

On 3 and 4 October 2023, a group of experts met in Geneva, Switzerland, to discuss human rights approaches to sustainable social services. The event successfully convened members of the African Commission on Human and Peoples' Rights and the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights, along with representatives from some Civil Society Organisations and individual experts. The participants were from 18 different nationalities, 8 African, 5 Latin-American, 4 European and 1 Asian countries, namely Argentina, Cameroon, Chile, Colombia, Côte d'Ivoire, Egypt, Ethiopia, Germany, Italy, Mexico, Nigeria, South Africa, South Korea, Spain, Switzerland, Uganda, Uruguay and Zambia. All of them took part in the event in their personal capacities.

Throughout the two-day meeting, participants reaffirmed the utmost importance of sustainably financed quality public or social<sup>1</sup> services for the realisation of economic, social, cultural, and environmental rights and, in that regard, agreed to issue the following declaration.

## **GENEVA DECLARATION**

### ***ANCHORING SOCIAL SERVICES IN HUMAN RIGHTS STANDARDS IN THE AFRICAN AND INTER-AMERICAN REGIONS***

**ACKNOWLEDGING** that quality public services are the essential tools for realising economic, social, cultural, and environmental rights;

**UNDERSTANDING** that by ensuring access to the conditions needed for a dignified life, such as education, health, energy, water, transport, social security, social protection and a healthy environment, they contribute to tackling multiple crises, including the triple environmental planetary crises and inequalities by enabling the achievement of ambitious climate goals;

**UNDERLINING** the importance of strengthening gender-transformative public services to tackle the root causes of uneven power relations between persons of different genders and advance substantive gender equality in the realisation of economic, social, cultural and environmental rights;

**HIGHLIGHTING** the need to increase investment in public services in Africa and Latin America given their chronic under-investment, and social inequalities. In these

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<sup>1</sup> Throughout this document, "public services" and "social services" will be used interchangeably.

regions, public services have been severely underfunded with the introduction of structural adjustment programmes, led by the World Bank and the International Monetary Fund in the late 1980s and, later, following the global financial crises and the economic fallouts of the COVID-19 pandemic. This scenario has the limited fiscal space of many States to fulfil their obligations to invest in and deliver quality public services. In addition, the availability, accessibility and quality of public services have further deteriorated through their privatisation, including public-private partnerships facilitated by International Financial Institutions;

**RECOGNISING** the impact of the high levels of indebtedness and subsequent debt servicing faced by many African and Latin American countries on their capacity to invest in public services;

**HIGHLIGHTING** that public services need to be reimagined to address new multiple intersecting crises. This may include new services promoting agroecology to respond to the food and environmental crises, and services aiming to mitigate and adapt to climate change by ensuring access to clean, renewable energy for all;

**ACKNOWLEDGING** that during the COVID-19 pandemic, communities at the local level showed their contribution to public services, through self-organised initiatives such as cooking pots for the provision of food.

**REAFFIRMING** that public services play a critical role in delivering on a just transition toward sustainable societies by providing goods and services necessary to respond to the adverse impacts of the climate emergency and ensure no one is left behind in the shift to zero-carbon economies;

**CONCEDING** that many countries in both regions have ineffective tax systems with low levels of tax collection, lack progressive taxation and face constant challenges such as tax avoidance and abuses by corporations and wealthy individuals, illicit financial flows and corruption<sup>2</sup> which leave these regions further behind;

**ACKNOWLEDGING** that the historical power imbalance between multinational corporations and governments enables transnational corporations to pay comparatively less taxes than national small and medium-sized enterprises;

**RECALLING** that beyond tax abuses and foreign debt, investor state dispute settlements are draining States' fiscal capacity to comply with their human rights

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<sup>2</sup> REDESCA, *REDESCA calls on States in the region to put human rights at the center of their fiscal policies*, July 20, 2023, [REDESCA calls on States in the region to put human rights at the center of their fiscal policies \(oas.org\)](https://oas.org), accessed October 11, 2023; United Nations - Conference on Trade and Development, Trade and Development - Economic Development in Africa, *Tackling Illicit Financial Flows for Sustainable Development in Africa*, July 20, 2020, [https://unctad.org/system/files/official-document/aldcafrica2020\\_en.pdf](https://unctad.org/system/files/official-document/aldcafrica2020_en.pdf), accessed October 26, 2023.

obligations on economic, social, cultural and environmental rights, including those related to public services<sup>3</sup>;

**RECOGNISING** the persistent challenge of public scepticism vis-a-vis social services provided by the State due to corruption, poor quality delivery and inequitable access, despite tax payment;

**HIGHLIGHTING** the existence of progressive and useful legal instruments and standards at both regional and international levels for the promotion and protection of sustainable public services for the realisation of economic, social, cultural and environmental rights;

**WELCOMING** the adoption of General Comment 7 of the African Commission on Human and Peoples' Rights on State Obligations under the African Charter on Human and Peoples' Rights in the Context of Private Provision of Social Services.

**WELCOMING** the progress made by the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights in incorporating fiscal policy and human rights issues into its agenda, as well as elaborating standards regarding public services in the context of privatisation developed in its *Thematic Report on Business and Human Rights: Inter-American Standards*<sup>4</sup>.

**RECOGNISING** the need to domesticate and implement progressive instruments and standards on State human rights obligations to deliver and sustainably finance public services through fair and progressive taxation;

**ACKNOWLEDGING** the role played by National Human Rights Institutions and Consumer Organisations in dealing with complaints from people affected by the lack or inadequacy of public services, and the need to strengthen their capacity in carrying out these tasks; and

**ACKNOWLEDGING** the need for human rights bodies from both regions to take further concrete steps to ensure the fulfilment of States' human rights obligations to

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<sup>3</sup> OHCHR, A/78/168: *Paying polluters: the catastrophic consequences of investor-State dispute settlement for climate and environment action and human rights*, July 13, 2023, <https://www.ohchr.org/en/documents/thematic-reports/a78168-paying-polluters-catastrophic-consequences-investor-state-dispute> accessed February 15, 2024.

<sup>4</sup> IACHR-REDESCA, *Thematic Report on Business and Human Rights: Inter American standards* (2019), [https://www.oas.org/en/iachr/reports/pdfs/Business\\_Human\\_Rights\\_Inte\\_American\\_Standards.pdf](https://www.oas.org/en/iachr/reports/pdfs/Business_Human_Rights_Inte_American_Standards.pdf), accessed February 16, 2024

deliver quality social services in line with their human rights obligations and fund them through fair and progressive taxation;

As the result of the meeting, participants recommend to:

### **INTERNATIONAL AND REGIONAL HUMAN RIGHTS MONITORING AND PROTECTION BODIES:**

*Continue* to join efforts, including by holding expert meetings and, whenever possible, by issuing joint statements or declarations on topics related to the promotion and protection of sustainable social services for the realisation of economic, social, cultural, and environmental rights, by addressing the angles of economic justice through progressive fiscal policies, action on debt, renegotiation of trade agreements, and fostering just transitions towards sustainability.

*Strengthen* institutional collaboration with each other to promote and protect financially sustainable social services for the realisation of economic, social, cultural, and environmental rights, as well as to identify and recognise State's human rights obligations around the same topic.

*Get actively involved* in the process towards the United Nations Framework Convention on Tax Cooperation, with the aim of fostering adequate and progressive financing of social services.

*Consider* the standards set forth by the Inter-American Commission on Human Rights and the REDESCA in its thematic report "Business and Human Rights: Inter-American Standards", as well as in General Comment 7 of the African Commission on Human and Peoples' Rights on State Obligations under the African Charter on Human and Peoples' Rights in the Context of Private Provision of Social Services, and continue to develop progressive standards to clarify the State's human rights obligations regarding the involvement of private actors in the provision of social services. This task should also carry a constant reminder to States that:

- a. Services such as education, healthcare, water and sanitation, care, energy, among others, are primarily their responsibility due to the public nature of social services.
- b. It is their obligation to deliver quality public services using human rights standards.
- c. States must fulfil their human rights obligations to fund public services using fair and progressive taxation.
- d. It is a state obligation to regulate and hold private actors delivering social services accountable to prevent and remedy human rights violations, especially for marginalised and disadvantaged groups.

## CIVIL SOCIETY AND ACADEMICS:

*Map and seek* partnerships and alliances with stakeholders interested in the promotion and protection of sustainable social services for the realisation of economic, social, cultural, and environmental rights.

*Continue* compiling and disseminating the existing standards on sustainable social services identifying gaps and promoting the necessary developments.

*Engage* with relevant stakeholders that do not have vested interests at the local, regional, and international levels, including in relevant advocacy spaces such as the Summit of the Future, the Conference of the Parties of the UN Framework Convention on Climate Change (UNFCCC) and to the Escazú Agreement, human rights and/or environmental periodic review processes, the Latin American and Caribbean Summit for an Inclusive, Sustainable and Equitable Global Tax Order, and others, to promote the operationalisation of the standards on sustainable social services.

*Work towards* shifting the mindsets of members of the Executive, Legislative and Judicial branches as well as lawyers and other relevant stakeholders not yet sensitised to the human rights obligations to deliver sustainably financed public services through fair and progressive taxation.

*Raise awareness* on the need for States to ensure public financial, administrative and political support to people's initiatives providing social services at the local level.

*Collectively advocate* the development and adoption of further standards by international or regional human rights bodies on sustainable social services.

*Develop* doctrinal principles and implementation tools to achieve sustainable social services.

*Advocate* further clarification of the State's human rights obligations on sustainable social services.

*Join* forces and push for improvements in the regional human rights instruments to address the State's human rights obligations regarding public services, in the context of the triple planetary crisis.

*Initiate* a dialogue between the regional Courts on the existing standards on sustainable social services.

*Produce* country baselines on both regions through engagement with communities, at the frontlines of the climate emergency who have been impacted by austerity and privatisation measures, to research their perception of sustainable social services. This includes research on the state of healthcare systems, education, water, energy, social security and social protection and their relation to the climate emergency.

*Promote* spaces for dialogue and advocacy with International Financial Institutions and relevant public service companies to ensure compliance with human rights standards.

*Address* the angles of economic justice through progressive fiscal policies and just transition towards sustainability in the above-mentioned recommendations for the realisation of economic, social, cultural and environmental rights.

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*\*Participants contributed to the Declaration in their personal capacities.*

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