

INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS (ISER) ORAL STATEMENT ON SOCIAL ECONOMIC RIGHTS AND COVID 19 TO THE 66TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

Like every country in the world right now, Uganda has been impacted by COVID 19 and the government enacted lock downs in a bid to curb COVID 19. While no deaths due to COVID 19 have happened, COVID 19 spotlighted gaps in education, health and social protection, which if not addressed will further heighten inequality.

Health

Uganda's health sector has been systematically under financed over time, resulting in gaps in infrastructure that were augmented during the lockdown. These gaps in infrastructure are not merely statistical – it is the sum of children and mothers lost, deaths that provision of health facilities, ambulances, medical equipment or other basic resources should have made avoidable. Medical workers in health facilities treating patients with symptoms of COVID19 have faced enormous challenges including basics like protective gear. Parliament expressed concern that the Uganda Virus Research Institute tasked with testing of COVID 19 had not received any funding for this cause by June 2020 despite appropriating a supplementary budget for COVID 19 at the beginning of the pandemic. These gaps in access to quality healthcare detrimentally affect the most vulnerable.

Education

Education is in crisis. The shut down of schools to curb COVID19 and the government's failure to ensure learning materials reach the most vulnerable groups have left a significant number of children behind, resulting in girls and children from poor households vulnerable to dropping out.

The schools are not likely to open soon because the guidelines given to Ministry of Education to fulfil before opening of the schools cannot be met. A case in point is the issue of social distancing requiring only 10-15 learners per class. This is impossible due to the existing big class sizes averaging 100 learners in a class in some public schools in underserved areas.

Private actors and social services

ISER welcomes Resolution 434 on the Need to Develop Norms on States' Obligations to Regulate Private Actors Involved in the Provision of Social Services - ACHPR/Res. 434 (EXT.OS/ XXVII) 2020 because it recognises the need to regulate private sector in service delivery- a phenomenon that is causing increasing human rights concerns. The failure to regulate private sector in education has resulted in private schools insisting on online classes and charging exorbitant fees, disproportionately leaving out vulnerable groups. Amidst the persistent under financing of the public health sector, there has been a proliferation of private actors in health including government and donors' promotion of public private partnerships, voucher schemes. The unregulated expansion of private actors, particularly when they exist in lieu of public options, is detrimental to the accessibility of health care for vulnerable populations. Private facilities continue to violate patient's rights including charging exorbitant fees and detaining patients who fail to pay. The Government is planning to invest in a Medical Credit Fund to strengthen the private

sector in health. However, the investment of significant systems of public funds without examining how strengthening the private sector will result in improved outcomes for underserved populations only heightens inequity.

Invest in Social Protection

Social protection systems are a critical part of government response to the COVID19 crisis as they ensure that people have access to health care while supporting job and income security for those most affected. Beyond handing out some food in the capital city, which has not even been fully done and excluded the vulnerable and paying Social Assistance Grants for Empowerment that will only go to older persons 80 years, there has not been a comprehensive plan to roll out social protection. The State has paid less attention to other social security components that should cater to those out of work, and marginalized groups including children and persons with disabilities. Workers in the informal sector have been left out yet they experience hardship meeting their needs. According to the National labour force survey (2016/17), the informal economy alone employs 84.9 percent of the population, 90% of whom are youth (10-30 years).

Investing in social protection is critical given the high poverty levels that will only worsen due to the lockdown measures imposed. Before COVID 19, 1 in 5 Ugandans were poor. The World Bank now estimates 1-3 million additional poor in Uganda following measures taken to curb COVID 19.

Curbing Illicit Financial Flows

As countries, Uganda inclusive, look out for resources to finance the COVID response, curbing illicit financial flows (IFFs) should be top of the agenda.

In Uganda, there has been no concerted effort by the government to curb IFFs. ISER's research has found that the government has focused on domestic resource mobilization through retrogressive taxation targeting small and medium enterprises like increasing taxes like rental tax, OTT, mobile money tax which places a disproportionately higher tax burden on poor. Yet significant resources are lost to IFFs. According to the Global Financial Integrity, UGX 887,400,000,000 (USD 261,000,000) is lost in revenue collection as a result of export under invoicing and UGX 27,200,000,000,000 (USD 8,130,000,000) per year on average due to import over invoicing. Failure to curb this deprives the country of mobilizing and spending significant public financial resources required for inclusive and equitable attainment of social economic rights.

ISER calls on the African Commission to:

Recommend Uganda take measures to:

- Invest in social protection for the most vulnerable;
- Invest in the public health system and pass a national health insurance scheme;
- Ensure continued learning for the most vulnerable and strengthen the public education system;



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- Regulate the private sector in social services;
- Strengthen national coordination mechanisms to prevent and curb IFFs.

African Commission should:

- Ensure that the AU Fast-tracks adoption of the AU Protocol on Social protection
- Fast-track the development of norms and standards to give effect to Resolution 434.