

**Oral Statement made by the Initiative for Social and Economic Rights (ISER) to the 65th Ordinary Session of the African Commission on Human and Peoples' Rights
21 October 2019–10 November 2019, Banjul, The Gambia**

Privatization of health and education excludes the poor

Chairperson,

The Initiative for Social and Economic Rights (ISER) Uganda welcomes the land mark Resolution 420 on the State's Obligation to Regulate Private Actors in Health and Education adopted during the 64th Ordinary Session held in Egypt in May 2019. The Resolution reaffirms that African States are “the duty bearers for the protection and fulfillment of economic, social and cultural rights, in particular the rights to health and education without discrimination, for which quality public services are essential.”¹ ISER Pledges to disseminate the Resolution and engage stakeholders on the implementation of this Resolution.

Madam Chairperson, the issue of private sector involvement in social service delivery-particularly the right to health and education, a role traditionally played by the state is an increasing phenomenon in majority of the States that are Party to the African Charter. While on the face of it private involvement in service delivery like health and education is in line with the calls under the SDGs, Agenda 2063 and various National Development Plans to leverage the advantages of the private sector in development, there is a growing body of evidence to indicate that it poses a threat to the protection and realization of economic and social rights, especially for the poor and marginalized individuals and groups.

The Initiative for Social and Economic Rights and partners have evidence to show the negative impact of private sector involvement in service delivery – including through Public Private Partnerships (PPPs) in Uganda, Kenya, Mauritania, Liberia, Morocco, Lesotho, Ghana etc. The findings show for example that PPPs are costly and do not serve the poor and marginalized groups. Indeed in 2017, for example the Uganda Government started the gradual phase out of the PPP in the delivery of Universal Secondary Education due to issues related to access especially for the poor and vulnerable groups, value for money, accountability and transparency among others. Similar findings came from research on PPPs in health which showed that private health facilities are located mostly in urban areas and unaffordable for majority of the population.

Furthermore, in many states the rapid growth of private sector involvement in service delivery has not been matched by adequate regulation, which poses various challenges for accountability, and maintaining quality standards.

Resolution 420 presents an important foundation for the Commission's intervention in safeguarding health and education as public goods that should be enjoyed by all regardless of social status. We call upon the Commission to work with stakeholders in implementing the Resolution - including through providing further guidance to States on private involvement in service delivery in a manner that safeguards the rights to health and education under the African Charter on Human and Peoples' rights.

Thank you.

¹ Resolution on States' Obligation to Regulate Private Actors Involved in the Provision of Health and Education Services - ACHPR /Res.420 (LXIV) 2019: