



Concept Note - Privatization of public goods and services: Human Rights implications

In his report to the UN General Assembly in October, 2019, Philip Alston, the UN Special Rapporteur on extreme poverty and human rights shared that “Privatizing the provision of criminal justice, social protection, prisons, education, basic healthcare and other essential public goods cannot be done at the expense of throwing rights protections out of the window,” and that “While privatization’s proponents insist that it saves money, enhances efficiency, and improves services, the real world evidence very often challenges or contradicts these claims,” .Quality public goods and services are fundamental to a prosperous society. A human rights approach to public services will provide better services to those living in vulnerable situations. Everyone benefits when government creates and supports public schools and universities, transportation systems, parks and libraries, and water systems and ensures that public systems help people at their most vulnerable stages in life by ensuring services such as a fair criminal justice system and compassionate social safety net.

The 2030 agenda is all about leaving no one behind. When services are designed with the user in mind, it encourages a recognition that people are entitled to be treated fairly and with dignity and respect. Throughout the world, governments are turning over to private managers’ control of education, health care, etc. making it not affordable and accessible to those living in poverty. Public services such as Social Protection cannot and should not be just a policy, but needs to be backed by legislation. An example from India highlights the importance of policy to be backed by legislation to ensure access to human rights:

1. 1993 Unnikrishnan VS the state of Andhra Pradesh expanded the right to life (Art 21) to include education leading to the 2002 amendment of art 21 to art 21 A to include the right to education as a fundamental right, which was legislated in to law in 2009 and then promulgated in 2010. A provision established initially to address child labour, school drop- outs through child labour schools and back to school programs, is now justiciable.
2. 2005 Supreme Court order expanded the right to life (Art 21) to include right to food. It held the state responsible for any case of starvation, specifically passing orders that the district collector would be held responsible if there is any starvation death anywhere in the district. As a policy public distribution system (PDS) was a food supplement program. It is now justiciable.
3. In 2006, the food for work, and the employment guarantee scheme was legislated to become a binding law as the National Rural Employment Guarantee Act, ensuring guaranteed work as well as minimum wages for work done.

It is important to note that, only because of these provisions, access to public goods were seen as rights that a citizen holds and the state the duty bearer to provide for these public goods. The goal of reducing inequality (SDG 10) from the perspective of Leaving No One Behind cannot be again the role of a benevolent state or of a civil society guided by a moral compass empathetic to those being left behind. The task of the state is to empower the marginalized to ensure that that they will not be left behind. The theme of the upcoming HLPF, *Empowering people and ensuring inclusiveness and equality*, offers a great opportunity for mobilization of those who are being left behind. Without this commitment all other efforts will certainly fail to achieve Agenda 2030

Objectives of the event:

The objectives of the panel are to generate substantive discussion on the topic, share concrete examples where private finance initiative model has proven to be efficient and less expensive in financing hospitals, schools and other public infrastructure than public financing, where legislation has been successful in ensuring access to public goods were ensured as human rights, propose measures to ensure the necessary checks and balances are in place so that public good continues to offer equal opportunities and equal access for all.

Logistics:

Date and Time: 8:00 am - 9:30 am, April 16, 2019; Location: Conference 11, UNHQ

The panel information:

- Mr. Samuel Victor Makwe, First Secretary (Second Committee), Permanent Mission of Nigeria to the UN (TBC)
- Mr. Manuel F. Montes, Permanent Observer, Senior Advisor of Finance and Development
- Dr. Michael Kambourakis, Founder, Dominican Republic Relief Organization
- Ms. Cecilia Gondard, Senior Policy and Advocacy Officer, Eurodad

Moderator – Celine Paramunda, Vice-Chair, NGO Committee on Financing for Development & Representative to the UN, Medical Mission Sisters

Main organizer: NGO Committee on Financing for Development

Co-sponsors—Medical Mission Sisters, Institute of the Blessed Virgin Mary -Loreto Generalate, Salesian Missions and Global Development Advocates