



INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

**Oral Statement made by the Initiative for Social and Economic Rights (ISER) to the 62th Session of the African Commission on Human and Peoples' Rights
25 April 2018–9 May 2018, Nouakchott, Mauritania**

Chairperson, the Initiative for Social and Economic Rights (ISER) is a Non-Governmental Organization, which seeks to promote the effective understanding, monitoring, implementation, accountability, and full realization of Economic and Social Rights (ESRs). ISER's statement addresses the need to regulate private actors to ensure realization of economic, social rights.

Progress on Economic Social Rights

ISER welcomes the African Commission on Human and Peoples Rights heightened attention to economic, social and cultural rights (ESCRs). However, the lack of adequate regulatory frameworks for private actors hinders the realization of ESRs, particularly for vulnerable groups.

Increased Involvement of Private Actors in the Delivery of Social Services

The realization of ESRs has been hindered by the increasing proliferation of unregulated non state actors. Governments' increasing reliance on these non state actors to provide social services like health and education coupled with declining state investment in health and education threatens ESRs.

Private Actors require adequate regulatory framework

Governments are yet to put in place adequate regulatory, supervisory and monitoring frameworks for the burgeoning private sector involvement in health and education. The inadequate regulation of the private sector has resulted in discrimination and limited access because services are not affordable. In Uganda, ISER's research has shown that failure to regulate private actors in health and education is resulting in private actors charging exorbitant fees, detrimentally impacting the quality of services and ultimately resulting in discrimination in access to services particularly for vulnerable groups.

Inadequate Supervision and Enforcement of Existing Regulations

Even when regulatory frameworks are put in place, governments fail to enforce them and there is rampant non-compliance with regulations by private actors. Businesses, especially those extracting natural resources are consistently failing to secure free, prior and informed consent of affected communities, particularly indigenous communities and governments are failing to implement this internationally agreed upon standard. As a result indigenous communities in resource rich lands are forcibly displaced from their lands. Labour laws are not complied with. Private actors like Bridge International Academies (BIAs) repeatedly flaunt national right to education standards.

It is imperative that the African Commission provides interpretative guidance to States on regulating business activities in the context of economic and social rights. While there is a working group on extractives, private actors involvement in social services like health and education is beyond the scope of and has not been tackled by this working group. The UN Committee on Economic, Social and Cultural Rights has issued a general comment on Economic, Social and Cultural Rights in the Context of Business Activities (No. 24). The



INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

African Commission should also provide interpretative guidance to States within the African context on regulation and supervision of private actors in service delivery.

Thank you.