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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Role of public service delivery in the promotion and protection of human rights and in the achievement of the Sustainable Development Goals

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 52/8, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a report on the role of public service delivery in the promotion and protection of human rights and in the achievement of the Sustainable Development Goals, including in relation to the protection of persons in vulnerable situations. The report reflects best practices, challenges and recommendations to assist national Governments in delivering transparent, accountable and efficient public services.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 52/8, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on the role of public service delivery in the promotion and protection of human rights and in the achievement of the Sustainable Development Goals, including in relation to the protection of persons in vulnerable situations. The Council requested that the report reflect best practices, challenges and recommendations to assist national Governments in delivering transparent, accountable and efficient public services. The Council requested OHCHR, when preparing the report, to seek input from relevant stakeholders. Submissions were received from 38 stakeholders.¹ The report builds on the report of the United Nations High Commissioner for Human Rights on the role of the public service as an essential component of good governance in the promotion and protection of human rights.²

II. Public service delivery and its interlinkages with human rights and the Sustainable Development Goals

2. A variety of public services, such as those related to education, health and social welfare, are essential to the protection and fulfilment of human rights. Quality public services that are timely and accessible are key tools for the realization of human rights, in particular economic, social and cultural rights. A human rights-based approach is vital to the design, delivery, implementation and monitoring of public service provision. Public services include the provision of public goods that are essential for the protection of a number of human rights, such as the right to education, health and food.

3. States across the world should take urgent steps, where needed, to reverse the chronic underinvestment in the provision of basic public services.³ Many States have turned to the private sector in an attempt to close their public service delivery gap. Where this is the case, adequate regulation and oversight mechanisms are essential. OHCHR has presented the concept of a human rights economy as a way forward to support the realization of human rights and the achievement of the Sustainable Development Goals. In a human rights economy, consideration is given to whether resources are used optimally to meet peoples' needs and public services are treated as something to which all persons are entitled, independently of whether such services are provided by a private or a public entity. The human rights economy is envisioned to contribute to the achievement of several Sustainable Development Goals, including those relating to ending poverty, securing good health and well-being and encouraging industry, innovation, infrastructure and partnerships, and in particular the targets on domestic resource mobilization and enhancing policy coherence for sustainable development.

4. Embedding the human rights principles of non-discrimination and participation into policymaking and public service provision frameworks contributes to more equitable service delivery.⁴ It is also related to Sustainable Development Goals 5, on achieving gender equality, 10, on reducing inequalities, and 16, on promoting peace, providing access to justice and building strong institutions.

5. Ensuring the accessibility and affordability of public services is critical. The phenomenon of “non-take-up” – when people otherwise eligible for social protection do not end up benefiting from it, whatever the reason – poses a challenge to the effectiveness of public services and raises questions about their suitability. It is most prevalent among persons in vulnerable situations most in need of public services, including those who are socially isolated, experience stigma, lack bank accounts or are digitally illiterate. Non-take-up occurs

¹ All submissions are available at <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-human-rights-council-resolution-528-promoting-human-rights-and>.

² [A/HRC/25/27](#).

³ [A/HRC/49/28](#), para. 2.

⁴ See [A/HRC/25/27](#).

for various reasons, including barriers to accessing information, discrimination and stigma. It is pervasive in most countries. Non-take-up may also lead to declining trust and public support for social protection systems that are financed through taxation.⁵ Over time, this can contribute to a breakdown of the social contract within society.⁶ Addressing non-take-up is hence critical to securing progress in the achievement of the Sustainable Development Goals, in particular Goal 16. Enhancing the accessibility and quality of services also has the potential to advance progress under Goals 2, on ending hunger, 3, on ensuring healthy lives, 4, on ensuring quality education, 6, on ensuring the availability and sustainable management of water and sanitation, 8, on promoting decent work, and 11, on making cities and human settlements inclusive, safe, resilient and sustainable.

6. There is a need to ensure the transparency and accountability of public service delivery. Transparency, including in budgeting, relates to access to timely and reliable information about public service delivery. This includes, for example, publicly available information about the resources allocated for education or health within a country in any given budgetary year. Accountability allows people to hold public officials and institutions responsible and helps ensure compliance with standards and regulations – including through the submission of complaints.⁷ Robust feedback, monitoring, evaluation and other accountability mechanisms can help ensure that investments in public service translate into tangible improvements in the quality, accessibility and effectiveness of services, ultimately accelerating progress on achieving Sustainable Development Goal 16. Establishing clear, measurable indicators of success and regularly assessing service delivery against these benchmarks require adequate capacity within public regulatory bodies, strong institutions, comprehensive transparency requirements and the participation of rights holders in the monitoring and feedback process.

7. It is important to ensure the meaningful and effective participation of relevant stakeholders, including persons in vulnerable situations, in public service delivery. This entails, inter alia, ensuring that people are enabled to meaningfully participate in relation to public service-related decisions that concern them.⁸ Further, it includes the right to access public services.⁹ The right to participate in public affairs serves as an enabler for the advancement of other human rights, in line with the whole-of-society approach to the implementation of the 2030 Agenda for Sustainable Development.

8. In the submissions received for the present report, Member States and other stakeholders highlighted challenges and promising practices related to human rights and public service delivery, including for persons in vulnerable situations. For example, Qatar has enhanced access to public service delivery through a variety of service delivery channels such as service delivery centres, self-service devices, mobile phone applications and websites, thereby enhancing access to integrated digital platforms. It also conducts opinion polls to further enhance service delivery.¹⁰ Malaysia has a policy framework, entitled MADANI, which is aimed at fostering dialogue and inclusiveness, stability and economic recovery while ensuring a robust and effective public service delivery system.¹¹

III. Promoting and protecting human rights in the context of public service delivery: legal and policy framework

9. The principles of non-discrimination, equality before the law and equal protection before the law without discrimination are firmly anchored in international human rights instruments and form the foundation of the rule of law. In accordance with these principles,

⁵ Ibid., paras. 10, 11 and 23.

⁶ Stephen Kidd and others, *The Social Contract and the Role of Universal Social Security in Building Trust in Government* (Uppsala, Sweden, ACT Church of Sweden and Development Pathways, 2020).

⁷ E/C.16/2006/4, para. 48.

⁸ A/HRC/25/27, para. 21.

⁹ A/HRC/51/10, para. 32.

¹⁰ Submission by Qatar.

¹¹ Submission by Malaysia.

it is an essential obligation of States to eradicate discrimination, including discrimination towards persons in vulnerable situations, in the public and private spheres. The right to equality before the law includes protection from arbitrary and unjustified differential treatment by the authorities. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child all include clauses on non-discrimination, including on the ground of religion.

10. Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights stipulates the obligation of States parties to take steps, to the maximum of their available resources, for the progressive realization of the rights recognized in the Covenant, by all appropriate means. In its general comment No. 3 (1990) on the nature of States parties' obligations, the Committee on Economic, Social and Cultural Rights noted that measures that could be considered appropriate means for the purposes of article 2 (1) included administrative, financial, educational and social measures. Such measures can also be interpreted to include public service delivery.¹² In its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities, the Committee noted that States should impose "public service obligations" on private providers of essential services (para. 21). Further, in article 8 of the Declaration on the Right to Development, the General Assembly stipulated that States should take all measures necessary for the realization of the right to development and should ensure equality of opportunity for all in access to basic resources, education, health services, food, housing and employment and the fair distribution of income.

11. Given the interdependence of human rights, public services are directly or indirectly relevant to ensure the enjoyment of all of them. However, the following sections of the present report are focused on certain rights for which public service delivery is particularly key, including for persons in vulnerable situations, and which were frequently highlighted in the submissions received for the report.

A. Right to social security

12. The coronavirus disease (COVID-19) pandemic brought to the forefront the importance of social protection, robust and efficient public policies and adequately resourced and fully functioning quality public services in responding to the economic and health fallouts of the pandemic. In the context of the pandemic, States stepped up efforts to enhance social security systems in the largest mobilization of social protection measures that the world had ever seen. Nevertheless, in 2020, less than half of the world's population was covered by at least one social security benefit and 4.1 billion people remained entirely unprotected. Social security coverage rates, measured under indicator 1.3.1 of the Sustainable Development Goals, vary greatly between regions: while 83.9 per cent of people in Europe and Central Asia are covered, only 17.4 per cent in Africa are covered. Moreover, in many countries, social security benefits are often insufficient to meet the basic needs of recipients and many people cannot access the benefits available due to legal, systemic or practical barriers, including lack of access to information and digital illiteracy, as well as administrative complexities.¹³ Persons in vulnerable situations, who are among those most dependent on public service delivery to fulfil their rights, suffer most as a result of such barriers.

13. The right to social security, including social insurance, is recognized in article 9 of the International Covenant on Economic, Social and Cultural Rights. In its general comment No. 19 (2007) on the right to social security, the Committee on Economic, Social and Cultural Rights stated that that right required, for its implementation, that a system, whether composed of a single scheme or variety of schemes, was available and in place to ensure that benefits were provided for the relevant social risks and contingencies. The Committee underscored

¹² [A/HRC/25/27](#), para. 25.

¹³ International Labour Organization (ILO), *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future* (Geneva, 2021), pp. 3, 19, 29 and 52.

the responsibility of public authorities for the effective administration or supervision of the social security system. In its statement on the Covenant and the 2030 Agenda, the Committee noted that social services and programmes should be accessible to all, in particular persons in vulnerable situations.¹⁴

14. Inclusive social security systems play a crucial role in the realization of economic, social and cultural rights by contributing to a reduction in poverty and inequalities.¹⁵ The impact of social security systems is amplified when public services, including health care and health services, care and support services, social housing and education are embedded therein. Despite their interconnected relationship, social security systems and public service delivery systems persistently operate in isolation. This separation has eroded the overall effectiveness of social security systems in many countries, negating the potential synergies that could have emerged from connecting their administration.

15. Chile has focused on social welfare through the universal guaranteed pension and its commitment to improving workers' welfare by substantially increasing the minimum wage, which has benefited nearly 1 million workers and their families.¹⁶ Portugal has increased its social spending and optimized resource allocation to maximize the effectiveness of public service provision.¹⁷

B. Right to the highest attainable standard of health

16. According to the World Health Organization (WHO), the world is not on track to make significant progress towards universal health coverage by 2030. Improvements to health service coverage have stagnated since 2015. About 2 billion people across the world are facing financial hardship, with 1 billion spending out of pocket on health and 344 million being pushed further into poverty due to health costs. This pattern can be observed across all regions and in the majority of countries. The aggregate national data mask inequalities within countries. For example, coverage of reproductive, maternal, child and adolescent health services tends to be higher among those who are richer, more educated and living in urban areas, in particular in low-income countries. Persons in vulnerable situations, including people in poorer households, people living in rural areas and households with older family members, tend to be left behind.¹⁸

17. Access to medicines for non-communicable diseases is still limited, in particular among persons living in poverty.¹⁹ While there has been a transformation in recent years in how mental health is understood, addressed and supported, the limited budget for mental health in low- and middle-income countries is still predominantly allocated to psychiatric hospitals (70 per cent). By contrast, allocations to such hospitals in high-income countries is 35 per cent of the budget for mental health.²⁰

18. Article 12 of the International Covenant on Economic, Social and Cultural Rights enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. That right is also stipulated in article 25 (1) of the Universal Declaration of Human Rights. According to the Committee on Economic, Social and Cultural Rights, in its general comment No. 14 (2000) on the right to the highest attainable standard of health, health is a fundamental human right that is indispensable for the exercise of other human rights. In that general comment, the Committee underscored that fulfilling the right to health required functioning public health and health-care facilities, as well as goods, services and programmes being available in a sufficient quantity within the State party. Target 3.8 of the

¹⁴ E/C.12/2019/1, para. 12 (e).

¹⁵ ILO, "Universal social protection: developmental impacts of expanding social protection", available at <https://www.social-protection.org/gimi/Media.action?id=15658>.

¹⁶ Submission by Chile.

¹⁷ Submission by Portugal.

¹⁸ WHO, "Universal health coverage", 5 October 2023, available at [https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-\(uhc\)](https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc)).

¹⁹ See A/HRC/56/28.

²⁰ WHO, *Mental Health Atlas 2020* (Geneva, 2021), p. 55.

Sustainable Development Goals is to achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

19. All health services, goods and facilities must be provided to everyone without discrimination and should be available, accessible, acceptable and of good quality. The principle of non-discrimination is crucial for everyone to enjoy the right to the highest attainable standard of health. The principle of equity requires that health-care services – including mental health care – whether privately or publicly provided, are affordable for all, including groups in vulnerable situations.²¹ Strengthening public health systems as a part of building global health security and universal health coverage is critical to ensure better health and well-being for everyone, everywhere.²² For the purpose of fulfilling their obligations in relation to the right to health, States should adopt a national health policy or a national health plan covering both the public and the private sectors.

C. Care and support

20. Access to support and care systems that are responsive to those giving and receiving care and support is embedded in the International Covenant on Economic, Social and Cultural Rights (arts. 3, 6, 7 and 9–13) and in the Convention on the Rights of Persons with Disabilities (arts. 4, 9, 12, 13, 16, 19–21, 23–28 and 30). It is also enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (preamble and arts. 1, 2, 5, 11–14 and 16), in the Convention on the Rights of the Child (arts. 3, 7, 18, 19, 23–25, 38 and 40) and in the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1 and 5). Target 5.4 of the Sustainable Development Goals is to recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

21. Support and care systems are a precondition for carrying out daily living activities for persons who need care and support. For persons with disabilities, support and care systems are essential to be able to fully, actively and meaningfully participate in society. Most countries have insufficient formal services that offer alternatives to unpaid care and support work. When public or private services are provided, it is often in an institutionalized, medicalized and segregated way, without consideration of the will and preferences of the individual.²³ This is contrary to the human rights-based approach to care and support.

22. Women and girls undertake the majority of care and support work. The gendered disparities in unpaid care and support work restrict their enjoyment of their rights to education, health, decent work, social protection, rest and leisure and to take part in public life. During emergencies, the unpaid and underpaid work done by women and girls functions as “a shock absorber” for gaps in essential public services and social protection.

23. Increased investment in inclusive universal social protection systems, care and support services and jobs and high-quality public infrastructure that are gender-, age- and disability-responsive contribute to safeguarding the human rights of women, children, older persons and persons with disabilities, with tremendous positive multiplier impacts for society. A combination of financial and non-financial tools can be applied to mobilize resources for human rights-based care and support systems. These include taxation, subsidies, government procurement policies and international cooperation.²⁴

24. Some illustrative examples of public services providing for care and support include the Future Hope of Addis Ababa Early Childhood Development Initiative of the Addis Ababa

²¹ Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), para. 12 (b). See also WHO and OHCHR, *Mental Health, Human Rights and Legislation: Guidance and Practice* (Geneva, 2023).

²² United Nations, “Policy brief: the impact of COVID-19 on older persons”, May 2020, p. 13.

²³ See [A/HRC/52/52](#).

²⁴ See [A/HRC/55/34](#).

City Administration, which is aimed at all children under the age of 7.²⁵ In Bosnia and Herzegovina, a 2022 law recognizes that providing care for a person with a disability constitutes work and entitles parents who are caregivers to a monthly allowance, as well as to a pension and disability and health insurance.²⁶

D. Right to education

25. Despite the considerable expansion of all levels of education across the world in the past few decades, contributing to upholding people's dignity and empowerment and the advancement of social, economic, political and cultural development, education is experiencing compounded crises. Firstly, a crisis of equity and equality, which was further magnified by the COVID-19 pandemic. At least 763 million young people and adults lack basic literacy skills and there are 244 million out-of-school children and young people. Globally, students could lose 17 trillion dollars in lifetime earnings, which represents 14 per cent of today's global gross domestic product (GDP). Secondly, a crisis of quality: many children, including those who are enrolled in school, are not acquiring even basic literacy skills. In low- and middle-income countries, the share of 10-year-old children who could not read and understand a simple text was as high as 70 per cent in 2022. More fundamentally, it is a crisis of relevance: education provided through contemporary systems is no longer fit for purpose.²⁷

26. Article 13 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to education. The Committee on Economic, Social and Cultural Rights, in its general comment No. 13 (1999) on the right to education, confirmed that education is both a human right in itself and an indispensable means of realizing other human rights. As stipulated in the general comment, education in all its forms and at all levels should exhibit the interrelated and essential features of availability, accessibility, acceptability and adaptability. Sustainable Development Goal 4 has at its core the elimination of all discrimination in education.

27. The Special Rapporteur on the right to education has noted that where private actors are providing education, the human rights framework remains equally legally binding on States as for publicly provided education.²⁸ The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education were adopted in 2019. It is stipulated in the Principles that States should impose public service obligations on private actors involved in education to ensure that such private actors contribute to the realization of the right to education.²⁹ Also in the Principles, the primary responsibility of States to provide free, quality education while setting standards for regulating private involvement in the education sector is emphasized.

28. In both the Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4 and the Secretary-General's Our Common Agenda Policy Brief 10, "Transforming education", it is reaffirmed that education is a global public good and emphasized that there is a need for increased investment in education to achieve Sustainable Development Goal 4. The Special Rapporteur on the right to education has reiterated the Incheon Declaration, stating that the commitment of States under Sustainable Development Goal 4 to ensure the provision of 12 years of free, publicly funded, equitable quality primary and secondary education must be understood to require free, publicly funded, quality public education. With public education being persistently underfunded, private –

²⁵ Big Win Philanthropy, "Ethiopia Early Childhood Development Program", available at <https://www.bigwin.org/case-study/ethiopia-early-childhood-development-program/>.

²⁶ United Nations Entity for Gender Equality and the Empowerment of Women, *Baseline Study on the Care Economy in Bosnia and Herzegovina: Overview of the Key Denominators, Policy and Programming Options* (Sarajevo, Bosnia and Herzegovina, 2023).

²⁷ "Report on the 2022 Transforming Education Summit" (January 2023), p. 6, available at [https://knowledgehub.sdg4education2030.org/system/files/2023-01/Report on the 2022 Transforming Education Summit.pdf](https://knowledgehub.sdg4education2030.org/system/files/2023-01/Report%20on%20the%202022%20Transforming%20Education%20Summit.pdf).

²⁸ A/HRC/41/37, para. 76.

²⁹ Para. 52. See also A/HRC/41/37.

including commercial – actors are increasingly involved in education. This dual trend of underinvestment in public education and the private sector filling the gap poses a threat to the implementation of the right to education for all. It also threatens the achievement of Sustainable Development Goal 4 by contributing to inequalities in quality and access on a large scale, thereby undermining educational progress and affecting peace and stability, as well as democratic space and social cohesion.³⁰

29. Some of the good practices shared by Member States and other stakeholders for the present report include the efforts of India to reallocate significant budget to enhance national-level education. Also in India, the SWAYAM initiative is aimed at improving educational access, equity and quality by making learning resources accessible to all, in particular groups in vulnerable situations, and bridging the digital divide.³¹ The Kingdom of the Netherlands has taken measures to combat educational inequality through targeted financing for schools in socioeconomically disadvantaged areas, annual evaluations and increased social spending on education, maintaining transparency in budget allocations.³²

IV. Role of local governments in public service delivery

30. States' obligations under international human rights law extend to all branches and all levels, including local governments. Local governments provide public services that must address needs and priorities related to the realization of human rights at the local level.³³ Local governments develop and enact policies that directly affect people's rights. Their proximity to the people they serve makes them uniquely placed to understand public service delivery challenges and needs. With a global shift towards decentralization, the localization of the Sustainable Development Goals is vital for transforming them into lived realities on the ground by utilizing the tier of governance closest to local communities and therefore best able to understand their needs and priorities.

31. Many local governments face challenges in fulfilling their role as duty bearers for realizing human rights and achieving sustainable development. Challenges, in particular in low-income countries, include a lack of awareness of human rights obligations, limited capacity and resources and inadequate institutional structures within local or regional administrations.³⁴

32. There has been a shift towards localized and community-centric approaches to public service delivery, which can also be seen in the progressive acknowledgment and enhancement of the role of local governments in human rights advocacy and protection, including by the Human Rights Council.³⁵ OHCHR is supporting such efforts, including through cooperation with United Cities and Local Governments. For instance, in August 2023, OHCHR organized an expert meeting on enhancing capacity-building for local governments to incorporate human rights into their work, including public service delivery.³⁶ An important vehicle for advancing Sustainable Development Goal localization is the voluntary local reviews, which, when including human rights analysis and recommendations related to public service delivery, can provide guidance and secure resources to advance human rights and sustainable development locally.

33. In one submission for the present report, the adoption of the Panchayati Raj System in India was highlighted. The system is aimed at enhancing accountability by decentralizing government functions to locally elected entities, thereby promoting participatory local self-governance.³⁷ In Ghana, the Local Government Act empowers local governments to

³⁰ [A/HRC/41/37](#), paras. 2, 76 and 80.

³¹ Submission by Broken Chalk.

³² Ibid.

³³ Human Rights Council resolution 51/12.

³⁴ See [A/HRC/56/32](#).

³⁵ See Human Rights Council resolutions 24/2, 27/4, 33/8, 45/7 and 51/12.

³⁶ See [A/HRC/56/32](#).

³⁷ Submission by Ameesha Malhotra.

allocate resources and make their own decisions regarding local service provision.³⁸ During the consultations undertaken with representatives from local governments and cities under the Human Rights 75 initiative, the need to strengthen localized solutions for public service delivery was cited as a key emerging priority. Enhanced resource mobilization for financing local care systems and accessible digital transformation in public services were put forward as priorities.³⁹ As part of the global campaign entitled “10, 100, 1000 human rights cities and territories by 2030”, cities and local governments have underscored that human rights represent an effective framework to connect the right to participation and the principle of proximity with the duties and responsibilities of local governments to ensure access to public services.⁴⁰

V. Privatization and public-private partnerships

34. Target 17.17 of the Sustainable Development Goals is to encourage and promote effective public, public-private and civil society partnerships. The United Nations Conference on Trade and Development (UNCTAD) has described public-private partnerships as formal arrangements between public and private counterparties to share risks and rewards in the delivery of, for example, public services and infrastructure.⁴¹ The increasing trend of private entities delivering services essential to fulfilling human rights, which has taken place in several waves across the world since the 1970s, includes but is not limited to the education, health-care, water supply and housing sectors.⁴² Heavily indebted developing countries are frequently under pressure to privatize their public services: development finance and structural adjustment support from international financial institutions – including the World Bank Group – have often been made conditional upon such privatization.⁴³ The Special Rapporteur on extreme poverty and human rights has noted that the declining role of the State in public service delivery has had a negative impact on the delivery of public goods, including social protection and welfare services, schools and pension systems.⁴⁴

35. A key challenge to privatization and public-private partnerships is the focus of private companies seeking profit-maximization, which can lead to cost-cutting measures that compromise the availability, accessibility and quality of the services provided, which in turn negatively affects the enjoyment of the related rights.⁴⁵ To address this challenge it is critical for countries to effectively regulate the engagement of the private sector in public service delivery.

36. The Guiding Principles on Business and Human Rights provide a framework in this regard. Principle 5 is that “States should exercise adequate oversight ... when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights”. This entails that States do not relinquish their international human rights law obligations when privatizing service delivery that may have an impact on human rights. Failing to ensure that business enterprises delivering such services operate in conformity with the State’s human rights obligations may entail both reputational and legal consequences for the State itself. The relevant service contracts or enabling legislation should clarify the State’s expectations that those enterprises respect human rights. States should also

³⁸ Submission by Transparency International.

³⁹ See <https://www.ohchr.org/en/human-rights-75>.

⁴⁰ United Cities and Local Governments, “Report on the first results of the Global Campaign” (2022), available at https://www.old.uclg.org/sites/default/files/report_global_campaign_humanrights.pdf.

⁴¹ UNCTAD Investment Policy Hub, “What are PPPs?”, available at <https://investmentpolicy.unctad.org/pages/27/what-are-ppps#:~:text=PPPs%20are%20formal%20arrangements%20between,e.g.%20public%20services%20and%20infrastructure>.

⁴² A/73/396, para. 2.

⁴³ Submission by Oxfam International.

⁴⁴ See A/73/396.

⁴⁵ Submission by Lostisland.

ensure that they can effectively oversee the enterprises' activities, including through the provision of adequate independent monitoring and accountability mechanisms.

37. Ensuring transparency and accountability relating to private companies is another significant challenge that may arise owing to a lack of capacity within regulatory bodies or shortcomings in their independence, which can hinder their ability to effectively oversee private sector entities. If services are delivered by the private sector, the risks of discrimination and lack of access by groups in vulnerable situations and those furthest left behind and other human rights impacts are increased if there is a lack of regulation. Adopting a rights-based approach that includes building strong oversight institutions, ensuring comprehensive reporting and transparency requirements and promoting stakeholder engagement and civil society participation in the monitoring process of private sector entities can help mitigate those risks.⁴⁶

38. In Argentina, compliance monitoring and accountability measures are implemented to ensure that private entities effectively deliver public services in line with human rights standards.⁴⁷ In the Kingdom of the Netherlands, the Education Council advises the Government on challenges related to balancing public and private interests in education and addressing unequal access to education that might result in increasing inequalities.⁴⁸ In New Zealand, independent boards oversee private education, which must comply with national legislation.⁴⁹

VI. Fiscal space and debt sustainability

39. Many States, in particular developing and least developed countries, struggle to create and sustain adequate and coherent public services owing to fiscal constraints. On average, countries spend 12.9 per cent of their GDP on social protection, excluding health care, with budgeting for social protection ranging from 16.4 per cent of GDP in high-income countries to 1.1 per cent in low-income countries. To guarantee a basic social security level through a nationally defined social protection floor, upper-middle-income countries would need to invest an additional \$750.8 billion per year, equivalent to 3.1 per cent of their GDP, and low-income countries would need to invest an additional \$77.9 billion per year, equivalent to 15.9 per cent of their GDP.⁵⁰

40. Global spending on health amounted to \$9.8 trillion in 2021, the equivalent of 10.3 per cent of global GDP. Average health spending per capita increased in all countries except low-income countries, where it fell. Sustaining government health spending at 2021 levels may be challenging given the deterioration in global economic conditions and the rise in debt-servicing obligations.⁵¹ According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank, in 2021, low-income countries increased year-on-year spending on education; however, official development assistance (ODA) for education – which continues to be key for low-income countries – is declining.⁵²

41. The Committee on Economic, Social and Cultural Rights has outlined options for Governments to expand the fiscal space for social protection that include reallocating public expenditure with a renewed focus on social spending, increasing tax revenues, reducing debt or debt servicing, adapting the macroeconomic framework, fighting illicit financial flows and increasing social security revenues.⁵³ While mobilizing domestic resources for the fulfilment of economic, social and cultural rights is a national responsibility, increased international cooperation is required.

⁴⁶ Ibid.

⁴⁷ Submission by the national human rights institution of Argentina.

⁴⁸ Submission by Broken Chalk.

⁴⁹ Ibid.

⁵⁰ ILO, *World Social Protection Report 2020–22*, p. 19.

⁵¹ WHO, *Global Spending on Health: Coping with the Pandemic* (Geneva, 2023), p. vi.

⁵² UNESCO and World Bank, "Education finance watch 2023" (Paris and Washington, D.C., 2023), p. 1.

⁵³ E/C.12/2015/1, para. 13.

42. With rising debt burdens, keeping social protection systems afloat and ensuring wider and adequate coverage is an uphill battle. Currently, 85 per cent of the global population is affected by austerity measures, which include the downscaling of social protection programmes for children, women, older persons and other persons in vulnerable situations.⁵⁴ Today, about 3.3 billion people live in countries that spend more on debt servicing than on education or health.⁵⁵ Debt-servicing costs for the 75 countries eligible to borrow from the International Development Association of the World Bank amounted to \$88.9 billion in 2022.⁵⁶ The debt interest rates paid by developing countries are up to eight times higher than those paid by developed countries.⁵⁷

43. This calls for a reform of the international financial architecture, which should be structured to support the implementation of the Sustainable Development Goals and the realization of human rights.⁵⁸ International financial institutions should refrain from prescribing austerity measures that limit the fiscal space for investing in human rights.⁵⁹ As the Secretary-General has highlighted, the global financial architecture is outdated, dysfunctional and unjust.⁶⁰ It has largely failed to fulfil its mandate as a global financial safety net for countries to tackle global crises or to support the mobilization of stable and long-term financing at scale for the investments required to realize sustainable development and human rights.⁶¹ Debt restructuring that is informed by human rights obligations can help borrowing States ring-fence social spending to avoid retrogression in economic, social and cultural rights. Measures to reduce the proportion of GDP spent on debt servicing by indebted developing countries, in particular least developed countries, is critical to free up the resources required for the realization of economic, social and cultural rights.

44. Limited access to development finance, climate finance and emergency liquidity financing creates additional burdens on the fiscal space of low- and middle-income countries in debt distress. Concessional bilateral ODA to developing countries declined between 2002 and 2022, with grants constituting a decreasing share. Given the increasing debt burden on least developed countries and small island developing States, returning to grant-based ODA contributions – that the recipient State is not required to pay back with interest – is critical to ensuring that investments reach those in greatest need.⁶² Systematically considering vulnerability in all its dimensions when determining eligibility for accessing debt relief and concessional finance would help address the imbalance in lending criteria that results in higher borrowing costs for low- and middle-income countries compared with high-income countries.⁶³

⁵⁴ Isabel Ortiz and Matthew Cummins, *End Austerity: A Global Report on Budget Cuts and Harmful Social Reforms in 2022–25* (Initiative for Policy Dialogue and others, 2022), p. 11.

⁵⁵ United Nations, “A world of debt: a growing burden to global prosperity” (2023), p. 4.

⁵⁶ World Bank, “Developing countries paid record \$443.5 billion on public debt in 2022”, 13 December 2023, available at <https://www.worldbank.org/en/news/press-release/2023/12/13/developing-countries-paid-record-443-5-billion-on-public-debt-in-2022>.

⁵⁷ Volker Türk, United Nations High Commissioner for Human Rights, statement at the sixth intersessional meeting of the Human Rights Council on human rights and the 2030 Agenda, Geneva, 18 January 2024, available at <https://www.ohchr.org/en/statements-and-speeches/2024/01/integrating-human-rights-international-financial-architecture>.

⁵⁸ See “Reforms to the international financial architecture”, Our Common Agenda Policy Brief 6 (May 2023), p. 3.

⁵⁹ OHCHR, “Building economies that advance human rights for all”, 29 January 2024, available at <https://www.ohchr.org/en/stories/2024/01/building-economies-advance-human-rights-all>.

⁶⁰ See <https://press.un.org/en/2023/sgsm21855.doc.htm>.

⁶¹ “Reforms to the international financial architecture”, p. 2. See also A/HRC/48/26, paras. 60 and 65, and A/HRC/51/22, para. 15.

⁶² *Financing for Sustainable Development Report 2023: Financing Sustainable Transformations* (United Nations publication, 2023), pp. 79–81.

⁶³ “Reforms to the international financial architecture”, p. 20.

VII. Public service delivery and digital technology, including artificial intelligence

45. Digital technology is increasingly used with the aim of increasing efficiency in public services, ranging from decision-making about people's welfare entitlements to flagging families for visits by childcare services.⁶⁴ The relationship between people and the State is being reshaped by what in many countries constitutes a rapid move to e-government and new ways of delivering public services.⁶⁵

46. A growing number of countries have strengthened their institutional and legal frameworks for e-government development. Most countries have a national electronic or digital government strategy (155 countries), a national data policy (128 countries), legislation on cybersecurity (153 countries) and personal data protection (145 countries) and open government data (117 countries). Almost half of countries (91) have laws relating to e-participation. The most notable expansion in online service provision has been in the area of social protection; the number of countries with national portals that allow users to apply for benefits such as maternity care, child subsidies, pensions and housing and food allowances grew by 17 per cent between 2020 and 2022. However, the path to digital inclusion and sustainable development remains fraught with significant obstacles and uncertainties, in particular in Africa and in least developed countries and small island developing States.⁶⁶

47. Artificial intelligence has the potential – when implemented with adequate human rights safeguards – to contribute to the promotion, protection and enjoyment of human rights and ensure accessibility, including of economic, social and cultural rights and services by persons in vulnerable situations. It can play a pivotal role in ensuring transparent processes and holding public institutions accountable for their actions. If implemented in a way that facilitates access to information and participation in public life, artificial intelligence systems may contribute to strengthening the efficiency and accessibility of health-care services, enabling the greater availability and accessibility of education and advancing gender equality and the empowerment of women and girls.⁶⁷

48. At the same time, reliance on digital technology for the delivery of public services without proper safeguards may have an adverse impact on human rights.⁶⁸ Today, one third of the world's population are still not online and many users only have basic connectivity.⁶⁹ Investing in Internet access can enable more effective participation by individuals and communities in shaping public services. Women and girls in developing countries and a significant percentage of older persons globally are disproportionately represented in the digital divide, which needs addressing.⁷⁰ When services are moved online, it is crucial to take this into consideration and conduct human rights impact assessments.

49. A move towards digital service delivery could also affect rights holders in their enjoyment of other rights, such as the right to privacy.⁷¹ This includes the risk associated with the collection and sharing of data without putting in place sufficient data protection guarantees in law and practice, and without sufficient oversight. It also includes the risks associated with private companies gaining access to data sets that contain personal and sensitive information,⁷² as technology companies are providing support to the infrastructure for critical areas traditionally left to Governments, such as social security. The increased use of big data, coupled with the demand for data disaggregation to measure progress on the

⁶⁴ [A/HRC/48/31](#), para. 30. See also [A/74/493](#).

⁶⁵ *World Public Sector Report 2023* (United Nations publication, 2023), p. 4.

⁶⁶ *E-Government Survey 2022: The Future of Digital Government* (United Nations publication, 2022), pp. 38, 47 and 168.

⁶⁷ Human Rights Council resolution 53/29.

⁶⁸ [A/HRC/48/31](#), para. 29.

⁶⁹ International Telecommunication Union, *Global Connectivity Report 2022* (Geneva, 2022), p. xv.

⁷⁰ [A/HRC/50/32](#), para. 97 (b).

⁷¹ [A/HRC/55/38](#), para. 105.

⁷² [A/HRC/48/31](#), para. 30.

2030 Agenda, has further increased the need to ensure the protection of the rights to privacy and data protection.⁷³ Against this backdrop, the Special Rapporteur on extreme poverty and human rights has drawn attention to the lack of information about the precise role and responsibility of private actors in proposing, developing and operating digital technologies.⁷⁴

50. To mitigate these risks, States should undertake human rights impact assessments for their own use of technology in public services, as well as for when public services are delegated to private actors. Human rights can also serve as guardrails when setting up an independent oversight body with powers to supervise data protection at all stages of data collection, processing and storage carried out by government or other actors.⁷⁵

51. The Dominican Republic has invested in the professional development of its public sector workforce through a project for the strengthening of the civil service financed by the Inter-American Development Bank. The project is aimed at enhancing service provision and human resource management, in particular by developing the adaptation capacity of public servants to the trends of digital transformation.⁷⁶ In Nigeria, integrated digital platforms such as the Remita payment system, digital identity systems and several e-government strategies have helped to digitize the public service.⁷⁷ In Ukraine, the Diia application can be used to hold legally valid documents and access services.⁷⁸

VIII. Corruption and public service delivery

52. Corruption-related crimes cost developing countries about \$1.26 trillion annually.⁷⁹ The estimated annual cost of corruption to the countries of the European Union alone amounts to between €179 billion and €256 billion.⁸⁰ Sustainable Development Goal target 16.5 is to substantially reduce all forms of corruption and bribery. The waste and diversion of public funds leave Governments with fewer resources to fulfil their human rights obligations, to deliver services and to improve the standard of living of their citizens.⁸¹ Corruption limits States' ability to meet their obligation under international human rights law to take steps to the maximum of their available resources for the progressive realization of economic, social and cultural rights.

53. Several submissions received from Member States and civil society identified corruption as a key hindrance to transparency, accountability and efficiency in public service delivery. When public service delivery is compromised by corrupt practices, the consequences extend beyond mere inefficiency; they often affect peoples' human rights, including the right to health, education and an adequate standard of living.⁸² Corruption in the health and education sectors disproportionately affects women, girls and other groups at risk of discrimination.⁸³ In Zimbabwe, the solicitation of illegal payments and corruption allegedly prevent women from accessing basic health-care services in public health

⁷³ OHCHR, "A human rights-based approach to data" (Geneva, 2018).

⁷⁴ A/74/493, para. 74.

⁷⁵ A/HRC/48/31, paras. 29–31, 43, 47, 50 and 59 (j).

⁷⁶ Submission by the Dominican Republic.

⁷⁷ Submission by the National Human Rights Commission of Nigeria.

⁷⁸ Submission by Right to Protection.

⁷⁹ UNODC, "Knowledge tools for academics and professionals: module 7 – corruption and human rights", Module Series on Anti-Corruption, available at https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_7_Corruption_and_Human_Rights.pdf.

⁸⁰ European Parliament, "Stepping up the EU's efforts to tackle corruption: cost of non-Europe report" (Brussels, 2023), p. 3.

⁸¹ UNODC, "Knowledge tools for academics and professionals: module 7 – corruption and human rights", p. 14.

⁸² Human Rights Watch, "Manna from heaven"? How health and education pay the price for self-dealing in Equatorial Guinea", 15 June 2017.

⁸³ Submission by Transparency International.

institutions.⁸⁴ Corruption erodes trust, depletes resources and exacerbates inequality, significantly hindering the efficiency and effectiveness of public services.⁸⁵

54. The European Union has recognized the need to improve transparency procedures to address corruption in procurement processes in the health-care sector.⁸⁶ Corrupt practices undermine access to education and the quality of educational services, with negative impacts on the social and economic development of society, in particular for persons and groups in vulnerable situations. Examples of corruption in education include parents paying bribes to influence their children's school admissions and to expedite access to free public services. Income level often determines the efficiency and speed of service provision, preventing persons on a low income from accessing the maximum possible benefit. Existing disparities within the education system are perpetuated by corruption when it affects the allocation of resources for Internet access and digital learning, with particularly negative impacts on students belonging to minority groups.⁸⁷

55. Mitigating corruption and the accompanying illicit financial flows in public service delivery is crucial for upholding human rights and advancing the Sustainable Development Goals. Rights holders should be provided with relevant information about what they should receive and a feedback mechanism to address shortcomings; strict anti-corruption measures and transparency mechanisms are essential to maintain the integrity of public service delivery. Such measures contribute to the achievement of Sustainable Development Goal 16 and to the overarching aim of sustainable development by ensuring that resources and services reach all rights holders and are not siphoned off through corrupt practices or reserved for those in positions of power or privilege.⁸⁸

56. Reducing corruption in public service delivery is a multifaceted challenge that demands a combination of strategies to promote transparency, accountability and public participation. The importance of increasing public participation and establishing effective oversight mechanisms to prevent corruption in public service delivery is widely recognized.⁸⁹ In combination with accessible complaints mechanisms, strong institutional frameworks and technology that increases transparency, these measures can contribute to fostering accountability and deterring corrupt practices. Sector-specific anti-corruption strategies that address the distinctive challenges of particular service sectors have been noted to have a greater likelihood of success.⁹⁰ Tackling corruption at the grass-roots level is essential to ensure the efficient and equitable provision of public services.⁹¹

57. The efforts made by the Government of Cambodia to address corruption in the provision of public services include the establishment of the Anti-Corruption Unit, which has the authority to investigate and prosecute corruption cases. The Government of Cambodia has also implemented public financial management reforms to increase transparency and accountability related to the use of public funds.⁹² The National Corruption Strategy for the period 2020–2024 of Portugal includes objectives such as improving civic awareness and promoting private sector compliance with anti-corruption measures. The strategy is backed

⁸⁴ Submission by Zimbabwe Women Against Corruption Trust.

⁸⁵ United Nations Development Programme (UNDP), "Anti-corruption", available at <https://www.undp.org/governance/inclusive-and-future-smart-public-goods-and-services/anti-corruption>.

⁸⁶ European Commission, *Updated Study on Corruption in the Healthcare Sector: Final Report* (Luxembourg, Publications Office of the European Union, 2017).

⁸⁷ Submission by Broken Chalk.

⁸⁸ UNODC and UNDP, "Advisory note: mainstreaming anti-corruption into the Sustainable Development Agenda in the Pacific" (2023).

⁸⁹ UNODC, "Knowledge tools for academics and professionals: module 4 – public sector corruption", Module Series on Anti-Corruption, available at https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_4_Public_Sector_Corruption.pdf.

⁹⁰ UNDP, *Fighting Corruption in the Water Sector: Methods, Tools and Good Practices* (2011).

⁹¹ Milena Minkova, *Guide To Corruption-Free Local Government: Practical Ways to Design and Implement Corruption Prevention at Local Levels* (UNDP, 2018).

⁹² Submission by Transparency International.

by the allocation of substantial funds for anti-corruption work in the Recovery and Resilience Plan.⁹³

IX. Conclusions and recommendations

58. Public service delivery contributes to the realization of human rights and to accelerated progress in the achievement of the Sustainable Development Goals. Persons in vulnerable situations are particularly reliant on efficient and non-discriminatory public service delivery to realize their economic, social and cultural rights. Corruption, insufficient resources, discrimination and non-take-up are some of the challenges to public services delivery. These challenges can be mitigated through strengthening the rule of law, improving good governance and applying human rights as policy guardrails and, where appropriate, human rights due diligence, including human rights impact assessments.

59. Equality and non-discrimination, transparency, accountability and the meaningful participation of rights holders underpin an approach to public services delivery that respects human rights and is aligned with the 2030 Agenda.

60. States must ensure equality and non-discrimination in all facets of public service provision and address disparities in public service delivery to fulfil their human rights obligations and achieve the Sustainable Development Goals, targeting those furthest behind first.

61. Adequate regulation and monitoring of public service delivery, including of private actors, along with effective accountability mechanisms such as accessible complaints mechanisms, are essential. States should take measures to ensure that resources in public services are used efficiently and effectively and secure the delivery of quality, affordable and accessible services.

62. Digital technology, including artificial intelligence, has the potential to increase accessibility, participation and transparency in public service delivery, but it also comes with considerable risks. Human rights should underpin regulatory frameworks on the use of technology for public service delivery. States must ensure the security and privacy of personal information in the digital realm by implementing robust data protection measures and should undertake human rights due diligence regarding the use of digital technology for public service delivery. They should also ensure non-discriminatory access to digitalized public services and address the underlying challenge of the digital divide, including through investments in infrastructure and capacity-building.

63. States should ensure that privatization and public-private partnerships of essential services providers contribute to and facilitate the availability, accessibility, affordability and quality of services. It is important that regulations on and steps towards privatization and public-private partnerships ensure respect for human rights and adequately balance public needs and business objectives. States should adequately regulate and monitor the public and private actors delivering public services and ensure that all of them, including those in public-private partnerships, respect human rights standards and provide equitable access to quality services. The involvement of technology companies in public service delivery should also be properly regulated to protect human rights.

64. Efficient public service delivery is key for the fulfilment of the rights to social security, health and education, as well as care and support, which underpin the achievement of the Sustainable Development Goals. States should consider increasing investments in social security systems, including gender-responsive public care and support systems, universal health-care coverage and free, publicly funded, quality education.

⁹³ Submission by Portugal.

65. States are encouraged to adopt a human rights economy approach, which includes assessing economic policies, budgets and public procurement for their potential human rights impacts and the actual impact measured through feedback from rights holders. OHCHR stands ready to support States in applying a human rights economy lens to their public service delivery.

66. Local governments are key agents in public service delivery. To adequately fulfil their role as duty bearers, local governments must be equipped with the adequate resources and capacities for public service delivery and incorporate human rights into their work. Voluntary local reviews that adopt a human rights lens are a good opportunity to take stock of progress made and remaining gaps and challenges.

67. Corruption is one of the key challenges to efficient public service delivery. Reducing the risk of corruption in public service delivery requires the increased engagement of rights holders, effective oversight mechanisms and strong institutions, coupled with efforts to increase transparency and accountability that contribute to promoting and building trust in public institutions.
