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**Guiding principles for a Human  
Rights based approach on public  
services**

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# Guiding principles for a Human Rights based approach on public services

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## A new generation of public services

*Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.*

(in <https://www.un.org/en/global-issues/human-rights>)

Since,

The **Universal Declaration of Human Rights**, adopted by the United Nations (UN) General Assembly on 10 December 1948, has set, for the first time, a range of fundamental human rights to be universally protected, including, in its 21st article, people's right to equal access to public service;

Symbolically, the 23rd of June is celebrated as the **UN Public Service Day**, once it was adopted resolution 57/277, on 20 December 2002, stressing the value of public service to the societies, necessarily built upon a strong foundation of values and principles;

The **2030 Agenda for Sustainable Development**, approved in 2015, established 17 goals that encompass human rights principles and standards in a comprehensive and ambitious approach to a global development framework;

Human rights promotion and protection, along with the principles of freedom, democracy, equality and the rule of law, are common values shared by the EU Member States, as stated in the **Charter of Fundamental Rights of the European Union**;

The **Berlin Declaration on Digital Society and Value-based Digital Government** stresses the pioneering role of public administrations in driving a value-based digital transformation, translating the European social and fundamental rights that must lead the digital transformation of the public sector;

**The Presidency** is committed to contribute to a new generation of public services delivery, considering an omnichannel and human-centric perspective, towards simple, inclusive, integrated and fully aligned with the green and digital transition public services;

The undergoing development of a national framework that, considering a set of relevant requirements in the public services provision, intends to be a roadmap to this new generation of public services, allowing to improve the quality, compliance and agility of the existing services and to have a holistic approach when new services are designed;

The Portuguese Presidency reinforces its engagement in pursuing a human rights approach regarding the provision of public services, by presenting and sharing with its peers, a basis for the development of the **"Guiding Principles for a human-rights based approach on public**

**services”** - as part of the path towards the proactive and seamless public sector that we all envision.

A public sector human rights-based approach is about civil **society empowerment, promoting civic participation, information and responsible choices**, strengthen the relationship between the citizen and the State and thus enhancing **transparency and accountability**.

Is about **fighting discrimination and inequalities** as well as digital gaps, promoting fully accessible and meaningful services, enhancing customer experiences and ensuring that, increasingly, **public services not only born digital, simple and secure but also accessible to all people**, despite user's profile, age, location or any kind of disability.

It is also about to apply the “once only” principle, promoting **interoperability, data sharing and its reuse**, increasing efficiency and relieving people of unnecessary interactions.

In this sense, the aim is to evolve, taking a holistic perspective, from service design to delivery and evaluation processes, guarantying a **full alignment of public services delivery with the ethical values shared in the EU common space and, thus, promoting a human centric digital transition, based on people ´s choices and basic human rights**.

## Building up a methodology

**A human rights-based approach** is a working methodology based on the fundamental principles of internationally recognised human rights. It aims to **promote, protect and fulfil human rights and democracy in practice by integrating norms, standards and principles of international human rights law.**

In this context, international law sets out the obligations of States to act or to refrain in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Thus, it can be considered that right-holders are all those to whom a policy, programme or service is addressed. On the other hand, States and government institutions are considered duty-bearers, translated into the obligation to fulfil and enforce human rights for all, according to the Universal Declaration of Human Rights, and should empower right-holders to claim their rights and duty-bearers to fulfil their obligations.

**Considering service design and delivery, namely public services, a human rights-based approach can bring clear benefits:**

- Increases and strengthens community participation;
- Promotes State transparency and Open Administration;
- Contributes to tangible results;
- Improves State and duty-bearers accountability;
- Reduces vulnerabilities by focusing on the most marginalised and excluded of society.

Essentially, such approach can promote effective and sustained change, since human rights-based programmes and services prove to have a greater impact on the norms and values, structures, policies and practices of a democratic society.

There are two types of perspectives that can be considered in the context of human rights-based public services:

- **Services that directly contribute to accomplish fundamental human rights**, including services related to health access (e.g. medical appointments), education (e.g. school enrolment or higher education admission) or social protection (e.g. services to access specific support or social benefits).
- **Generic services**, which do not directly contribute to fundamental rights fulfilment, but should also be accessible, transparent and available, regardless of the citizens' profile (e.g. services regarding nationality access, fulfilling social or tax obligations).

## 9 guiding principles for a human rights-based approach in service design

This document establishes a set of basic principles to be considered by Public Administration in the service design and delivery:

### **1. Promote citizens' participation at all stages of the process, particularly from the excluded or disadvantaged groups.**

When designing a new service it should be ensured that citizens are involved at all stages of the process, whether in the research, co-creation or new service piloting and monitoring, ensuring that it avoids inequalities, discriminatory practices or unfair power relations that may promote fundamental rights alienation.

### **2. Designing, first and foremost, for the communities in vulnerable situations.**

When envisaging the provision of a service, it should be ensured that the service is accessible by all citizens' profiles and, as far as possible, no intermediation is required for its usage. If not, intermediation should be accessible and tending to be free of charge. Specific services, for specific profiles, should be designed considering their contexts and possibilities.

### **3. Analyse, in a systematic way, the expected and unforeseen consequences of service availability.**

There should be a continuous review of the service delivery risks, assessing the consequences, looking at alternatives and providing mitigation measures as well as possible alternatives, whenever considering that fundamental rights of its addressees may be limited.

### **4. Value the process as much as the outcome.**

The quality of the process impacts outcomes achievement and sustainability, so that a new service development should not only focus on results but should also be compliant with the fundamental principles throughout the design and conception process.

### **5. Ensure privacy and citizens' personal data security.**

It must be ensured that public sector collects the strictly necessary amount of data for a particular purpose, guaranteeing the citizens' consent and that the available information is adequate, correct and up to date. In addition, it must be possible for the individual to revoke their consent or data portability.

#### **6. Consider misuse cases as a serious problem to tackle.**

Given their potential in limiting fundamental rights and harming citizens, the misuse cases, possible security flaws in duty-bearers systems or leaving space for fraud or similar by third parties, such as intermediaries, must be duly analysed at all stages of the process through the creation, testing and evaluation of use cases, even if they have a low probability of occurring.

#### **7. Promote a continuous services monitoring and assessment.**

The permanent monitoring and evaluation of services allows to early identify possible misuse cases or other kind of situations which can be limiting citizens' rights, enabling, at the same time, to prepare responses and corrective measures aimed at eliminating possible constraints.

#### **8. Developing the right-holders and duty-bearers' capacities.**

To guarantee stakeholders empowerment, is crucial to ensure that duty-bearers have the knowledge, mandate, resources and willingness to fulfil their obligations and that right-holders know, in turn, how to claim them and who they can hold responsible for any gaps, ensuring accountability, transparency, participation and non-discrimination.

#### **9. Ensuring transparency on obligations, responsibilities and rights regarding services.**

Information on obligations, responsibilities and rights, including any costs, validity and complaints and claims mechanisms, should be available in an accessible manner and appropriate language to all stakeholders in order to strengthen and institutionalize transparency between right-holders and duty-bearers.

Therefore, a human rights-based approach highlights, as key elements, participation and responsibility, non-discrimination and human dignity, transparency and accountability, framed by a rule of law and aiming to provide public services that are available, accessible, inclusive and of high quality for all.





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