

**Oral Statement by the Global Initiative for Economic, Social and Cultural Rights on the
Human Rights Situation in Africa
(Observer Status No. 459)**

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Rights (ACHPR)**

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Your Excellencies, Honourable Chairperson, Honourable Commissioners,

The Global Initiative for Economic, Social and Cultural Rights thanks the African Commission on Human and Peoples' Rights (African Commission) for this opportunity to intervene on the state of human rights in Africa.

We commend the State parties for taking strides towards securing the rights to education and health, even during the COVID-19 pandemic which caused significant disruption to these sectors. In our reports on access to healthcare services in [Kenya](#) and [Nigeria](#) during the COVID-19 pandemic, evidence has shown that years of privatisation and commercialisation of healthcare left the systems ill-prepared to respond to the pandemic, and this negatively affected the right to health, especially for individuals living in urban poverty. In both countries, privatisation and commercialisation of healthcare has been characterised by the growth of the share of private sector involvement in healthcare, including through private-public partnerships (PPPs), and the adoption of private-sector practices and market mechanisms in the health sector. As a result of this, government spending on healthcare remained inadequate, regulation of private healthcare providers was insufficient and individuals living in poverty faced financial, information, technological and geographical barriers when trying to access medical care during COVID-19.

In similar research on the commercialisation of education in [Côte d'Ivoire](#) and [Senegal](#), we found that parents are compelled to choose fee-paying private schools due to the insufficiency of public education provision as a result of State underfunding; teachers at low-cost for-profit private schools work in precarious conditions; for the most disadvantaged students, school fees are high, exacerbating socio-economic inequalities and discrimination; and overall, the regulation of the private sector in education is inadequate.

In light of this situation, we welcome and commend the African Commission's adoption of General Comment 7 on State obligations under the African Charter on Human and Peoples' Rights in the context of private provision of social services. This General Comment presents the most comprehensive analysis of human rights law regarding the provision of public services essential for the enjoyment of human rights, especially economic, social and cultural rights. The General Comment provides crucial guidance to State parties on the design and delivery of social service systems, including education and healthcare systems, elaborating on the State obligation to provide public services and fund them adequately, the

obligation to regulate any private provision of public services and sets the substantive, procedural and operational pre-conditions for the delegation of public resources to private actors involved in social service provision.

We urge State parties to implement the General Comment in full to ensure the enjoyment of human rights for all, including those living in poverty.

Thank you.

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