

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 3 HUMAN RIGHTS COUNCIL, 11<sup>TH</sup> SESSION 5 JUNE 2009

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### Overview

Under Item 3 the Independent Expert on the question of human rights and extreme poverty, Ms Magdalena Sepulveda Carmona, presented her first annual report to the Human Rights Council (the Council),<sup>1</sup> which focused on the human rights dimension of cash transfer programmes (CTPs).<sup>2</sup> In her report she argues that when well implemented CTPs can assist States to realise their human rights obligations, in particular the right to an adequate standard of living. However, Ms Sepulveda stressed that CTPs cannot provide a substitute for social security schemes as defined by international human rights law and labour law. She further argued that CTPs need to be integrated in a wider social protection framework in order to be effective. In the second part of her presentation she elaborated on her country visit to Ecuador.<sup>3</sup>

During the interactive dialogue States welcomed the thematic approach taken by the Independent Expert and acknowledged the findings, in particular that CTPs can be seen only as one component of a multi-dimension approach to tackle extreme poverty. Many States expressed their concern on the possible impact of the financial and economic crisis on the extreme poor. Thus States welcomed the announcement of the Independent Expert to focus her next report on the effects of the financial and economic crisis and human rights.

In her concluding remarks Ms Sepulveda reiterated the need for international cooperation and assistance to allow in particular developing and least developed countries to fulfil their human rights obligations with regard to extreme poverty. She criticised the notion that social protection systems are too costly for developing countries and thanked Bangladesh and Zambia for the official invitation to visit the respective countries.

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<sup>1</sup> A/HRC/11/9 available at <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>

<sup>2</sup> CTPs are non-contributory programmes providing payments in the form of cash to individuals and households. The primary objective of CTPs is to increase the real income of beneficiaries in order to enable a minimum level of consumption within the household.

<sup>3</sup> A/HRC/11/9 Add.1 available at <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>

**Presentation of reports by the Independent Expert on the question of human rights and extreme poverty**

In her address to the Council Ms Sepulveda reasoned the choice to focus on CTPs in her first thematic annual report. She argued that in recent years numerous CTPs have been implemented in all regions of the world to address extreme poverty. CTPs are interesting because a large number has been developed and replicated through South-South cooperation. Moreover, they have often been identified by States and international financial institutions as effective tools to alleviate extreme poverty. However, so far CTPs have seldom been examined from a human rights perspective and the report tries to fill this gap. Ms Sepulveda explained that the report is based on information drawn from expert consultations and responses to questionnaires, which were sent to all States. With regards to the results of the report, the Independent Expert outlined that when looking at CTPs from a human rights perspective they have the potential to assist States in the realisation of the right to an adequate standard of living, including adequate food and work. CTPs can also contribute to the achievement of the right to social security. In some cases CTPs can reduce economic inequalities and end the intergenerational transmission of poverty. The Independent Expert also pointed to the positive trend that despite the financial and economic crisis some countries chose to invest in these programmes to protect the most vulnerable.

One of the main findings in the report is that even though CTPs are often presented as flagship programmes of countries to tackle poverty, CTPs are not necessarily the most effective and appropriate means to address extreme poverty and to protect human rights in all contexts. In contrast, when badly designed and implemented, they can negatively affect various human rights. Ms Sepulveda further stated that CTPs cannot work in isolation. The multidimensional nature of poverty always requires a variety of responses and there is a need to fully integrate CTPs into stable social protection systems. In addition, they need to be accompanied by a broad range of long lasting social policies and provisions of good quality public services. Moreover, they must be based on a solid institutional framework. According to Ms Sepulveda, transparent legal frameworks will act as a shield against economic and political instability. The Independent Expert underscored that CTPs alone cannot provide as substitute for social security schemes as defined by international human rights law and labour law.

With regards to the beneficiaries of CTPs, Ms Sepulveda argued that priority must be given to the most disadvantaged and marginalised individuals and groups. The selection process must be fair, effect and transparent and needs to safeguard against discrimination. States that implement conditional CTPs must have the financial and administrative resources to both monitor compliance and simultaneously ensure access to good quality social services. According to the report, a key issue is the participation of people receiving transfers. If participation is not guaranteed then CTPs are vulnerable to political manipulation. The report also refers to the impact of CTPs on women, children and persons with disabilities. Ms Sepulveda stressed that the mainstreaming of gender in these programmes is of crucial importance as programmes are often channelled via women, who often head households. Thus there is a need to assess whether stereotyped gender roles are perpetuated or alleviated via these programmes.

In conclusion, Ms Sepulveda emphasised that CTPs can be only one component of comprehensive efforts to reduce extreme poverty.

Ms Sepulveda then reported on her country visit to Ecuador. She positively noted that the recently adopted Constitution recognises a broad range of human rights and includes protection mechanisms. The report recognised developments regarding human rights-based public policy planning and an increase in social spending. However, as also recognised by the Government, there are grave social and economic inequalities that are exacerbated by historic differences between age, gender and regional groups. The possible impact of the current economic crisis and recent institutional instability were also of concern. The Independent Expert drew attention to the recommendations to maintain commitments to social policies and human rights promotion. It was also considered essential to continue to strengthen mechanisms and to promote transparency and accountability in order to ensure legitimacy of programmes. Concerning Ecuador's own CTP, Ms Sepulveda recommended that access for indigenous people to the CTPs should be improved, as well as the processing of complaints. Furthermore, transfers needed to be built into the overall social protection system to ensure universal access.

At the end of her presentation, Ms Sepulveda announced that she would address the impact of the financial and economic crisis on extreme poverty in her next thematic report.

### **Interactive Dialogue**

Ecuador responded to the report of the Independent Expert as a concerned country by stating that it will analyse and seriously consider the recommendations of the report. Ecuador underscored that the current President particularly targets poverty reduction via social programmes that aim to correct the unacceptable existing inequalities. These social policies include free education and health services and a broadening of social security. Furthermore, Ecuador promotes social inclusion via its CTP to ensure that households have a minimum level of income for consumption. The CTP targets in particular malnutrition, preventable diseases for under five years olds, the elderly and disabled persons, and reaches around 40 percent of people living in poverty. Ecuador acknowledged that it needs to redouble its efforts to ensure access for the most vulnerable, as suggested by the Independent Expert, including that there should not be any backsliding in terms of the level of enjoyment of economic, social and cultural rights and that the progressive implementation of free services should entail improved accessibility, participation and better quality of the services. Ecuador pledged that it will strengthen social participation bodies, mechanisms to disseminate information, accountability, and the articulation of social protection policies to ensure the right to social security is made universal. In addition, Ecuador promised that the design of the CTPs fully respects human rights standards, and it would continue its budgetary allocations for the social sector despite the economic crisis.

All States and several NGOs<sup>4</sup> which addressed the Independent Expert during the interactive dialogue welcomed the thematic approach taken by the Special Rapporteur and the findings of her report. France, Chile, Mexico, Ghana, Bangladesh, Zambia<sup>5</sup> and China explicitly expressed their support of the mandate. Chile emphasised that the Council needs to continue its work on the topic of poverty eradication, and expressed that it was a co-sponsor the draft resolution on the draft guiding principles on extreme poverty and human rights, to be introduced by France, which will request that the Independent Expert review the Draft Guiding Principles.<sup>6</sup>

A number of States acknowledged the link between poverty, poverty reduction strategies, including CTPs, and human rights.<sup>7</sup> Moreover, States noted that CTPs might have a positive impact on mitigating the impact of extreme poverty. States admitted that CTPs are not necessarily the most effective means to eradicate extreme poverty. CTPs might even, when badly implemented and designed, result in inconsistencies with human rights obligations. Many States agreed with the report that CTPs cannot be a substitute for comprehensive measures to address extreme poverty.<sup>8</sup>

Several States shared their practices with regards to CTPs.<sup>9</sup> Mexico indicated that its CTP contributed to break the inter-generational poverty cycle. Brazil argued that CTPs are low cost measures to tackle poverty, and suggested including CTPs in official development assistance as well as the need to share the good practices of South-South cooperation. The Colombian Commission of Jurists claimed that the CTP implemented in Colombia to cover over one million families, called Family in Action, raises many human rights concerns, seeks to replace universal policies and provides no opportunity for participation in decision-making. The Colombian Commission of Jurists urged the Government to instead implement comprehensive public policies.

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<sup>4</sup> International Movement ATD Forth World, Franciscans International, Nord Sud XXI, Colombian Commission of Jurists, Arab Commission of Jurists

<sup>5</sup> Bangladesh and Zambia officially invited the Independent Expert to a country visit

<sup>6</sup> Co-sponsors are: Chile, Romania, Peru, Senegal, Belgium, Morocco, Philippines, Albania

<sup>7</sup> USA, Ghana, Chile, Brazil, China, Yemen, Morocco, Czech Republic (on behalf of the EU), Bangladesh, Mexico

<sup>8</sup> Czech Republic, Pakistan (on behalf of the OIC), USA, India, Philippines, Turkey, United Arab Emirates, Cuba, Ghana, China, UK, Peru, Yemen, Morocco

<sup>9</sup> Morocco, Brazil, Mexico, Bangladesh, Senegal, Djibouti, Tunisia, India, Algeria

The need for enhanced international cooperation to eradicate poverty was highlighted by several States.<sup>10</sup> It was argued that during times of economic crisis international cooperation is even more necessary to tackle poverty. The UK and Egypt put forth that the current crisis should be used as an opportunity to extend social security systems. Yemen and Algeria claimed that CTPs and other programmes cannot be sustainable in times of crisis as costs for these programmes are too high. Nord Sud XXI urged the Independent Expert to attend the GA meeting on the financial crisis in June 2009 in New York and to encourage in particular African States to attend this meeting.

### **Concluding remarks by the Independent Expert**

In her concluding remarks the Independent Expert emphasised that international cooperation and assistance is crucial, in particular for least developed countries, to comply with human rights obligations. She stated that developed States need to be reminded of their commitments made in the *Monterey Declaration* and with regards to financing the Millennium Development Goals.

Ms Sepulveda disagreed with Yemen and Algeria on the costs of social protection systems and stated that universal social protection systems in developing countries can be limited to less than five percent of the GDP. She highlighted the example of Brazil, who spends for its extensive social protection programme less than one percent of its GDP. Ms Sepulveda urged developing States to take several measures to ensure social protection for the poor, such as to fight against corruption, to improve fiscal policies and to address deficiencies in the design of programmes.

In response to Senegal, Ms Sepulveda proposed that one means to broaden social coverage to those working in the informal economy could be through non-contributory pension systems. With regards to Ghana's question of whether there is a link between CTPs and civil and political rights, the Independent Expert assured that CTPs can promote participation in community leadership, but they can affect civil and political rights if badly designed. On the question posed by the UK of a 'social protection floor',<sup>11</sup> an idea put forward by the ILO, she replied that she strongly endorses this idea, but that funds need to be made available. The UK also questioned how the Independent Expert could work with regional bodies, to which she replied that she had not yet explored this possibility. Ms Sepulveda concluded that she would collaborate with other special procedures on the issue of guaranteed access to information for beneficiaries of CTPs, as addressed by France, in order to identify best practices.

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<sup>10</sup> Pakistan, United Arab Emirates (on behalf of the Arab Group), Cuba, Ghana, Bangladesh, Egypt,

<sup>11</sup> The ILO's Global Campaign for Social Security and Coverage for All promotes the idea of a social security floor. As a standard setting organization, the ILO is undertaking a process aimed at fixing a globally accepted minimum level of benefits and securities that anybody in the world should enjoy, and that shouldn't be undercut.

### **Further information**

For further information on the Human Rights Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to [information@ishr.ch](mailto:information@ishr.ch).
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.

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