

Initiative for Social and Economic Rights (ISER) Uganda (Observer Status Number 490)

**Oral Statement on Social and Economic Rights to the 73rd Ordinary Session of the African Commission on Human and Peoples Rights
Banjul – Gambia, October 2022**

Presenter: Angella Kasule Nabwowe, Programs Director

This statement is made on behalf of the Initiative for Social and Economic Rights (ISER) that works to advance social and economic justice.

1. Welcoming the Adoption of General Comment No.7 on State Obligations under the African Charter on Human and Peoples’ Rights in the Context of Private Provision of Social Services

We congratulate the African Commission on Human and Peoples’ Rights (ACHPR) on passing a landmark General Comment on private actors and social services which provides the most progressive and comprehensive interpretation of States’ human rights obligations to regulate private involvement in the delivery of social services like education and health.

As ISER’s research has found, the unregulated expansion of private actors in social services has detrimentally impacted access to these services, particularly when they exist in lieu of public options. As we saw during Covid 19 and documented in our research [Profiteering Off a Pandemic](#), private facilities violated patient’s rights including charging exorbitant fees and detaining patients who failed to pay. In education, inadequate government regulation has resulted into private schools arbitrarily raising school fees and imposing burdensome requirements on parents making education inaccessible. We continue to see limited investment in these essential public social services and increased marketization of social services through arrangements like Public Private Partnerships (PPPs). The State violates its human rights obligations when it leaves social services like health and education to the market.

2. Limited Investment in Public Services in Africa

With poverty and inequality rising due to the Covid 19 pandemic and cost of living crises, states must invest in quality public services. Many African countries, to date, struggle with weak or non-existent public health and education systems, and inadequate social protection systems that were exacerbated by the Covid 19 pandemic. For example, regarding the health sector, when Covid 19 hit, 13 out of 47 African countries had less than five health professionals per 10,000 people.¹ On average, Africa has 1.8 hospital beds per 1,000 people,² while many public health facilities in Africa lack basic medicines and equipment. Africa comprises half of the people globally who drink water from unsafe sources. Only 24% of the population in sub-Saharan Africa can access clean safe water.³

Education has been in crisis in many countries, and the situation was worsened by prolonged school closures because of Covid-19. Even after schools reopening, many children are unable to return to school due to the rising cost of education amidst lack of free public education and the activities of unregulated private actors

¹ UN Habitat et al., COVID-19 IN AFRICAN CITIES at p.12
,https://unhabitat.org/sites/default/files/2020/06/covid19_in_african_cities_impacts_responses_and_policies2.pdf

² Ibid.

³ UN World Water Development Report 2019: ‘Leaving no one behind’

in education. In sub-Saharan Africa lifetime learning loss is estimated to be US\$300 million, or 7 per cent of GDP in 2019.⁴

Social protection measures are often adhoc and limited in scope. 86% of total employment in Africa is informal. Informal workers are not accounted for and therefore do not benefit from social protection.⁵

Amidst chronic underfinancing and weakening of public services, there has been gradual privatization of social services. The private sector is increasingly relied upon to deliver social services like health and education ranging from purely private to public private partnerships (PPPs).

In Uganda, only 16% of the health budget is funded by the State. Only 0.3% of the 2022/23 budget went to social protection and Government spends average 20,000 Ugx (\$5.4) per child per year for public schools at primary level. This limited funding results in poor quality and high out of pocket costs for public services. This detrimentally impacts the poor. The country's [rising debt](#) undermines public services with more spent on debt than health, education, social protection combined. Government must use [progressive taxation](#) where the wealthy and corporations pay their fair share of tax and [curb illicit financial flows](#) to sustainably finance quality public services.

Implementation of Sustainable Development Goals (SDGs) – Access to education for girls and other vulnerable children

Uganda had made some progress around SDG4 on education through the policy provision of universal access to primary and secondary education. However, the outbreak of Covid 19 and the related restrictions imposed to control its spread led to a protracted closure of schools, close to two years. The National Planning Authority (NPA) in a [report](#) towards safe opening of the education sector in COVID-19 times; projected that over 30% of the learners are likely not to return to school forever due to teenage pregnancies, early marriages, and child labour. Girls' education is a strategic development priority contributing to SDGs 4, 5 and 1, however, discriminatory policies like guidelines to ban pregnant girls from school until one year after giving birth threaten to erode the gains made over years around access to education for girls in Uganda.

3. Overdue Country Reporting to the African Commission

Uganda has been repeatedly overdue on its periodic report to the African Commission, an obligation it undertook. We are yet to see the African Commission address this.

4. Recommendations - ISER calls on the African Commission to:

Ensure dissemination and the implementation of General Comment No.7 on state obligations under the African Charter on Human and Peoples' Rights in the Context of Private Provision of Social Services.

Recommend Uganda to take measures to:

- a) Submit its overdue periodic report to the ACHPR
- b) Fund and steward public services
- c) Regulate private actors providing social services
- d) Implement the National Action Plan on Business and Human Rights
- e) Remove barriers for re-entry of pregnant girls to school by reviewing and amending the guidelines for the management of teenage pregnancy in school settings.

⁴African Union Commission, UNICEF (2020) Transforming Education in Africa

<https://www.unicef.org/media/106686/file/Transforming%20Education%20in%20Africa.pdf>

⁵ <https://www.oecd.org/coronavirus/policy-responses/covid-19-and-africa-socio-economic-implications->