector is poised to play a pivotal role in the country’s development over the next ten years, we still lack a national action plan on business and human rights or laws and policies to operationalize the Guiding Principles on Business and Human Rights. Uganda’s laws that regulate the human rights impacts of corporate activities remain weak both in design and implementation. We lack a livable minimum wage—as the current minimum wage has not been adjusted since 1984 and is 6000 US\$ in a country where the national poverty line is equivalent to 30 USD per month. Findings from a baseline study conducted by the Uganda Consortium on Corporate Accountability (UCCA), a coalition of organisations working to promote corporate accountability, highlight the detrimental impact the lack of a strong legal framework on business and human rights has had on the vulnerable. With increased Foreign Direct Investment in various sectors, we continue to witness increased illegal and forced land evictions, environmental degradation, economic exploitation and hazardous working conditions among others.

Implement recommendations from regional and international human rights mechanisms

These failures were highlighted when Uganda faced review by international and regional human rights mechanisms, more recently on November 4th 2016 during Uganda’s second Universal Periodic Review where the country received a number of recommendations that would address these failures if implemented. These included: passing a national action plan on business and human rights and implementing the United Nations Guiding Principles on business and human rights; increasing the budget

for health; concluding the enactment of the National Health Insurance Bill to cover vulnerable groups, such as those in the informal sector, low income households, people with disabilities, the elderly and children; increasing access to quality education; increasing the enrollment rate of children in primary schools with a particular focus on girls; revising the minimum wage to ensure a decent standard of living and ratifying the Optional Protocol on Economic, Social and Cultural Rights among others.

The question now is whether the State will ensure that these commitments are realised. With economic and social rights, the familiar retort is: “Where will the money come from?” However, this argument is misguided, and ignores the fact that realizing all rights, whether it is civil and political rights like holding elections, will require dedicating resources. **We cannot forget that economic and social rights are not just aspirations or development goals, they are human rights. Human rights – that if not prioritized – affect the ability of individuals to live in dignity and ones we need to take seriously since failure to realise them is a major driver of conflict.**

Enable meaningful citizen participation through effective social accountability mechanisms

Realising these rights will also require citizens to participate and to hold their leaders accountable for human rights violations. Although the right to participation is enshrined in our Constitution and is a central principle underpinning all human rights, research conducted by the Initiative for Social and Economic Rights (ISER) on social accountability has found that there are few avenues for meaningful participation.

As we “stand up for human rights” today, we call on the government to increase investment in economic social rights and put in place meaningful social accountability mechanisms through which people can actively participate in making decisions that affect the enjoyment of human rights.

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The Initiative for Social and Economic Rights (ISER) is an independent, not-for-profit human rights organization responsible for promoting the effective understanding, monitoring, implementation, and realization of economic and social rights in Uganda.

The Uganda Consortium on Corporate Accountability (UCCA) is a civil society consortium aimed at enhancing corporate accountability in Uganda.

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