

**Oral Statement by the Global Initiative for Economic, Social and Cultural Rights on the launch of General Comment 7: State obligations under the African Charter on Human and Peoples' Rights in the context of private provision of social services (Observer Status No. 459)**

**Presented at the 73<sup>rd</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR)**

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Your Excellencies, Honourable Chairperson, Honourable Commissioners,

We commend the African Commission on Human and Peoples' Rights for the 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. In this General Comment, the African Commission has led the way for other regional human rights bodies and the United Nations by providing the most comprehensive interpretation of State obligations under human rights law regarding social services, and their intrinsic connection to the enjoyment of rights, especially economic, social and cultural rights.

We welcome in particular the General Comment's emphasis on the non-commercial nature of social services, and elaborate guidance on the State obligation to directly provide and adequately fund social services, and the obligation to effectively regulate any private provision of social services to ensure that these actors prioritise the public interest rather than private or commercial interests. It is also commendable that the General Comment provides detailed safeguards for the delegation of public resources to support private actors involved in social service provision through substantive, procedural and operational pre-conditions.

This General Comment is a decisive response to the growing and well-documented human rights concerns that arose from the rapid privatisation and commercialisation of social services in Africa in the last two decades. Lack of access to services, systemic discrimination and stratification within societies, inadequate quality, violations of labour rights and lack of accountability are some of the challenges that arose from the commercialisation of social services. For instance, in Kenya and Nigeria, this led to chronically underfunded public healthcare services and under regulated private healthcare providers, resulting in a system that was unable to respond effectively to the COVID-19 pandemic. In Côte d'Ivoire and Senegal, the uncontrolled growth of for-profit private actors in education has led to the existence of unauthorised private schools and/or the exclusion of students from families who cannot afford paying fees to attend private schools or who live in localities deprived of public schools, among other things. This General Comment is now a robust tool for States, rights holders and civil society to work towards social service systems that ensure at least minimum essential levels of economic, social and cultural rights.

We urge State parties to be guided by the General Comment and fully implement it, to ensure the full enjoyment of all rights, especially economic, social and cultural rights.

Thank you.

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