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Human rights in the new eco-social contract: Exploring a just transition through public services and social security

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HUMAN RIGHTS IN THE NEW ECO-SOCIAL CONTRACT

Exploring a Just Transition Through Public
Services and Social Security

Sylvain Aubry, Matt McConnell, Sarah Saadoun, Lena Simet



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Abstract

To address the current multiple crises that are sometimes referred to as leading to “a breakdown” of current social contracts, civil society, academics and international institutions have been proposing a range of ideas for societal transformation, from “human rights economy” to “just transition.”

Among these, the idea of a new eco-social contract has gained particular traction and could help bring together a number of the proposals for change. However, the content of such new eco-social contracts needs to be fleshed out. This paper proposes an initial exploration of whether, and if so, how, human rights can help provide guidance to the understanding of new eco-social contracts.

To do so, this paper focuses on one of the three pillars identified by UNRISD to build new eco-social contracts: transformative social policies. It reviews the main human rights norms and obligations with respect to two of the policy areas under this pillar—universal quality public services and the right to social security—and explores how these can be applied in the context of removing fossil fuel subsidies as an illustrative case study for incorporating human rights into shifting social contracts.

On this basis, the paper makes four preliminary reflections on the relationship between human rights and new eco-social contracts. Firstly, if momentum toward new eco-social contracts presents an opportunity for a renewed approach to the realization of human rights, the human rights community should take it into account in its approach to interpret and develop rights. Secondly, the human rights framework, if used and interpreted adequately (importantly, taking into account analysis from other fields), has the potential to guide social contracts to avoid reproducing or creating new unequal power dynamics and abuses. Thirdly, human rights could provide a framework from which to build the consensus that new eco-social contracts require, which can be particularly challenging when it requires a redistribution of resources. Fourthly, human rights could play a role in assessing these contracts and provide a well-established framework through which to identify eco-social contracts that advance social justice and distinguish them from social contracts that do not meet this normative objective.

Contents

Acronyms	iii
Acknowledgements	iv
1. Introduction	1
2. Human Rights Standards Guiding Universal Quality Public Services Essential for a New Eco-Social Contract	4
2.1 Human rights standards guiding the understanding of public services.....	4
2.2 Ensuring universal quality public services through “public service obligations”	6
3. The Right to Universal Social Security as a Key Element of a New Eco-Social Contract.....	8
3.1 Human rights standards guiding the understanding of social security	8
3.2 The failure of poverty-targeted social security	10
3.3 Developing and financing universal social security systems aligned with human rights.....	13
4. Putting the Eco into the Social Contract: The Example of Phasing out Fossil Fuel Subsidies	14
5. Conclusions	17
References	20
Appendix(es).....	25
Appendix 1.....	25

List of figures

Figure 1. The Eco-Social Contract: Principles and Policies	3
Figure 2. Social Protection Coverage Globally	11

Acronyms

AAAQ	Availability, Accessibility, Acceptability and Quality
ACHPR	African Commission on Human and Peoples' Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	UN Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
FES	Friedrich Ebert Stiftung
HRC	UN Human Rights Council
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHRL	International Human Rights Law
ILO	International Labour Organization
IMF	International Monetary Fund
ODI	Overseas Development Institute
OHCHR	Office of the High Commissioner for Human Rights
SDG	Sustainable Development Goal
UNICEF	United Nations Children's Fund
UNRISD	United Nations Research Institute for Social Development
WHO	World Health Organization

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1. Introduction

The current economic and social systems that have emerged under globalization, based on the prioritization of wealth generation without adequate regard for distribution and the environment, have failed to deliver on the promise of a fairer world where everyone can enjoy their rights equally. Achieving this vision requires a fundamental transformation of our social contracts.

The United Nations Research Institute for Social Development (UNRISD) defines social contracts as “the explicit and implicit agreements between state and citizens defining rights and obligations to ensure legitimacy, security, rule of law and social justice” (2022:223). However, and critically, the fact that there is a form of social contract does not mean that it is *just*. The contract only works for those who are party to it, and many groups, in particular minorities and traditionally marginalized groups, have historically been left out of contracts. In addition, what is considered as “just” may change over time: social contracts are always in negotiation and renegotiation, as perceptions and values and the acceptance of the legitimate parameters of state–society relations evolve.

In practice, arguably virtually all current social contracts are unfair and unsustainable, at least from the perspectives of marginalized populations and those experiencing ecological disasters or living in degraded environments. As highlighted in particular by feminist and critical scholars, current social contracts “reflect existing power structures and inequalities at multiple levels and in varied forms, often creating de facto contracts of domination” (Mills 2007; Pateman 1988, cited in UNRISD 2022:224). Existing contracts are often racialized, colonialist, ableist and patriarchal; fail to take into account nature and environmental issues; and involve problems of elite capture, corruption and lack of accountability, undermining political institutions (UNRISD 2022).

In recent years, policy analysts and political leaders have increasingly talked of “broken” social contracts (UN 2021; UNRISD 2022:219). This idea of “broken social contracts” does not imply that previous social contracts were just, but indicates a particular moment in history where multiple crises intersect with such an intensity that it could constitute a turning point. Exploding inequalities, and, above all, the ecological breakdown we are currently facing, require changes of a potentially unprecedented scale and rapidity, with particularly high stakes for the future of human rights. It also reflects the end, under the pressure of these crises, of the previous imperfect but relatively stable contracts based on an “implicit bargain between economic imperatives of growth and productivity, and social imperatives of redistribution and social protection” (UNRISD 2022:219).

In response to this situation, civil society, academics and international institutions have been proposing a range of ideas for societal transformation in the last decades, with an acceleration during the Covid-19 pandemic. For instance, in the human rights field, the United Nations Office of the High Commissioner for Human Rights (OHCHR) established in 2019 the Surge Initiative “to respond to galloping inequalities, the slow-paced implementation of the Sustainable Development Goals (SDGs) and growing social unrest,” which led the Office to the concept of a “human rights economy” (UN OHCHR 2019; Türk 2023). Similarly, feminist scholars and activists, among others, have long developed the concept of “care economy,” while parts of the labour and environmental

movements have been calling for a “just transition” to a low-carbon economy that is not only sustainable but also equitable and fair (Razavi 2007; Morena et al. 2020).

One approach that has gained particular traction to address the scale of the change and could help synthesize a range of approaches is the call for new social contracts. It is increasingly being discussed in international fora and received renewed attention after the UN Secretary-General made the call for a new social contract one of the pillars of his 2021 *Our Common Agenda* report (UN 2021). Accordingly, for social contracts to address current challenges, they should not reproduce old formats, but build *new* ones.

Taking into the account the critiques that social contracts can exist while being highly unequal and environmentally unsustainable, UNRISD took it a step further and proposed a more specific concept, calling for new “*eco[logical]-social contracts*” (2022:223). This concept was elaborated in its 2022 flagship report and aligns with the call to fix our broken social contracts as articulated by a range of actors (Kempf and Hujo 2022).

UNRISD’s vision for new “eco-social contracts” makes a normative proposal to reconfigure a range of relationships that have become sharply imbalanced, “those between state and citizens, between capital and labour, between the global North and the global South, between humans and the natural environment,” and demand to review the faults of previous social contracts. They lead to “rebalancing hegemonic gender roles and relations rooted in patriarchy, remedying historical injustices and strengthening solidarity and multilateralism” (UNRISD 2022:19).

It is a particularly attractive approach for its capacity to include and bring together in a coherent framework a range of approaches to systemic change; offer normative guidance while being flexible to different contexts; and propose a positive vision while taking into account previous criticisms of social contracts. The question raised by UNRISD is then as follows: “how can social contracts be improved, strengthened and renegotiated in a fairer and more inclusive way, allowing groups facing social exclusion and obstacles to participate in shaping present contracts while also respecting the interests of future generations” (UNRISD 2022:19)?

Human rights are often mentioned as having the potential to provide guidance for such new eco-social contracts. *Our Common Agenda* talks of “a renewed social contract anchored in human rights” (UN 2021), while UNRISD positions “human rights for all” as one of the seven “principles for building a new eco-social contract” (UNRISD 2022:246). This paper proposes, based on the experience of the authors’ work at Human Rights Watch, an initial exploration of whether and how human rights, with a focus on economic, social and cultural rights, can in practice provide guidance to advance a positive vision of social contracts.

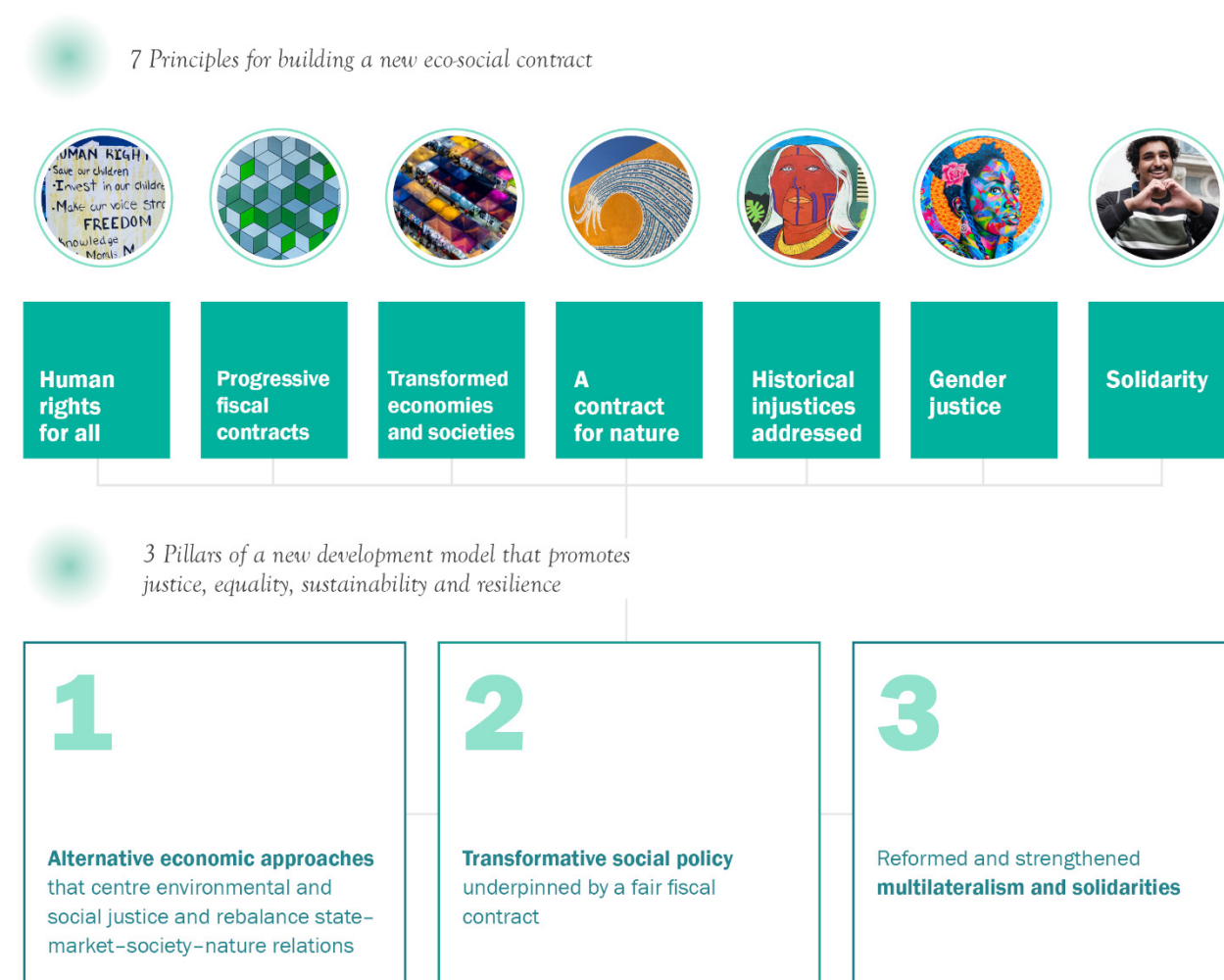


Figure 1. The Eco-Social Contract: Principles and Policies

Source: UNIRISD 2022:21.

To do so, this paper focuses on one of the three pillars identified by UNIRISD to build new eco-social contracts: transformative social policies (figure 1). This pillar includes several policy areas: rights-aligned social protection, universal social services, inclusive labour market policies, just care systems and fair fiscal contracts. Section 2 addresses the second area, exploring how human rights can guide an understanding of public services, while section 3 discusses how the right to social security provides a basis to understand social protection. Section 4 of this paper then discusses the opportunities offered by the necessary phasing out of consumer fossil fuel subsidies to implement the transformations in the two previous areas, and the conclusion offers reflection on the potential use of human rights in shaping eco-social contracts.

2. Human Rights Standards Guiding Universal Quality Public Services Essential for a New Eco-Social Contract

Universal quality public services are a cornerstone of a new eco-social contract. Human rights norms and standards provide a framework guiding states' realization of universal quality public services necessary for a new eco-social contract.

2.1 Human rights standards guiding the understanding of public services

There is no universal definition of what constitutes public services and, as set in the *Global Manifesto for Public Services*, a landmark civil society text adopted in 2022, they are “a historic and social construct.” As they are “not just technically but also socially and politically defined, the scope of public services may vary and change in different times and places and in different societies” (ActionAid et al. 2022:1). However, at least certain services are core to any definition as they correspond to various human rights recognized in numerous international instruments, notably the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) (UN General Assembly 1966, 1989, 1979, 2006).

These treaties cover inter alia the right to health (ICESCR, art. 12; CRC, art. 24; CEDAW, art. 12; CRPD, art. 25), the right to education (ICESCR, arts. 13, 14; CRC, art. 28; CEDAW, art. 10; CRPD, art. 24), the right to care and support services (CRPD, art. 28(2)(c), art. 19(b)), and the rights to housing, food, water and sanitation that form part of the right to an adequate standard of living (ICESCR, art. 11; CRC, art. 27; CEDAW, art. 14; CRPD, art. 28).

The rights to electricity, transportation and internet are also increasingly discussed as potentially forming part of the right to an adequate standard of living. While this paper focuses on economic, social and cultural rights, there are also public services, such as a fair election administration, that are very much connected to civil and political rights.¹

The bodies created by these treaties to oversee their implementation have issued general comments and recommendations that unpack states' obligations with regard to these rights and delineate their normative content.² Although these general comments and recommendations are not legally binding, they are authoritative and generally accepted interpretations of these treaty obligations. In addition, a large body of court cases, guidelines and scholarly research has considerably enriched the understanding of these rights.

¹ See Perludem (2022:4–7) discussion of fair election administration through an analysis of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), the International Covenant on Civil and Political Rights (ICCPR), the International Convention of the Rights of All Migrant Workers (ICPRMW) and the Universal Declaration of Human Rights (UDHR).

² Examples of these bodies include, among others, the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of the Child; the Committee on the Elimination of Discrimination against Women; and the Committee on the Rights of Persons with Disabilities.

From this rich practice, it has emerged that these near-universally ratified treaties impose a range of specific legal obligations, including the obligation to respect, protect and fulfil each of the rights delineated in these treaties for all individuals within their jurisdiction. In sum, states' duty to respect requires non-interference with individuals' enjoyment of rights, the duty to protect involves preventing interference with rights by third parties, and the duty to fulfil requires positive steps to realize these rights (CESCR 2000a).

The normative content of the rights—what rights-holders have a right to—has also become increasingly clear. Although it varies for each right, it generally includes four “interrelated and essential” (CESCR 2000b:par 12) elements: availability, accessibility, acceptability and quality (AAAQ).³ This so-called AAAQ Framework helps determine what individuals are entitled to and, therefore, what public services should be able to deliver on (CESCR 2000b). This means that for each right, there should be a service ensuring that they are:

- Available: existing within a given geographic area;
- Accessible: obtainable by everyone without physical, economic, discriminatory or information barriers;⁴
- Acceptable: subjectively adequate and culturally appropriate for rights-holders use; and
- Quality: objectively fit for purpose, based on scientific analysis or comparison to international quality standards.

From schools and universities to clinics, hospitals and homes, public services are required for states to meet their obligations to respect, protect and fulfil the availability, accessibility, acceptability and quality of goods and services essential to economic, social and cultural rights. High-quality public services for all—universal quality public services—is a standard that reflects a state of government institutions and policies that fully realize this AAAQ framework across rights.⁵ Accordingly, it is a standard toward which all states seeking to meet their human rights obligations must strive, and one which provides a blueprint for the construction of a new eco-social contract based on human rights.

But aside from meeting rights-holders' entitlements, ensuring universal access to high-quality public services also provides significant advantages for a new eco-social contract. It can reduce social and economic inequalities by eliminating discriminatory and cost-based access barriers to institutions vital for development, such as schools, health services and housing, allowing for greater social mobility. These universally accessible social institutions can foster desegregation and greater social cohesion, which in turn can promote democratic participation and trust in governance. This may also stimulate economic growth, as households' capital resources can be allocated more efficiently once they are no longer bound to specific sectors like housing, health care and education.

³ See appendix 1 for a summary of the development of AAAQ across CESCR General Comments, etc. See also, Danish Institute for Human Rights (N.d.).

⁴ CESCR divides accessibility into at least four sub-categories: physical (e.g., impediments that restrict an individual's ability to physically reach these goods or services, or conditions that place an individual at risk of physical harm to do so); economic (e.g., these goods or services are priced at levels that an individual cannot pay, or cause financial costs to an individual that are detrimental to the realization of other rights); discriminatory (e.g., de jure or de facto policies or practices of entities involved in the delivery of these goods or services either prohibit or restrict an individual's access because of their personal characteristics); and information (e.g., inadequate or improper frequency, medium, form or language used to convey information about the availability of these goods or services, or a lack of openness or responsiveness to feedback or complaints from individuals served).

⁵ See also, ActionAid et al. (2022)

Universally accessible institutions are also more resilient to shocks, as they are inherently more capable of readily responding to crisis than cyclically funded emergency programmes, which must spend time and resources building administrative infrastructure and identifying those who require services. Finally, universal public institutions may offer greater macro efficiency, or economies of scale, which can be more carbon- and cost-efficient than highly fragmented private systems.

2.2 Ensuring universal quality public services through “public service obligations”

The increasing role and impacts of private entities in traditionally public sectors, including health care and education, have been significant factors in the fracturing of existing social contracts, particularly since the emergence of the so-called Washington Consensus in the late-1970s and early-1980s. Through US-backed institutions like the International Monetary Fund (IMF) and World Bank, this package of neoliberal policy reforms encouraged governments, often coercively, to dramatically reduce spending on social programmes, deregulate industries, liberalize trade and capital controls, and privatize public institutions and enterprises. A new eco-social contract will be constructed among the social and economic wreckage of this Washington Consensus and must grapple with the role of the private sector in the economy and society. But human rights can provide both specific guidance and a framework for doing just that (CESCR 2017).

In 2017, the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which oversees the implementation of the ICESCR, issued General Comment No. 24 on state obligations in the context of business activities, which recognized that the “increased role and impact of private actors in traditionally public sectors...pose new challenges for States parties in complying with their obligations under the [ICESCR]” (CESCR 2017:7). For instance, recent work from Human Rights Watch and other human rights organizations documents challenges posed by private sector involvement in the delivery of goods and services essential to rights:

- In the United States, the lack of either a universally accessible public healthcare system or universal health insurance leaves many patients at the whims of the private health care market, which often charges prices that undermine access to health care, such as for hospital services, essential medicines and cervical cancer prevention (Human Rights Watch 2023a, 2022a, 2022b).
- Also in the United States, decades of inadequate federal funding for public housing have jeopardized residents’ living conditions and exacerbated the country’s housing crisis (Human Rights Watch 2022c, 2022d, 2022e).
- In the United Kingdom, persistent policy failures by central and local governments that have lowered the availability of social housing and increased the cost of renting force children in London to grow up in substandard and uninhabitable “temporary accommodation” (Human Rights Watch 2022f).
- In Lebanon, authorities’ failure to properly manage the state-run electricity company has created an electricity crisis that has left people dependent on expensive and polluting private generators within an unregulated market, exacerbating inequality and climate change and undermining rights in the country (Human Rights Watch 2023b).

- In a 2023 report, Oxfam India documented how the growing private healthcare industry in the country has failed to live up to the promise of improving health care access and quality but has instead levied catastrophic and impoverishing out-of-pocket costs on patients (Taneja and Sarkar 2023).
- In 2023, Oxfam International reporting on World Bank financing of for-profit hospitals in Kenya documented how patients entitled to free care from these private institutions were instead pushed into poverty or even imprisoned for not paying their bills (Marriott 2023).

To prevent these and other rights impacts where private actors are involved in the delivery of goods and services essential to rights, the CESCR states that private providers should “be subject to strict regulations that impose on them so-called ‘public service obligations’” (CESCR 2017:7). Although the CESCR has not to date precisely defined “public service obligations,” the text of General Comment No. 24 indicates that this requires going beyond states’ traditional duties to protect rights-bearers from the practices of third parties through effective regulation of their business activities.⁶

In a 2022 General Comment, the African Commission on Human and Peoples’ Rights (ACHPR), which oversees and interprets the African Charter of Human and Peoples’ Rights, articulated a definition of “public service obligations” under the African Charter that can provide guidance for a new eco-social contract (ACHPR 2022:13):

“Public service obligations refer to a set of domestic norms and regulations that ensure that the State’s international obligation to respect, protect, promote and fulfil human rights is upheld, even when private actors may manage, control, or otherwise participate in the day-to-day aspects of social service provision. Public services obligations require, among others, that when private actors decide to provide social services, they agree to forgo their private interests for the specific purposes of such provision, and take on the public interest as their primary objective....

Therefore, public service obligations require in particular that social services are made available to all individuals, regardless of their geographical location, at a specified quality, and, depending on the circumstances, at no cost to the user, or at a subsidised, reduced cost below a market rate.”

Together, these General Comments from the CESCR and the African Commission articulate an emerging standard grounded in international human rights law, which recognizes that states’ duties to respect, protect, and fulfil rights may require regulations that effectively turn private entities involved in certain sectors vital to the realization of human right into quasi-public providers.

A new eco-social contract that ensures human rights for all amid a transformation of economies and societies should reflect this recognition by imposing “public service obligations” onto private actors

⁶ In addition to not pursuing policies that negatively affect rights, General Comment No. 24 argues that states’ duty to respect also extends to not prioritizing “the interest of business entities over [ICESCR] rights without adequate justification.” Read liberally, this can be seen to prohibit elite capture, etc.

involved in vital sectors like health care, education, housing, water, care and support services and others. A European Parliament report defined public service obligations as “the specific quality and price requirements that are imposed by public authorities on the service provider in order to ensure that certain public interest objectives are met” (Gløersen et al. 2016:21). In the provision of water or electricity, this may for instance involve requiring universal coverage and continuity of service, pricing policies, quality requirements and user participation. In health care, this may include prohibiting private providers from denying access to adequate services, treatments or information (CESCR 2017), including based on costs.

Universal quality public services are an essential cornerstone of a new eco-social contract. Human rights norms and standards that provide a normative framework guiding states’ realization of universal quality public services can thus constitute a blueprint for constructing this necessary component of a new eco-social contract.

3. The Right to Universal Social Security as a Key Element of a New Eco-Social Contract

Well-designed and effectively implemented social security systems constitute another key element of a new eco-social contract (Development Pathways and Human Rights Watch 2023; UNRISD 2022). Social security is premised on people enjoying their rights at all stages of life (ILO n.d.). It encompasses a web of government programmes that provide support in various situations that may affect a person’s ability to earn an adequate income, such as sickness, disability, old age, unemployment and childrearing.

Social security plays a vital role in strengthening the relationship between people and the state, fostering solidarity and social inclusion. It can also help reduce disparities between groups, including based on gender, race, sexuality, nationality and class, also known as horizontal inequalities. However, the link between social security and horizontal inequalities necessitates both legal protection for programmes and the inclusion of marginalized groups in programme design and monitoring. In South Africa, a study found that social grants disproportionately benefit disadvantaged groups, as grants have successfully mitigated cultural, social and economic barriers faced by excluded groups that might otherwise have hindered their access and take up of benefits (Plagerson 2018). Nonetheless, political narratives that label benefits as handouts and emphasize caution against dependency can undermine the inequality-reducing impact of social security.

When aligned with human rights, universal coverage and access to adequate social security becomes a powerful instrument for governments to eradicate poverty and reduce economic inequality, promote political stability, foster trust and solidarity, and cultivate inclusive and green economies.

3.1 Human rights standards guiding the understanding of social security

The right to social security is embodied in Article 22 of the Universal Declaration of Human Rights, adopted in 1948, which spells out the essential elements of the right: “Everyone, as a member of

society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality” (UN General Assembly 1948).

Since then, the right to social security has been widely recognized and incorporated into countries’ national constitutions (ILO 2016) and reinforced through a range of other international conventions and frameworks, including the ICESCR, as well as other global and regional treaties.⁷ The relevant UN human rights bodies as well as the International Labour Organization (ILO) have provided valuable clarification work on the content of the right. In its General Comment No. 19, the CESCR stated that social security systems should include coverage for everyone without discrimination for at least nine areas: healthcare, sickness, older age, unemployment, employment injuries and occupational diseases, family and child support, maternity, benefits for persons with disabilities and benefits for survivors and orphans (CESCR 2008). This follows a similar scope as the ILO Convention No. 102, which was ratified by 65 countries (ILO 1952).

In 2012, 185 states adopted the Social Protection Floor Recommendation No. 202 at the International Labour Conference, further unpacking the content of the right to social security (ILO 2012). One of the motivations behind the initiative was to bridge the gap in social security coverage between formal and informal workers, as previous standard setting efforts primarily focused on formal employment. The Recommendation proposes that ILO member states establish a social protection floor that guarantees access to basic health care and income support for “at least all residents and children.” In addition, states are urged to continuously raise this basic protection to meet existing ILO standards. The adequacy of benefits should be regularly assessed through a transparent legal process. The Recommendation requires coverage of at least four social security guarantees:

1. Access to a nationally defined set of goods and services constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
2. Basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
3. Basic income security during people’s working life, at least at a nationally defined minimum level, for people who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
4. Basic income security, at least at a nationally defined minimum level, for older people.

Moreover, the United Nations’ 2030 Agenda for Sustainable Development has given considerable political support to social security as 194 countries committed to implementing nationally

⁷ These include the Charter of the Organization of American States (art. 45h), the ILO Convention Concerning Minimum Standards of Social Security (no. 102), the European Social Charter (arts. 12, 23), the International Covenant on Economic, Social and Cultural Rights (art. 9), the Convention on the Elimination of All Forms of Discrimination against Women (art. 11e), the Convention on the Rights of the Child (art. 26), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 27.1), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (arts. 9.1, 9.2), the Convention on the Rights of Persons with Disabilities (art. 28), and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security (art. 3).

appropriate social protection systems for all (universal), with the aim of reducing and preventing poverty (UN General Assembly 2015). And in 2023, the Human Rights Council (HRC) adopted a resolution (A/HRC/52/L.11) on the question of the realization of economic, social and cultural rights, stressing “the importance of a universal, comprehensive, and inclusive social protection system, based on full respect for human rights and that leaves no one behind” (UN OHCHR 2023:4).

Governments can provide social security through a combination of contribution-based programmes (e.g., public social insurance) as well as tax-financed programmes (e.g., social assistance, public works programmes) and other schemes designed to ensure basic income security (ILO 2021). The ICESCR establishes that countries must progressively implement the right to social security to “the maximum of their available resources.” Under international human rights law, they must also acknowledge the right to social security within their national political and legal frameworks, preferably through statutory provisions. They must also develop a comprehensive social protection strategy accompanied by a plan of action. Additionally, they are expected to establish adequate programmes and provide the population with information about these programmes (CESCR 2008).

Another important point to emphasize is that the human rights framework makes it clear that social security is not exclusively for people living in poverty. This stands in contrast to the trajectory of the social protection discourse, which has often been aligned with poverty reduction strategies advocated by development actors since the 1980s. Universal coverage is key not only because anyone can experience job loss, have children or grow older, but also because it arguably recognizes the presence of universal risks that affect individuals throughout their lives, emphasizing the potential times of income insecurity that most people may encounter.

3.2 The failure of poverty-targeted social security

One fundamental building block of a strong social contract is trust and solidarity, both in the government and among the people. Universal social security can help build that trust by demonstrating that the government cares for its people and helps them weather challenging economic times and lifecycle contingencies. Consequently, people are more inclined to pay taxes, leading to higher government revenues. These additional funds in turn can be reinvested in quality public services and further strengthen social protection systems, reinforcing the eco-social contract.

Despite the growing recognition of the pivotal role that universal social security plays in building rights-aligned societies and economies, many countries still have weak and underfunded systems. Currently, the prevailing model relies heavily on providing public pensions and contributory benefits to formal sector workers, who tend to be better off, and social assistance to those in extreme poverty. This leaves a significant “missing middle” without adequate coverage or protection (Nguyen and Behrendt 2021; Joubert 2021).

This fragmented model also helps to explain why over four billion people, nearly half of the world’s population, lack access to any form of social security (ILO 2021). Only one in four children have social security coverage, and merely 18.6 percent of unemployed people are eligible for

unemployment benefits (ILO 2021). Informal workers, who face higher poverty risks compared to formal sector workers, are particularly excluded from social security systems. By way of illustration, although Kazakhstan, Kenya, Nigeria, Spain, the United States and other countries where Human Rights Watch conducted research expanded social security early during the Covid-19 pandemic, the majority of informal workers remained unprotected (Human Rights Watch 2022g; Alfers et al. 2020). This has created a major gap in social security considering that globally more than 6 out of 10 workers are in the informal economy, according to the ILO (ILO 2018).

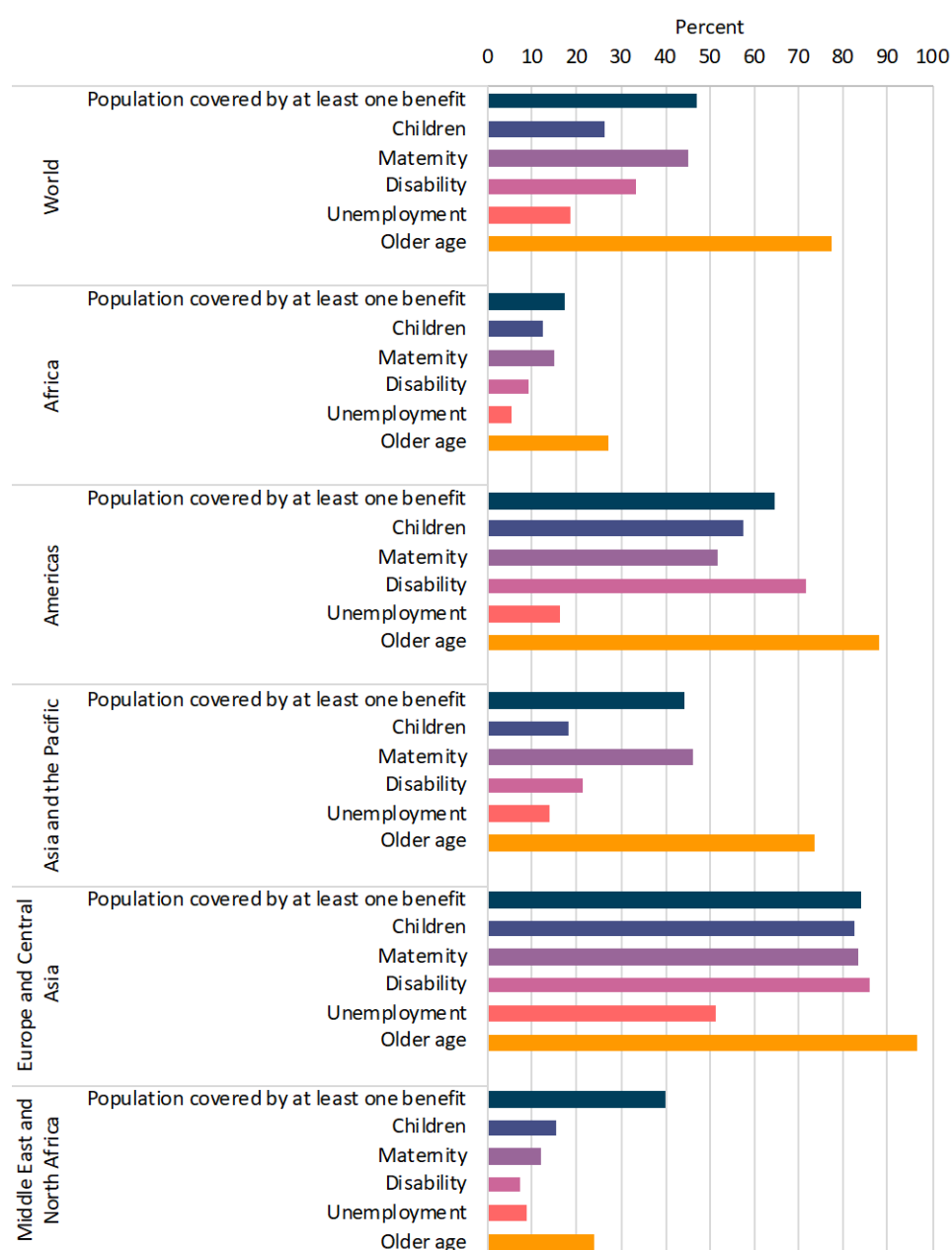


Figure 1. Social Protection Coverage Globally

Source: This table was adapted from ILO 2017 using updated data from ILO 2023.

Notes: Population coverage by social protection: share of the total population receiving a contributory or non-contributory benefit

The lack of coverage is also mostly concentrated in low- and middle-income countries (see figure 2), which face significant financing gaps between their current investments and the resources needed to ensure at least a basic level of social security. Coverage is lowest in Africa, where only 17.4 percent of the population is covered by at least one form of benefit (ILO 2021). Though coverage is higher in Europe and North America, a body of research, including by Human Rights Watch, documents the failure of many wealthier nations to realize the rights to social security and to an adequate standard of living, including the United States, the United Kingdom and Spain (Human Rights Watch 2021, 2022h, 2022i).

In a recent guiding document on universal social protection, the World Bank suggests that the initial step of moving towards universality implies “prioritizing the poorest” (World Bank Group 2022a). However, the transformation of poverty-targeted programmes into universal schemes is rarely achieved (Kidd 2015). The poverty-targeting approach instead perpetuates the existing gaps in social protection coverage and is inconsistent with human rights standards that call for a universal provision of social security. Research by the United Nations Children's Fund (UNICEF), UNRISD, the Overseas Development Institute (ODI), the ILO, Development Pathways and other organizations has also consistently shown that such an approach not only fails to respond to the diverse risks individuals encounter throughout their lives but can also exacerbate societal divisions based on factors such as class, ethnicity, citizenship and gender, ultimately undermining the very essence of social contracts (Kidd et al. 2017; Mkandawire 2005).

A range of organizations, including the ILO, UNICEF, UNRISD and nongovernmental organizations, as well as academic scholars, have also criticized targeting programmes for their exclusion errors, high administrative costs, and cumbersome and punitive behavioural conditionalities (Mkandawire 2005; UNICEF 2023). A decade of feminist research has highlighted the detrimental effects on gender equality of conditionalities for access to social security benefits, particularly in contexts where there is a lack of quality public services and where multiple forms of discrimination intersect (Cookson 2019).

These flaws in targeted systems have real-world consequences. For instance, in Lebanon, eligibility for the National Poverty Targeting Programme, the primary social assistance programme, is contingent on living in extreme poverty (Lebanese Republic n.d.). However, despite more than 80 percent of the population experiencing multidimensional poverty, according to the United Nations, less than 5 percent of the population receives benefits through this programme, turning the distribution of benefits into a lottery-like process (UNESCWA 2021; Human Rights Watch 2022j).

Furthermore, targeted systems have been found to contribute to social stigma (Sepúlveda and Nyst 2012), which in turn creates disincentives for individuals to seek benefits to which they are entitled. A review of causes leading to the “non-take-up”⁸ of benefits by the UN Special Rapporteur on extreme poverty and human rights identified shame and stigma as major barriers to accessing benefits, especially when conditionalities are attached to the provision of social protection (UN OHCHR 2022). In Nepal, a woman living on the outskirts of Kathmandu shared that during a visit

⁸ The term “non-take-up” of benefits refers to a phenomenon in which individuals are eligible for benefits, yet they either cannot or choose not to claim them.

from government surveyors to assess her family's livelihood and eligibility for social security, her son asked, "Why does everyone need to know that I'm poor?" (Human Rights Watch 2023c).

3.3 Developing and financing universal social security systems aligned with human rights

In contrast, universal programmes, such as universal child benefits or pensions, in addition to providing much needed support across the life course, can create a positive impression of government and, over time, strengthen the social contract between the state and its population. Universal programmes also have better outcomes in reducing poverty and inequality. By extension, they offer a better opportunity for more people to realize their rights.

Universal child benefits, for example, could reach many households globally. In Africa and Asia, where social security coverage is particularly patchy, more than 80 percent of households include at least one child under the age of 18 (UN DESA 2017).

Universal social security systems that combine social assistance with contributory social insurance, including for informal workers, are also better equipped to respond to new forms of employment and the increasing role of technology in shaping labour markets. Workers in the app-based gig economy, for example, tend to have less social protection coverage compared to other workers. This is largely because in many countries platform companies classify app workers as self-employed, which often implies no or less favourable access to social security systems (often only eligible to voluntary coverage), higher contribution rates and smaller benefit packages (exclusion from certain contingencies such as unemployment or employment injury).

Evolving to universal social protection requires transitioning from social security models that are exclusionary and create resentment, toward programmes designed from a rights-aligned approach that include everyone. Such a universal approach strengthens the social contract and enhances willingness to contribute through taxes, resulting in higher government revenues and the sustainability of universal programmes.

Universal social security is financially feasible even in low-income countries. A recent report by Development Pathways, Action Against Hunger and Act Church of Sweden found that comprehensive, tax-financed, universal life course systems require an investment of about 1.5 to 3 percent of GDP (Kidd et al. 2023).

While investment needs may be higher in low-income countries with only little coverage, universal systems can start small and increase over time. For instance, a universal child benefit could be introduced initially for every child aged 0 to 4. Over time, it can gradually expand to all children under the age of 18. A 2021 UNICEF study estimates that in Nepal, extending the child grant to all children by 2035 would amount to less than 0.7 percent of GDP (Kidd et al. 2021). The expansion of these systems could be financed through various means, such as allocating a small proportion of the additional taxes derived from economic growth or implementing solidarity or wealth taxes.

4. Putting the Eco into the Social Contract: The Example of Phasing out Fossil Fuel Subsidies

In an era of mounting government debt, support for the key elements of a rights-aligned social contract described above is often dampened by a belief that governments simply lack the resources to fund them. At the same time, to cope with debt, many governments are imposing austerity and other measures that further erode people's ability to access their rights (Ortiz and Cummins 2021). Among these measures, the phasing out of subsidies for fuel and electricity offers a valuable opportunity to generate enormous savings that can be put toward funding a new eco-social contract while facilitating the energy transition away from fossil fuels.

In many countries, consumer subsidies for fuel and electricity have played an important role in maintaining fragile social contracts, particularly in contexts where governments have otherwise done little to deliver on rights despite an exponential growth in resources in recent decades (McCulloch et al. 2022). These subsidies utilize public resources to make fuel and electricity available at a below market price, often at a fixed rate. Particularly in global North countries, below market rates can encourage more fossil fuel use than would otherwise occur, even as they may lower the cost of energy and basic foodstuff, particularly in global South countries. Subsidies have played a particularly important role in social contracts in the Middle East and North Africa, which accounted for half of global spending on consumer subsidies in 2014 and have historically invested very little in social protection (Hamaizia and Moerenhout 2022).⁹ The economic and environmental necessity of transitioning away from these subsidies offers the possibility of repurposing existing resources to fund new eco-social contracts that maximize public resources toward equitable and sustainable economies.

Fossil fuel subsidies are expensive and strain government budgets at a time when many face mounting debt and are already confronting the impacts of the climate crisis driven by fossil fuels. In 2022, governments spent 1 trillion USD on fossil fuel consumer subsidies according to the International Energy Agency, double the previous year due to higher prices triggered by Russia's full-scale invasion of Ukraine (IEA 2023). The burden on governments is enormous: in Lebanon, transfers to the national electricity company to subsidize the cost for consumers comprise a staggering 40 percent of the country's debt, contributing to its severe economic crisis (McDowall 2019).¹⁰ In 2019, all but 5.5 percent of electricity in Lebanon was generated using fossil fuels (IEA n.d.). Moreover, the wealthy capture the majority of public spending on fossil fuel subsidies in absolute terms because they consume more.¹¹

Worse still, these subsidies pour public resources into an industry that threatens public health and the environment, delaying the transition to renewable energy. In doing so, they incentivize the use of fuels that contribute to climate change, which also exacerbates inequality and disproportionately harms both individuals and countries that already have very limited resources to respond to the

⁹ See also, Auktor and Loewe (2021), Sdravovich et al. (2014) and El-Katiri and Bassam (2017).

¹⁰ See also, Human Rights Watch (2023b).

¹¹ See, for example, Coady et al. (2015) and Africa Renewal (2021).

effects of climate change. These effects include more extreme weather, threats to water sources and crops, and higher food prices.

In June 2023, the World Bank published a report titled *Detox Development: Repurposing Environmentally Harmful Subsidies* that urged governments to shift spending from subsidies, including for fossil fuels, to transition energy systems. According to the report, “Annually, countries spend six times more on subsidizing fossil fuel consumption than their commitments made under the Paris Agreement to tackle climate change. Redirecting these subsidies can unlock significant funds for sustainable purposes” (Damania et al. 2023).

For these and other reasons, many governments are in the process of removing or reducing these subsidies or have already done so. An analysis conducted by Human Rights Watch of IMF loan programmes to 38 countries approved between March 2020 and March 2023 found that 20 included conditions or advice to remove or reduce fuel or electricity subsidies (Human Rights Watch 2023d). Some countries that received loans without such conditions, such as Egypt, had already removed these subsidies under previous IMF arrangements.

At the same time, the IMF and governments acknowledge that removing subsidies without replacing them with a more effective system of social support disproportionately impacts people with low incomes who pay a higher share of their income to cope with price increases.¹² IMF research found that the direct and indirect impact of a 0.25 USD per liter increase in fuel prices results in an average 5.5 percent decline in household real incomes (Coady et al. 2015). A study published by Friedrich Ebert Stiftung (FES) in June 2023, found that following the removal of fuel and electricity subsidies in Egypt, “household energy expenditure contributed to about 40 per cent of the increase in the cost of living between December 2015 and August 2019. For extremely poor households, the increase in energy expenditure constituted about 35.7 per cent of their 2015 incomes, whereas for the top income group it constituted about 21.5 per cent” (FES 2023). Similarly, a survey conducted by Human Rights Watch in Lebanon found that following the removal of fuel subsidies, the lowest 20 percent of income earners spent 88 percent of their income on electricity provided by diesel fueled generators (Human Rights Watch 2023b).

While the IMF and World Bank, which frequently work together to guide government efforts at subsidy reform, acknowledge these impacts, they offer a cramped vision of what should take their place and squander the opportunity to address soaring inequality and environmental devastation.

Both largely focus only on “mitigating” the impact of price increases on “the poor and vulnerable.” The IMF’s stated position on removing fossil fuel subsidies is to “protect the poor through targeted

¹² For example, a study following a 50 percent increase of electricity tariffs in Turkey “found the welfare loss of the poorest income quintile—measured by the change in consumer surplus as a percentage of income—is 2.9 times that of the wealthiest” (Zhang 2015). A study considering the indirect and direct impacts of reforming energy subsidies to investigate their effects on the welfare of households in developing economies found that removing 0.25 cent/l from the subsidy on fuel caused the income of all groups to drop by 5 percent (Del Granado et al. 2012). In yet another study, findings revealed that the wealthiest 50 percent of households benefitted from approximately 90 percent of electricity subsidies. Furthermore, the outcomes of the simulation indicated that if the price of electricity was increased by 75 percent, the impact on the poorest households was three-fold greater than on those who were the wealthiest (Maboshe et al. 2019). In Nigeria, a study showed that if compensation mechanisms are not in place, subsidies can lead to a 3–4 percent increase in poverty in the country (Rentschler 2016).

cash or near-cash transfers” (IMF n.d.). Unlike the IMF, the World Bank has committed to promote universal social protection. However, in practice, it frequently finances the poverty-targeted cash transfer programmes that work in tandem with IMF programmes to “mitigate” the impacts of subsidy removal. Even its report on repurposing subsidies takes this narrow framing of social protection, noting: “Social protection and compensation are an imperative in all contexts where subsidy removal may threaten the livelihoods of vulnerable groups and increase poverty” (Damania et al. 2023:xix).

The examples of Egypt and Jordan offer a cautionary tale of the failure of this approach. In Egypt, where roughly 60 million people live in or near poverty, the World Bank helped finance two cash transfer programmes following the removal of fuel subsidies, known as Takaful and Karama. These have recently been expanded to reach approximately 17.5 million people (5 million families), leaving tens of millions to face sharp price increases without support. Families are ineligible for the programme if they own a car or more than one feddan (4,200 m²) of land, have a government job or pension, receive transfers from abroad, or have a formal private sector job (Breisinger et al. 2018). According to a 2022 World Bank review, around half of families who are eligible do not receive benefits (World Bank Group 2022b). FES found that the “fiscal space created by the elimination of energy subsidies was mostly used to honour Egypt’s growing interest payments and to achieve a primary budget surplus” (2023:6).

In Jordan, the government removed fuel subsidies in 2012 as part of the first in a series of IMF programmes that are still ongoing. This generated 788 million JD (USD 1.1 billion) in savings over the following five years, yet a government report acknowledged that funding for targeted social assistance *decreased* during this time by 9 percent or JD 21 million (USD 29.6 million) (Jordan 2019). Public spending on health, education and social protection stayed roughly the same as a percentage of the overall budget during this period, according to a study by the Friedrich Ebert Stiftung, suggesting that the savings from subsidies was not directed to health or education either (Al-Ajlouni 2022:86). In 2019, the government established a new cash transfer programme, also called Takaful, with World Bank financing as part of an effort to “shift social assistance resources away from inefficient subsidies towards poverty targeted programs” (Jordan 2019:26). In 2023, the programme was expected to reach around 120,000 households (Weldali 2023). But as a result of a sharp increase in poverty following the pandemic, nearly one in four Jordanian households, around 580,000, were living under the poverty line in 2022, a measure that does not fully capture the number of people unable to realize their economic, social and cultural rights (Weldali 2022). Moreover, non-citizens, including non-citizen children of Jordanian women and Jordan’s large refugee population, are ineligible for the programme.

These two cases demonstrate how what should have been an opportunity for developing universal social protection while transitioning to renewable energy and other key elements of new eco-social contracts, aligning both environmental and social imperatives, turned into a further fracturing of the social fabric and a large-scale undermining of rights.

Poorly planned or implemented subsidy removal can lead to public backlash and even a reversal of policies. For example, in Ecuador, Indigenous-led protests led the government to partially restore

subsidies in 2022 (Valencia 2022). But the backlash can also have tragic consequences, such as in Angola in June 2023 when police shot and killed at least five people protesting an increase in fuel prices due to the phasing out of subsidies (Human Rights Watch 2023e). These cases illustrate how failing to put human rights at the centre of policy making is self-defeating.

In contrast, an approach that had integrated human rights could have led to a reflection on how to use the funds saved both for energy transition and to realize universal quality public services and the right to universal social security described above. As discussed, human rights could help provide guidance on how to do so by setting the standards that must be met and parameters to follow. There are unfortunately few documented examples where such an approach has been taken. Iran, though far from perfect, offers an interesting case, as the phasing out of fuel subsidies between 2010 and 2016 led to a sharp drop in poverty and inequality, particularly in rural areas (Urban 2019). The domestic law implementing the reform mandated that 50 percent of the increase in revenues would go to households. While the government initially considered targeting the support, it ultimately allowed everyone to apply because of difficulty in accurately identifying eligible recipients and to ensure wide public support (Guillaume et al. 2011). Due to these transfers, between 2009 and 2013, rural poverty decreased by 50 percent. In 2014, new revenues also began funding improvements in health care (Urban 2019). However, these initial gains have since been reversed as Iran restored fuel subsidies.

5. Conclusions

This paper has shown two examples of how human rights can, in practice, help operationalize a vision for a new eco-social contract. Human rights provide a normative framework for designing public services as part of a new eco-social contract to meet the standards of “universal quality public services”: availability, accessibility, acceptability and quality. They also help to delineate states’ obligations to respect, protect and fulfil the rights related to public services, including by imposing public services obligations on any actor involved in their delivery. Similarly, this paper has shown how human rights norms require that social security systems in new eco-social contracts be universal.

We have then explored how policy changes—such as the necessity to phase out fossil fuel subsidies, which has become urgent given the climate crisis—could offer an opportunity to replace harmful programmes with beneficial ones when building new eco-social contracts. Guided by human rights, such policy changes would mean that, at least, everyone is guaranteed access to universal public services and income security through universal social security as part of a just transition from a fossil-fuel based economy to a sustainable low-carbon one that is also equitable and fair.

As noted by UNRISD, social contracts are “based on philosophical or normative frameworks and imaginaries” (UNRISD 2022:223). In this context, one of the important contributions of human rights is then to provide normative guidance that can serve as a basis for new eco-social contracts. We propose four preliminary reflections on the implications of using human rights as a normative framework, and the relationship between human rights and new eco-social contracts.

Firstly, if momentum toward new eco-social contracts presents an opportunity for a renewed approach to the realization of human rights, the human rights community should take it into account in its approach to interpret and develop rights. While this is not new, this demands a reflection among people using and interpreting human rights about how to approach the subject. This may lead for instance to questioning or re-thinking the interpretation of certain norms in the light of the demand for new social contracts that could for instance include a reflection on the content of “maximum available resources,” or developing new norms where they have been under-explored—such as the rights to electricity (or to sustainable energy), transportation, internet, etc.

Secondly, the human rights framework, if used and interpreted appropriately, has the potential to guide us to avoid reproducing or exacerbating unequal power dynamics and abuses. To be effective at doing so, users and interpreters of rights should take into account that it is not the only normative framework. The norms shaping new eco-social contracts can also draw from other fields, such as feminist economics or the care economy. As the example of the phasing out of fossil fuel subsidies demonstrates, a human rights analysis of the removal of the subsidies helps assess the impact of the policy change with regard to inequalities, providing a particular focus on marginalized people and groups. And by providing norms for the design of public services and social security, human rights provides a basis to require that the savings gained be used to dismantle situations of oppression and rebuild fairer social contracts.

Thirdly, human rights could provide a framework from which to build legitimacy and consensus for new contracts. Any new eco-social contract will need to be grounded in a broad consensus across a range of stakeholders (UNRISD 2022:19), an enormous task which could be supported by applying the human rights framework. Consensus can be achieved through procedural means, and in particular by guaranteeing participatory, democratic processes in the development of new eco-social contracts. Besides, the issues discussed in this paper, such as the role of public services, the coverage of social security and the reallocation of resources in transition are at the core of the rebalancing of the state–market–society–nature relations that new eco-social contracts call for, but they can be extremely contentious (UNRISD 2022:20). Established elites and interest groups will often oppose a more redistributive system, and consensus may be difficult to achieve. It may thus be useful to have a substantive starting point, and international human rights standards offer some elements of how, for instance, public services and social security may or may not look that could help find a consensus to rally around. OHCHR’s work on unpacking the concept of a “human rights economy” could be an example of how this may work in practice, providing a “guardrail” for localized discussions (Türk 2023). For instance, in a landmark speech in April 2023, the UN High Commissioner for Human Rights Volker Türk explained how the Office works with governments using the concept of human rights economy to “direct investment to address and redress barriers to equality, justice and sustainability” and “invest maximum available resources in advancing human rights, notably social protections, universal education and healthcare, food, housing, as well as delivering an adequate standard of living to all” (Türk 2023).

Lastly, new social contracts have the potential to reproduce, entrench or worsen inequalities. Human rights could play a role in assessing these contracts and provide a well-established framework against

which to identify eco-social contracts that advance social justice and distinguish them from social contracts that actually do not meet this normative objective. Such an assessment tool may then allow to distinguish more easily exclusive and unequal *social contracts* from *new eco-social contracts anchored in human rights*.

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Appendix(es)

Appendix 1

Summary of the normative content of selected rights using the AAAQ framework

Adapted from the general comments from the CESCR on these rights. The general comments do not always explicitly use the AAAQ framework, and this is partly an adaptation of the different texts within a single framework.

		Health Care	Education	Food	Housing	Water
		<i>General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)</i>	<i>General Comment No. 13: The Right to Education (Art. 13 of the Covenant)</i>	<i>General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)</i>	<i>General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)</i>	<i>General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)</i>
Available		Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's developmental level. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities; hospitals, clinics and other health-related buildings; trained medical and professional personnel receiving domestically competitive salaries; and essential drugs, as defined by the WHO Action Programme on Essential Drugs.	Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on, while some will also require facilities such as a library, computer facilities and information technology.	The possibilities for available food include either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.	An adequate housing must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources; safe drinking water; energy for cooking, heating and lighting; sanitation and washing facilities; means of food storage; refuse disposal; site drainage and emergency services.	The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, and personal and household hygiene. The quantity of water available for each person should correspond to World Health Organization (WHO) guidelines. Some individuals and groups may also require additional water due to health, climate and work conditions.
	Physical	Health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and Indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes	Education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme).	Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many Indigenous population	Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.	Water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity of, each household, educational institution and workplace. All water facilities and services must be of sufficient quality, culturally appropriate and sensitive to gender, life-cycle and privacy requirements. Physical security should not be threatened during access to water facilities and services.

		adequate access to buildings for persons with disabilities.		groups whose access to their ancestral lands may be threatened.	
Economic	Health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.	Education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education.	Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes.	Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials.	Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights

Discrimination	Health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.	Education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31–37 on non-discrimination).	Furthermore, any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.	Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement.	Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
Information	Accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.				Accessibility includes the right to seek, receive and impart information concerning water issues.

Acceptable	All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, and designed to respect confidentiality and improve the health status of those concerned.	The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents. This is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4)).	Acceptability implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures may therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply at a minimum do not negatively affect dietary composition and intake. Acceptability implies the need also to take into account, as far as possible, perceived non-nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.	The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate, are also ensured.	Water should be of an acceptable colour, odour and taste for each personal or domestic use.
Quality	As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.	General Comment No. 13 uses “adaptability” instead of “quality”: “education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.”	Quality involves setting requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain. Care must also be taken to identify and avoid or destroy naturally occurring toxins.	Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses, i.e., inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates.	The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health.