



IMPORTANCE OF TAKING A RIGHTS BASED APPROACH TO DELIVERING PUBLIC SERVICES

SOCIAL ACCOUNTABILITY MONITORING CONFERENCE

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OUTLINE

- **Conceptualizing Public Services**
- **How are public services delivered**
- **Public Services Delivery Within Rights Framework**
- **RBA Compliant Public Services Delivery**
- **Reflection on Practice**
- **Conclusion**

Conceptualizing Public Services

- **Tangible manifestation of rights**
- **Any service in which the government/state has public responsibility for them and citizen has claim over as part of the social contract**
- **Entitlements to citizens derived from social pact**
- **Goods and services that are necessary to live life in dignity**

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- Health*
 - Education*
 - justice*
 - Water*
 - Sanitation*
 - Waste collection*
 - Business Lisence*



Public Services Within Rights Framework–Reflections

- 1. Going beyond normative discussion on public services as a right**
 - Broadens discourse from limiting rights to taxes and votes. Links rights to social contract**
- 2. Interrogates the character and manner of way the rights/services are defined, implemented and enjoyed**
 - Public services assume unique character under a rights based framework (beyond entitlements to matters of where the right claimant stands in defining, implementing, monitoring and evaluating services)**



Cont.....

- **It is about the ways, methodologies and processes by which public services are defined; implemented, delivered and protected.**
- **Focus is beyond entitlements to prescribing standards for enhancing the processes rights are defined and implemented, violations are identified and monitored.**



Principles for Making Public Services Delivery RBA Compliant

Public services delivery must embed following principles to be RBA compliant

Dignity-humanizing public services

Participation-BRN

Capacity for both duty bearer and right holder

Accountability

Fairness



Principles for Making Public Services Delivery RBA Compliant

Public services delivery must embed following principles to be RBA compliant

Non discrimination-nepotism/favouratism

Equality —all right holders regardless of class, sex, creed, political orientation/tribe have opportunity to access a service



Principles for Making Public Services Delivery RBA Compliant

Public services delivery must embed following principles to be RBA compliant

Transparency--

- processes and procedures open and visible
 - Information accessible to right holders/duty bearers
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Accountability –both sides

Participation

Non discrimination



Importance

- **Great potential to achieving a positive transformation of power relations among the various development actors**
- **vastly superior to administrative or political mechanisms for ensuring service delivery**
- **enables service recipients/right holder (whose lives are affected the most) to articulate their priorities and claim genuine accountability from development agencies**
- **Obligates service providers/duty bearers to become critically self-aware and address inherent power inequalities in their interaction with those people**



Importance...

- **Service outcome is focused on right holder's capacity to act in (a) demanding accountability for action and or inaction from duty bearer; and (b) access to information as a necessary enabler for right holder to act (c) duty bearer's capacity to respond**
- **Focuses on right holder/service claimant transformation or empowerment to actively demand services/rights; define the manner by which the service is delivered; identify violation and abuse (Participation and Involvement)**

Reflection on Practice



- **Certain conditions must exist for taking a rights based approach to delivering public services(legislation, mindset change; cultural shift)**
- **Domestication/Contextualization of Universal Human Rights Frameworks-Tanzania has a Human Rights Act BUT**
 - **How many public service areas (education, judiciary, health, water, electricity) have localized and embedded/mainstreamed RBA to their day to day activities?**
 - **Do Mechanisms for Assessing Rights Enjoyment/fulfillment include questions on compliance to RBA principles?**
 - **Where do the service charters' fit in in the continuum RBA compliant public services delivery discourse**

Reflection on Practice



- The African Charter on Human Rights and UDHR provide greater opportunity for RBA compliant public services delivery BUT
- Fewer African Countries have frameworks for RBA compliant public services delivery
- India has made good progress putting in place RTPS BUT
- Not all services are RBA compliant

Reflection on Practice



- *Capacity*
 - *shortage of staff in frontline service management institutions*
 - *Shortage of funding*
- *Gestation period for results takes long thus creating fatigue for funders and both right holders/duty bearers*
- *Service areas becoming battle field for power struggle*

Reflection on Practice



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Conclusions



- Enjoyment of rights is through public services and the manner of their delivery is critical
- Political will is critical for Investment in Capacity building in Delivering Public Services using RBA principles
- Embedding RBA principles in public services delivery strengthens both government and citizens
- Citizens understand Rights through public services
- Failure in embedding RBA principles in Public Services Delivery is a violation of rights



**Asanteni !
Thank you !**

*** MS Training Centre for Development Cooperation**