

WEBINAR

Unpacking General Comment 7 on State obligations under the African Charter on Human and Peoples' Rights in the context of private provision of social services: Towards effective implementation

Date: 20 April 2023

Time: 12:00- 14:00 SAST

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Background

COVID-19 pandemic exposed the challenges affecting the social services sector on the continent. The over three-decade government reformation through the Structural Adjustment Programs that led to the privatization of social economic services meant that many social services were in the hands of private investment and those that were government-managed were in a dilapidated state. Government failures to invest in key social service sectors like education, water, and health meant the most vulnerable people and communities faced deeper challenges in accessing services during the pandemic and eventual lockdown. One key reality during the pandemic and global shutdown, was that it didn't respect social class and global lockdown led to national reflections on the status of social services like health, education and water. Access to private health services and education was left to the rich and this opened up critical debate regarding the state of the health and education sectors as many people struggled. Heavy reliance on the private sector meant the majority poor were left on sidelines. This in turn exacerbated already existing vulnerabilities, both from a health and economic perspective.

In Resolution 420, the African Commission on Human and Peoples Rights had noted with concern that instead of improving access to economic, social and cultural rights, many private actors were increasingly contributing to the 'low level of enjoyment' of these rights on the continent. Later, the Commission adopted Resolution 434, mandating the Working Group on Economic Social and Cultural Rights (Working Group) to develop norms to address this problem. Resolution 434, adopted just seven days before the World Health Organisation declared SARS-CoV-2 (COVID-19) an official pandemic, could not have arrived at a more appropriate time. In the months that followed, Africa saw the full effects of the pandemic, which were exacerbated by decades of underinvestment in public social services on the continent.

General Comment 7 on State obligations under the African Charter on Human and Peoples' Rights with regard to social services in the context of private provision

In light of these decades-long challenges regarding the nature and state of public social service provision and the effects of the COVID-19 pandemic, General Comment 7 was developed following months of research and debate over the Commission's jurisprudence, its existing soft-law standards, and recent state practice on the continent. General Comment 7 was adopted in July 2022 and follows previous resolutions by the Commission stamping the critical importance of regulating private actors involved in social service provision. It is a landmark document, emphasising the international consensus "that social services such as education, food, healthcare, housing, social security water, are not commodities for those who can afford them, but human rights guaranteed to all."

This standard-setting instrument builds on decisions of the United Nations Special Procedures, decades of African state practice, as well as the Commission's long-standing jurisprudence, to provide states with clear, and authoritative guidance on their human rights obligations in the context of privatisation. The General Comment is particularly timely, as private actors have assumed a greater role in the provision of the continent's social services, frequently with no regard for the enjoyment of fundamental human rights.

Objectives

The main objective of this Webinar is to unpack General Comment 7, highlighting its main contents and creating awareness among CSOs and other relevant stakeholders working on the subject. The discussion will also help to identify key stakeholders working on reclaiming public services to form a strong continental platform with the aim of designing initiatives towards effective implementation of the General Comment 7.

The Webinar is the first in a series of discussions leading to the African Coalition for Corporate Accountability (ACCA) 10th anniversary, 2023 Conference and General Assembly under the theme 'Regulating privatisation of social services: Exploring the legal frameworks and policy options from a business and human rights perspective'

About the organisers

African Coalition for Corporate Accountability (ACCA)

The African Coalition for Corporate Accountability (ACCA) is a coalition of 136 organisations from 32 African countries which supports African communities and individuals whose human rights are adversely impacted daily by the activities of corporations, both multi-national and domestic. The ACCA organizes a General Assembly annually, which is one of the most prominent gatherings of business and human rights in Africa. The theme for this year's GA to be held in August 2023, was inspired by General Comment 7 and will scrutinize privatisation of social services through the lens corporate accountability and business and human rights.

The Initiative for Social and Economic Rights (ISER)

The Initiative for Social and Economic Rights (ISER) works towards the full recognition, accountability and realization of social and economic rights, primarily in Uganda, but also within the African region. ISER has been working on issues of social service delivery and was one of 66 civil society organisations that welcomed the publication of the General Comment. ISER's research has found a detrimental impact on the poor and vulnerable when States fail to effectively regulate private actors in social services.

Centre for Human Rights

The Centre for Human Rights, University of Pretoria, is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa. It aims to contribute to advancing human rights, through education, research and advocacy. The Centre for Human Rights, University of Pretoria was a key supporting partner of the ACHPR in developing General Comment 7.

Global Initiative for Economic Social and Cultural Rights

The Global Initiative for Economic Social and Cultural Rights has the mission to transform power relations to enable every person and community to enjoy their ESC rights and all other human rights now and in the future. GI-ESCR monitors the impacts of privatisation and commercialisation of social services, exposes abuses when they occur, demands that those responsible are held accountable, and promotes alternative arrangements aligned with human rights. The GI-ESCR was also a key partner in development of General Comment 7.

Programme

Moderator: Arnold Kwesiga

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| 12:00-12:10 | <ul style="list-style-type: none"> • Welcome Remarks <ul style="list-style-type: none"> ◦ Objectives of the webinar ◦ Introduction of organisers | Prof Frans Viljoen |
| 12:10-12:30 | <ul style="list-style-type: none"> • Overview of General Comment 7 <ul style="list-style-type: none"> ◦ Scope, content and objectives | Ashina Mtsumi |
| 12:30-12:50 | <ul style="list-style-type: none"> • Reclaiming Public Services: Lessons from COVID-19 pandemic and Why General Comment 7 is timely. | Allana Kembabazi |
| 12:50-12:55 | BREAK | |
| 12:55-13:15 | <ul style="list-style-type: none"> • Corporate Accountability in the Social Service Sector: The practical implications of General Comment 7 for private actors involved in provision of social services | Joseph Byomuhangyi |
| 13:15-13:35 | <ul style="list-style-type: none"> • How to use the General Comment to strengthen CSO advocacy and enhance corporate accountability. | Delphine Dorsi |
| 13:35-13:50 | <ul style="list-style-type: none"> • Q&A and commentary • Experience sharing: Open discussion <ul style="list-style-type: none"> ◦ Exploration of best practices and recommendations for promoting human rights in the context of private provision of social services | Moderator |
| 13:50-14:00 | <ul style="list-style-type: none"> • Wrap up and call to action | |