

## Reflections on impact: UN Special Procedure on extreme poverty and human rights

**Magdalena Sepúlveda**

### **Introduction to the mandate**

The mandate of the Special Rapporteur on extreme poverty and human rights is one of the so-called “United Nations special procedures”: human rights monitoring mechanisms endorsed to individual experts called “Special Rapporteurs”, “Independent Experts” or “Working Groups”. Their common mandate is the investigation and reporting of human rights situations either in a specific territory (country mandates) or with regard to violations globally regarding a specific right or issue (thematic mandates).

The scope of the action of special procedures is truly universal: these bodies monitor all the States of the world and they cover civil, political, economic, social and cultural rights. As mandate holders, we report on our activities and findings to the most important United Nations bodies dealing with human rights: the Human Rights Council and the General Assembly. We also carry out country visits to investigate the situation of human rights in specific domestic contexts. We are independent, we serve in our personal capacity, and we do not receive salaries or any other financial compensation for our work.

The mandate on extreme poverty and human rights was established in 1998 by the former Commission on Human Rights, with the aim of strengthening international, regional and national efforts to reduce poverty and to alleviate the effects of poverty, by protecting and promoting human rights. I was appointed as mandate holder in May 2008, and tasked with examining the relationship between the enjoyment of human rights and extreme poverty, with a particular emphasis on vulnerable groups.

### **Impact of the mandate – country visits**

In order to achieve impact with the very limited human and financial resources that I have, I work in collaboration with various non-governmental organizations, in trying to influence the conduct of States and other stakeholders.

One of the most important ways in which I do so is through [country visits](#). Twice a year, I undertake missions to countries and assess their compliance with human rights obligations with respect to the situation of people living on poverty. During these visits, I meet with government ministers, civil society organizations, grass roots organizations and most importantly, with people living in poverty themselves. The country mission reports are submitted to the Human Rights Council, where I also engage in a “constructive dialogue” with the States concerned. Often, this involves meeting the State representatives in Geneva, outside the formal setting of the respective HRC session.

I have recently undertaken an assessment of the impact of my country visit recommendations, on the basis of information provided by States and other stakeholders (see report [A/HRC/20/25](#)), and I am proud to acknowledge that several of the recommendations have been followed.

For example, the mandate’s recommendations on the importance of a human rights approach to social protection have been well received by many developing countries, and in some cases have translated into improvements in social protection programs, in terms of design, implementation or budgetary allocation. For example, since my visit to **Zambia** in 2009 (see report [A/HRC/14/31/Add.1](#)) the Government has adopted the Sixth National Development Plan (SNDP), which proposed a significant scaling-up of the country’s social protection programs in the period 2011-2015, including the expansion of the social cash transfer schemes. This was one of my main recommendations during and after my visit.

In **Timor-Leste**, which I visited in November 2011 (see report [A/HRC/20/25/Add.1](#)), my end-of-mission [statement](#) received national media attention and was debated in the national parliament, particularly in the context of the 2012 state budget (I had called for increased public expenditure on social services, citing concern about the steady decrease in the percentage of public expenditures to social services, such as education and health, as well as agriculture).

At the time of the statement, the projected 2012 state budget of \$1.8 million had 6.3% going to education, less than 3% to health and about 1% to agriculture (compared to nearly 50% to infrastructure). Eventually, the 2012 budget was adopted with the final result as follows: health (46.9%), education (35.1%) and agriculture and fisheries (20.7%). While this dramatic shift of course cannot be attributed solely to my mission and recommendations, the UN Mission in Timor-Leste (UNMIT) noted positively that the mission contributed to this end.

The establishment of an income tax was one of my main recommendations during my visit to **Paraguay** in December 2011. I called for the entry into force of the income tax law, as well as for greater solidarity on the part of the population in moving towards a more equal society (see report [A/HRC/20/25/Add.2](#)). Upon signing the law, the President of Paraguay, Federico Franco, [said](#) "this law allows for those who have more, to contribute more, thus increasing our solidarity and social commitment to the neediest." During the interactive dialogue with States at the 21<sup>st</sup> session of the Human Rights Council (September 2012), Paraguay publicly acknowledged that the adoption of the income tax law was an implementation of my recommendation.<sup>1</sup>

### **Impact of the mandate – advocacy efforts**

In the four years of my mandate, I have focused my thematic reports and advocacy efforts on several key issues for poverty and human rights. Let me just draw attention to one of them here: [a rights-based approach to social protection](#).

Since the very beginning of my mandate in 2008, I have advocated for a rights based approach to social protection, as I was convinced that there existed a pressing need for an analysis of the human rights implications of, and approach to, social protection (social security)<sup>2</sup> programs.

Although social security systems have played an integral role in many States for decades, over the last ten years an increasing amount of money has been allocated by states, donor agencies, International Financial Institutions and even NGOs in the establishment and expansion of social protection systems around the world. In fact, it has been argued that there has been a “quiet revolution” in development thinking in which direct financial transfers to households living in poverty have become the preferred – and quite effective – responses to poverty and deprivation. For example, from 2000-2010 the World Bank lent USD 11.5 billion to scale up and start social protection schemes - in particular “conditional cash transfer” programs - around the world.<sup>3</sup>

We have seen an expansion of social programs<sup>4</sup> in all regions, in particular in Latin America, South East Asia and Sub-Saharan African countries. In some regions, the coverage of these programs is quite significant: according to the Economic Commission for Latin America and the Caribbean (ECLAC), there are 25 million families that receive cash transfers, benefiting more than 113 million people, representing 19% of the whole population of the region.<sup>5</sup> Most of these programs have proven benefits around the world and have been quite effective in tackling poverty, improving access to essential services and even

---

<sup>1</sup> See Paraguay statement of 12 September 2012, available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/21stSession/OralStatements/18%20Paraguay.pdf>

<sup>2</sup> The ILO and other United Nations bodies use the term social security and social protection interchangeable to refer to the benefits in cash or in kind to secure protection in case of social risks and needs. In General Comment No. 19, the UN Committee on Economic, Social and Cultural Rights specified that the right to social security encompasses social insurance (contributory) and social assistance (non contributory schemes).

<sup>3</sup> World Bank website. Available at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/0,,contentMDK:23173607~menuPK:2643727~pagePK:64020865~piPK:149114~theSitePK:282637,00.html>

<sup>4</sup> Social protection measures include cash transfer schemes, public work programs, school stipends, unemployment or disability benefits, social pensions, food vouchers and food transfers, user fee exemptions for health care or education and subsidised services.

<sup>5</sup> Simone Cecchini; Aldo Madariaga, [Conditional Cash Transfer Programmes: The recent experience in Latin America and the Caribbean](#), N° 95, September, 2011.

diminishing income inequality.<sup>6</sup> Yet when I began my mandate in 2008, these programs had seldom been discussed or analyzed from a human rights perspective. And for those of us who work on human rights, the lack of a human rights analysis in the design, implementation and monitoring of these programs is very worrisome.

Certainly, social protection programs may be a tool that can assist States in fulfilling their obligations under international human rights law. In particular, they have the potential to ensure the enjoyment of minimum essential levels of economic, social and cultural rights such as the right to an adequate standard of living including food, clothing and housing, the right to education, the right to the highest attainable standard of health and the right to social security. However if human rights norms and principles are not taken into account in the design, implementation and monitoring of these programs they are rendered not only weak and unsustainable but they might ultimately undermine or even violate individuals' rights.

For these reasons, I have striven to influence States as well as some critical organizations towards a rights-based approach to social protection. Particularly relevant has been my work with the ECLAC, the World Bank and the International Labor Organization (ILO).

The most successful results of my lobbying of the World Bank - undertaken in conjunction with several other experts- has been the incorporation of principles of transparency and accountability and a rights-based perspective in the Bank's social protection work.<sup>7</sup> I am nonetheless, still attempting to lobby them in regard to the issue of conditionalities (co-responsibilities) in cash transfer programs, a feature that is favored by the World Bank but can be problematic in human rights terms, particularly for women.

My engagement with the International Labor Organisation has enabled me to feed into and influence the development of policy around the Social Protection Floor Initiative (SPF-I). For example, in coordination with a coalition of NGOs, my call<sup>8</sup> to States and other members of the ILO for an improved rights-based approach in the Recommendation on a Social Protection Floor discussed during the latest ILO Conference (June 2012), was in most part incorporated in the text of the Recommendation, which was finally adopted.

### **Impact of the mandate – standard setting process**

In 2009, I was requested by the Human Rights Council to conclude the drafting process of the [United Nations Guiding Principles on Extreme Poverty and Human Rights](#). After a broad consultation process with States, academic experts, NGOs and human rights and development practitioners, in September 2012, I presented the final draft of the Guiding Principles, which were subsequently adopted by the HRC by consensus in resolution 21/11, of 27 September 2012.

The Guiding Principles provide the first global policy guidelines applying States' human rights obligations to the specific situation of people living in poverty. The Principles respond to the significant social, cultural, economic and structural obstacles that people living in poverty face, which prevent them from enjoying their rights and put them at increased risk of discrimination, stigma, violence, ill health and lack of education, further entrenching and exacerbating the cycle of poverty through successive generations. Based on international human rights norms and standards, these Principles will serve as a practical tool for policy-makers to ensure that public policies (including poverty eradication efforts) reach the poorest members of society, and respect and uphold all their rights.

### **Conclusion**

The system of Special Procedures has been acclaimed as the “jewel in the crown”<sup>9</sup> of the UN human rights system. Recent studies have shown the unique impact of this mechanism.<sup>10</sup> Despite a number of constraints

---

<sup>6</sup> For a comprehensive study on the impact of cash transfer programmes, see Barrientos, A., and Niño-Zarazua M., *The effects of non-contributory social transfers in developing countries: A Compendium*, (Brooks World Poverty Institute, University of Manchester, 2010).

<sup>7</sup> For example, see the opinion of the Chief Economist for the Human Development Network, Ariel Fiszbein, on “Rights, accountability and social programs” available at:

<http://blogs.worldbank.org/governance/rights-accountability-and-social-programs>

<sup>8</sup> Available at [http://www.ohchr.org/Documents/Issues/EPoverty/briefSPILO\\_Recommendation101.pdf](http://www.ohchr.org/Documents/Issues/EPoverty/briefSPILO_Recommendation101.pdf)

<sup>9</sup> The expression was first publicly used by the then United Nations Secretary General Kofi Annan, in a speech at the Time Warner Center, New York, 8 December 2006, available at

[http://www.pfcmc.com/News/oss/sg/stories/statments\\_full.asp?statID=39](http://www.pfcmc.com/News/oss/sg/stories/statments_full.asp?statID=39).

that restrict our potential impact (not least to do with human and financial resources), I believe I have been able to achieve some successes through my work as Special Rapporteur. Of course, I do not work alone; my work is made possible by invaluable support from the wider human rights community, including various partners in the NGO, academic and activist communities. At the very least, I am able to promote the rights of people living in poverty in a number of international, regional and national fora, which all too often neglect to give priority to the needs and rights of the poor. Indeed, I see the most important part of my role as Special Rapporteur as to give a voice to those who so often are ignored by their governments and by the international community. By listening to and collaborating with people living in poverty, those campaigning in grassroots organizations, and other members of civil society, I hope I have been able to provide a platform for their causes. There have been very specific results and impacts achieved during my mandate, such as those detailed above, of which I am certainly proud.

---

<sup>10</sup> See, for example, Ted Piccone, *Catalysts for Rights: The Unique Contribution of the UN's Independent Experts on Human Rights*, Foreign Policy, Brookings Institution, October 2010 and *International Journal of Human Rights*, Special Issue: The Role of the Special Rapporteurs of the United Nations Human Rights Council in the Development and Promotion of International Human Rights Norms, [Volume 15](#), Issue 2, 2011. .