



Call for Responsible Oversight: Advocating for The Regulation of Corporate Actors in The Provision of Social Services.

We welcome the ruling of the Court in *Health Equity and Policy Initiative v Hon. Dr. Jane Ruth Aceng and the Attorney General, Miscellaneous Cause No. 210 of 2018* against the unconscionable levies and charges by private health facilities. This decision contributes significantly to our collective call for the effective regulation of private corporate actors in the provision of social services.

This case concerned the respondents' failure to perform their constitutional and statutory duty in regulating private health facilities. The substantive issue for determination by the court was whether the respondents have done any act or omitted to do any act which infringes or threatens to infringe the fundamental or other right or freedom of patients. The court held that the state is under a duty to ensure that every Ugandan can access health services and a further duty not to do anything that would in any way affect access to health services. Critically, the Court observed that the escalating costs of medical services offered by private medical facilities and the huge disparities in medical charges by private hospitals which constitute 40% of the health service providers are inequitable. As such, the duty placed on the state to ensure that every Ugandan has access to health services cannot be achieved when private health facilities are left to charge for their services as they please.

As reflected in the state's broad policy commitment to good health and well-being under SDG 3, and improving health outcomes for the population under NDP III, this ruling offers respite for the inequalities in access to private health care and presents the surest guarantee to safeguarding human dignity by ensuring equitable access to quality healthcare. It further reinforces the enduring call by 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 and the crucial necessity of adoption of comprehensive regulatory frameworks to safeguard the public interest. Private actors must be held accountable to uphold standards that prioritize equitable access, affordability, and quality lest we run a risk of exploitation and discrimination.

To ensure implementation of the Orders of the Court;

- ✚ The state must undertake all necessary steps to enact legislation on the regulation of private actors in health and fulfill its duty to protect as espoused in UNGPs.
- ✚ Parliament must fast-track legislative processes concerning the adoption and passing of laws on the regulation of private actors.
- ✚ Civil society must meaningfully participate in the consultations and processes of enacting legislation to regulate unconscionable charges and levies by private actors.
- ✚ Corporate actors engaged in the private provision of social services, including health should prioritize quality service delivery over profit to ensure equitable access to services for all.