

**ACHPR/Res. 434 (EXT.OS/ XXVI1) 2020: Resolution on the
Need to Develop Norms on States' Obligations to Regulate
Private Actors Involved in the Provision of Social Services**

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 27th Extraordinary Session, held in Banjul, The Gambia, from 19 February to 04 March 2020;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

Considering Article 45(1)(a) of the African Charter which mandates the Commission to "collect documents, undertake studies and research on African problems in the field of human and peoples' rights";

Recalling Resolution 73 ACHPR/Res.73(XXXVI)04, adopted at the Commission's 36th Ordinary Session held in Dakar, Senegal from 23 November to 7 December 2004, establishing the Working Group on Economic, Social and Cultural Rights with the mandate to undertake studies and research on economic, social and cultural rights; and make a progress report to the Commission at each Ordinary Session;

Reaffirming the fundamental importance of economic, social and cultural rights enshrined in Articles 14 to 18 and Article 22 of the African Charter and other international human rights instruments;

Noting that the involvement of private actors in the provision of social services has contributed to the low level of enjoyment of economic, social and cultural rights;

Further noting the inadequacy of States' regulation of private actors engaged in the provision of services relevant to the realisation of economic, social and cultural rights;

Recalling Resolution 420 on States' Obligation to Regulate Private Actors Involved in the Provision of Health and Education Services (ACHPR / Res. 420 (LXIV) 2019), adopted at the Commission's 64th Ordinary Session held from 24 April to 14 May 2019 in Sharm El Sheikh, Egypt;

Recalling Human Rights Council Resolution A/HRC/32/L.33, adopted during its 32nd Session in 2016, urging States to give full effect to the right to education, including by taking measures pertaining to the regulation of non-State actor providers of education;

Further recalling the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education, adopted in Côte d'Ivoire, February 2019;

The Commission:

- i. Decides to mandate the Working Group on Economic, Social and Cultural Rights to develop norms on States' obligations to regulate private actors' involvement in the provision of social services; and
- ii. Urges States Parties, civil society and other stakeholders, to collaborate with the Working Group on Economic, Social and Cultural Rights by contributing to the process of developing norms on States' obligations to regulate private actors' involvement in the provision of social services.

Done in Banjul, Republic of The Gambia, on 04 March 2020