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Madam President, Distinguished members of the Human Rights Council, Excellencies, Ladies and Gentlemen,

Today, I am honoured to present my fifth report to the Council as well as the reports on my official missions to Timor-Leste (A/HRC/20/25/Add.1) and Paraguay (A/HRC/20/25/Add.2). I wish to thank the Governments of Timor-Leste and Paraguay for inviting me and for extending their welcome and cooperation during my visits.

First, allow me to briefly highlight the activities of the mandate during this past year. Since my presentation last year, I submitted a report to the General Assembly (A/66/265), on the topic of penalization of poverty, in which I analysed laws, regulations and practices that punish, segregate, control and undermine the autonomy of persons living in poverty.

During this past year, I have participated in numerous events and held working meetings with Governments, United Nations agencies and funds, the World Bank, donor countries, the European Parliament, academic institutions, non-governmental organizations and representatives of people living in poverty. Among these many activities, I would like to highlight the opportunities I had to contribute to discussions around the recently adopted ILO social protection floor Recommendation, the consultation of the High Level Panel of Experts on Food Security and Nutrition, the open-ended working group on ageing, the European Union consultation on social protection in Development Cooperation and the UN-ECLAC and FAO regional annual meeting on cash transfer programmes. I have also organised and participated in several side events at the Human Rights Council as well at the General Assembly to promote issues related to the mandate.

Moreover, I have been actively developing the draft guiding principles on extreme poverty and human rights, in accordance with the Council’s Resolution 12/19, requesting me to pursue further work on this important standard-setting instrument. In September, at the 21st session, a revised draft will be presented, with a view to a possible adoption by States of the Guiding Principles, whose history was initiated by the former Commission on Human Rights in 2001.
Madam President, I will now present my thematic report to this Council.

During the first three years of my mandate, I have presented reports to the Human Rights Council on my official visits to Ecuador, Zambia, Bangladesh, Viet-Nam and Ireland. The present report provides a critical assessment of developments in relation to the recommendations made in those country reports, and also highlights the challenges confronted by special procedure mandate holders in undertaking follow-up to their country visits.

Constraints on human and financial resources prevented me from undertaking follow-up visits to any of the countries concerned to conduct a review in situ, which would clearly have been the most desirable option. Instead, in order to carry out the follow-up initiative, I requested the five States concerned, and other stakeholders in those countries, including UN country teams, NHRIs and civil society organisations, to provide information regarding developments since my visit.

I sent detailed country-specific questionnaires to the Governments of Ecuador, Zambia, Bangladesh, Viet Nam and Ireland requesting information about progress and challenges in the implementation of my recommendations. I wish to express my appreciation to the Governments of Viet Nam and Ecuador for responding to the questionnaires on time and for their continuing cooperation. The Government of Ireland submitted a late response, and responded in detail to a draft of the report, and while the response is not reflected in the report, it will be central to future engagement. The fact that some Governments did not respond to the Questionnaire or the draft report sent to them was a major obstacle to conducting this follow-up exercise effectively. The report takes into account recommendations and observations made by other human rights mechanisms since my visit, including treaty bodies and the UPR.

Distinguished Delegates,

Due to limitations of time, I will only speak very briefly about the content of the report regarding the countries assessed. The countries differ greatly in terms of development and relevant human rights concerns. Therefore the report should not in any way be considered a comparative analysis. Overall, all the countries had made some progress in the
areas tackled in my original mission reports, while some troubling omissions remain in terms of protecting the rights of persons living in poverty.

To highlight some positive developments since my mission reports: Ecuador was the first state to ratify the Optional Protocol to the ICESCR, one of my report’s recommendations, and an important step for the protection of economic, social and cultural rights in the country. Zambia’s Sixth National Development Plan envisages a significant expansion of social protection programmes in the country, and implementation and coordination of the child grant programme has been improved. In Bangladesh, budgetary allocation to social protection has increased and there has been a significant reduction in poverty at the national level. The Vietnamese Government has expanded direct support programmes to the rural poor, and the teaching and learning of ethnic languages in schools. In a welcome move, Ireland’s 2012 budget has raised the threshold for the payment of the Universal Social Charge, and the Government has recently indicated that it will sign the Optional Protocol to the ICESCR.

However, despite their very different situations, all the countries concerned continue to experience significant challenges in ensuring that the human rights of persons living in poverty are respected, protected and fulfilled. In each country, there exist groups who are particularly vulnerable to poverty due to entrenched discrimination and other factors. These groups are often excluded from general poverty reduction trends and remain persistently poor and excluded. Women face discrimination and are disproportionately vulnerable to poverty in all of these countries. All the States concerned must take more concerted action to tackle the obstacles that persons living in poverty face in accessing essential services, including physical, economic, cultural and administrative barriers. Of course, the global economic downturn has affected the availability of resources in many States, but in some cases the measures taken to address the crises have in fact further undermined the enjoyment of economic, social and cultural rights.

Madam President,

I encountered several challenges in compiling this report and I would like to take this opportunity to discuss more generally the issue of how special procedures can ensure meaningful follow-up of their recommendations, given that resource constraints usually prevent repeat visits to countries. Currently, there is no institutionalized mechanism at the
international level through which the impact of special procedures’ visits and recommendations can be measured. While compiling this report, I found that in some cases, information and statistics are not readily available; this was a particular obstacle in those cases where the Government did not respond to the questionnaire.

In several cases, information provided by National Human Rights Institutions, civil society organisations and UN country teams was invaluable, and I extend my sincere gratitude to those who contributed to the report, despite scarce time and resources. Visits and their follow-up are immeasurably improved with engagement from such organisations. However, levels of engagement varied considerably and collaboration cannot always be guaranteed.

Wishing to contribute to the important debate on improving follow-up on the recommendations and observations of human rights mechanisms, including special procedures, I would like to highlight some key issues that the Human Rights Council and the Office of the High Commissioner for Human Rights should consider.

1. The HRC as well as the OHCHR should seriously explore options for an institutionalized and well-resourced follow-up mechanism on country visits of special procedures. Such a mechanism is extremely important in order to ensure the long-term impact of country visits, and should also take into account the recommendations of other human rights monitoring bodies such as treaty bodies.

2. States should also explore the possibility of establishing a mechanism at the domestic level, with broad participation of stakeholders including civil society, UN agencies and NHRIs, to internally review and monitor the progress made with regard to recommendations of human rights treaty bodies, including special procedures, regional mechanisms and the UPR.

3. It is also vital to enhance the constructive dialogue between States and special procedures. While I acknowledge the multiple reporting and follow-up demands State face from different human rights mechanisms, insufficient engagement by States limits the possibility of an ongoing interactive dialogue between States and special procedures, which has the potential to improve the human rights situation in the country. The preparation of this report has opened a space for a very constructive
dialogue with some of the States concerned, which I am certain will bear fruit in the future.

4. To improve the protection of human rights, all stakeholders must strengthen their efforts towards implementing the recommendations of human rights monitoring bodies. Additional efforts must be made, by special procedures ourselves, for example, in ensuring that recommendations are precise and actionable. National Human Rights Institutions, United Nations country teams, NGOs, and civil society also have an important role to play in terms of monitoring of and advocacy around the recommendations. Additionally, we must also work harder to strengthen coordination among special procedures, treaty bodies and the UPR process, for better and more integrated follow-up with States.

Madam President,

I am convinced that such measures could meaningfully improve the impact of the work of all the UN human rights mechanisms, and foster more productive and collaborative engagement with States.
Distinguished members of the Human Rights Council,

I have the honour of presenting the report on my mission to Timor-Leste, which I undertook in November last year. I wish to extend my gratitude to the Government of Timor-Leste for the support and cooperation provided.

Timor-Leste emerged from a period of conflict and instability just over a decade ago to embark on a process of peace building, state building and development. The country has made significant progress towards the consolidation of peace and security and has experienced rapid economic growth. However, a harsh reality of entrenched poverty and rising inequality hides behind rapid macroeconomic growth indicators. Recent economic growth has not translated into sustained improvements in living conditions or job creation for the majority of the Timorese people.

Poverty remains pervasive and widespread with 41% of the population living on less than one dollar per day. 58% of Timorese children suffers from chronic malnutrition, and unemployment and employment vulnerability is estimated to be as high as 70%.

Timor-Leste has committed to intensify efforts to eradicate poverty and ensure universal access to public services. I commend the Government on its ambitious vision, as articulated in the new Strategic Development Plan, and encourage it to ensure that the realization of human rights of the poorest and most marginalized are at the heart of its efforts.

I take this opportunity to remind Timor-Leste that development must be inclusive, equitable and sustainable. In order to achieve inclusive development, Timor-Leste must ensure that the budget allocations towards essential services are adequate to ensure that even the poorest sectors of society, in particular rural populations, can enjoy their human rights.

I welcome the increase in budget allocation to social services, including health and education adopted after my visit, however, I remain concerned by the fact that the budget allocation to physical infrastructure is disproportionately high, at the expense of resources for desperately-needed health services and quality education provision. Investing in health and education is an investment in the future of Timor-Leste and is critical for sustainable, people-centred development.
Timor-Leste is young both in terms of its nationhood and in the demography of its population: 40% of the population is under 14 years of age and the future of the country will depend on the investment it makes to develop the human capital of its youth. Education is a human right in and of itself but also indispensable for the realization of other human rights, as well as a means to enable people to lift themselves out of poverty.

I commend Timor-Leste for guaranteeing the right of every citizen to education, and ensuring that public primary and secondary education is free and compulsory from grades one to nine. However, the challenges of building a new education system in Timor-Leste are fundamental, as 42% of the population of 15 years and above is unable to read and write in either of the two official languages.

Although Timor-Leste should be proud of its linguistic diversity, this also creates challenges in the education system. Acknowledging the particular challenges that Timor-Leste faces, I call on the Government to confront the challenges of language and education, and to ensure that language is never a barrier to the enjoyment of human rights.

People living in poverty also face other challenges in the realization of their rights, such as in access to justice; access to health services, housing and land; as well as social security and social protection.

With regard to access to justice by people living in poverty, I welcome the recent decree of the Council of Ministers amending the Law on the Juridical Regime Governing the Private Legal Profession and Lawyers Training, which extends the transitional regime for lawyers to continue practicing until 31 December 2015. I also note the ongoing work of the Government on the legal framework for legal aid. I emphasise that the Government should ensure broad availability of legal aid, in particular to vulnerable groups, and that there should be ongoing consultation with a broad range of stakeholders in finalising the legal framework. In my report I have also explored other recommendations to improve access to justice for children and the youth.

Timor-Leste has made notable progress in increasing access to and improving the quality of basic health care services, the success of which is evidenced by dramatically improved health indicators. Timor-Leste has achieved Millennium Development Goal 4, to reduce the under-5 mortality rate by two thirds. At the same time, Timor-Leste continues to
experience one of the highest rates of chronic child under-nutrition in the world and malnutrition among women is also a serious concern, nonetheless, I acknowledge the Government’s efforts in implementing a nutrition campaign.

Despite the Government’s efforts, many barriers remain, including physical distance, conditions of the facilities or quality of service, that prevent people from accessing health care. Particularly concerning is access to maternal health care, generally insufficient in the whole country, but considerably worse outside Dili. This engenders the high incidence of maternal mortality, which is unacceptable and preventable. I call on the Government to increase expenditure and adopt policies that strengthen health systems, giving priority to maternal health.

Another important issue of concern for people living in poverty is their access to housing, and access to land. More than ten years after the extensive destruction and violence in 1999, adequate housing remains out of reach for many Timorese: 58% of communities live in poor housing conditions and the majority of them with no access to clean water and sanitation. During my mission I witnessed the conditions in which people who have suffered forced eviction are living. Development cannot be an excuse to displace and destroy the homes of people living in poverty, who are entitled to protection against forced evictions and arbitrary interference in their home and privacy.

I commend Timor-Leste for its efforts in expanding and implementing social protection programmes. From a human rights perspective, universal social protection schemes are the best way for States to ensure that there is no discrimination in the selection of beneficiaries. However, if universal coverage is not possible, social protection should prioritize reaching the poorest among the poor before moving to progressively wider coverage.

In the report, I also call for increased efforts towards a more inclusive decision-making process, highlighting the current concentration of decision-making powers in Dili. Development should be a ‘bottom up’ process in which the population can meaningfully and effectively participate in the establishment of national priorities.

In conclusion, I take this opportunity to congratulate Timor-Leste on its advances so far and I call on the Government to redouble its efforts to reduce poverty, achieve inclusive
economic growth and development, and build sustainable industries and a strong economy that will benefit the poorest and the most vulnerable in Timorese society. I have the impression that progress is being made in realizing the rights of those living in poverty in Timor-Leste, yet more can and must be done. Given that much has been achieved already, I believe all of these changes are feasible.
Madam President, distinguished delegates,

I have the honour of presenting the report on my mission to Paraguay, which I undertook in December of last year. I wish to extend my gratitude to the Government of Paraguay, not only for the invitation but also for the support and cooperation provided.

Paraguay’s rich natural resources have contributed to significant recent economic growth, which, unfortunately has not been translated into a significant reduction in poverty. Data from 2010 suggest that poverty affects over half of the population and extreme poverty affects 30.7% of the population, especially in rural areas.

Inequality in Paraguay is alarming: it is one of the most unequal countries in South America, in which the richest 10% of the population amasses 41% of the total national income.

Despite the Government’s efforts, the concentration of land, a regressive tax system and corruption constitute major obstacles that must be tackled transparently and without delay. In order to improve the enjoyment of human rights, especially of the most vulnerable groups in society, it is vital that Paraguay addresses these issues in a comprehensive manner.

The State should immediately implement agrarian reform, in compliance with its constitutional obligations (art. 114). It should also tackle low levels of tax collection and the regressive tax system in general. The main source of income through tax in Paraguay is value added tax (VAT), a regressive tax that disproportionately burdens the poorest. In effect, the poorest 10% of the population pay 18% of their income in VAT, while for the richest 10%, payment of VAT amounts to only 4.6% of their income. Paraguay remains the only country in Latin America without a personal income tax. Such a tax was approved in 2003, but the Congress has suspended its validity until 2013.

Improved tax collection, measures to combat tax evasion and the establishment of a progressive tax system, including a personal income tax, are essential to increase social investment within the country.

Corruption is an obstacle that hinders poverty reduction, affecting economic growth and discouraging foreign investment. The State must mobilize and manage its resources in a
transparent and accountable manner, in order to ensure fulfilment of human rights obligations and inclusive social development. It is vital that Paraguay take effective action to increase the transparency of public funds management by the State.

During my visit, I was able to observe in the communities I visited the efforts of the Government to improve the situation of those who live in poverty. In particular, I observed the positive impacts of social programmes such as Tekoporã, Abrazo and Unidades de Salud Familiar, and had the opportunity to discuss these programmes with some of the beneficiaries.

I welcome the plans by the Executive to expand the coverage of these programmes and I regret that the Congress has not ensured the necessary resources to continue the expansion, or to increase social investment in general. Social expenditure in Paraguay remains one of the lowest in Latin America, remaining much below the regional average.

Distinguished Delegates,

The report describes the challenges to enjoyment of human rights experienced by the populations most vulnerable to poverty and contains concrete recommendations to improve the protection of their human rights.

Allow me to briefly highlight some of my recommendations, which the State could implement immediately:

- Ratify the Optional Protocol to the International Covenant to Economic, Social and Cultural Rights;
- Adopt a law against all forms of discrimination, complying with international standards, and also include all acts of discrimination under criminal law;
- Ensure the existence of reliable statistical data and disaggregated information in relation to the sectors most vulnerable to poverty, in particular women, indigenous groups, people of African descent, and persons with disabilities.

Finally, I would like to commend Paraguay for the adoption of a National Plan for Human Rights and I urge the Government to ensure its immediate application, incorporating progress and outcome indicators, in order to measure the impact of public policies in regard
to human rights. In order to achieve this, the State should make use of the invaluable support of the Office of the Human Rights Advisor of the United Nations for Paraguay.

Madam President,

I am committed to continuing the positive dialogue with the Government of Paraguay and Timor-Leste and I hope that the findings and recommendations of these reports will assist the Governments in improving the enjoyment of all human rights, especially of the poorest and most vulnerable sectors of their populations.

Again, I look forward to engaging with the Council in a dialogue on the three reports presented today.

Thank you.