

**EXPERT MEETING ON HUMAN RIGHTS AND CASH TRANSFER PROGRAMS**  
**26-27 FEBRUARY 2009**

## **I. Background**

In its resolution 8/11 the Human Rights Council requested the Independent Expert on the question of human rights and extreme poverty, Dr. Magdalena Sepúlveda Carmona, to evaluate the relationship between the enjoyment of human rights and extreme poverty, paying particular attention to the situation of women, children and vulnerable groups, and the impact of discrimination.

While discharging her mandate, the Independent Expert intends to develop the in-depth analysis of specific public policies aimed at eliminating extreme poverty<sup>1</sup>. In particular, she intends to identify good practices and important lessons learned, in order to provide concrete recommendations on how to strengthen these efforts from a human rights perspective. In this regard, the Independent Expert's first thematic report to the United Nations Human Rights Council will focus on cash transfer programmes.

## **II. Scope: Cash transfer programs**

In recent years, a number of cash transfer programmes have been implemented as an instrument to eradicate poverty in all regions of the world with the support of governments, international organisations and civil society. The Independent Expert intends to study cash transfer programmes from a human rights perspective.

For the purpose of this report the Independent Expert adopts the following preliminary definition for cash transfer programmes:

**Cash transfer programmes consist of the provision of direct financial support to households living in poverty in order to increase their real income. Usually, the transfer aims to improve the conditions of groups that are particularly vulnerable to poverty such as children, elderly people and people with disabilities. In some cases, the transfer of resources is conditional to the fulfilment of education, health or nutrition targets by the recipients (referred to as “conditional cash transfers”).**

Cash transfer programmes are now often seen and presented as a flagship for social policy programme. Some international organisations identified these policies/schemes as an effective tool for poverty eradication, in particular through its capacity to reduce economic inequalities and break the intergenerational transmission of poverty. These policies/schemes may also constitute an important element for the fulfilment of national and international human rights obligations, in particular, the right to an adequate standard of living, including adequate food, clothing and housing and the right of everyone to social security, including social insurance.<sup>2</sup> Nevertheless, the implementation of cash transfer programmes can present various weaknesses and deficiencies such as clientelism and corruption, create dependency and result in practices disrespecting human rights standards and obligations. In this sense, a strong rights based approach would strengthen these programmes.

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<sup>1</sup> For more details on the Independent Expert's plans for the mandate see her report to the 63<sup>rd</sup> session of the UN General Assembly, A/63/274.

<sup>2</sup> See, for example, articles 11 and 9 of the International Covenant on Economic, Social and Cultural Rights and General Comment No. 19 on the right to social security (2008).

### **III- Objectives of the meeting**

The main objective is to discuss the impact of cash transfer programmes on the enjoyment of human rights by persons living in extreme poverty. It also aims at encouraging dialogue between experts from different areas of knowledge, in particular those working on development policies and those working on human rights issues, with the view to identifying practical recommendations to various stakeholders on how to strengthen these programmes from a human rights perspective.

Based on the workshop discussions, the Independent Expert will finalise her annual report to the Human Rights Council. This thematic report will address human rights and cash transfer programmes, and will highlight challenges and recommendations assisted by the workshop discussions.

### **IV- Main Issues to be covered during the meeting**

Taking into account a human rights perspective the workshop may discuss a number of topics, including:

#### ***Human rights obligations***

- States' compliance with the obligation to take progressive steps to fulfill economic, social and cultural rights as well as the duty to allocate the maximum of available resources
- Compliance with the prohibition of discrimination in all phases of the program
- Adequacy of the program in view of international standards related to the right to social security
- The existence of mechanisms for the participation of beneficiaries in the design, implementation and evaluation of the program
- Access to information about the program for its beneficiaries and more generally

#### ***Program Design***

- Program coverage
- Eligibility criteria
- Procedures to register beneficiaries and amount of the transfers
- Sources of finance support (domestic and foreign), continuity of support, role of donors

#### ***Existence of conditionality and co-responsibility***

- Existence of conditionality, verification of their fulfillment and consequences of failure to comply with conditions
- The adequacy of conditionality in view of human rights norms

#### ***Programme implementation***

- Procedures to disseminate information about the program at national level and public campaigns
- Monitoring and evaluation mechanisms
- Availability of services to meet demand

#### ***Accountability***

- Existence of mechanisms and institutional procedures to submit complaints and the accessibility of these procedures for program beneficiaries and civil society
- Accountability system for authorities failure or irregularities (intentional or negligent) while implementing the program.

## **V- Main concerns**

The main concerns to be addressed in the discussions of cash transfer programs from a human rights perspective are expected to reflect those described in the mandate established by the Human Right Council and the initial report of the Independent Expert to the General Assembly<sup>3</sup>:

- 1) Impact on women, children, elderly, people with disability and other groups particularly vulnerable to discrimination;
- 2) Compliance with the principles of equality and non discrimination and the adequacy of existing conditionalities within a human rights framework;
- 3) Participation of people living in extreme poverty in the design, implementation and evaluation of the program;
- 4) Transparency and access to information;
- 5) Accountability mechanisms;
- 6) Suitability from a gender perspective.

## **VI- Participants**

The meeting will provide a unique opportunity to gather experts from governments, international organisations, research institutions and non-governmental organisations working on cash transfer programs and human rights around the world.

The aim of the meeting is to provide an opportunity to bring together a number of organisations and individuals working on cash transfer from different disciplinary perspectives, in particular from a development and a human rights perspective. In addition to informing the report of the Independent Expert, the meeting will facilitate networking and exchange of viewpoints that are indispensable to the enhancement of programs and policies to fight against extreme poverty while respecting human rights. It will also facilitate sharing of information and mutual learning.

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<sup>3</sup> As detailed in the Human Rights Council resolution and the report of the independent expert to the UN General Assembly (A/63/274).