



**PUBLIC
SERVICES
INTERNATIONAL**



ऑक्सफैम इंडिया
OXFAM
India



The Global Initiative
for Economic, Social and Cultural Rights



CENTER FOR ECONOMIC AND SOCIAL RIGHTS
SOCIAL JUSTICE THROUGH HUMAN RIGHTS

Advancing Human Rights Through Gender-Responsive Public Services: A Feminist Alternative to Privatisation

Outcomes Report

Session held at the Global South Women's Forum: Disrupting Macroeconomics 2020

A Forum to learn, strategise and celebrate feminist visions
for economic justice.



Published by

Global Initiative for Economic, Social and Cultural Rights

Email: info@gi-escr.org

Homepage: www.gi-escr.org

February 2021

Edited by Alejandra Lozano

© 2020 Global Initiative for Economic, Social and Cultural Rights.

I. Introduction

The pandemic—and the economic and social crises it has generated— has laid bare the devastating consequences of widespread privatisation of public services that are essential for the realisation of women’s rights, such as healthcare, education, water, and social security. For more than four decades, in most parts of the world, the myth that the private sector could deliver more efficient and accessible services than those that are publicly owned fostered the implementation of economic measures to pass key services traditionally owned, funded, managed, and delivered by the State to private hands.¹

What do we mean by “privatisation” of public services?

The engagement and participation of private actors in key public services, such as health, education, water and sanitation, among others, can have several forms, including in management, ownership, funding, and provision.² Its implications and characteristics may vary largely depending on the sector, but there is a growing consensus that these measures have not only failed to deliver in terms of *costs/efficiency*, but they have also raised several human rights concerns.³ Several mandate holders of UN Special Procedures and other International Human Rights Mechanisms have long alerted that the privatisation of public services increases segregation, reduced accessibility for the poor, and has represented a move away from shared responsibility, transparency, democratic decision-making, and the public provision of services for the common interest.⁴

Why is privatization an issue relevant for the realization of women’s rights?

As women suffer from multiple and intersecting forms of discrimination and are constrained by gender roles and stereotypes that limit their possibilities to exercise their fundamental rights, they are disproportionately impacted by the privatisation of public services. The specific impacts of privatisation on women’s rights depend on the privatised service in question, but for-profit services have been found to significantly reduce accessibility for people living in poverty, and since women are the majority of the world’s poor, the imposition of unaffordable user fees to social services are more likely to result in the exclusion of women.⁵

Furthermore, private actors engaged in public services tend to cut expenses to increase revenues, which has had a tremendous impact on the quality of public services. Without adequate

¹ Alston, Philip, ‘Report of the Special Rapporteur on extreme poverty and human rights’, Human Rights Council, UN Doc A/73/396 (2018), p. 4. available at: <https://undocs.org/A/73/396>; Wainwright, Hilary, ‘The Tragedy of the Private: The Potential of the Public’, Public Services International and the Transnational Institute (2014), p.6, available at: <https://publicservices.international/resources/publications/the-tragedy-of-the-private-the-potential-of-the-public?id=599&lang=en>

² CESR and GI-ESCR, ‘Public Financing of Public Services’, COVID-19 Recovering Rights, (2020) p.1. <https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5f92c4ea3d1f234ac1290cca/1603454186943/2020-10-19-Policy-Brief-States-HR-Oblig-PS-UN-NormFram.pdf>

³ Jameson, Sarah and Aubry, Silvain, ‘States’ Human Rights Obligations Regarding Public Services The United Nations Normative Framework’, Policy Brief (2020), p.1, available at: <https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5f92c4ea3d1f234ac1290cca/1603454186943/2020-10-19-Policy-Brief-States-HR-Oblig-PS-UN-NormFram.pdf>

⁴ Alston, Philip, ‘Report of the Special Rapporteur on extreme poverty and human rights’, UN Human Rights Council, UN Doc A/73/396, (2018), p. 4. available at: <https://undocs.org/A/73/396>. Farha, Leilani, ‘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’, UN Human Rights Council, UN Doc A/HRC/34/51 (2017), available at: <https://www.undocs.org/A/HRC/34/51>; Heller, Léo, ‘Report of the Special Rapporteur on the human rights to safe drinking water and sanitation: Human rights and the privatization of water and sanitation services’, UN Human Rights Council, UN Doc A/75/208 (2020), available at: <https://undocs.org/en/A/75/208>; De Schutter, Oliver, Bohoslavsky, Juan Pablo, et. al, ‘COVID has exposed the catastrophic impact of privatising vital services’, The Guardian (2020), available at: <https://www.theguardian.com/society/2020/oct/19/covid-19-exposed-catastrophic-impact-privatising-vital-services>

⁵ WEDO, ‘Diverting the Flow: A Resource Guide to Gender, Rights and Privatization’ (2003) p.4, available at: <https://wedo.org/wp-content/uploads/2003/11/divertingtheflow.pdf>

regulation, some privatised public services models are less equipped to ensure women's safety and address their specific needs and are less likely to be designed and adapted to contribute to the social transformation of gender relations and the eradication of negative gender stereotyping. As for-profit services are underpinned by their need to maximize profits, they usually reinforce gender roles and do not seek to pursue the social transformation of unequal power relations.⁶

In addition, wages and access to social security benefits (health and pension benefits, among others) have declined dramatically, while working loads and job insecurity have increase for workers in the public sector.⁷ Considering that, across the world, women represent 70 per cent of the workforce in the health sector⁸ and 60 per cent of all workers in education, the privatisation of public services has resulted in worsening working conditions, especially for women in low-end occupations.⁹ The COVID-19 pandemic has only come to exacerbate these precarious labour conditions of working women who are overrepresented in the workforce of essential services.

Privatisation, and its consequent impact on the accessibility and quality of key public services, has also implied a shift in care burdens from public services to households, and subsequently, to women. As is well-known, due to stereotypical assumptions regarding the role of women in society, women perform three -quarters of all unpaid care work provided across the world.¹⁰ Therefore, when public services are compromised, women are expected to shoulder most of the burden when families need to compensate for the lack of public services to provide to those in need of care.¹¹ This intensified and unequal care responsibilities are a major barrier for gender equality and women's enjoyment of equal rights and is one of the major causes of the feminization of poverty.¹²

To address these structural causes of gender equality and address women's needs, we need to envision how we can provide feminist alternatives to privatisation and how we organise, own, manage, and deliver public services to advance substantive equality for women in all their diversity.

To this aim, on 17 December 2020, the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) jointly with the Center for Economic and Social Rights (CESR), Oxfam India and Public Services International (PSI) hosted a session as part of the [Global South Women Forum for Sustainable Development: Disrupting Macroeconomic \(GSWF 2020\)](#) organized by IRWAW-AP as online space for learning, strategizing and celebrating feminist visions for economic justice.

The session entitled 'Advancing Human Rights through Gender-Responsive Public Services: A feminist Alternative to Privatisation' convened feminist activists and experts from all over the

⁶Eurodad, The African Women's Development and Communication Network, Gender and Development Network, 'Can Public-Private Gender Equality Deliver Gender Equality?', (2019) p.1, available at: https://d3n8a8pro7vhm.cloudfront.net/eurodad/pages/443/attachments/original/1590686869/Can_public-private_partnerships_deliver_gender_equality.pdf?1590686869

⁷Herman, Christoph and Flecker Jorg, 'Privatization of Public Services: Impacts for Employment, Working Conditions, and Service Quality in Europe', Ed. Routledge, (2012); Prizzia, Ross, 'An International Perspective of Privatization and Women Workers', Journal of International Women's Studies, Volume 7, Issue 1, p. 59 (2005).

⁸ Adhanom Ghebreyesus, Tedros, 'Female Health Workers Drive Global Health', WHO, (2019), available at: <https://www.who.int/news-room/commentaries/detail/female-health-workers-drive-global-health>

⁹ CSW63, 'Social Protection Systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls', Report of the Secretary General, E/CN.6/2019/3 (2019), p.11, available at: <https://undocs.org/E/CN.6/2019/3>; ActionAid, 'Who Cares for the Future?: Finance Gender Responsive Public Services!', (2020), p. 12, available at: <https://actionaid.org/sites/default/files/publications/final%20who%20cares%20report.pdf>

¹⁰ ILO, 'Care Work and Care Jobs for the Future of Decent Work' (2018), p. xxix, available at: [wcms_633135.pdf \(ilo.org\)](https://www.ilo.org/publications/iloorg)

¹¹ De Schutter, Oliver, 'Combating Poverty in a World with Limited Resources' in Bartmann, Yvonne and Lienert, Salome (eds), *Building Back Better: A Call for Courage*, (FES 2020), available at: [Building Back Better \(pop-umbrella.s3.amazonaws.com\)](https://www.amazon.com/Building-Back-Better-pop-umbrella-s3-amazonaws-com); ActionAid, 'Who Cares for the Future?: Finance Gender Responsive Public Services!', (2020), p. 11, available at: <https://actionaid.org/sites/default/files/publications/final%20who%20cares%20report.pdf>

¹² Sepulveda, Magdalena, 'Report of the Special Rapporteur on Extreme Poverty and Human Rights', A/68/293, UN Human Rights Council, (2013), available at: <https://undocs.org/A/68/293>

gender non-conforming people are amongst the ones at the bottom of the heap and all too often are disproportionately affected by these measures.”

Privatisation, according to Kate Donald, also serves to delegitimize the case for progressive taxation policies. As the private sector has gained more power and it has been able to exert pressure to governments in order to lower taxes, States have eroded their capacities to provide good quality public services and comply with its human rights obligations. The State has been “starved of its revenues” in large part due to widespread privatisation.

Verónica Montúfar (PSI) highlighted that PSI has documented several cases across the world that show that privatisation and commodification have failed to deliver more efficient and effective services. For instance, in the midst of the pandemic, in the UK the privatised chain of supply that provides personal protective equipment (PPE) to the National Health System (NHS) has been implicated in several preventable deaths of health workers.¹³ Due to the highly decentralized and outsourced procurement system, the NHS was not able to deliver PPEs rapidly and many health workers were unnecessarily exposed to the virus. Most of them, were women workers at front-line health services.

Anjela Taneja (Oxfam India) emphasised that evidence suggest that countries with the highest rates of health out-of-pocket expenditure also have the highest COVID-19 rates. The less the State invests in public services, such as healthcare and the more citizens need to engage in out-of-pocket expenditures, the worse a country has fared in this pandemic. Privatised public services have, therefore, failed to be an effective alternative.

Privatization changes the nature of right. Anjela Taneja explained that privatisation reduces education to “learning outcomes” instead of adopting a holistic approach to education in line with human rights standards. In the healthcare sector, privatisation has disincentivised investment in primary and preventive healthcare, which, despite being less profitable for the private sector, it is key to realize the right to health and to halt the spread of highly infectious diseases, such as the COVID-19.

3. The unjust social organization of care is reinforced as a result of the privatisation of public services

Verónica Montúfar (PSI) considered that the privatisation of public services is highly reliant on the unpaid work that is mostly performed unrecognized and in precarious conditions by women worldwide. Due to the widespread nature of privatisation policies and its consequent impact on the availability and quality of public services, low-income families have been forced to make their own care arrangements. This have substantially increased women’s and girls’ already heightened care burdens. Now in the COVID-19 context, long-working hours, school closures and overwhelmed health systems, have resulted in skyrocketing care workloads for women. The unjust organization of care systems have been indirectly reinforced and entrenched by the privatisation of essential public services.

4. Highly privatised public services exclude women, particularly women form low-income communities.

¹³ See Hall, David et al, ‘Privatised and Unprepared: the NHS Supply Chain’, University of Greenwich and We Own It, (2020), available at: [Privatised and Unprepared - The NHS Supply Chain Final.pdf \(weownit.org.uk\)](#)

Anjela Taneja (Oxfam India) underscored that reliance on private actors implies out-of-pocket expenditures and user fees which exclude the poor. Since women represent most of the people living in poverty, often they are the most disproportionately impacted by the lack of affordable public services. For instance, 68 per cent of patients in urban India and 57 in rural India mentioned that it was due to financial constraints that they resorted to self-medication instead of seeking for adequate medical advice. The risk of ignoring this is that in a grossly unequal world and in countries like India where 10% of the richest families hold 77% of India's wealth, we risk promoting the survival of the richest.

“For low-income women this means rationing of healthcare choices. They are commonly faced with the hard choice of either paying for their children's healthcare or covering for their own health care needs. Often, by the time women can access health care services, it is already too late.”

In the case of education, Anjela Taneja considered that privatisation creates sorting effects. Parents from low-income communities might have to choose which of their children will be able to receive private education. Since boys are seen as the future “bread winners” of the family it is common for parents to privilege the education of their sons over their daughters further entrenching gender inequalities. During the COVID era, these trends have exacerbated the risks of girls dropping out of school.

5. Commodification of public services result in loss of democratic spaces

Anjela Taneja (Oxfam India) considered that involvement of private actors in public services result in loss of these collective democratic spaces that are key to citizen participation, collective bargaining power, and social accountability. At the end, privatisation of public services turns rights-holders and communities into consumers severely damaging social cohesion and social and family bonds.

Part II: Why and how can we reorganize public services to advance gender equality?

In this second part of the session, key speakers reflected on the measures that States and civil society should undertake to provide feminist alternatives to privatisation and reorganize public services to advance women's rights. The following key ideas were raised during the conversation.

1. We need to change the prevalent narrative regarding public services

Kate Donald (CESR) said that we need to change the narrative on public services and reclaim them as public goods and as human rights to which we are all entitled. It the battle of the narrative – not the battle of the evidence - that we have lost in the last 30 years. We need to reassert the concepts of inclusion, equality, and solidarity. The tax justice movement has been quite successful in this regard in shifting the narrative around e.g. billionaire taxes. We need to constantly challenge or reclaim terms and ideas that proponents of neoliberalism have co-opted, such as “women empowerment”. Market based policies also need to be questioned. We should interrogate, for instance, why is “efficiency” placed as a matter of priority before “inclusivity”. We also need to make human rights discourse more accessible to everyone. Human rights practice and discourse can be very legalistic and difficult to understand to most people seeking avenues to fight for gender equality and good quality public services.

In that line, we also need to change the narrative around care; putting care at the centre of our economies and societies is key to move forward. We need to reflect on the fact that care is not an individualized problem that households have to solve; care is a collective social responsibility

which we should all contribute to. We should establish a new social pact on care through progressive taxation able to ensure investment in good quality care-related services available to all. It is important to reconceptualise care services as an investment in social justice, in society and in the future, not as an expense.

Anjela Taneja (Oxfam India) agreed that more work need to be done to change the narrative on public services. It is important to defend the public, but we also need to take the battle to the private sector. For her, it is critical to highlight the faults and incommensurable unconscious private sector behaviour and to do so consistently and repeatedly until we can get our message through about the importance of reclaiming the public.

2. We need to reclaim the public to advance substantive gender equality

Kate Donald (CESR) highlighted that even though we are seeing trends that favour privatisation in its many forms as particularly espoused by the International Financial Institutions, we are also seeing at the country and at the local level significant moves to reclaim public services. The [Transnational Institute](#) has documented several case studies on the re-municipalization of essential social services and has been successful in creating a worldwide network of stakeholders advocating for the development of democratic, accountable, and effective public services. Reclaiming the public and countering privatisation is the first step to build gender-responsive public services.

Anjela Taneja also explained that change is possible. It might not happen overnight, but there are many inspiring examples of communities, the youth and women joining efforts to counter privatisation all over the world. We need to get inspiration from these stories of success. It is critical to also invest in winning the hearts and minds of the system since change is most sustainable when it comes from within the system.

3. Gender-transformative strategies should be incorporated to provide for feminist alternatives to privatisation

Verónica Montúfar (PSI) discussed that the public alternatives need to have a set of qualifiers to ensure they are rights-aligned. Indeed, they must be publicly owned, funded, managed and be transparent and accountable to rights-holders. However, she also stressed that they need to incorporate a gender-responsive approach to combat gender discrimination, ensure public services are safe spaces for women and to make public services more accessible and responsive to women's specific needs. Moreover, public services, according to Verónica, need to adopt gender-transformative strategies.

“Public services must be used as interventions to redress structural causes of inequality and the redistribution of power and resources that enables unequal relations between men and women to prosper.”

For instance, one of the key objectives of gender-transformative public services is to contribute to the social reorganization of care systems. In this line, Verónica Montúfar also shared the 5 R's framework that PSI has adopted as a gender transformative strategy to advance substantive gender equality. The 5 R's Framework stand for: i) **Recognising** care work, ii) **Rewarding** caregivers, iii) **Reducing** care responsibilities, iv) **Redistributing** care burdens, and v) **Reclaiming** the role of the public in care systems.

4. A stronger political approach needs to be adopted to reiterate the role of the State and the need to regulate the private sector

Anjela Taneja (Oxfam India) considered that the main question was not so much on the “what needs to be done?” but on the “how?” In addition to defending the public and having viable gender-responsive public alternatives, we also need to have a stronger political approach. It is critical that we reiterate the critical role of the state and the importance of regulating the private sector when engaged in essential public services.

States often think that privatising public services may be an easy way to outsource their human rights responsibilities. For these reasons, it is important to emphasise that the State is the primary duty-bearer of the realization of human rights. Therefore, States have the obligation to adequately regulate all private actors engaged in the provision of public services as to ensure they comply with human rights standards.

We also need States to commit to universal coverage and equality of outcomes and increase public financing to make universal coverage a reality. But this is not enough. We need public spending to increase, but we also need more equitable spending to ensure women’s needs are recognized and addressed. It is critical to defend the value of free public services. For instance, 63 million people are pushed into poverty every year due to healthcare expenses in India.

5. We need to change the structure and organization of public services to ensure women’s right to full and effective participation and decision-making

Anjela Taneja (Oxfam India) mentioned that what is required to make change to happen is feminist leadership. Agency of women frontline workers is crucial as they have borne the disproportionate impacts of the lack of good quality and gender-responsive public services. However, to rethink how we can organize public services to advance women’s rights we need women’s rights organizations and feminist social movements, the youth, and community leaders to build alliances and cross-constituency networks of solidarity. Feminist movements and organizations will be critical to any sustainable transformative change.

Conclusions

One of the silver linings of COVID-19 pandemic is the support for public services it has generated. All speakers agreed on the need to harness the momentum generated by the COVID-19 pandemic to create opportunities to ensure universal access to essential services that can improve the status of women in their communities, particularly in impoverished and marginalised communities, realize human rights and transform the unequal power relations between women and men. To realise women’s rights and advance gender justice, we need to envision how we can organise, own, manage and deliver public services for a feminist future.

List of resources and materials

- [Public Financing of Public Services](#) by the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) and the Centre for Economic and Social Rights (CESR).
- [The State’s Human Rights Obligations Regarding Public Services: The United Nations Normative Framework](#) by GI-ESCR
- [A Rights-Based Economy: Putting people and planet first](#) by CESR and Christian Aid
- [Public Good or Private Wealth: The India Story](#) by Oxfam India
- [Framework 2018: Gender-Responsive Public Services](#) by Action Aid
- [Who Cares for the Future: Finance Gender- Responsive Public Services](#) by ActionAid
- [Can Public-Private Partnership deliver Gender Equality?](#) by Eurodad, FEMNET and Gender Development Network
- [Workshop on Corporate Accountability, Public Private Partnerships and Women’s Human Rights](#) by Development Alternatives with Women for a New Era

- [Advancing Women's Human Rights through Gender Responsive Public Services](#) by Public Services International
- [Diverting the Flow: A Resource Guide to Gender, Rights and Water Privatization](#) by WEDO
- [Re-municipalization](#) by the Transnational Institute
- [Building Back Better requires the courage to recognize the value of public sector work](#) by Public Services International
- [Civil Society Engagement for the Universal Health Coverage 2030](#)
- [Out of Pocket Expenditure on Health as a Percentage of Total Current Health Expenditure: The case of Egypt](#) by Egypt Social Progress Indicators
- [From catastrophe to catalyst: Can the World Bank make COVID-19 a turning point for building universal and fair public healthcare systems?](#) By Oxfam International
- [The inequality virus: bringing together a world torn apart by coronavirus through a fair, just and sustainable economy](#) by Oxfam International
- [When the Market Becomes Deadly: how pressures towards privatisation of health and long-term care put Europe on a poor footing for a pandemic.](#) by Public Services International
- [Basic Public Services, Tax Evasion and Tax Avoidance 2006-2016: Impact on Women and Girls](#) by Public Services International
- [Tax Justice and Gender Justice in Africa](#) by Public Services International
- [CSW63- Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls.](#) CSW Official Documents

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)

| info@gi-escr.org | @giescr | @GIESCR