Privatisation and Women's Human Rights

Factsheet for CSW63 advocacy

Privatisation refers to any means by which services, infrastructure and functions traditionally or ideally performed by government are wholly or partially owned, provided, managed or delivered by private actors / privately employed workers. It includes public-private partnerships, corporatisation of public services, outsourcing of public service employment and euphemisms like "asset recycling". This factsheet focuses on the privatisation of services that are essential in the advancement of women's human rights, primarily: healthcare, education, water and sanitation, energy, emergency services, public administration, criminal justice and transport.

Key Points

- Privatisation has a discriminatory effect because quality public services are essential in overcoming exclusion, systemic discrimination and because women's reduced economic and political power means they are often less likely to afford privatised services.
- When public services are diminished and delivered at a profit, women are forced to fill in the gaps of delivering health and social care, acquiring water and energy and thereby provide an unpaid subsidy to the state and economy. Consequently, privatisation increases the gendered burden of unpaid work.
- It is the responsibility of the state to ensure women enjoy their human rights. Outsourcing that obligation to corporations leads to rights violations and is fundamentally at odds with the principles that underpin human rights and democratic obligations.

Privatisation of Healthcare

Out-of-pocket payments have a disproportionately negative impact on the economically poor and on women. Health systems focused on profit skew services toward elective services to the wealthy with diminished focus on health issues facing economically poorer populations, including women's sexual and reproductive health. The Beijing Declaration and Platform for Action (BP4A) acknowledged that "a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access to affordable health care further reduces health-care availability. This situation not only directly affects the health of girls and women, but also places disproportionate responsibilities on women"

Privatisation of Education

Cuts to public education funding combined with a patriarchal culture that prioritises the education of boys over girls within the family results in girls being excluded from education. CEDAW GR recognises "privatization has specific negative consequences for girls and women and in particular girls from lower

¹ Beijing Declaration and Platform for Action para 91.

income households, namely, their exclusion from education"² and the CESCR reminds governments that "reductions in the levels of public services or the introduction of or increase in user fees in areas such as childcare, and preschool education, public utilities and family support services **have a disproportionate impact on women**, and thus may amount to a step backwards in terms of gender equality."³

Employment

Privatisation of public services routinely leads to lower wages, working conditions and security of employment but also often reduces the share of women employed in those industries. Public service employment is one of the few opportunities for women to enjoy their right to Decent Work and they are proportionally more impacted by public service employment cuts. The UN Independent Expert on Foreign Debt recognised that "downsizing and privatization of State-owned companies have often affected female employment disproportionately"⁴ and in a later report, that "cuts to public-sector jobs, and the privatization of services, tend to negatively affect women more than men"⁵.

Privatisation of Water and Sanitation

The privatisation of water resources makes potable water more expensive, re-directs water infrastructure and servicing to profitable locations and results in economically poor women either dedicating an unreasonable proportion of household income to water or spending more time collecting water, increasing unpaid labour and security risks. Women may be obliged to accept contaminated ground water for drinking and sanitation causing major health risks. CEDAW and General Assembly resolution 64/292 recognise water and sanitation as essential to the enjoyment of the right to life and adequate living conditions and CEDAW General Comment 20 urges universality of access to overcome discrimination." ⁶ ⁷

Democratic governance:

The UN Independent Expert on a Global Equitable Order explained that "the function of the State is to legislate in the public interest, to advance the welfare of the persons living under its jurisdiction. Every State under the rule of law must fulfil this responsibility and **cannot divest itself of human rights obligations by outsourcing or privatizing activities** that are fundamentally State functions⁸ "when public services have been increasingly privatized and public-sector jobs have been cut, the power of Governments to regulate those corporations and to hold them accountable has been considerably weakened".

² Committee on the Elimination of Discrimination against Women, general recommendation No. 36 (2017) on the right of girls and women to education.

³ E/C.12/2016/1 Committee on Economic, Social and Cultural Rights para 3 and 10.

⁵ A/73/179

⁶ CESCR General Comment No. 20, E/C.12/GC/20, article 8.b and CEDAW. CEDAW General Comment 20 notes "ensuring that all individuals have equal access to adequate housing, water and sanitation will help to overcome discrimination against women and girl children and persons living in informal settlements and rural areas.

⁷ The IE Expert on Foreign Debt found that "" Privatization of and under-investment in water infrastructure and water services have important impacts on women".

 $^{{}^8}http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16461\&\#sthash.V4QoaApV.dp} \\$