



INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS (ISER) ORAL STATEMENT ON SOCIAL ECONOMIC RIGHTS AND COVID 19 TO THE 69TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

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Presenter: Allana Kembabazi, Program Manager

This statement is made on behalf of the Initiative for Social and Economic Rights (ISER) (Observer Number 490) that works holistically on social economic rights in Uganda.

1. PRIORITISE INVESTMENT IN PUBLIC SERVICES

Public services are often chronically underfinanced. When they exist, public services like health and education are often of poor quality due to inadequate resourcing. There is increasing privatization and commercialization of key public services like health in the form of public private partnerships, paying wings at public health facilities. The detrimental effect of this was felt during Uganda's second Covid 19 wave with an oxygen crisis, [private profiteering off a pandemic](#) and needless deaths. With poverty and inequality rising due to the COVID 19 pandemic lingering economic effects, States must invest in strong public services. States should not relinquish their human rights obligations to the private sector. They must finance and steward these services.

2. UNREGULATED EXPANSION OF PRIVATE ACTORS IN SOCIAL SERVICES

The unregulated expansion of private actors-- particularly when they exist in lieu of public options-- have been detrimental to the accessibility of public services like health care for vulnerable populations. The proportion of private health facilities has increased. [Research](#) has shown the [poor](#) are often left behind. During the country's devastating second wave, people had to pay hefty amounts and even deposit land titles to receive emergency healthcare as private providers [profiteering off a pandemic](#) resisted all attempts at regulation. Many people died unable to receive basic emergency care or oxygen. Despite public outcry, the government failed to intervene noting it is a liberalized economy. The education sector is increasingly liberalized and public education underfinanced. Prolonged school closures due to Covid 19 restrictions have resulted in the permanent closure of private schools as school owners no longer find it to be a viable business, leaving learners in peril and underscoring the danger of the State abdicating its responsibility to realise the right to education to the private sector. The government's blind belief in market solutions endangers accessibility of quality public services to all. The government plans to give the private sector in health public funds through a Medical Credit Fund yet the country's public health systems continue to lack the basics. In education we have seen proposals to support each private school with 100 million ush while public schools continue to struggle.

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We welcome the African Commission's work providing greater interpretative guidance to States in this regard through Resolution [420](#) (LXIV) 2019), [434](#) (EXT.OS/ XXVII) 2020, particularly its work on an upcoming General Comment on non-state actors and social service delivery. We also welcome Uganda's adoption of a National Action Plan on Business and Human Rights, which among other things speaks to regulating private actors and social services. We look forward to seeing its implementation.

3. COVID 19 VACCINES

Need to Waive Patents and Share Know How to Increase Supply of Vaccines

It has been 10 months since Covid 19 vaccines were first made available and yet the G7, G20, WTO, European Union have consistently failed to step up and pass the TRIPS waiver, proposals by South Africa, Kenya made to the World Trade Organization last year to suspend patents for the Covid 19 vaccine. By allowing their pharmaceutical companies unfettered discretion to dictate who lives or dies through hoarding intellectual property and constraining supply of Covid vaccines, they have chosen to put profit over lives. We saw this in the deadly wave Uganda faced in June/July. While countries like Uganda have received paltry doses through COVAX and bilateral donations, this is a drop in the ocean. The impact of this failure to ensure equitable access to Covid 19 vaccines will be disproportionately felt for years to come in African countries from overwhelmed health systems, unequal economic recovery to lost gains in education. A Covid vaccine is a public good and access to it a human right.

Country Roll Out of COVID 19 Vaccines and Access to Information

We remain concerned about the lack of access to information and transparency around Covid 19 vaccination in Uganda. Despite ISER submitting access to information requests the government has not complied. It is not clear what conditions are part of the contracts signed to purchase vaccines. Yet we are increasingly learning that companies put stringent conditions on countries including waiving liability. It also endangers citizens' trust in the vaccination process.

4. OVERDUE COUNTRY REPORTING TO AFRICAN COMMISSION

Uganda has been repeatedly overdue on its periodic report to the African Commission on Human and Peoples Rights, an obligation it undertook and which it continues to flaunt. The African Commission must address this.

ISER CALLS ON THE AFRICAN COMMISSION TO:

1. Provide stronger interpretative guidance to states on private actors and social services.
2. Push for a Peoples Vaccine urging the World Trade Organisation to pass the TRIPS waiver.
3. Recommend Uganda to take measures to:
 - a) Invest in Quality Public Services
 - b) Regulate private actors providing social services;
 - c) Implement the National Action Plan on Business and Human Rights
 - d) Submit its overdue periodic report to the ACHPR.