



## INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

### Statement by the Initiative for Social and Economic Rights (ISER) at the 38th Session of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

15<sup>th</sup> – 26<sup>th</sup> November, 2021

Chairperson, the **Initiative for Social and Economic Rights (ISER)** is a Non-Governmental Organization (NGO) which seeks to promote the effective understanding, monitoring, implementation, accountability, and full realisation of Economic and Social Rights (ESRs) in Uganda and the East African region.

As the COVID19 pandemic evolves, Uganda has correspondingly undertaken measures to match the attendant realities. This has long included the easing of the nationwide lockdown by reopening some sectors of the economy; however, primary and secondary schools remain closed for all children. With the decline in COVID19 cases, observance of standard operating procedures, though still urgently encouraged by government, is equally on a downward spiral. Be that as it may, the impact of the pandemic on children has been profound and has highlighted existing gaps in education and health service delivery in Uganda.

#### **Health Service Delivery**

Uganda's health sector has been systematically under financed over time and the consequences of this have been stark during the COVID19 pandemic – with the public health system getting overwhelmed and the Government bringing on board private health facilities to test and treat COVID19 suspects and patients. This was however being done in the midst of a poorly regulated private health sector; so much such that a number of private health facilities went ahead to treat COVID19 patients without the Ministry of Health's accreditation. More so, the cost of treatment at private health facilities is prohibitive and has seen many Ugandans remain unable to access it.

Conversely, the public health sector, which is the first point of call for the most vulnerable, continues to suffer a poor ambulance service system, shortage of drugs, health workers, resources such as protective gear and delayed allowances for emergency health staff. These inadequacies have affected access to health services by vulnerable children.

#### **Education**

Currently, Uganda is the only country on the continent where schools remain closed in a bid to control the spread of the COVID19 pandemic yet cases have significantly reduced. In June, this year, the government of Uganda again undertook a national wide closure of education institutions for the second time in a bid to mitigate the spread of the COVID19 pandemic. The government has, however, made an indication that schools will be reopened [early next year](#).

During the period of school closure, the government, through the Ministry of Education and Sports, implemented the continued learning program but this has remained extremely ineffective just like during the first phase of school closure. The protracted closure of schools is breeding [inequality](#) in access to education as some children from well to do backgrounds that are attending high end private

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and government schools are accessing learning through virtual platforms or being taught from home whereas their counterparts from the poor backgrounds who mainly rely on schools implementing universal primary and secondary education programs and low fee private schools are not having any learning. The continued closure of schools has also exposed children to [exploitation](#) and abuse in the form of child labour, sexual abuse and high rates of teenage pregnancy and child marriages.

### **Private actors and social services**

ISER notes that the Government of Uganda continues to run a private sector led economy that is however dismally regulated. The failure to regulate the private sector in education has resulted in private schools not only insisting on charging exorbitant fees, but also requiring parents and guardians to clear fees for the first term of 2020 that was suspended mid-way and schools closed to control the spread of COVID – 19. This is disproportionately leaving out many children-especially those from poor backgrounds. 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, and 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 children. Private facilities continue to violate patients’ 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 sums of public funds without examining how strengthening the private sector will result in improved outcomes for the most vulnerable only heightens inequity.

### **ISER calls upon the Committee to recommend to Government of Uganda to:**

- Robustly invest in the public health system and pass the National Health Insurance Scheme
- Urgently allocate funds to renovate and expand infrastructure in UPE and USE schools.
- Revise the capitation grants to UPE and USE schools upwards and effectively monitor and inspect them to ensure that there are no non – tuition fee charges.
- Develop and implement a robust data collection and management system on school enrollment and completion to enable the implementation of sustainable and effective interventions in public education service delivery.
- Develop a minimum unit cost required to educate a child in primary and secondary and use it as a benchmark for financing universal primary and secondary education as well as regulation of fees in private schools.
- Develop a General Comment on the right to education and the importance of public education.
- Develop a framework to guide States on private involvement in service delivery in such a way that promotes the rights of children.
- Encourage States to utilize the Abidjan principles on the provision of public education and the regulation of private involvement in the education sector.