The Global Initiative
for Economic, Social and Cultural Rights

States' Human Rights Obligations Regarding Public Services

The United Nations Normative Framework

Policy Brief · 19 October 2020

States' Human Rights Obligations Regarding Public Services

The United Nations Normative Framework

POLICY BRIEF · 19 October 2020

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 (ESCR), from education and health, to water and housing. A number of these services have often traditionally been delivered by the State and referred to as 'public services'.

Although the involvement of private actors may play a positive role in certain cases, the increased privatisation of these ESCR-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. Concerns raised include evidence that privatisation may lower the quality of and result in unequal access to services, increased inequalities, segregation, and the reinforcement of unbalanced power relations.[1]

While it is becoming clear that human rights set limitations and conditions on the involvement of private actors in ESCR-related services,

the question is whether human rights demand that certain services be delivered publicly. The issue is increasingly critical in light of rising inequalities and climate change. Developing quality accessible public services, like health or education, is a major condition 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.

The COVID-19 pandemic and the social and economic crises it has triggered have further exposed and exacerbated the inequalities generated by privatisation and have confirmed the importance of the equalising and redistributive power of robust public services. This is a crucial time to explore and clarify the human rights position on ESCR.

This brief reviews the comments made by UN human rights monitoring bodies and experts about ESCR-related services (referred to in this paper as 'UN statements') and finds that there is a clear basis in the interpretation of existing human rights treaties to consider that States have an obligation to provide public services.

What is a public service?

Public services have commonly traditionally been conceived of as services that are owned, managed and delivered by the State.

A broader understanding than the State-focused paradigm posits that 'public services', from a human rights perspective, are services that are managed by the people, with the recognition of the State, in the interests of the people, and that they are not driven by any commercial or profit-making pursuit or purpose. This is for instance the definition proposed by the Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education adopted in 2019 (the Abidjan Principles). This broader conception of public would include, for example, a school established and run by parents and other community

members in the interests of the children of the area that does not have any profit-seeking motive and that is recognised by the State as a public educational institution.

UN statements do not address this issue in-depth, generally remaining silent on the nature of public services. They have however in a few instances noted that indigenous community services may be central to the provision of public services.[2]

For example, the Committee on Economic, Social and Cultural Rights' (CESCR) 2018 recommendation to New Zealand indicates: *"the Committee recommends that the State party…increase its investment in customary Māori [indigenous] public health systems…"*[3]

In all cases, however, the State remains the duty-bearer under human rights law.

Human rights require states to provide public services

UN Statements indicate that States are required as a matter of human rights law to directly provide public services or ensure their provision by a public body. Treaty bodies and Special Procedures appear to recognise this obligation both as a matter of principle (because human rights law require it) and in instrumental terms (because it is needed *in order to* realise human rights). Recommendations from the Human Rights Council's peer-review mechanisms, the Universal Period Review (UPR), further suggest that States themselves recognise that human rights law requires the provision of public services.

(1) Direct recognition of an obligation to deliver public services

Human rights bodies and mechanisms have in a number of instances explicitly stated that States have an obligation toprovide public services, both generally and in relation to specific ESCR. For example, the CESCR's General Comment 24 indicates that *"[t]he obligation to fulfil requires States parties… in certain cases, to directly provide goods*

Methodology

This brief is based on a review of the concluding observations of UN human rights treaty bodies, country and thematic reports of UN special procedures and reports of the Universal Periodic Review between 2007 and 2020 as available on https://uhri.ohchr.org/, and on a review of general comments and statements of UN human rights treaty bodies between 1990 and 2020 as available on: https://www.ohchr.org/EN/HRBodies/Pages/TBGe neralComments.aspx.

Relevant extracts were selected by using keywords related to public services. We strictly selected extracts that directly or indirectly supported the understanding of a State obligation to deliver public services, or that indicated human rights requirements for public services, and did not keep general statements merely alluding to public services. We analysed the extracts containing one or more of these words or phrases in terms of what they indicated regarding the position of human rights law on public services. These extracts were the basis for this brief. We added other examples that were not captured by the research where we considered this added value. The full methodology and database are available at: https://www.gi-escr.org/public-services-

and services essential to such enjoyment."[4] *Similarly, the CESCR stated in General Comment 13 that "it is clear that article 13 regards States as having principal responsibility for the direct provision of education in most circumstances."*[5] Both the CESCR and the Committee on the Rights of the Child (CRC) have also in Concluding Observations (a set of recommendations to States about their implementation of human rights treaties) explicitly called for specific States to provide *"public services"*,[6] *"public health-care establishments"*,[7] a *"public housing scheme"*[8] and a *"public housing programme"*.[9]

The CESCR has further stated in four General Comments that, as part of their obligation to ensure access to services necessary for the realisation of ESCR, States are required to directly provide facilities or services to those with insufficient means to access them on the private market.[10]

Human rights bodies and mechanisms have on a few occasions referred to public services, or a particular public service, as a right. For instance, in its 2013 Concluding Observations on Azerbaijan, the CESCR expressly listed *"public health care"* as one of the rights that the State party must ensure for refugees, internally displaced persons, and asylum seekers.[11] In a similar vein, the CRC expressed concern in its Concluding Observations on Uzbekistan that *"[p]ersons and families resident in the State party with internationally recognised refugee status lack access to basic socio-economic rights, including public services".* [12]

(2) Public services as essential for the realisation of ESCR

Human rights bodies and mechanisms have in many cases made an instrumental case for public services, regarding them as necessary for the realisation of ESCR, particularly, but not exclusively, for marginalised groups. For example, in its recent *Statement on the coronavirus pandemic*, the CESCR implied that the public provision of essential goods and services is necessary to ensure that those living in poverty are able to access such goods and services, in particular in times of crises:

> *Inadequate public goods and social services also deepen global income and wealth inequalities. Those living in poverty cannot afford to purchase essential goods and services in the private market, and they bear the disproportionate burden of the economic consequences of quarantines, lockdowns and the adverse national and international economic situation.*[13]

The CESCR made a similar point in relation to gender equality in its 2016 statement on public debt and austerity measures, observing that *"reductions in the levels of public services or the introduction of or increase in user fees in areas such as childcare, and preschool education, public utilities and family support services have a disproportionate impact on women, and thus may amount to a step backwards in terms of gender equality."*[14]

Similar conclusions have been drawn in the context of State reviews.

The CESCR expressed concern in 2014 *"that the minimum essential levels of economic, social and cultural rights are not guaranteed in remote islands and areas in Papua and other parts of the country [of Indonesia], primarily due to unavailability and poor quality of public services, including in education and health."*[15] In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW)"[16] and UN Special Rapporteurs have also expressly stated within specific country reports that States must provide public services to ensure the realisation of the right to adequate housing[17] and the rights to safe drinking water and sanitation.[18] The CEDAW and the Working Group on the issue of discrimination against women in law and practice have called for States to provide *"adequate public childcare*" as one of the *"essential services to encourage women's economic participation"*[19] and as a means to ensure women's employment.[20]

(3) States' recognition that human rights require the provision of public services

A number of recommendations made by States to other States in the context of the UPR's peer-review mechanisms reveal that States recognise that human rights law directly requires the provision of public services. [21] Such recommendations can be found, for example, in the 2019 recommendations on Côte d'Ivoire, where four separate States - India, the State of Palestine, Ukraine and Algeria - explicitly called for Côte d'Ivoire to provide *"free public education"*.[22]

States also have referred to public services as a right in their UPR recommendations. For example, Norway recommended in 2017 that Indonesia *"[e]nsure…that adherents of all faiths can fully enjoy their rights to health, education and other public services".*[23]

Further evidence of State support for public services can also be found in State resolutions at the Human Rights Council, such as Guiding Principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights and adopted by the Human Rights Council without a vote. These are not part of the scope of this research however.

What good human rights-aligned public services look like

In addition to determining the basis for the obligation to have public services, UN human rights bodies and experts have commented extensively on how public services should be funded, owned, managed and delivered under human rights law. Taken together, these comments give rise to several human rights requirements for public services. Accordingly, public services must be:

1. Accessible to all, without discrimination. This is both with respect to particular groups such as women,[24] persons with disabilities,[25] older people,[26] and persons who may have irregular migration status,[27] and in general terms.28 It has been stressed that to ensure accessibility States must actively remove barriers (e.g. lack of documentation) so the most vulnerable or disadvantaged people can access existing services.[29] It has further been noted that States should take effective measures to combat institutional stigma by public services providers to avoid discouraging access to services by certain groups such as sex workers, people living with HIV/AIDS, persons with disabilities and minority language groups.[30]

2. Responsive to the needs of those they serve and culturally appropriate. UN statements have specifically recognised this requirement in relation to women[31] and in relation to people living in poverty,[32] and as part of a State obligation to reflect and promote the linguistic diversity existing within their territory.[33] States are required to take measures to ensure that public education, public healthcare and public services generally are culturally appropriate or culturally adequate.[34]

3. Participatory. UN treaty bodies and Special Procedures have indicated that States must ensure that vulnerable and disadvantaged groups such as persons with disabilities and indigenous peoples, are involved in the provision of public services,[35] including by ensuring that such groups are represented and empowered in the design of and decision-making regarding public services.[36] In the context of specific rights, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on the right to housing have em-

phasised that "residents of public housing should have direct, active and effective participation in the planning and decision-making processes affecting their access to housing."[37]

4. Of asufficient quality. UN statements have on numerous occasions explicitly called on States to take measures to improve the quality of particular public services, including public health facilities,[38] *"food supplied through the public system",*[39] and public education.[40] Both the CESCR and the Special Rapporteur on the right to education have implied that States are required to take steps to ensure that public services are not of a lesser quality than those provided through the private market.[41] UN statements have on a number of occasions expressed concern about the low quality of public services essential to the realisation of ESCR.[42]

5. Adequately funded. States are required to allocate sufficient funding to ensure the provision of quality public services.[43] The CESCR, the CRC and the Independent Expert on the effects of foreign debt have called on specific States to increase the State funding allocated to public services generally or to particular public services as a measure towards ensuring the fulfilment of ESCR.[44] The CESCR emphasised the importance of adequate investment in public health systems in its Statement on the coronavirus pandemic earlier this year.[45]

6. Transparent. UN statements have recommended that States take specific measures to ensure that public services are transparent. For example, the Guiding Principles on Extreme Poverty and Human Rights state that *"States must provide accessible and culturally adequate information about all public services available to persons living in poverty and about their rights regarding these services."* [46] In the same vein, the Special Rapporteur on extreme poverty and human rights has stressed that States must ensure access to information regarding the quality of public services.[47] The CERD, the CESCR and the Special Rapporteur on the right to housing as a component of the right to an adequate standard of living have also stated that States must ensure and make publicly visible clear criteria for the allocation of public housing.[48]

7. Accountable. States are required to establish regulatory mechanisms or bodies to ensure the respect of human rights in public services,[49] as for instance in the public health sector[50] and the education sector.[51]

Conclusion and recommendations

It appears from this research that there is solid evidence confirming that human rights law requires States to directly provide public services or ensure the provision of public services by a public body. UN human rights monitoring bodies and institutions not only regard public services as essential for the realisation of ESCR but also consider that, beyond any instrumental concerns, States have an obligation to ensure the provision of public services as a matter of principle. States themselves have recognised such an obligation through their comments at the UPR. More evidence could be found by examining other UN documents, such as Human Rights Council resolutions, and the positions taken by and within regional human rights mechanisms.

Strong, sustainable public services are crucial if we are to respond to the intersecting crises of rising inequalities, the ecological breakdown, and the economic and social consequences of the COVID-19 pandemic. The recognition of a State obligation to ensure the provision of public services under human rights law has the potential to be transformational in changing the tide of privatisation and its harmful consequences for human rights, and, crucially, offers another horizon of hope. As public services are inherently linked to human rights, they are not just a charitable option but are a component of human dignity, and are required to be provided by States as a matter of international human rights law. This has important implications in terms of changing the prevailing narrative on public services, mobilising social movements, and holding States accountable.

1 UN Human Rights Council (HRC) 'Report of the Special Rapporteur on the right to education, Koumbou Boly Barry, Right to education: the implementation of the right to education and Sustainable Development Goal 4 in the context of the growth of private actors in education' (10 April 2019) UN Doc A/HRC/41/37; HRC 'Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston' (26 September 2018) UN Doc A/73/396; HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context Leilani Farha' (18 January 2017) UN Doc A/HRC/34/51; HRC 'Report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller: Human rights and the privatization of water and sanitation services' (21 July 2020) UN Doc A/75/208. At the regional level, see also Inter-American Commission on Human Rights 'Report on Poverty and Human Rights in the Americas' (7 September 2017) OEA/Ser.L/V/II.164, and Inter-American Commission on Human Rights, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights 'Report on Business and Human Rights. Inter-American Standards' (November 2019) OEA/Ser.L/V/II.

2 UN Committee on the Elimination of Racial Discrimination (CERD) 'Concluding observations on the eighteenth to twentieth periodic reports of Australia' (8 December 2017) UN Doc CERD/C/Aus/CO/18-20, paras 20 and 24; HRC 'Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people' (1 June 2010) UN Doc A/HRC/15/37/Add.4 paras 93-94.

3 UN Committee on Economic, Social and Cultural Rights (CESCR) Concluding observations on the fourth periodic report of New Zealand (1 May 2018) UN Doc E./C.12/NZL/CO/4.

4 CESCR 'General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities' (10 August 2017) UN Doc E/C.12/GC/24, para 23.

5 CESCR 'General Comment No. 13: The Right to Education (Article 13 of the Covenant)' (8 December 1999) UN Doc E/C.12/1999/10, para 48.

6 CESCR 'Concluding observations on the initial report of Indonesia' (19 June 2014) UN Doc E/C.12/IDN/CO/1; UN Committee on the Rights of the Child (CRC) 'Concluding observations: Paraguay' (10 February 2010) UN Doc CRC/C/PRY/CO/3.

7 CESCR 'Concluding observations on the third periodic report of the Bolivarian Republic of Venezuela' (7 July 2015) UN Doc E/C.12/VEN/CO/3, para 27.

8 CESCR 'Concluding observations on the initial to third reports of the United Republic of Tanzania' (13 December 2012) UN Doc E/C.12/TZA/CO/1-3; CESCR 'Concluding observations on Ethiopia' (31 May 2012) UN Doc E/C.12/ETH/CO/1-3, para 20; CESCR 'Concluding observations on the initial and second periodic reports of Djibouti' (30 December 2013), UN Doc E/C.12/DJI/CO/1-2.

9 CRC 'Concluding observations on the combined third and fourth periodic reports of China' (29 October 2013) CRC/C/CHN/CO/3-4, para 74.

10 CESCR 'General Comment No. 15 (2002): the right to water' (20 January 2003) UN Doc E/C.12/2002/11; CESCR 'General Comment No. 19: the right to social security' (4 February 2008) UN Doc E/C.12/GC/19; CESCR 'General Comment No. 12: the right to adequate food' (12 May 1999) UN Doc E/C/12/1999/5; CESCR 'General Comment No. 14: the right to the

highest attainable standard of health' (11 August 2000) UN Doc E/C.12/2000/4.

11 CESCR 'Concluding observations on the third periodic report of Azerbaijan' (5 June 2013) UN Doc E/C.12/AZE/10/3, para 9.

12 CRC 'Concluding observations on the combined third and periodic reports of Uzbekistan' (10 July 2013) UN Doc CRC/C/UZB/CO/3-4, para 61.

13 CESCR 'Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights (17 April 2020) UN Doc E/C.121/2020/1.

14 CESCR 'Public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights' (22 July 2016) E/C.12/2016/1.

15 CESCR 'Concluding observations on the initial report of Indonesia' (19 June 2014) UN Doc E/C.12/IDN/CO/1, para 12.

16 Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) 'Concluding Observations on Yemen' (9 July 2008) CEDAW/C/YEM/CO/6, para 36.

17 HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living' (7 February 2008) A/HRC/7/16/Add.2.

18 HRC 'Report of Special Rapporteur on the human right to safe drinking water and sanitation: Mission to the United States of America; (2 August 2011) Un Doc A/HRC/18/33/Add.4.

19 HRC, 'Report of the Working Group on the issue of discrimination against women in law and practice on its mission to Peru' (11 to 19 September 2014), A/HRC/29/40/Add.2.

20 CEDAW 'General recommendation No. 34 (2016) on the rights of rural women' (7 March 2016), UN Doc CEDAW/C/GC/34.

21 See, for example, the recommendation from the State of Palestine in HRC 'Report of the Working Group on the Universal Periodic Review: Afghanistan' (4 April 2014) UN Doc A/HRC/26/4; the recommendation from Viet Nam in HRC "Report of the Working Group on the Universal Periodic Review: Barbados' (12 March 2013) UN Doc A/HRC/23/11; and the recommendation of Singapore in HRC 'Report of the Working Group on the Universal Periodic Review: Central African Republic' (6 January 2014) A/HRC/25/11.

22 HRC 'Report of the Working Group on the Universal Periodic Review: Côte d'Ivoire' (3 July 2019) UN Doc A/HRC/42/6.

23 HRC 'Report of the Working Group on the Universal Periodic Review: Indonesia' (14 July 2017) A/HRC/36/7.

24 CEDAW 'General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change' (7 February 2016) UN Doc CEDAW/C/GC/37.

25 CRC 'General Comment No. 9 on the rights of children with disabilities' (27 February 2007) UN Doc CRC/C/GC/9; CESCR 'General Comment No. 20: Non-discrimination on economic, social and cultural rights' (2 July 2009) UN Doc E/C.12/GC/20; Committee on the Rights of Persons With Disabilities (CRPD) 'General Comment No 2 (2014): Accessibility' (22 May 2014) UN Doc CRPD/C/GC/2.

26 CRPD 'General Comment No 2 (2014): Accessibility' (22 May 2014) UN Doc CRPD/C/GC2.

27 Committee on Migrant Workers (CMW) 'General Comment 1 on migrant domestic workers' (23 February 2011) UN Doc CMW/C/GC/1; CMW 'General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families' (28 August 2013) CMW/C/GC/2; UN Committee on the Elimination of Racial Discrimination (CERD) 'CERD General Recommendation XXX on Discrimination Against Non Citizens' (1 October 2002); CESCR 'Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights' (13 March 2017) UN Doc E/C.12/2017/1.

28 CESCR 'General Comment No 13: The right to education' (8 December 1999) UN Doc E/C.12/1999/10.

29 E.g. Guiding Principles on Extreme Poverty and Human Rights (18 July 2012) UN Doc A/HRC/21/39 para 70 (b) and 'Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda. Addendum - Mission to Mozambique' (4 June 2014) UN Doc A/HRC/26/28/Add.1, para 83(c).

30 E.g. Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda. Addendum – Mission to Namibia (17 May 2013) UN Doc A/HRC/23/36/Add.1, paras 7, 49 and 51.

31 CEDAW 'General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change' (7 February 2016) UN Doc CEDAW/C/GC/37.

32 HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context' (30 December 2013) UN Doc A/HRC/25/54/Add.2.

33 CERD 'Concluding Observations: Norway' (8 April 2011) Un Doc CERD/C/NOR/CO/19-20; HRC 'Report of the Independent Expert in the field of cultural rights: Mission to Morocco' (2 May 2012) UN Doc A/HRC/20/26/Add.2, para 86; CERD, 'Concluding Observations: Turkey' (24 March 2009) UN Doc CERD/C/TUR/CO/3; HRC 'Report of the Special Rapporteur on the right to education, Vernor Muñoz. Addendum - Mission to Mexico' (8 to 18 February 2010) UN Doc A/HRC/14/25/Add.4.

34 HRC 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover' (12 April 2011) UN Doc A/HRC/17/25; CERD 'Concluding Observations: Lao People's Democratic Republic' (13 April 2012) CERD/C/LAO/CO/16-18.

35 CERD 'Concluding Observations: Kazakhstan' (6 April 2010) UN Doc CERD/C/KAZ/CO/4-5; CERD 'Concluding Observations on the combined twelfth to sixteenth periodic reports of the Sudan' (12 June 2015) CERD/C/SDN/CO/12-16; CERD 'Concluding Observations: Bulgaria' (23 March 2009) CERD/C/BGR/CO/19.

36 HRC 'Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya. Addendum: Report on the situation of Indigenous Peoples in Nepal' (20 July 2009) UN Doc A/HRC/12/34/Add.3; CESCR 'Concluding observations on the fourth periodic report of New Zealand' (1 May 2018) UN Doc E/C.12/NZL/CO/14; HRC 'Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya. Addendum: the

situation of Indigenous Peoples in Australia' (1 June 2010) UN Doc A/HRC/15/37/Add.4; HRC 'Report of the Special Rapporteur on the rights of persons with disabilities on her mission to the Republic of Moldova' (2 February 2016) A/HRC/31/62/Add.2; CRPD 'Concluding observations on the initial report of the Plurinational State of Bolivia' (4 November 2016) CRPD/C/BOL/CO/1.

37 HRC 'Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya. Addendum: Report on the situation of human rights of indigenous peoples in Brazil' (26 August 2009) UN Doc A/HRC/12/34/Add.2; HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. Addendum: Mission to the United States of America' (12 February 2010) UN Doc A/HRC/13/20/Add.4.

38 CESCR 'Concluding observations on the initial report of South Africa' (29 November 2018) UN Doc E/C.12/ZAF/CO/1; CESCR 'Concluding observations on the fifth periodic report of Mauritius' (5 April 2019) UN Doc E/C.12/MDA/CO/3.

39 CRC 'Concluding observations on the fifth periodic report of Pakistan' (3 June 2016) CRC/C/PAK/CO/5.

40 CESCR 'Concluding observations on the second periodic report of Kazakhstan' (29 March 2019) UN Doc E/C.12/KAZ/CO/2; CESCR 'Concluding observations on the fifth periodic report of Mauritius' (5 April 2019) UN Doc E/C.12/MUS/CO/5.

41 HRC 'Report of the Special Rapporteur on the right to education, Kishore Singh. Addendum: Mission to Bhutan' (3 June 2015) UN Doc A/HRC/29/30/Add; CESCR 'Concluding observations on the initial report of South Africa' (29 November 2018) UN Doc E/C.12/ZAF/CO/1.

42 E.g. HRC 'Report of the Special Rapporteur on extreme poverty and human rights, Ms Magdalena Sepúlveda: Mission to Namibia' (17 May 2013) UN Doc A/HRC/23/36/Add.1.

43 From the CESCR, see E/C.12/KAZ/CO/2; E/C.12/COL/CO/16; E/C.12/UKR/CO/6; E/C.12/GRC/CO/12; E/C.12/UKR/CO/5; E/C.12/LKA/CO/2- 4; E/C.12/ISL/CO/14l E/C.12/ROU/CO/3-5; E/C.12/PHL/CO/5-6. From the CRC, see CRC/C/PRK/CO/5; CRC/C/MOZ/CO/2;CRC/C/NER/CO/2; CRC/C/LKA/CO/3; CRC/C/TJK/CO/2; CRC/C/UKR/CO/3-4.

44 E/C.12/IRL/CO/3; E/C.12/KAZ/CO/2; E/C.12/COL/CO/16; E/C.12/UKR/CO/6; E/C.12/GRC/CO/12; E/C.12/UKR/CO/5; E/C.12/LKA/CO/2-4; E/C.12/ISL/CO/14l E/C.12/ROU/CO/3-5; E/C.12/PHL/CO/5-6. From the CRC, see CRC/C/PRK/CO/5; CRC/C/MOZ/CO/2;CRC/C/NER/CO/2; CRC/C/LKA/CO/3; CRC/C/TJK/CO/2; CRC/C/UKR/CO/3-4.

45 CESCR 'Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights' (17 April 2020) UN Doc E/C.12/2020/1.

46 Guiding Principles on Extreme Poverty and Human Rights (18 July 2012) UN Doc A/HRC/21/39, para 43.

47 HRC 'Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda' (11 March 2013), UN Doc A/HRC/23/36 paras 73 & 86.

48 CERD 'Concluding Observations: Sweden' (23 September 2008) UN Doc CERD/C/SWE/

CO/18; HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. Addendum - Mission to Algeria' (26 December 2011) UN Doc A/HRC/19/53/Add.2; HRC 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik - Addendum - Follow-up to country recommendations: Brazil, Cambodia, Kenya' (26 February 2010) UN Doc A/HRC/13/20/Add/2; CESCR 'Concluding observations on the initial report of Montenegro' (29 February 2008) E/C.12/MNE/CO/11.

49 CRC 'Concluding Observations: Finland' (3 August 2011) UN Doc CRC/C/FIN/CO/4.

50 HRC 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health - Preliminary note on the mission to India' (29 February 2008) UN Doc A/HRC/7/11/Add.4; CESCR 'Concluding observations on the third periodic report of Moldova' (19 October 2017) E/C.12/MDA/CO/3.

51 CESCR 'Concluding observations on the second periodic report of Kazakhstan' (29 March 2018) UN Doc E/C.12/KAZ/CO/2.

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.

Contact

The Global Initiative on Economic, Social and Cultural Rights (GI-ESCR)
www.gi-escr.org | info@gi-escr.org | @giescr | @GIESCR

Authors

This policy paper has been written by Sarah K. Jameson, Human Rights and Public Services Fellow and Sylvain Aubry, Senior Legal and Research Advisor at the time.

For further information on this policy brief,

please send an email to info@gi-escr.org

The Global Initiative
for Economic, Social and Cultural Rights