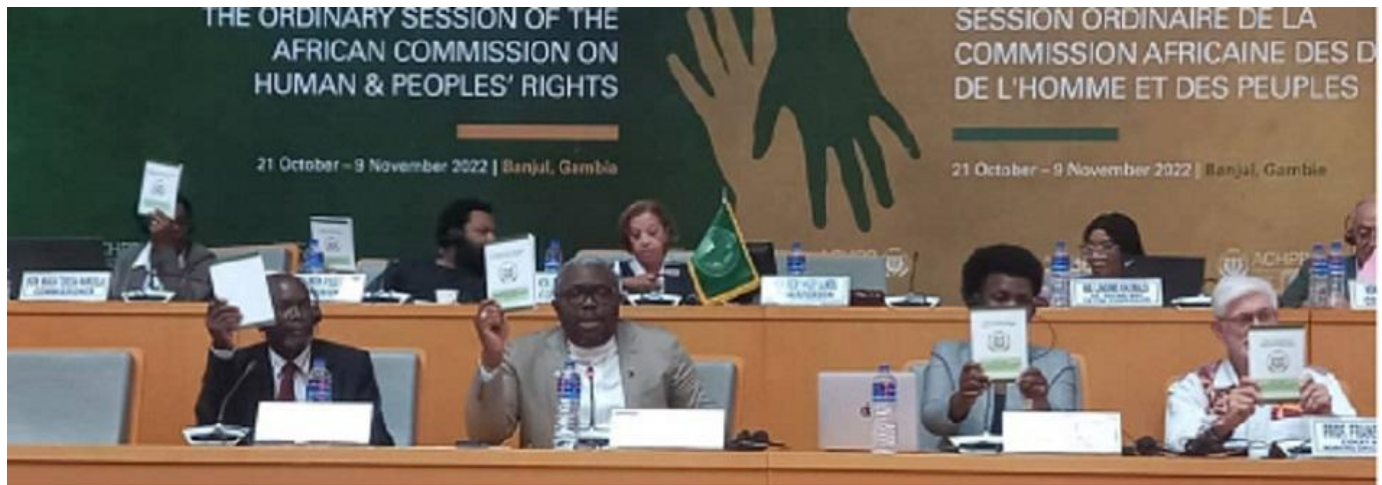


African Commission on Human and Peoples' Rights underlines importance of public services in Africa's development



(26 October 2022) EPSU has welcomed the [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](#). In a joint statement (25 October 2022) signed by 66 civil society organisation in [English and French](#) we highlight the importance of the General Comment by the African Commission on Human and Peoples' Rights to the African Union's 2063 Agenda <https://au.int/en/agenda2063/overview>. This Agenda seeks to build a more egalitarian Africa founded on 'good governance, democracy, respect for human rights, justice and the rule of law'.

The General Comment underlines that a critical step towards achieving the 2063 Agenda is the universal provision of quality social (public) services. This broad range of services – which can include anything from healthcare to piped water and quality education – ensures that the necessities of life are provided to all individuals, no matter the conditions of their birth. Unfortunately as pointed out in the Comment, the pandemic highlighted that instead of broadening access to social services, many commercial actors have pursued profit-seeking strategies that make these services more inaccessible to large segments of the population. There has been an emerging pattern of governments attempting to ‘release’ themselves from their obligations to provide quality social services. The consequent commercialisation of social services risks eroding their intrinsic public function and impairing the enjoyment of human rights.

The General Comment notes that private provision need not necessarily result in the commercialisation of social services. Under effective and comprehensive regulation, democratically controlled, non-commercial private actors have the potential to contribute to ensuring universal access to social services. Examples are given of community-based services in rural areas. The term ‘public’ as referred to in the General Comment is very much linked to way services are provided: the equal and democratic involvement of all members of the community or society in their design, organisation, governance, financing, delivery and monitoring of social services, in the exclusive pursuit of the public interest. Public services must be able to take a long-term perspective and must be democratically accountable to the public, as opposed to commercial actors and their shareholders and investors which typically respond to a range of private interests.

The General Comment is a major step forward to consolidate the human rights legal framework regarding public services in Africa, in a context where public services have emerged as one of the critical tools to address the climate, health, food, and inequality crises we are currently facing. It is recognition of the growing and well documented human rights concerns that arose from the rapid commercialisation of public services in Africa and around the world in the last decade.

The General Comment is also topical given the development of deeper relations between the European Union and Africa.

Link to General Comment No. 7 in English, French, Portuguese -
<https://www.chr.up.ac.za/publications/african-commission-publications>

Link to YouTube video of launch of General Comment 7 -
<https://youtu.be/fCFgGgAnzxY>

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