



General Assembly

Distr.: General
25 November 2009

Original: English

Human Rights Council

Thirteenth session

Agenda item 5

Human rights bodies and mechanisms

Report of the 2009 Social Forum (Geneva, 31 August–2 September 2009)

Chairperson-Rapporteur: Mr. Andrej Logar (Slovenia)

Summary

The present report contains a summary of discussions and recommendations of the 2009 Social Forum, which was held in Geneva from 31 August to 2 September 2009, in accordance with Human Rights Council resolution 10/29.

Under the main themes of national anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective, the negative impact of economic and financial crises on efforts to combat poverty and international assistance and cooperation in combating poverty, the 2009 Social Forum heard expert presentations, each complemented by proceeding interactive debates to exchange views and concerns, and to make proposals on the following topics and their relationship to poverty: human rights perspectives on a social protection floor, approaches for addressing the social protection gap; best practices of States in implementing social security programmes from a human rights perspective; the role of civil society in improving availability and efficacy of social protection systems; enhancing efforts to combat poverty in the context of economic and financial crises; protecting the human rights of particularly vulnerable groups during economic and financial crises; improving policy coherence in international assistance and cooperation in combating poverty; and strengthening the effectiveness of international assistance and cooperation in combating poverty.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–3	3
II. Organization of the Social Forum	4–10	3
A. Opening of the session.....	4–7	3
B. Organization of work.....	8–9	4
C. Documentation.....	10	4
III. Summary of proceedings.....	11–80	4
A. National anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective.....	12–41	4
B. Negative impact of economic and financial crises on efforts to combat poverty	42–59	10
C. International assistance and cooperation in combating poverty.....	60–75	13
D. Interactive debate with relevant special procedures mandate holders of the Human Rights Council	76–80	16
IV. Conclusions and Recommendations.....	81–99	17
A. Conclusions	81–91	17
B. Recommendations.....	92–99	18
 Annexes		
I. Provisional agenda		20
II. List of participants.....		21

I. Introduction

1. The Social Forum was held in Geneva from 31 August to 2 September 2009, in accordance with resolution 10/29 of the Human Rights Council, in which the Council reaffirmed that the Social Forum was a vital space for dialogue between stakeholders on issues linked with the promotion of the enjoyment of all human rights by all.
2. In accordance with resolution 10/29, the President of the Council appointed, in June 2009, Andrej Logar, Permanent Representative of Slovenia to the United Nations Office at Geneva, as the Chairperson-Rapporteur of the 2009 Social Forum.
3. The present report contains a summary of discussions held at the 2009 Social Forum, as well as its conclusions and recommendations.

II. Organization of the Social Forum

A. Opening of the session

4. The Chairperson-Rapporteur opened the 2009 Social Forum and invited the President of the Human Rights Council to make inaugural remarks. In his statement, the President stressed that the Social Forum provided a non-hierarchical structure and unique space for multi-stakeholder dialogue, focusing this time on global poverty and the financial and economic crisis. Through these and other features, the Social Forum complemented and added value to existing United Nations human rights mechanisms.
5. The Chairperson-Rapporteur then addressed the Forum and reaffirmed that poverty constituted a barrier to the enjoyment and realization of human rights. He emphasized the importance of continued efforts to address poverty as well as social protection and security programmes, which can have stabilizing economic and social effects during crises when implemented from a human rights perspective. In this context, the Chairperson-Rapporteur welcomed the sharing of national best practices and successful strategies with due regard to the major challenges in providing social security. On a global level, he highlighted the need for policy coherence and international cooperation in the implementation of the social protection floor initiative.
6. The Chairperson-Rapporteur also reaffirmed the present consensus on the need for effective measures to mitigate the negative effects of the current economic and financial crisis, and to distil lessons from it. In particular, he focused on two relevant issues: the importance of sustained commitment to combating poverty, despite resource limitations imposed by crises; and the benefits of a human rights foundation in ensuring that the vulnerable are protected during crises. It was evident that effective and coherent international assistance and cooperation were imperative in combating poverty, particularly in the context of the current crisis, where States' obligations to provide social security faced serious financial constraints. He called on States to enhance further international assistance and cooperation in the light of the present economic difficulties, which disproportionately affected developing countries.
7. On the second day of the Forum, the United Nations Deputy High Commissioner for Human Rights made her welcome remarks. In her statement, the Deputy High Commissioner emphasized that consensus on social protection was a necessary investment for the alleviation of poverty and recalled ongoing efforts to mobilize action in this area, including the social protection floor initiative. It was also emphasized that the financial and economic crisis required a committed and comprehensive response, and provided an

opportunity to strengthen social security guarantees to mitigate the adverse effects of the crisis on the vulnerable, particularly those groups including, but not limited to, women, migrants, indigenous peoples, people with disabilities and children. Furthermore, she underscored the necessity of international assistance and cooperation and the support of international organizations and donors in overcoming macroeconomic constraints on growth and implementing appropriate policies at the national level. The Deputy High Commissioner welcomed further constructive discussions on incorporating a human rights approach into social security policies.

B. Organization of work

8. The Council, in its resolution 10/29, requested that the discussions of the 2009 Social Forum focus on the negative impact of economic and financial crises on efforts to combat poverty; national anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective; and international assistance and cooperation in combating poverty.

9. Consequently, the programme of work¹ was prepared under the guidance of the Chairperson-Rapporteur, taking into account the input received from Member States and other relevant stakeholders. Under the above-mentioned main themes, the 2009 Social Forum heard 21 expert presentations on 7 different thematic panels, which were each followed by an interactive debate.

C. Documentation

10. The 2009 Social Forum had before it the provisional agenda (A/HRC/SF/2009/1; see annex I), the programme of work and the background report (A/HRC/SF/2009/2) submitted by the United Nations High Commissioner for Human Rights pursuant to paragraph 9 of Council resolution 10/29.

III. Summary of proceedings

11. The section below contains a summary of the presentations and statements made during the interactive debate that followed the presentations.

A. National anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective

1. Human rights perspectives on a social protection floor, approaches for addressing the social protection gap

12. The independent expert on the question of human rights and extreme poverty, Maria Magdalena Sepulveda Carmona, reiterated that poverty was both a cause and a consequence of human rights violations, and that human rights norms and principles provided guidance and a normative framework for poverty reduction. She stated that the economic and financial crisis had had devastating consequences for the poor, especially the most

¹ Available on the website of the Office of the United Nations High Commissioner for Human Rights at the address www2.ohchr.org/english/issues/poverty/docs/sforum/SF2009_PoW.pdf

vulnerable, and that immediate action was required to prevent it from becoming a human rights crisis. The economic and financial crisis presented also, however, an opportunity to move towards a more people-centred international economic system with greater respect for human rights.

13. The independent expert highlighted the fact that access to social security was a human right, and that the provision of it was a State obligation under the International Covenant on Economic, Social and Cultural Rights. The provision of social security was a duty, not an act of charity and, when implemented with due regard for the principles of accountability, inclusiveness, universality and transparency, it could play a key role in the realization of human rights. She emphasized that the principles of universality and non-discrimination should be observed in the design and implementation of social protection programmes; where schemes were targeted, they must be reasonable, fair, objective and transparent, and include a mechanism for redress. A human rights-based approach complemented other approaches to social protection programmes.

14. The independent expert added that the social protection floor, an initiative of the United Nations System Chief Executives Board, must be analysed from a human rights perspective, especially during its early stages of development. While the social protection floor could be an effective tool for achieving minimum standards and core obligations of human rights, it must be coupled with State commitments to the progressive realization of higher levels of protection as resources become available. She commented that the same political will demonstrated in the recapitalizing of financial institutions should also be shown with respect to social protection policies.

15. The Director of the Department for Social Security of the International Labour Organization (ILO), Michael Cichon, spoke about a social protection floor for all as the realization of the right to social security under article 22 of the Universal Declaration of Human Rights. Reference was made to the Global Jobs Pact adopted by ILO at the International Labour Conference held in June 2009, promoting the concept of a social protection floor that would provide effective and concrete core content to the human right to social security, enhance gender equality and be particularly beneficial to the most vulnerable. The social transfer part of the social protection floor would consist of four essential social guarantees, including access to essential health services for all residents, as well as income security through basic benefits for children, people who were not able to earn sufficient income on the labour market, the elderly and the disabled. The Chief Executives Board had incorporated an initiative on the social protection floor as one of its nine crisis response mechanisms.

16. Mr. Cichon stated that social security transfers were a powerful tool to combat poverty and to protect people from social risks, highlighting the particular social security needs of vulnerable groups, such as agricultural workers, children and the elderly. He emphasized the role played by social security systems as social and economic stabilizers in times of crisis, and drew attention to their positive impact on poverty, inequality, health and nutrition, education, child labour and gender equality. Basic social security and essential cash transfers were fiscally affordable for all but the poorest States.

17. Mr. Cichon also stated that a policy framework for adequate social security for all should be based on the principles of universality, progressiveness and pluralism. An outcome- rather than process-based approach was required, and should focus on universal coverage, benefits as a right, sound financing and responsible governance by States and social partners. States were urged to ratify the current ILO conventions, in particular Convention concerning Minimum Standards of Social Security (Convention No. 102). Policy development at the international and national levels should be supported through the promotion of existing standards, such as social safeguards, and through the introduction of new instruments, including support for the social protection floor initiative. In conclusion,

he reiterated the need for technical cooperation and capacity-building based on, inter alia, south-south and inter-agency cooperation.

18. The Director of Health Systems Financing of the World Health Organization (WHO), David B. Evans, focused on universal coverage and financial risk protection in health-care services. He referred to the resolution adopted by all Member States at the World Health Assembly in 2005, in which they urged countries to develop health financing systems to ensure that all people had access to necessary services without suffering the severe financial consequences associated with having access to or using these services. In his view, this was fundamental to the concept of a social protection floor.

19. Mr. Evans highlighted four major reforms that need to be undertaken: (a) universal coverage reform, to improve health quality; (b) service delivery reforms, to make health systems people-centred; (c) leadership reforms, to ensure health authorities were moving policies in the right direction, consistent with human rights objectives; and (d) public policy reforms, to promote and protect health.

20. According to Mr. Evans, previous crises showed that it was possible to protect health during crises through a combination of policies linked to protecting incomes, employment, health care and education. Working with countries was important in reducing financial barriers to access to health services and promoting the efficient and equitable use of funds to eliminate exclusion. At the international level, he emphasized the importance of collaboration with partners such as ILO and other United Nations bodies on the responses to the economic and financial crisis, including the social protection floor.

21. The above presentations were followed by an interactive debate. Interventions were made by representatives of Ecuador, Guyana and Jordan, as well as ATD Quart Monde, CIVICUS, Handicap International, the International Federation of University Women, the International Social Science Council and Dr. Margot Salomon of the London School of Economics.

22. During the interactive debate, it was reaffirmed that poverty was both a cause and a consequence of human rights violations. Special attention was drawn to the particularly vulnerable situation of persons with disabilities and the barriers to health and education services. It was also emphasized that a participatory approach was crucial to ensure access by vulnerable people to essential services and social protection. On the question of universality of access to social security, it was recalled that the human rights obligations of States required them to ensure that all persons falling under their jurisdiction, regardless of their legal status in the country, had access to health and social protection services.

23. The debate also highlighted the need for a more democratic framework for sharing research and knowledge on socio-economic issues. In this respect, reference was made to the Intergovernmental Panel on Climate Change as an example of an effective international mechanism that reviews and evaluates scientific information provided by scientists and civil society. It was suggested that a similar mechanism for sharing poverty studies would render these studies more legitimate and increase the capacity for policy dialogue.

24. With regard to social security programmes, some speakers stressed the importance of not only outcomes but also the process, which should comply with human rights. The majority advocated participatory and universal approaches to social protection. Sharing best practices was repeatedly underlined as an important tool to help guide the development of national policies. In the light of limited resources in some developing countries and with the current crisis, speakers also reiterated the need for continued official development assistance (ODA) and other assistance.

2. Best practices of States in implementing social security programmes from a human rights perspective

25. The Director of the Department for Payments Management of the Social Security Agency of South Africa, Stalin Links, presented an overview of social security systems in South Africa from a human rights perspective. The right to social security was enshrined in the South African Constitution and in complementary legislation. In South Africa, social assistance was also provided to foreigners.

26. Mr. Links also drew attention to substantial policy changes that had resulted from the judicial review mechanism, provided in the Constitution, including cases where the court had upheld all legal residents' right of access to social security. The role played by civil society has been crucial in both applying pressure on and collaborating with the Government in promoting human rights. Reaffirming that all rights were interrelated, independent and indivisible, Mr. Links added that economic and social rights were justiciable; however, the limitation clause made them subject to the availability of resources. Challenges relating to the delivery of social security services included compliance with norms and standards in the provision of services, spatial distance and fraud. He concluded by stating that progress and success in improving social security systems required an active civil society, administration of justice and a policy design and implementation that ensured human rights.

27. The National Secretary of Assessment and Management of Information of the Ministry of Social Development and the Fight against Poverty (Brazil), Luziele Maria de Souza Tapajós, presented her country's national approaches to social security. She stressed that, in Brazil, social security was framed as a right of citizens and a duty of the State. Some of the main programmes included measures aimed at the redistribution of wealth, the reduction of poverty and inequality, the promotion of a more fair, inclusive and sustainable development, and monitoring and evaluation to ensure accountability to citizens.

28. Ms. Tapajós highlighted some of the achievements made through the implementation of social security programmes, including reduced poverty, inequality, hunger and child malnutrition, as well as developments in social inclusion. The economic crisis had increased the importance of social policies, which help guarantee social rights, provide a network for the promotion of social goals and ensure a minimum level of purchasing power to people, thereby acting as a potential mitigator of the effects of the crisis.

29. The Head of Department of the Ministry of Economic Development of Azerbaijan, Sahib Mammadov, introduced the main social security programmes in the country, which were aimed at, inter alia, ensuring sustainable economic development by maintaining macroeconomic stability and the balanced development of the non-oil sector; increasing income-generating opportunities and achieving substantial poverty reduction; reducing social risks for the elderly, low-income families and vulnerable groups; improving living conditions of refugees and internally displaced persons; improving the quality of and ensuring equal access to affordable basic health and education services; promoting and protecting gender equality; ensuring sustainable management of the environment; and continuing institutional reforms and improving good governance.

30. The Premier Councillor of the Ministry of Foreign Affairs and Immigration of Luxembourg, Raymond Weber, shared a human rights perspective on the successes and challenges in the social security system of his country. While Luxembourg had made progress in ensuring the social rights of refugees and asylum-seekers, it faced challenges, for instance with regard to ensuring universal access to social security while avoiding the creation of parallel societies between its citizens and foreigners, who accounted for 40 per cent of the active population in the country. Luxembourg would introduce a GDP of well-

being as an indicator of progress achieved in health and education services, as well as the cultural passport initiative aimed at facilitating access to cultural institutions and programmes for all. The speaker pointed to the need for a new model that would better balance the effects of the market and for a new paradigm on human security with social and cultural dimensions, human rights and sustainable development. In conclusion, Mr. Weber emphasized the importance of solidarity with regard to social security and protection.

31. Following the above presentations, interventions were made by representatives of Kazakhstan, Mexico, South Africa, Viet Nam and the World Citizens Foundation, as well as by Maria Virginia Bras Gomes, member of the Committee on Economic, Social and Cultural Rights, and Dr. Salomon.

32. The majority of speakers recognized the importance of social protection in reducing poverty and ensuring the enjoyment of human rights by all. Access to education and health care by those without legal status in a country were considered essential elements of social protection. The current economic crisis and resulting fiscal constraints affected social security programmes and donor policies, leading to negative effects on the implementation of the Millennium Development Goals. There was a need to strengthen social protection programmes and international cooperation to cope with the consequences of the crisis.

33. Speakers highlighted the need to incorporate poverty reduction into national development plans, with a participatory implementation approach. Social policies must take into consideration the different needs of various groups, such as indigenous communities and those living in isolated and rural areas. The lack of an appropriate monitoring and evaluation system for social security programmes and administrative costs involved in the disbursement of social grants were mentioned as being some of the significant areas for improvement of social security systems in some countries.

3. The role of civil society in improving the availability and efficacy of social protection systems

34. The Director of Human Rights of Diakonie Human Rights, Brot für die Welt, Michael Windfuhr, introduced the concept of basic social security based on human rights criteria. Basic social security was defined as the transfer of money and benefits in kind to individuals and households for subsistence that was not based on contributions and did not have to be reimbursed. Basic social security was primarily required to help people survive and reduce extreme poverty in developing and least developed countries, or to protect people against life-threatening risks and social exclusion in developed countries. Mr. Windfuhr underlined the fact that a human rights-based approach to basic social security must include accountability mechanisms, and States' obligations to respect, protect and fulfil human rights. Touching upon the issue of conditionality attached to social grants, he stressed that conditions might increase efficiency and legitimacy, although they could pose challenges when beneficiaries were excluded upon non-fulfilment of the conditions. As such, conditions, when imposed, must be reasonable, realistic, objective and verifiable.

35. A field worker in Social Protection Programmes of ATD Quart Monde (Madagascar), Lalao Harivelo Henri Rambelo, presented examples of programmes supported in communities in extreme poverty. Emphasizing that a human rights-based approach to social security should be focused on the most vulnerable, he affirmed that individuals living in extreme poverty should also play a key role in contributing to and volunteering in initiatives led by civil society to combat extreme poverty. For that reason, ATD Quart Monde adopted a participatory approach and had engaged with local communities and built partnerships to create inclusive and responsive programmes that empowered these populations to rise from extreme poverty. It was emphasized, however, that while civil society should be supported for its ability to respond more rapidly to short-term exigencies than States, it should not be seen as a replacement for the role that States

are obliged to fulfil. Attention was drawn to the need to evaluate the social impact of development projects on the population. He underlined the importance of training and advocacy campaigns for the public and decision makers on the recognition of and action with people living in extreme poverty.

36. A representative of the Office for International Affairs and Human Rights of the Lutheran World Federation, Peter Prove, presented a case study on the Basic Income Grant pilot project in Namibia, which is also supported by Bread for the World. The project had enjoyed strong community ownership, as indicated by the establishment of a local advisory committee. The non-means-tested unconditional grants provided through the project had had a positive impact on household poverty in the target community, promoting empowerment, spurring entrepreneurship, increasing purchasing power and resulting in a net increase in average household income, which exceeded the financial value of the grants themselves. Other effects included a significant decline in the number of people below the food poverty line; an increase in self-employment; a reduction in child malnutrition; a higher school attendance rate; wider use of a community health clinic and a higher income for it; lower crime rates, and improved efforts to combat alcoholism.

37. In the subsequent interactive debate, statements were made by representatives of Tunisia, Centre Europe – Tiers Monde (CETIM), CIVICUS, the International Federation of University Women, the International Social Science Council, the International Social Security Association, as well as by the independent expert on the question of human rights and extreme poverty, the member of the Committee on Economic, Social and Cultural Rights and Dr. Salomon.

38. The importance of social security and the necessity of a basic income were widely recognized, in particular with regard to facilitating access to health care and education. It was highlighted that good governance and impact assessments of social protection programmes were crucial. Speakers also underscored the need to raise awareness about human rights in order to empower poor communities to defend their rights. A rights-based perspective should provide a mechanism for recourse or justiciability of a right in cases of exclusion from social security programmes. Moreover, a human rights-based approach would highlight the obligation to monitor whether social security programmes were reaching the most vulnerable, and to incorporate a gender perspective. It was also noted that long-run approaches that tackled the systemic and structural roots of poverty must be addressed through policies, such as land and agrarian reform and improved social justice.

39. Some statements highlighted the challenges faced by States and civil society in sustaining social grants after the termination of projects and preventing beneficiaries from falling back into poverty. In this respect, there was a call for an international forum on solidarity. In response to an inquiry on whether income grants that reduced poverty drew attention away from the elimination of inequality, it was stated that social grants should not be viewed as a distraction from efforts to tackle inequality, but rather as being complementary to those efforts.

40. There was general recognition of the significance of non-conditionality with regard to basic social security as a human right. It was further stressed that, unless the Government provided the necessary infrastructure for public services, some punitive conditionalities could inadvertently lead to exclusion. In cases where social security cash transfers included conditionalities, the consequences of non-compliance must adhere to a human rights-based approach, and beneficiaries should not be excluded immediately; rather, they should be allowed recourse to a review mechanism. Evaluations of social grant programmes showed that the majority of beneficiaries tended to spend money wisely on education, health and food, and that they would behave in the same manner without conditionality.

41. With regard to the impact of the economic and financial crisis on social security programmes, it was pointed out that while the crisis has constrained the resources available for these programmes, it has also highlighted the need to reform the international financial architecture, by improving regulation and promoting openness and accountability.

B. Negative impact of economic and financial crises on efforts to combat poverty

1. Enhancing efforts to combat poverty in the context of the economic and financial crises

42. The Deputy Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), Petko Draganov, drew attention to rising poverty and its impact on nutrition, education, health and employment, and reiterated that developing countries had been disproportionately affected. The crisis could exacerbate other food, energy and debt crises. The precariousness of food security, especially in Africa, revealed the need for a more integrated approach to agricultural development, including land reform and investment in rural infrastructure. He was of the opinion that the increase in liquidity from the International Monetary Fund should be complemented by an increase in ODA, which was essential to help poorer countries sustain social protection. In conclusion, Mr. Draganov reiterated the call by UNCTAD for a debt moratorium for the poorest countries during the crisis, to help offset the risk of further debt build-up, and emphasized the need to reach an outcome in the Doha round of trade negotiations to avoid neo-protectionism.

43. Member of the United Nations Committee on Economic, Social and Cultural Rights, Maria Virginia Bras Gomes, noted that the costs and benefits of globalization were not evenly shared within and between States, and that women and children had been among the most affected. Privatization of public services made access to those services more difficult. The multidimensional character of poverty was well defined by the Committee and the Programme of Action of the World Summit for Social Development of 1995. Discrimination and poverty could be causes and consequences of each other; poverty alleviation strategies must therefore be based on the principle of non-discrimination.

44. Ms. Bras Gomes urged States to fulfil their core obligations to ensure the realization of minimum standards for each of the human rights enshrined in the International Covenant on Economic, Social and Cultural Rights. While acknowledging the limited availability of resources as a potential obstacle to the progressive realization of human rights, she emphasized that resource constraints did not detract from the immediacy of the obligation, nor did they justify inaction.

45. Open, participatory and meaningful dialogue was vital to ensure that voices were heard and rights respected. Ms. Bras Gomes concurred with earlier statements about the need for raising awareness about rights among the poor. Drawing attention to the fact that women would be disproportionately affected by the crisis through unemployment, decreased income and increased violence, she stressed that a gender perspective should be taken into account in all policies.

46. The Executive Director of the South Center, Martin Khor, suggested that a new round of special drawing rights be created on the basis of need, rather than normal allocations through quotas to increase developing countries' access to financing. Solutions to the current and potential debt crises could include the UNCTAD proposal for debt moratorium, a short-term solution that would allow States a lawful delay in the payment of debts or obligations, and an international debt arbitration system as a structural reform. The latter would allow countries to apply for a debt standstill and seek the restructuring of their debt through court oversight of an agreement between creditors and debtors. New financing

would once again become available to the country in question as a result of the restructuring, which could be one of the most important elements of international financial architecture reform.

47. Mr. Khor also emphasized the need for ensuring policy space for developing countries to take economic recovery measures, follow long-term development strategies, meet the Millennium Development Goals and address human rights obligations. He enumerated the constraints on policy space, such as the loan conditionalities of international financial institutions and provisions of free trade agreements, that adversely affect developing economies through obligations to further liberalize trade and capital flows. These agreements should be revisited to reflect the calls in the current crisis for regulation and accountability in the financial system. Mr. Khor reiterated the need for reform of the global financial system, including the governance and policies of international financial institutions, which should incorporate inclusive mechanisms, such as the General Assembly and other United Nations organs, so that all stakeholders, especially developing countries, could be involved in the decision-making process.

48. With regard to food security, Mr. Khor advocated the retention of sizeable domestic food production by States to ensure self-sufficiency in times of crisis and thus avoid dependency on imports. Food production in developing countries had been adversely affected by conditionalities imposed by international financial institutions and subsidies in developed countries. The allocation of funds to agricultural development in Africa would therefore not create substantial change unless coupled with revised trade policies in developed countries.

49. An interactive debate followed the above presentations. Statements were made by the representatives of France, Guyana, Mexico, Slovenia, Sweden, CIVICUS and the World Citizen Foundation, as well as by the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina.

50. Speakers acknowledged that countercyclical policies were a tool for dealing with the short-term consequences of crises, whereas long-term solutions must include comprehensive policies that link the areas of trade, environment, macroeconomic policies and human rights. States were urged to fulfil their ODA commitments and to ensure that responses to financial pressures did not diminish human rights protection, especially with regard to marginalized and vulnerable groups, as well as women and children.

51. Many speakers supported the need to recognize the relationship between trade and human rights and to establish a more constructive dialogue on these two areas among respective international organizations, including an analysis of the impact of trade on the enjoyment and realization of human rights. The human rights community was also encouraged to examine the implications of the Doha round of trade negotiations on the enjoyment of human rights by all. In this respect, attention was drawn to the danger of climate change-based trade protectionism, especially towards imports from developing countries.

52. Some speakers cautioned that, although a debt moratorium would provide a short-term solution, in the long term, it could lead to more borrowing to repay debt or the accumulation of interest payments, as experienced in the past. Instead, debt forgiveness was advocated as an alternative recommendation, recalling the bailouts of transnational corporations during the economic and financial crisis. Furthermore, States participating in international financial institutions were urged to have their actions take into account the enjoyment of economic, social and cultural rights.

2. Protecting the human rights of particularly vulnerable groups during economic and financial crises

53. The independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, stated that developing countries, and their vulnerable populations in particular, were likely to endure the negative effects of the economic downturn in the short and long term. The impact was likely to be more severe in the poorest countries, as they had less fiscal capacity to respond, and weak or non-existent safety nets, in addition to pre-existing high levels of poverty and inequality. A human rights approach to crises required policies that prioritize the most vulnerable and marginalized groups.

54. The independent expert also stated that effective solutions required consultations with and meaningful participation of target groups. There was a need for countercyclical policies to sustain existing social programmes and to create new mechanisms to counter the negative consequences of the crisis. Onerous conditionalities attached to loans from international financial institutions prevented countries under a heavy debt burden from adopting such policies. International financial institutions and other donors should prioritize concessional loans for countries that could afford to repay them, and grants for those that could afford them or other loans.

55. The independent expert urged that people working in the informal sector, particularly women who constitute the majority of persons in this sector, should not be excluded from social security programmes. In this context, he expressed concerns about the vulnerability of migrant workers, who are most likely to lose their jobs during the crisis, undocumented migrants who are exposed to exploitative working conditions, and victims of human trafficking. Even during economic and financial crises, Governments should make every effort to continue to implement the right to food and education, especially of children, and to ensure that households do not default on allowing children access to education or subject them to child labour.

56. A member of the Board of the Flemish League of Human Rights and Centre Europe – Tiers Monde (CETIM), Francis Mestrum, spoke about the importance of social and economic rights, including social security, especially in times of crisis. Social protection should go beyond poverty reduction and include income support and social services. Illegal capital flows out of developing countries exceeded their net legal inflows: States were therefore urged to seek mechanisms to bring cases of illegal capital flows before human rights bodies. Recalling States' legal obligations to engage in international cooperation, the speaker suggested that global redistributive mechanisms be set up in order to defend global social justice and human rights.

57. The Deputy Secretary-General of CIVICUS, Katsuji Imata, defined the current situation as a confluence of financial, climate, energy and food crises, as well as being a global governance crisis, and highlighted the need to develop a robust link between social security and social protection on the one hand, and the development agenda and discourse on the financial crisis, on the other. The economic crisis provided civil society organizations with an opportunity for advocacy and collaboration. In this respect, Mr. Imata underlined the role played by civil society in designing and implementing pro-poor policies, for which support of the international community and multi-stakeholder efforts were essential. The international community, including civil society, should collaborate to take concerted action incorporating human rights norms and principles to tackle the above-mentioned confluence of crises.

58. The interactive debate that followed the above presentations included statements made by representatives of the Philippines, the International Federation of University

Women, the United Nations Non-Governmental Liaison Service and the World Citizen Foundation.

59. It was emphasized that the human rights obligations of States were not merely national but also extraterritorial in nature, and that the operationalization of this was crucial for the more effective enjoyment of all human rights by all. In this respect, some speakers suggested that a human rights mechanism should be established to hold States and international financial institutions accountable for their obligations. There was strong emphasis on the need for convergence of the discourse on human rights and development. From a development perspective, many speakers underlined the importance of accountability to people, especially to those most affected by crises.

C. International assistance and cooperation in combating poverty

1. Improving policy coherence in international assistance and cooperation

60. The Head of the Economic, Social and Cultural Rights Section of Amnesty International, Meghna Abraham, spoke about the improvement of policy coherence in terms of international cooperation and assistance, particularly in the context of the Millennium Development Goals. She highlighted the importance of prioritizing the most marginalized and vulnerable sections of society, and upholding the principle of non-discrimination and equality in efforts to combat poverty. In this regard, it was stated that the weakness of the Goals was that their numerical targets risked shifting the primary focus away from the most marginalized and vulnerable groups towards groups that could be more easily addressed in terms of meeting numerical targets. This was not consistent with a human rights approach; failure to address underlying human rights violations would prevent reaching a given goal and may undermine the fulfilment of the others.

61. Ms. Abraham also underscored the lack of consistency and coherence between the human rights legal framework and the Millennium Development Goals. She recommended that the post-2015 development framework, including the Goals, firmly focus on human rights. The forthcoming Millennium Development Goals Review Summit of 2010 was an opportunity to influence the process looking forward to 2015, and would test the important role played by the Human Rights Council and other human rights mechanisms in ensuring that human rights perspectives are fully taken into account in the process.

62. The Director of the Human Development Sector of the World Bank, Steen Jorgensen, pointed out the need for comprehensive social policies rather than relying on separate welfare, labour, health and other social policies. There was a need to achieve equitable outcomes in terms of access to and quality of health care, education and social protection. The World Bank was in the process of finding effective ways to ensure that human rights dimensions and implications are integrated into its policies and programmes.

63. Mr. Jorgensen added that, in order for a social policy to be comprehensive, it was not only the equality of opportunity but also equality of results that mattered. He gave the example of developed countries providing funding for developing countries to cope with climate change, and suggested that the international community should consider whether similar policies could be pursued globally in social policy. With regards to social policies that required change, their focus should be on equitable outcomes in access to and quality of health, education and social protection, and improving the process of recognizing citizen rights and responsibilities. Consequently, further progress was required in ensuring the legal empowerment of the poor and in policy and institutional reform to improve public services consistent with international human rights and social security normative frameworks.

64. Following the above presentations, in an interactive debate, the representatives of Indonesia, Mexico, Sweden and Viet Nam and the member of the Committee on Economic, Social and Cultural Rights made statements, as did the International Federation of University of Women, CIVICUS, the Flemish League of Human Rights and Dr. Salomon.

65. There was consensus that policy coherence discussions should address the consistency of the development agenda with human rights normative standards, reiterating that, in its general comments, the Committee on Economic, Social and Cultural Rights consistently requested that developed and developing countries take into account their human rights obligations in their policies and decisions, including through international cooperation and assistance. International cooperation was not limited to financial assistance, but included addressing the global economic system and its underlying impediments. It was repeatedly emphasized that donors should continue to provide resources to less developed countries to help them achieve their development objectives, complying with the ODA commitment of 0.7 per cent of GDP, and most importantly to improve aid effectiveness. Policy coherence also required human rights obligations of Member States to be observed, despite the different undertakings assumed under other international agreements. Applying a human rights perspective to development activities was not a policy option but a legal requirement, and failure to do so would prevent the achievement of meaningful development and equitable outcomes.

66. A focus on non-discrimination, equality and gender dimensions and the prioritization of the most marginalized and vulnerable population groups living in poverty were widely recognized as critical elements of a human rights perspective. The Millennium Development Goals had to be customized to the development needs and concerns of each country in order to be meaningful. Speakers underscored the role played by United Nations agencies, Member States, international and non-governmental organizations and civil society, as well as the proactive roles of different human rights mechanisms, in incorporating the human rights concerns into the Millennium Development Goals and the efforts to combat poverty.

2. Strengthening the effectiveness of international assistance and cooperation

67. Senior Lecturer at the Centre for the Study of Human Rights of the London School of Economics, Margot Salomon, drew on a range of findings in highlighting the fact that the dominant neo-liberal economic policies of the past two and a half decades had failed to achieve their stipulated goals of faster economic growth, reduced poverty and more stable economies. A key message arising from these developments was that the state of world poverty today was not an accident, but rather a consequence of the policies pursued. International cooperation for the realization of human rights would be strengthened by addressing both poverty (the position of those worst off) as well as global economic inequality, for many reasons, including because the process of inequality was a product of asymmetrical power and influence globally, and because global inequality was a cause of arbitrary disadvantage and the denial of human rights. The ability of the poor to participate in the shared life of a global society was rendered impossible owing to their absolute position of poverty; this was further exacerbated by the exclusion caused by their relational poverty. Moreover, world poverty constituted indirect discrimination against the poor: the rules governing the global economy may not set out to exclude certain people from access to an adequate standard of living, but that was the effect that they had had.

68. In the context of past policy failures and the negative effects of the financial crisis, Dr. Salomon maintained that the burden of proof now rested on relevant Governments, policymakers and international financial institutions to show that reforms were in the best interest of the poor. The international law doctrine of due diligence should be given a stronger role in order to bolster global poverty eradication policies and facilitate the

attribution of responsibilities among the various actors at both the national and international levels. Pointing to the need to develop and apply indicators to attribute responsibility under the conditions of globalization, she noted that the victims of the recent financial and economic crisis, and injured States, may be entitled to reparation, including guarantees of non-repetition, under international human rights law and general international law.

69. Dr. Salomon drew attention to the point that the poor needed more than improved regulation and strong rhetoric about global solutions, which, among other things, would require an optimal system for the proper integration of socio-economic rights into global policymaking, and a meaningful and expeditious change in the international political economy backed by strong human rights enforcement mechanisms.

70. The Director of 3D – Trade – Human Rights – Equitable Economy, Violette Ruppanner, stressed that international human rights law and international trade, financial and investment law had developed largely in isolation from each other, while the latter had an imminent effect on poverty reduction, including access to food, health and education. Ensuring extraterritorial obligations to respect, protect and fulfil economic, social and cultural rights was an important aspect in the context of international cooperation. Trade agreements were often negotiated in non-transparent and non-participatory ways, contrary to the human rights principles of freedom of information and participation in public affairs.

71. At the third High-Level Forum on Aid Effectiveness, held in Accra in 2008, developing and donor countries pledged to ensure that their respective development policies and programmes were designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights and environmental sustainability. All States therefore have the obligation to ensure that trade rules and agreements help countries achieve their development objectives and result in poverty alleviation in compliance with their human rights obligations. In particular, the differential effects of trade and trade-related agreements on developing countries and vulnerable groups within these countries must be evaluated.

72. Trade could be conducive to the realization of human rights when rules and evidence-based decision-making processes were put in place, using human rights as internationally recognized standards or benchmarks, as opposed to conditionality, and human rights impact assessments as a possible tool to facilitate policymaking. Impact assessments should draw from human rights normative standards and develop adequate indicators that can be used to assess positive and negative effects of trade rules.

73. The Officer-in-Charge at the Development Partnership Branch at ILO, Tita Prada de Mesa, emphasized the importance of policy coherence and furthering United Nations reform processes, including the “delivering as one” approach to strengthen the effectiveness of international cooperation. In this regard, she referred to some key ILO initiatives, including decent employment as one of the main poverty reduction strategies that support nationally owned developing Decent Work Country Programmes.

74. In the context of recovery from the crisis, ILO launched the Global Jobs Pact, the latest framework of practical policies to accelerate employment creation and jobs recovery, build social protection systems, strengthen respect for international labour standards, facilitate social dialogue and shape fair and sustainable globalization through increased policy coherence and partnerships with other organizations within and outside the United Nations system.

75. In the interactive debate that followed, the representatives of Norway and ATD Quart Monde made statements. It was stressed that all human rights were indivisible, interrelated and interdependent, and it was widely acknowledged that the integration of human rights norms and principles in all efforts to combat poverty would contribute to policy coherence and aid effectiveness. The ongoing efforts to uphold human rights

obligations and international assistance remained a continuous challenge to ensuring optimal policy coherence in international assistance and cooperation in combating poverty. There was a need for a new multilateral trading regime that would allow the poor to enjoy fully the realization of their human rights.

D. Interactive debate with relevant special procedures mandate holders of the Human Rights Council

76. The Social Forum devoted a segment of its session to an interactive debate with the two thematic procedures mandate holders of the Council attending the Forum, namely the independent expert on the question of human rights and extreme poverty, Maria Magdalena Sepulveda Carmona, and the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina, as well as the member of the Committee on Economic, Social and Cultural Rights, Maria Virginia Bras Gomes. The representatives of China and Guyana and Associazione Comunità Papa Giovanni XXIII, ATD Quart Monde, CETIM, CIVICUS, the International Federation of University Women and the International Federation of Social Workers made interventions during the interactive debate.

77. The independent expert on the question of human rights and extreme poverty stated that the crisis could be seen as an opportunity to restructure the global financial system, as well as to review social policies and reform national taxation and social protection programmes. She stressed that the revised frameworks must comply with human rights, especially the right to social security, while recognizing that the scope of action could be limited in developing countries, as they were the most dramatically affected by the current crisis.

78. Highlighting that social protection could be an effective tool for preventing more people from sliding into poverty as well as help economic growth and recovery, the independent expert advocated the establishment of broad social protection systems grounded in a legal framework respecting human rights. She also emphasized the principles of equality and non-discrimination, the prioritization of vulnerable and marginalized people, and mainstreaming gender equality in social security systems. On international cooperation and assistance, she emphasized that the crisis should not be used as an excuse for the non-fulfilment of ODA commitments; on the contrary, it was an opportunity to improve aid effectiveness, increase transparency and reduce transaction costs associated with ODA.

79. The independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights reiterated the negative effects of the economic crisis, especially on heavily indebted poor countries, and the need for a new solution to resolve debt problems, based on transparency, accountability, inclusiveness and shared responsibility. He concurred with the views of many participants, that the crisis was not just a challenge to global efforts to combat poverty, but also an opportunity to rethink the global economic system. He emphasized that macroeconomic policies that limit poor countries' fiscal space to respond to crises were counterproductive.

80. Ms. Bras Gomes made reference to the core obligations and progressive realization of economic, social and cultural rights, and emphasized that there was a need for benchmarks and timelines to evaluate progressive realization, as well as reporting on how States would meet these human rights obligations. She defined social security as a comprehensive system that includes many programmes, such as social assistance, social insurance and access to social services. Political will was important in implementing social

security programmes. In order to incorporate human rights into social security programmes, benchmarks on human rights should be clearly formulated. In conclusion, Ms. Bras Gomes reiterated the need for the human rights community to engage in dialogue with partners in trade, climate change and all other subjects that affect human rights.

IV. Conclusions and Recommendations

A. Conclusions

81. **The conclusions below are based on presentations and statements made during the Social Forum and its accompanying interactive debates.**

82. **The 2009 Social Forum welcomed the opportunity to have open dialogue with all participants on an equal footing, and encouraged increased participation of grass-roots organizations working with and for the poor, as well as the poor themselves, to share their own ideas and stories and to interact with other actors.**

83. **It was also emphasized that the meaningful reform of the international economic and financial system as well as of international financial institutions was vital to achieve a more equitable and participatory international system, which would significantly contribute to the efforts of the international community in combating poverty.**

84. **It was recalled that international assistance and cooperation is enshrined in, inter alia, article 2 (1) of the International Covenant on Economic, Social and Cultural Rights. There was a duty to assist countries that did not have the domestic resources to achieve progressively the full realization of the rights recognized in the Covenant. It was reaffirmed that human rights principles and obligations had established the foundation for effective international assistance and cooperation.**

85. **International assistance and cooperation played a significant role in making social security viable for all States. Donor States were urged to fulfil their ODA commitments, and States should have mechanisms in place to ensure the efficient and objective use of ODA.**

86. **With a proper foundation on human rights principles, trade could create an enabling environment for poverty eradication. Human rights could serve as a framework, reference and tool to evaluate the gains and losses from trade liberalization, in particular in its potential impact on the poorest and most vulnerable in society.**

87. **Comprehensive debt relief measures were essential for heavily indebted poor countries. These measures should take into account, among other things, affected countries' equitable access to global markets as well as access to international debt arbitration. Debt cancellation could also be regarded as a possible form of compensation to heavily indebted economies that bear the consequences of the crisis for which they were not responsible.**

88. **Social security was not optional, nor was it charity. Its provision was an obligation enshrined in international human rights law. Social security systems were important in times of crisis in order to protect those who suffer from the negative effects of the crisis and to contribute to job creation and economic recovery.**

89. **Social security was an affordable and powerful tool for the protection of the core rights of all persons. It should also go beyond poverty reduction and protect individuals against the adverse effects of the market and economic crises. In so doing,**

it should be universally accessible, particularly for vulnerable groups and individuals, including those who are not part of a State's formal economy. It should take the form of a social protection floor for all.

90. Social security as a universal right required that States take all necessary measures to provide social security coverage to all, in particular to the most vulnerable. The lack of access to social assistance programmes in the form of grants, access to health care and education for non-citizens, immigrants and residents without legal status had driven many into poverty and exclusion. In order to allow social security to fulfil a minimum standard of inclusiveness, social security programmes should have a core set of benefits that are granted unconditionally. Civil society had an important role to play in raising awareness and advocating more inclusive social security systems.

91. Poverty prevented the realization and enjoyment of human rights. Therefore, poverty eradication must remain a priority for the international community. The poor must be at the centre of public policies, and their participatory rights must be ensured. Poverty eradication programmes and strategies as well as policy responses to the economic crisis should take into account the needs and concerns of the most vulnerable, including persons with disabilities and indigenous people, and those of women and children.

B. Recommendations

92. The Human Rights Council is urged to make efforts with a view to concluding the work on draft guiding principles on extreme poverty and human rights, which are crucial in promoting a human rights-based approach to development.

93. Further work should be carried out to improve the conceptual clarity on indicators and their application to measure the impact of programmes and policies to combat poverty among the vulnerable and marginalized and to monitor the progressive realization of economic, social and cultural rights.

94. The human rights obligations of States are not merely national in nature, but also extraterritorial. As such, States and intergovernmental organizations, including the United Nations system, should actively seek out the operationalization of these extraterritorial obligations through the establishment and strengthening of the institutions and mechanisms necessary for this.

95. The Millennium Development Goals Review Summit of 2010 should be used as an opportunity to increase the role of the Council and other human rights mechanisms in ensuring that human rights perspectives are taken fully into account in the subsequent implementation of Millennium Development Goals and the post-2015 agenda.

96. Considering the negative impact that crises have on bilateral and multilateral agreements as well as on ODA, greater emphasis should be placed on adhering to the principles of international assistance, cooperation and solidarity.

97. Reforms and proposals for global economic governance must be dealt with by inclusive mechanisms, such as the General Assembly and other United Nations organs, to ensure the involvement of all stakeholders, particularly developing countries, in decision-making. Human rights principles of transparency, accountability and inclusiveness with due respect for the required policy space for developing countries should underpin these ongoing reforms.

98. Solutions to the financial crisis could also comprise the creation of a new set of special drawing rights based on the criteria of need rather than the current system of quotas. This would increase developing countries' access to finances, which would be required for them to apply countercyclical measures as a response to the crisis. The UNCTAD proposal for a debt moratorium as an interim measure for dealing with the crisis should also be further explored.

99. The dates of future Social Forum sessions should be set back-to-back either before or after a session of the Human Rights Council in order to facilitate further the broader participation of civil society organizations, particularly those from developing countries, many of which travel to Geneva to attend Council sessions. The themes for the Social Forum should continue to be a means of value-adding to the poverty-eradication work of the Council; in so doing, the Forum should continue to provide opportunities for further and better in-depth exchanges between all stakeholders, including civil society and individuals living in extreme poverty.

Annex I

Provisional agenda

1. Opening of the session.
2. Implementation of the mandate contained in Human Rights Council resolution 10/29.
3. Closure of the session.

Annex II

List of participants

States Members of the Human Rights Council

Angola, Bahrain, Brazil, Burkina Faso, Chile, China, Egypt, France, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Mexico, Netherlands, Norway, Philippines, Qatar, Senegal, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

States Members of the United Nations represented by observers

Afghanistan, Algeria, Azerbaijan, Belgium, Bulgaria, Canada, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Dominican Republic, Ecuador, Estonia, Georgia, Germany, Guatemala, Guyana, Haiti, Iran (Islamic Republic of), Iraq, Israel, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Lithuania, Luxembourg, Malaysia, Morocco, Nepal, Oman, Panama, Paraguay, Peru, Portugal, Republic of Korea, Romania, Rwanda, Serbia, Singapore, Spain, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Non-Member States represented by observers

Holy See, Palestine.

Intergovernmental organizations

African Union, Interpol, International Organization of la Francophonie, South Centre.

United Nations

United Nations Educational, Scientific and Cultural Organization.

Specialized agencies and related organizations

International Labour Organization, World Health Organization, World Bank.

Non-governmental organizations

3D – Trade – Human Rights – Equitable Economy, Al-Hakim Foundation, Amnesty International, Asian Indigenous and Tribal Peoples Network, Association World Citizens, Associazione Comunità Papa Giovanni XXIII, Badil Resource Centre for Palestinian Residency and Refugee Rights, Brot Für die Welt, Centre For Economic and Social Rights, CETIM, CIVICUS-World Alliance for Citizen Partnership, Conseil international des femmes, David M. Kennedy Centre for International Studies, Fédération syndicale mondiale, World Federation of Trade Unions, Femmes Africa Solidarité, Franciscans International, Friedrich-Ebert-Stiftung, Handicap International, Hope International, Interfaith

International, International Federation of University Women, International Committee for Human Rights, International Council on Human Rights, International Social Science Council, Initiatives of Change International, Institute for Planetary Synthesis, Nord-Sud XXI, Organizacion Continental de Derechos Humanos A.C., Ordre de Malte, Pan Pacific and South East Asia Women's Association, Plan Life, Retorno a la Tierra, Susila Dharma International, Village Suisse ONG, Women's Federation for World Peace, Women's International League for Peace and Freedom, World Alliance of YMCAs, World for World Organization, Zonta International.

Academic institutions

University of Zurich, Competence Centre for Human Rights; University of London, London School of Economics, Centre for the Study of Human Rights.
