



The Global Initiative  
*for* Economic, Social and Cultural Rights

# States' Human Rights Obligations Regarding Public Services essential for the enjoyment of Economic, Social, and Cultural Rights

*The regional perspective*

Policy Brief, September 2022



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### **I. Introduction**

Recent decades have seen the growing involvement of private actors in the provision of services that are critical to the enjoyment of economic, social, and cultural rights (ESC rights), from education and health to water and housing. While the involvement of private actors may play a positive role in certain cases, the increased privatisation of these ESC rights-related services raises many human rights concerns. A range of human rights monitoring bodies have sounded the alarm in reports published over recent years, exposing human rights

violations from States that result from private actors' involvement in public services. A brief published by the Global Initiative for Economic, Social, and Cultural Rights (GI-ESCR) in October 2020 captures the concerns raised by the privatisation of public services by United Nations (UN) human rights treaty bodies, special procedures, and by States in the context of the Universal Periodic Review process<sup>1</sup>. The present research brief complements and expands this 2020 research by looking at the standards developed by regional human rights monitoring bodies: the **African Commission on Human and Peoples' Rights (ACHPR)**, the **European Committee of Social Rights (ECSR)**, and the **Inter-American Commission of Human Rights (IACHR)**.

The research shows that human rights law sets specific limitations and conditions on the involvement of private actors in ESC rights-related services. Moreover, it finds that there is a clear basis for interpretation of existing human rights treaties showing that States have an obligation to provide public services related to the enjoyment of ESC rights<sup>2</sup>. These findings are very timely. The COVID-19 pandemic and the social and economic crises it has triggered; the historic levels of inequality; the climate and ecological emergency; and the geopolitical crisis triggered by the war in Ukraine, make the provision of quality public services essential for protecting human rights and ensuring a more resilient and sustainable economy.

The interpretation of regional human rights treaties within the regional human rights systems also confirms the standards developed by the UN monitoring bodies, in the sense that a contemporary interpretation of human rights law requires States to directly provide public services or ensure at least some level of provision of quality public services by a public body.



## Regional Human Rights Monitoring Bodies

This brief looks at the work of the African Commission on Human and Peoples' Rights (ACHPR), the European Committee on Social Rights (ECSR), and the Inter-American Commission of Human Rights (IACHR). The ACHPR is part of the African Union and is mandated to promote, protect, and interpret the rights guaranteed under the African Charter on Human and Peoples' Rights (African Charter), among other instruments. The ECSR is part of the Council of Europe, and its mandate is to monitor compliance with the European Social Charter. The IACHR is a body within the Inter-American human rights system whose mandate is to monitor, promote, and protect human rights in the countries of the Americas that are members of the Organisation of American States (OAS), having the American Convention on Human Rights (also known as Pact of San Jose) as its main instrument, among others.

## II. The duty to provide public services for the enjoyment of ESC rights

A systemic review of the statements made by regional human rights monitoring bodies indicate a recognition that States have an obligation under human rights law to provide public services. The **ACHPR** has recognised that there is an obligation for States to directly provide quality public social services. The most recent interpretation of the obligations under the African Charter has been given in 2022 through the *General Comment on State Obligations to Regulate Private Actors Involved in the Provision of Social Services*<sup>3</sup> (hereafter General Comment on Social Services). While this General Comment focuses on social services, the term is used interchangeably with public services, acknowledging that social services are public goods, and that States have an obligation to provide quality public social services directly<sup>4</sup>.

Previously, the ACHPR had recognised that water provision is a public service<sup>5</sup>. In its 2019 *Guidelines on the Right to Water in Africa*, it observed that States remain accountable in case of harm caused by the

activities of private water operators, including where the private actors' involvement "undermines the core obligations under the right to water and the nature of water provision as a public service"<sup>6</sup>. This recognition is consistent with article 13(3) of the African Charter, which provides that "every individual shall have the right of access to public property and services in strict equality of all persons before the law."<sup>7</sup>

The **IACHR** has recognised that States have an obligation to provide public services in relation to both the right to health and the right to education. In its 2020 country report on Cuba, for instance, the IACHR noted that Cuba must "ensure a sufficient number of public health facilities, goods, and services, including the underlying determinants of health, such as safe and clean water and adequate sanitation, hospitals, clinics and other health-related facilities, and essential drugs."<sup>8</sup> This recognition is consistent with article 10 of the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Right* which provides that "in order to ensure the exercise of the right to health, the States Parties agree to recognise health as a public good".<sup>9</sup> Similarly, this interpretation is consistent with Article XI of the *American Declaration of the Rights and Duties of Man* which provides that "[e]very person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources."<sup>10</sup>

Regarding the right to education, the IACHR explicitly stated in the 2011 report: *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* that States have an "immediate obligation" to "[g]uarantee free public education up to the level prescribed by law and adopt measures to enable women to complete higher studies."<sup>11</sup>

The IACHR has also indicated that it recognises public education as a right. In its 2019 thematic report: *The Forced Migration of Nicaraguans to Costa Rica, it outlined measures taken by Costa Rica* "to ensure the right to free public education" and further observed that "[a]rticle 22.1 of the 1951 [Refugee] Convention, establishes the right of refugees to

public education indicating that “[c]ontracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.”<sup>12</sup> This recognition is consistent with article 11 of the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights*, which provides that “[e]veryone shall have the right to live in a healthy environment and to have access to basic public services” and which the Commission quoted in its 2011 thematic report on the situation of human rights defenders.<sup>13</sup>

Additionally, the IACHR has indicated that public services are essential for the realisation of human rights, particularly, though not exclusively, for marginalised groups. In the 2015 thematic report: *Violence, Children and Organised Crime*, for instance, it observed that “ensuring access to quality public services in poverty-stricken areas guarantees the human rights of the individuals that live in those communities.”<sup>14</sup> In its thematic report: *The Forced Migration of Nicaraguans to Costa Rica*, the IACHR “urge[d] the State of Costa Rica to guarantee the right to both physical and mental health, without discrimination by nationality or migratory status, [...] through the availability and accessibility of public health facilities, goods and services.”<sup>15</sup> More generally, the IACHR listed “education, health [and] social security” as examples of “public services that are essential for the fulfilment of human rights” in the 2019 thematic report: *Corruption and Human Rights in the Americas: Inter-American Standards*.<sup>16</sup>

The **ECSR** has interpreted the provisions of the Social Charter in a similar manner. For example, in a response to the periodic reporting of Georgia, it concluded that the situation in this country was not in conformity with article 11.1 of the European Social Charter on the right to health, because “it has not been established that there is a public health system providing universal coverage”.<sup>17</sup>

### III. Which services are considered “public services”?

The **ACHPR** has explicitly referred to water and education as a public service.<sup>19</sup> The Commission’s *General Comment on Social Services* also broadens the scope of social services to include services that implement the rights to education, food, healthcare, housing, social security and water, and recognises the importance of State provision of healthcare, housing, electricity, education and to ensure access to essential foodstuffs.

The **IACHR** has explicitly referred to education,<sup>21</sup> healthcare,<sup>22</sup> water<sup>23</sup> and social security<sup>24</sup> as “public services”. Beyond services that are directly related to ESC rights, the Commission has also indicated that transportation,<sup>25</sup> electricity,<sup>26</sup> children’s care facilities<sup>27</sup> and broadcasting services<sup>28</sup> to be “public services”.

The **ECSR** is yet to explicitly define what are public services through its work. Nonetheless, the ECSR defines services considered to be “essential services” in the context of the right to an adequate standard of living. These are water<sup>29</sup>, electricity<sup>30</sup>, and telephone services<sup>31</sup>.

### IV. Human rights requirements for public services

The regional bodies have also further defined how public services should be provided under their regional human rights treaties. The three of them have developed very similar standards which are aligned with the interpretation given by UN bodies. In sum, they have indicated that public services must meet the following requirements:

#### A. Accessibility

All regional human rights bodies have recognised that public services must be accessible to all, without discrimination.

The **ACHPR**, in its 2011 *Principles and Guidelines on the Implementation of Economic, Social, and Cultural Rights in the African Charter on Human*

*and Peoples' Rights* established that States must ensure that privatisation of the health sector does not constitute a threat to the accessibility of health facilities, goods, and services.<sup>32</sup> Further, the *General Comment on Social Services* establishes that access to public services is also a requirement under the African Charter. This interpretation highlights the obligation on States to ensure the provision of accessible social services to all, including as part of the rights to equality and non-discrimination, which would require States to prioritise accessibility for disadvantaged and marginalised groups.<sup>33</sup> Regarding progressive realisation and temporal accountability, the *General Comment on Social Services* emphasises the requirement for a comprehensive strategy to ensure continuous improvement in accessibility to social services. Finally, where a State fails to fulfil the obligation to ensure accessibility, it is obligated to provide access to remedy for this violation.

The *General Comment on Social Services* highlights the risk of commercial actors limiting access to social services for large sections of the population. It acknowledges that non-commercial actors may play a significant role towards expanding access, for instance community-based water or education services in rural areas. The *General Comment on Social Services* adds that even where private actors are involved in the delivery of social services, they have “public service obligations” to ensure that the services remain accessible even in times of emergency. This *General Comment* also calls on States to enact regulations to ensure that fees and levies do not become a barrier to access, and even where fees are charged, any failure or delay to make the payments also does not permit any infringement on the accessibility of the services. According to the ACHPR, regulations for private actors should also include minimum requirements to guarantee accessibility for persons with disabilities.<sup>34</sup>

The **IACHR** has emphasised the need for States to ensure the principles of equal protection and non-discrimination in the provision of public services.<sup>35</sup> In its 2020 *Report on Trans and Gender Diverse Persons and Their Economic, Social, Cultural, and Environmental Rights*, for instance, the Commission stated that “the principle of equal protec-

tion and non-discrimination must apply to the education and training of all persons, for which reason States must ensure that neither public nor private educational institutions discriminate or spread hate speech and intolerance against trans persons.”<sup>36</sup> This body has also called on specific states to ensure the provision of and access to public health care services without discrimination.<sup>37</sup>

The **ECSR** recognised that public education must address segregation to realise the right to free primary and secondary education as enshrined in the *European Social Charter*. The European Committee has concluded, as a response to the periodic reporting of Hungary, that this country was not in conformity with article 17.2 of the Charter on the right of children and young persons to free primary and secondary education, because it has failed to address the segregation of Roma children in the educational field, affirming that “long term plans of the Government on public education fail to address segregation and desegregation”.<sup>38</sup> On economic accessibility, the ECSR has stated that “the right of access to care requires inter alia that the cost of health care should be borne, at least in part, by the community as a whole (Conclusions I (1969), Statement of Interpretation on Article 11) and the cost of health care must not represent an excessively heavy burden for the individual.”<sup>39</sup> Similarly, as a response to Georgia’s periodic reporting, the ECSR concluded that the situation in the country was in conformity with the right to health “on the ground that out-of-pocket payments in general and medication costs in particular represent too high a burden for the individual effectively being an obstacle to universal access to health care.”<sup>40</sup> This was also the Committee’s understanding in its conclusion to the periodic report of Lithuania.<sup>41</sup>

Similarly, the ECSR has recognised that public education should be inclusive and allow children with disabilities to enrol in mainstream schools.<sup>42</sup> In its conclusions to the periodic reporting of Bulgaria, the Committee considered that it has not been established that children with disabilities in this country have an effective right to education due to a lack of independent mechanisms to monitor the impacts of the public education legislation on children with psychosocial disa-

bilities, the uneven allocation of resources to the training of professionals in inclusive education and the lack of data on the number of children and youth with disabilities currently enrolled in any form of education.<sup>43</sup>

Finally, the ECSR has also recognised that reliance on the private rental market has had detrimental impacts on low-income households. It has affirmed that “the decision to withdraw from building social housing and to instead provide rent supplement for private renters has made low-income households extremely vulnerable to shocks in the housing market.”<sup>44</sup>

## **B. Cultural appropriateness**

The ACHPR and the IACHR have both recognised that public services must be responsive to the needs of those they serve and culturally appropriate. The topic has not been expressly addressed by the ECSR.

The **ACHPR** has recognised that public health services must be culturally appropriate. It has affirmed that States should “ensure the recognition, acceptance, development, efficacy, modernisation and integration of traditional medicine into the public health care system”.<sup>45</sup> In the same vein, in its 2011 *State Party Reporting Guidelines for Economic, Social, and Cultural Rights in the African Charter of Human and Peoples’ Rights*, the African Commission has established that in their reporting, States should “[i]ndicate the legislative and other measures taken to ensure the recognition, acceptance, development, efficacy, modernisation and integration of traditional medicine into the public health care system.”<sup>46</sup> The *General Comment on Social Services under the African Charter* acknowledges that, community schools, which may in some instances meet the conditions to be considered public schools, can be crucial in delivering culturally appropriate education.<sup>47</sup>

The **IACHR** has recognised a duty for States to “provide public health services that are [...] culturally appropriate, and sensitive to gender

requirements.”<sup>48</sup> This Commission has also emphasised the need for States to ensure the adaptability of education (including public education) “in order to be able to meet the specific needs of varied cultural and social contexts”,<sup>49</sup> specifically underscoring the importance of incorporating “gender perspectives” in educational systems.<sup>50</sup>

### C. Quality

Both the ACHPR and the ECSR have recognised that quality is an essential feature of public services. The topic has not been expressly addressed by the IACHR.

The **ACHPR** has also recognised that States have an obligation to provide public services of quality. The *General Comment on Social Services under the African Charter* establishes that States must “ensure equal and universal access to quality social services” to align the provision of these services with the rights to equality and non-discrimination.<sup>51</sup> Additionally, this General Comment also establishes the obligation on States to provide quality public social services directly. For private actors, the General Comment affirms the public service obligation to prioritise the public interest over private benefit and provide services of the highest attainable quality.<sup>52</sup> The General Comment further guarantees the importance of quality services, highlighting that plans for progressive realisation of rights should include measures to improve the quality of the services and where there is an unjustifiable decline in the quality of a service this would amount to an impermissible retrogressive measure.<sup>53</sup>

The **ECSR** has recognised that States have an obligation to improve the quality of public services. In the reporting conclusions to Spain concerning article 11§1 of the European Social Charter, on the right of health, the Committee has stated that “right of access to health care also requires that the arrangements for access to care must not lead to unnecessary delays in its provision”<sup>54</sup> referring to the waiting period of the National Health System of this country. Similarly, in its reporting conclusions to Albania on the same right, the Committee has asked the State to clarify whether the public health care services

provided are “sufficient to meet the health challenges related to socioeconomic, lifestyle and environmental risks of the population.”<sup>55</sup> It established that the situation in this country is not in conformity with the European Social Charter.<sup>56</sup>

## D. Funding

Both the ACHPR and the ECSR have established that public services must be adequately funded. Within the Inter-American system this obligation has yet to be expressly defined.

The **ACHPR** establishes that that systems that provide public social services should be adequately funded. According to the *General Comment on Social Services*, States have an obligation to fund public services, which recognises that the obligation to provide public social services cannot be realised without sufficient resources being mobilised, allocated, and spent in a sustainable manner.<sup>58</sup> The General Comment also sets out extensive substantive, procedural and operational requirements to be met when a State considers any allocation of funding to an eligible private actor.<sup>59</sup> Previously, ACHPR had already set requirements for the adequate funding of public services with regards to sexual and reproductive health.<sup>60</sup> General Comment No. 1 of the ACHPR establishes that States “should fund and empower public health authorities to provide a comprehensive range of services for the prevention and treatment of every person’s sexual and reproductive health.” Additionally, in its *General Comment No. 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa*, the Commission has stated that States should “allocate adequate financial resources for the strengthening of public health services so that they can provide comprehensive care in family planning/contraception and safe abortion.”<sup>61</sup> This adequate financing includes “making specific budget allocations under the health budget at national and local levels, as well as tracking expenditures on these budget lines.”<sup>62</sup>

The ECSR has recognised that States have an obligation to adequate-

ly fund public health services under the right to health.<sup>63</sup> Already twice in its responses to the periodic reporting of Azerbaijan, the ESCR concluded that the public healthcare expenditure in the country, as a share of GDP, was too low and therefore not in conformity with the right to health under the European Social Charter.<sup>64</sup> Similarly, in its conclusions to the periodic review of Albania, the ECSR affirmed that “the situation in Albania is not in conformity with Article 11§1 of the Charter on the grounds that public healthcare expenditure, as a share of GDP, is too low.”<sup>65</sup>

## **E. Accountability**

Both the **ACHPR** and the IACHR have developed standards on accountability for public services. The topic has not been expressly addressed by the ECSR.

The ACHPR, in its *General Comment on Social Services* establishes the concept of temporal accountability that is linked to progressive realization.<sup>66</sup> Accordingly, States must outline a clear national strategy for the provision of each social service, detailing benchmarks and specific activities to achieve the service provision within a definite timeframe, imposing safeguards for temporal accountability that specify clear timeframes for project completion and accountability mechanisms to address unreasonable delays.<sup>67</sup> In the same General Comment, the ACHPR also establishes monitoring and oversight mechanism for the provision of social services. It notes that States have an obligation to organise their regulatory systems around a set of rules and benchmarks to enforce the human rights in the African Charter, and are required to adopt administrative, legislative, investigative, adjudicatory and other measures to prevent, mitigate, investigate, punish, and remedy any human rights abuses linked to the entities providing social services.<sup>68</sup> Therefore, States must take all steps to prevent denial of justice and ensure the effective implementation of the right to effective remedy and reparation. Similarly, the ACHPR requires States to regulate and monitor private ownership of public resources.<sup>70</sup>

The **IACHR** establishes that States are required to establish monito-

ring or oversight mechanisms for the provision of public services.<sup>71</sup> In the context of public healthcare, this duty includes ensuring “the existence of legal grievance”<sup>72</sup> or complaint mechanisms.<sup>73</sup>

## F. Transparency

Both the ACHPR and the IACHR have developed standards on transparency for public services. The topic has not been expressly addressed by the ECSR.

The **ACHPR** has recognised that allocating, mobilising and spending resources in a transparent manner is essential to the obligation to provide public social services. Similarly, transparency is also listed as one of the elements of the obligation to establish regulatory standards. In this sense, States’ regulatory standards must address transparency of and access to all information relevant to human rights and the public interest.<sup>74</sup> Further, transparency is an important facet of the right to effective participation which is itself essential for collectively building stronger social services.<sup>75</sup>

The IACHR has recognised that States have an obligation to ensure access to information regarding the provision of public services.<sup>76</sup> This includes ensuring that information about public services is available in languages spoken by minorities.<sup>77</sup>

## V. Conclusions and recommendations

A systemic review of the standards developed by regional human rights bodies regarding public services reveals that, similarly to UN human rights bodies, they recognise that under human rights law States have an obligation to provide public services and that public services are essential for the realisation of human rights. Additionally, these bodies have also discussed how public services should be provided in accordance with human rights law. They have recognised that public services should be accessible, culturally appropriate, of quality, adequately funded, accountable, and transparent.

Of all the regional bodies, the African Union system has the most developed standards through its 2022 General Comment. In particular, the express recognition of States' obligation to directly provide public services; it elaborates on "public service obligations" for private actors. Furthermore, it has provided detailed safeguards when considering any form of partnership with or delegation of public resources to private actors. These are groundbreaking advancements in the interpretation and application of human rights law in regarding to public services.

The interpretation provided by regional human rights bodies is aligned with the standards developed by UN treaty monitoring bodies that human rights law requires States to directly provide public services or ensure the provision of public services by a public body. UN and regional human rights monitoring bodies and institutions not only regard public services as essential for the realisation of ESC rights but also consider that States have an obligation to ensure the provision of public services as a matter of priority. In this regard, current interpretation of international human rights law also sets limitations and conditions on the involvement of private actors in the provision of ESC rights-related services.

The issue is increasingly critical considering rising inequalities and the climate crisis. Developing quality, accessible public services, like health or education, is a major requirement to reduce inequalities. It could also play a central role both in preventing climate change (for instance, by having locally accessible services) and building a sustainable response to the effects of the ecological breakdown. As public services are linked to human rights, they are not just a charitable option but are required to be provided by States as a matter of international human rights obligations.

However, these statements have not been consistent among all regional bodies. Therefore, we recommend that regional human rights monitoring bodies, particularly the European Committee of Social Rights and the Inter-American Commission on Human Rights, continue to develop the requirements for public services under their speci-

fic treaties. We also suggest that regional and UN bodies should exchange more information and draw inspiration and guidance from the perspectives and progress taking place within other bodies. There are various concerns related to the delivery of universal, quality public services, and in many instances, there are similarities in the challenges faced in the different regions. Human rights bodies could learn from the development achieved in other regions to further advance their own interpretation of the legal framework governing the delivery of public services essential for the enjoyment of rights. A more consistent interpretation would provide further clarity as to the States obligations regarding public services. Such clarity would be fundamental to guide States, civil society organisations and rights holders on the appropriate measures to be taken to improve the situation in their respective countries and in the global community.

A better understanding of the States' obligations regarding public services is aligned with the work of several civil society in recent years. For example, in 2021 a diverse group of civil society organisations and actors adopted a [Global Manifesto for Public Services](#). The manifesto establishes a collective vision that could mobilise a worldwide movement to challenge privatisation and commercialisation of public services, as well as to demand public alternatives for the provision of services that are essential for the enjoyment of human rights, in particular of ESC rights.<sup>78</sup> The Manifesto sets out that public services are essential for the realisation of human, individual and collective rights. It provides that quality public services must be universally accessible; participatory, transparent, and democratically accountable to the public; continuously improving and adaptable, responsive, and transformative to those they serve; founded on public financing and committed to true equality and social justice.



# Methodology

The findings of this brief are based on a review of extracts from reports, conclusions, resolutions, recommendations, separate opinions, principles and guidelines from the ACHPR, IACHR, and the ECSR.

Databases and websites were consulted for each regional body. For the ACHPR <https://www.achpr.org/>; for the ECSR <https://hudoc.esc.coe.int/>; and for the IACHR <https://www.oas.org/en/>. Relevant extracts were identified through a full-text search of the documents for keywords related to public services. The researcher analysed the extracts containing one or more of these words or phrases in terms of what they indicated regarding the regional bodies' position on public services under human rights law.

For the analysis of IACHR, this research reviewed thematic reports published from 2007 to 2021, and country reports from 2012 to 2021. With respect to the ACHPR, general comments, principles and guidelines, concluding observations and recommendations, and reporting guidelines published from 2007 to 2021 were analysed. Regarding the ECSR, the following documents from 2012 to 2021 were reviewed: conclusions, statements of interpretations, separate opinions, follow up of conclusions, and resolutions and recommendations of the Committee of Ministers of the Council of Europe. These timeframes were selected based on the availability of reports in the respective databases and in PDF format, which allowed for efficient keyword searching.

The search for statements of the IACHR resulted in a total of 87 reports reviewed. From this number of reports there were 1008 incidences with the key words selected. Nonetheless, only 165 incidences were relevant for the purposes of this brief. Concerning statements of the ECSR, 12,148 documents were found containing the searched keywords. From this number, 328 documents were selected due to their relevance to analysing the human rights framework applicable to public services. 57 documents contained statements thus were considered substantial for the purposes of this brief. Among the 22 documents of the ACHPR that were considered relevant for the purposes of this brief, 20 contained substantial statements to the analysis of the human rights framework concerning public services.

1. Global Initiative for Economic, Social, and Cultural Rights (GI-ESCR), States' Human Rights Obligations Regarding Public Services: The United Nations Normative Framework (2020). <https://www.gi-escr.org/publications/states-human-rights-obligations-regarding-public-services-the-united-nations-normative-framework>
2. GI-ESCR, States' Human Rights Obligations Regarding Public Services: The United Nations Normative Framework (2020) 4 <https://www.gi-escr.org/publications/states-human-rights-obligations-regarding-public-services-the-united-nations-normative-framework>
3. ACHPR 'General Comment on State Obligations to Regulate Private Actors Involved in the Provision of Social Services under the African Charter' (2022).
4. Ibid.
5. African Commission on Human and Peoples' Rights (ACHPR) 'Guidelines on the Right to Water in Africa' (July 2019) para 32.8.
6. Ibid.
7. African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) art 13
8. The Inter-American Commission of Human Rights (IACHR) 'The Situation of Human Rights in Cuba' (3 February 2020) OEA/Ser.L/V/II Doc. 2, para 24.
9. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Right 'Protocol of San Salvador' (adopted 17 November 1988, entered into force 16 November 1999) art 10.
10. American Declaration of the Rights and Duties of Man (adopted 10 December 1948, entered into force 19 July 1978) art XI.
11. IACHR 'The work, education and resources of women: The road to equality in guaranteeing economic, social and cultural rights' (November 2011) OEA/Ser.L/V/II.143 Doc. 59, para 245.
12. IACHR 'The Forced Migration of Nicaraguans to Costa Rica' (September 2019) OEA/Ser.L/V/II Doc. 150, para 318.
13. IACHR 'Second Report on the Situation of Human Rights Defenders in the Americas' (31 December 2011) OEA/Ser.L/V/II. Doc. 66, para 308.
14. IACHR 'Violence, Children and Organized Crime' (November 2015) OEA/Ser.L/V/II. Doc. 40/15, para 495.
15. IACHR 'The Forced Migration of Nicaraguans to Costa Rica' (September 2019) OEA/Ser.L/V/II Doc. 150, para 173.
16. IACHR 'Corruption and Human Rights in the Americas: Inter-American Standards' (December 2019) OEA/Ser.L/V/II Doc. 236 para [96].
17. European Committee of Social Rights (ECSR) 'Conclusions 2013 – Georgia – Article 11-1' (January 2014).
18. ACHPR 'Concluding Observations: Uganda 5th Periodic Report', para 80.
19. ACHPR 'Guidelines on the Right to Water in Africa' (July 2019) para 32.8.

20. ACHPR 'General Comment on State Obligations to Regulate Private Actors Involved in the Provision of Social Services under the African Charter' (2022).
21. IACHR 'Corruption and Human Rights' (6 December 2019) OEA/Ser.L/V/II. Doc 236, para 96; IACHR 'The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas.' (17 October 2013) OEA/Ser.L/V/II. Doc. 54/13, para [301].
22. IACHR 'Corruption and Human Rights' (6 December 2019) OEA/Ser.:/V/II. Doc 236, para 96; IACHR 'The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas.' (17 October 2013) OEA/Ser.L/V/II. Doc. 54/13, para [301].
23. IACHR 'Business and Human Rights: Inter-American Standards' (1 November 2019) OEA/Ser.L/V/II/CIDH/REDESCA/INF.1/19, para 115.
24. IACHR 'Corruption and Human Rights' (6 December 2019) OEA/Ser.L/V/II. Doc 236, para 96.
25. Ibid.
26. IACHR 'Business and Human Rights: Inter-American Standards' (1 November 2019) OEA/Ser.L/V/II/CIDH/REDESCA/INF.1/19, para 115.
27. IACHR 'The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas.' (17 October 2013) OEA/Ser.L/V/II. Doc. 54/13, para 336.
28. IACHR 'Freedom of Expression Standards for Free and Inclusive Broadcasting' (30 December 2009) OEA/Ser.L/V/II/CIDH/RELE/INF. 3/09, para 93; and IACHR 'Situation of Human Rights in Guatemala' (31 December 2017) OEA/Ser.L/V/II. Doc. 208/17, para 307.
29. ECSR, 'Conclusions 2011 - Turkey - Article 31-1' (January 2012); ECSR, Conclusions 2017 - Turkey - Article 31-1 (January 2018); ECSR, Conclusions 2019 - Greece - Article 31-1 (February 2020); ECSR, Conclusions 2015 - Latvia - Article 31-1 (November 2015); ECSR, Conclusions 2015 - Lithuania - Article 31-1 (October 2015); ECSR, Conclusions 2011 - Netherlands - Article 31-1 (January 2012); ECSR, Conclusions 2011 - Portugal - Article 31-1 (January 2012); ECSR, Conclusions 2019 - Portugal - Article 31-1 (February 2020); ECSR, Conclusions 2011 - Ukraine - Article 31-1 (January 2011); ECSR, Conclusions 2017 - Ukraine - Article 31-1 (January 2018).
30. Ibid.
31. Ibid.
32. ACHPR 'Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights' (2011) para 67, p. 25.
33. ACHPR 'General Comment on State Obligations to Regulate Private Actors Involved in the Provision of Social Services under the African Charter' (2022).
34. Ibid.
35. IACHR 'The Situation of Human Rights in Cuba' (3 February 2020) OEA/Ser.L/V/II Doc. 2, para 355.
36. IACHR 'Report on Trans and Gender-Diverse Persons and Their Economic, Social, Cultural and Environmental Rights' (7 August 2020) OEA/Ser.L/V/11. Doc. 239, para [166].

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79. The following keywords were used to search in the databases of the three regional human rights bodies: citizen driven; citizen led; common benefit; common good; commons; communal; community education; community housing; community led; cooperative; direct provision; direct responsibility; essential services; government services; must ensure; must fulfil; must provide; obligation to fulfil; obligation to provide; primary responsibility; privatisation; privatization; public benefit; public delivery; public education; public facility; public food; public good; public governance; public health; public housing; public land;

public management; public service obligation; public services; public water; responsibility to provide; social benefit; social good; social housing; state services; universal health services; basic services; essential health; commodify; public budget.

## About GI-ESCR

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights advocacy organisation. Together with partners around the world, GI-ESCR works to end social, economic and gender injustice using a human rights approach.

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