

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

Oral Statement on Social and Economic Rights to the 75th Ordinary Session of the African Commission on Human and Peoples Rights Banjul – Gambia, May 2023

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

1. Utilization 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

During the 73rd Ordinary Session, the African Commission on Human and Peoples’ Rights (ACHPR) adopted 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 a result of limited investment in these essential social services like health and education, Africa is witnessing a wave of marketization of social services including through arrangements like Public Private Partnerships (PPPs). States violate their human rights obligations when they leave social services to the market. ISER has documented cases of gross violation of human rights where children / people have ended up in private education/health facilities due to lack of publicly funded and run alternatives in their areas. In the health sector, cases of for example detention of mothers after caesarian delivery in private facilities are common. It is very urgent that the ACHPR engages with states parties to the African Charter to make effective use of General Comment No.7 to effectively regulate private actors involved in social service delivery.

2. Strengthening public services in Africa

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. Africa’s rising debt burden threatens the future availability of public services as debt repayment increasingly will take the lion share of budget funds. Africa is facing its highest debt burden in a decade with the World Bank noting an increase to \$702 billion in 2020.¹ The IMF has estimated about 60 percent² of low-income developing countries to be at high risk of or already in debt distress.

The status quo has led to major budget cuts with sectors like health, education and social protection as the biggest casualties. In Uganda, with the low releases, local governments, responsible for

¹ “World Bank. 2021. International Debt Statistics 2022. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/36289> License: CC BY 3.0 IGO.”

² <https://www.imf.org/external/pubs/ft/ar/2022/in-focus/debt-dynamics/#:~:text=About%2060%20percent%20of%20low,of%20or%20in%20debt%20distress.>

executing infrastructure projects (such as new public schools and health centers) haven't been able to. By the first half of this current financial year, only 11 percent (Ugx 47.1 billion of the Ugx 397.4 billion³) of the approved development expenditure in health and education had been released to local governments.

It is essential that governments 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.

3. Reintegration of pregnant girls and adolescent mothers back in school

Girls' education is a strategic development priority contributing to Sustainable Development Goals (SDGs) 3, 4, 5 and 1 among others. 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. This has come to pass. The issue of the re-entry of pregnant girls and adolescent mothers into schools remains very controversial both in law, policy and practice.

Uganda had made some progress around SDG4 on education through the policy provision of universal access to primary and secondary education. 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.

4. 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.

5. Recommendations

ISER calls on the African Commission to:

- a) Engage with states parties to the African Charter to make effective use 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 to effectively regulate private actors involved in social service delivery.
- b) Engage with states parties to the African Charter to strengthen the delivery of universal quality social services.

For Uganda to:

- a) Submit its overdue periodic report to the ACHPR
- b) 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.

³ Page 2162 of the semi annual budget performance report FY 2022/223, Ministry of Finance, Planning and Economic Development