



**General Assembly**

Distr.  
GENERAL

A/HRC/11/9  
27 March 2009

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Eleventh session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the independent expert on the question of human rights  
and extreme poverty, Magdalena Sepúlveda Carmona\***

---

\* Late submission.

## **Summary**

The present report is submitted pursuant to Human Rights Council resolution 8/11. In this report, the independent expert on the question of human rights and extreme poverty has chosen as her thematic focus cash transfer programmes (CTPs). These are non-contributory programmes providing payments in the form of cash to individuals or households. The primary objective of CTPs is to increase the real income of beneficiaries in order to enable a minimum level of consumption within the household. CTPs have been identified as effective tools for poverty eradication due to their capacity to reduce economic inequalities and break the intergenerational transmission of poverty. Yet these programmes have seldom been discussed or analysed from a human rights perspective.

The independent expert recognizes that CTPs are a tool that can assist States in fulfilling their obligations under national, regional and international human rights law. The transfers may have an impact on the exercise of a number of economic, social, cultural, civil and political rights. In particular, CTPs have the potential to assist in the realization of the right to an adequate standard of living, including adequate food, clothing and housing.

Nonetheless, CTPs are not necessarily the most appropriate and effective means of tackling extreme poverty and protecting human rights in all contexts. CTPs should be seen as only one component of social assistance policies. As such, they must be integrated within social protection systems and grounded by solid legal and institutional frameworks framed by human rights standards and principles. This report aims to promote further analysis of the impact of CTPs on the fulfilment of the human rights of beneficiaries.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION .....	1 - 10	4
II. CASH TRANSFER PROGRAMMES .....	11 - 16	5
III. CASH TRANSFER PROGRAMMES AS A COMPONENT OF SOCIAL PROTECTION SYSTEMS .....	17 - 20	7
IV. THE HUMAN RIGHTS FRAMEWORK FOR CASH TRANSFER PROGRAMMES .....	21 - 65	8
A. Ensuring an adequate legal and institutional framework for cash transfer programmes .....	29 - 33	10
B. Ensuring that cash transfer programmes reach the most vulnerable and the most excluded members of society .....	34 - 43	11
C. Ensuring accountability, transparency and access to information .....	44 - 50	13
D. Ensuring meaningful and effective participation .....	51 - 54	14
E. Conditional versus unconditional cash transfer programmes .....	55 - 60	15
F. The current economic crisis, cash transfer programmes and human rights .....	61 - 65	16
V. GROUPS IN NEED OF PARTICULAR ATTENTION .....	66 - 88	17
A. Women and gender equality .....	66 - 72	17
B. Children .....	73 - 83	18
C. Persons with disabilities .....	84 - 88	21
VI. THE ROLE OF INTERNATIONAL ASSISTANCE AND COOPERATION .....	89 - 94	22
VII. CONCLUSIONS AND RECOMMENDATIONS .....	95 - 99	23

## I. INTRODUCTION

1. The independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, presents her first annual report to the Human Rights Council, pursuant to its resolution 8/11. Since assuming her functions on 1 May 2008, the independent expert has focused on integrating a human rights perspective into international, regional and national efforts to reduce poverty.
2. The independent expert presented her first report to the General Assembly (A/63/274) in October 2008. In that report she elaborated on the conceptual framework upon which the work of the mandate is based and set out her work plan for the period 2008-2010. In November 2008, the independent expert undertook a country visit to Ecuador. During the reporting period, she also participated in events and held working meetings with Governments, United Nations agencies, donor agencies, academic institutions, NGOs as well as representatives of the poor. In September 2008, the independent expert took part in the Social Forum of the Human Rights Council. In January 2009, she participated in the seminar on the “Draft Guiding Principles on extreme poverty and human rights”. She contributed to a joint report on the follow-up to the ninth special session of the Council on “grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks in the occupied Gaza Strip” (A/HRC/10/22). The independent expert also participated in the tenth special session of the Human Rights Council on “the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights”.
3. As indicated in the independent expert’s first report to the General Assembly, a human rights framework must guide the design and implementation of all social policies that aim to reduce poverty. Human rights standards will not necessarily prescribe specific policy measures, and States have the discretion to formulate policies that are most appropriate for their circumstances. However, they must ensure that international human rights obligations are taken into account when designing, implementing and evaluating social policies related to poverty. Social policies that aim to reduce poverty must promote the fulfilment, and avoid any violation, of human rights.
4. Human rights standards also assist in building social consensus and mobilizing durable political commitments at the national, regional and international levels. They add legitimacy as they refer to a universally accepted set of norms and values. A focus on rights and obligations helps to identify who is entitled to make claims and who has a duty to take action, thereby empowering those who have legitimate claims to rights. While people living in extreme poverty may remain largely invisible to policymakers, a human rights approach facilitates their visibility because it requires that people are given a voice and it requires direct interventions that aim to protect people living in extreme poverty.
5. The human rights normative framework also offers ways of analysing how these programmes should or do benefit the most vulnerable by looking not only at the end result - the individual/household becoming less poor - but also at the overall process: the individual acquiring capacities in order not to be deprived of resources, capabilities, choices, security or power.

6. As set out in her 2008 report to the General Assembly, for her first thematic report to the Human Rights Council the independent expert presents below an analysis of cash transfer programmes (CTPs) from a human rights perspective.

7. For the purpose of this report, CTPs refer only to non-contributory programmes providing payments in the form of cash to individuals or households. The primary objective of CTPs is to increase the real income of beneficiaries in order to enable a minimum level of consumption within the household, including access to social services. This report does not examine in-kind benefits (such as vouchers, food for work, school meals, etc.). It also excludes microfinance schemes (e.g. loans that require repayment, saving clubs), insurance schemes (e.g. self-financed health insurance, contributory pension systems) or any forms of subsidies (e.g. for food, energy supplies or education and health waivers).

8. In October 2008, the independent expert sent a questionnaire to all Governments requesting information on CTPs being implemented in their respective countries. The questionnaire covered five main aspects of CTPs: (a) the legal and institutional framework; (b) the extent of funding and coverage; (c) implementation procedures; (d) monitoring mechanisms and complaints procedures; and (e) studies and evaluations. Thirty-one responses were received between October 2008 and February 2009 from all regions of the world.<sup>1</sup>

9. On 26 and 27 February 2009, the independent expert convened a meeting organized by the Office of the High Commissioner for Human Rights.<sup>2</sup> Twenty-eight experts from Governments, NGOs, United Nations departments and agencies, and academic institutions from across the world attended the meeting and analysed CTPs from a human rights perspective.

10. The information on which this report is based was obtained from the questionnaire, during the expert meeting, and through an in-depth review of the available literature. The independent expert wishes to express her gratitude to all States that submitted information and to the experts and NGOs that assisted in the preparation of this report. She will continue evaluating these programmes in future mission reports.

## II. CASH TRANSFER PROGRAMMES

11. Cash transfers have long been integrated in social policies in developed countries. In recent years however, cash transfer programmes have been implemented in every region of the world, especially in Latin America, Africa and South Asia. Several CTPs are targeted at the poorest households and at sections of the population that are regarded as vulnerable (e.g. older people, persons with disabilities, children). The transfer may entail a non-contributory old-age pension

---

<sup>1</sup> Albania, Algeria, Argentina, Armenia, Brazil, Chile, Costa Rica, Cyprus, Ecuador, Finland, Greece, Guatemala, Japan, Mexico, Morocco, Oman, Peru, Qatar, Republic of Korea, Republic of Moldova, Romania, South Africa, Spain, Switzerland, Tunisia, Turkey, Uganda, Ukraine, Uruguay, Viet Nam, Zambia.

<sup>2</sup> With the support of the Department for International Development, United Kingdom of Great Britain and Northern Ireland.

(e.g. in India), a disability grant (e.g. in Jamaica), a child support grant (e.g. in South Africa), a widows' allowance (e.g. in Bangladesh), or household transfers to those living in extreme poverty (e.g. in China). In a number of countries, more than one CTP exists (e.g. in South Africa, where transfers are provided together in the form of non-contributory old-age pensions, child grants and disability grants).

12. Some States have chosen to implement a specific type of CTP, known as Conditional Cash Transfer programmes (CCTPs). Under such programmes, the receipt of cash is tied to the beneficiaries' commitment to fulfil one or more conditions (e.g. enrolling their children in school or regularly taking their children for health check-ups). The World Bank describes such conditions as "pre-specified investments in child education and health" and as contributing to "the human capital of their children".<sup>3</sup> The term "conditionality" is gradually being replaced with "co-responsibility". This change in terminology reflects the increasing emphasis that is being placed on the responsibility of the State to provide public services such as health and education. Regardless of whether the terms conditionality or co-responsibility are used, the mechanism is in essence the same.

13. CTPs, conditional and unconditional, are often presented as flagship programmes for reducing poverty. They have been identified as effective tools for poverty eradication due to their capacity to reduce economic inequalities and break the intergenerational transmission of poverty, yet they have seldom been discussed or analysed from a human rights perspective.

14. The independent expert welcomes the efforts made by States implementing CTPs. In many cases CTPs represent one part of more extensive innovative national strategies to address extreme poverty. She also welcomes the fact that a great number of CTPs have developed as a result of South-South collaboration.

15. Poverty is not only an economic issue. It is a human rights concern and all policies and programmes that aim to reduce or eliminate poverty must integrate a human rights perspective. All policies and programmes must be designed in a manner that protects human rights and implementation must be carried out in a manner that ensures the protection of rights in practice. CTPs are a tool that can assist States in fulfilling their obligations under national, regional and international human rights law. In particular, they have the potential to assist in the realization of the right to an adequate standard of living including adequate food, clothing and housing and the right to social security. Moreover, they can facilitate the realization of many other rights, such as the right to education and the right to the highest attainable standard of health as well as the right to take part in the conduct of public affairs. CTPs may also contribute to enhanced protection of other civil and political rights. Nonetheless, weaknesses and deficiencies in their implementation and design can result, in practice, in inconsistencies with human rights obligations.

16. With this report, the independent expert hopes to contribute to, and foster, dialogue between the human rights community and policymakers, development practitioners, economists and social researchers involved in the design, implementation and evaluation of CTPs.

---

<sup>3</sup> Ariel Fiszbein, Norber Schady, *Conditional Cash Transfers, reduce present and future poverty (overview)*, World Bank Policy Research Report, 2009.

### **III. CASH TRANSFER PROGRAMMES AS A COMPONENT OF SOCIAL PROTECTION SYSTEMS**

17. As set out by the Secretary-General, social protection systems aim at responding to “levels of risk or deprivation that are deemed unacceptable within a given society”.<sup>4</sup> There are substantial differences among societies in terms of how they define social protection. “Differing traditions, cultures and organizational and political structures affect definitions of social protection, as well as the choice about how members of society should receive that protection.”<sup>5</sup> Social protection schemes may involve a range of different institutions: central or local governments, civil society (e.g. trade unions, NGOs) or the private sector. They can provide income or direct service delivery to protect individuals in periods of their lives when they are more vulnerable (e.g. childhood, pregnancy, old-age) or to alleviate poverty.

18. There are two predominant subcategories of social protection. Firstly, there is social assistance which encompasses public and private actions designed to transfer resources to groups deemed eligible due to vulnerability or deprivation. Secondly, there are social insurance schemes in which beneficiaries are requested to contribute financially (traditionally referred to as social security).

19. CTPs (whether conditional or not) are a component of social assistance policies which aim to establish “safety net programmes” or “social welfare programmes”. Social assistance policies provide a complement to social insurance (e.g. for private health insurance, unemployment benefits, contributory pensions, etc.) in social protection systems. CTPs as social-assistance schemes can potentially contribute to the realization of the right to social security and the right to an adequate standard of living although a number of conditions must be met under international human rights law.

20. International human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights generally do not use the term “social protection”.<sup>6</sup> Rather, they set out the right of everyone to “social security, including social insurance”. This non-exhaustive definition of social security led the Committee on Economic, Social and Cultural Rights to define the right to social security in a broad manner, as encompassing:

(a) “Contributory or insurance-based schemes such as social insurance. ... generally involve compulsory contributions from beneficiaries, employers and, sometimes, the State, in conjunction with the payment of benefits and administrative expenses from a common fund”;

---

<sup>4</sup> E/CN.5/2001/2, Enhancing social protection and reducing the vulnerability in a globalizing world: report of the Secretary-General, para. 7.

<sup>5</sup> Ibid, para. 6.

<sup>6</sup> An exception is the Convention on the Rights of Persons with Disabilities, which sets out a right to social protection (art. 28).

(b) “Non-contributory schemes such as universal schemes (which provide the relevant benefit in principle to everyone who experiences a particular risk or contingency) or targeted social assistance schemes (where benefits are received by those in a situation of need)”;

(c) “Other forms of social security are also acceptable, including (a) privately run schemes, and (b) self-help or other measures, such as community-based or mutual schemes.”<sup>7</sup>

#### **IV. THE HUMAN RIGHTS FRAMEWORK FOR CASH TRANSFER PROGRAMMES**

21. Cash transfer programmes have many reported benefits. The primary objective of many CTPs appears to be to empower individuals or households to cope with the impacts of poverty. They should, therefore, be intended primarily to contribute to the realization of the beneficiaries’ right to an adequate standard of living. As a component of social-assistance policies, CTPs should also contribute to the realization of the right to social security.

22. In order to contribute to the realization of human rights, CTPs should be designed and implemented in ways that ensure that they comply with core obligations of the right to an adequate standard of living and the right to social security. CTPs must also comply with human rights principles, such as equality and non-discrimination, accountability, transparency, access to information and participation.

23. The right to an adequate standard of living is established in article 25 of the Universal Declaration of Human Rights, article 11 of the International Covenant on Economic, Social and Cultural Rights, article 27 of the Convention on the Rights of the Child and article 28 of the Convention on the Rights of Persons with Disabilities. With respect to State parties to the International Covenant on Economic, Social and Cultural Rights, obligations include, for example, the obligation to devote the maximum available resources for the progressive realization of the right, the prohibition of taking deliberately retrogressive measures, and the duty to ensure the minimum essential standard of living. Furthermore, the right to an adequate standard of living must be exercised without discrimination of any kind and ensuring the equal rights of men and women (arts. 2 and 3).<sup>8</sup>

---

<sup>7</sup> Committee on Economic, Social and Cultural Rights, general comment No. 19 on the right to social security (art. 9).

<sup>8</sup> The obligation of progressive realization of all economic, social and cultural rights and to devote “the maximum of its available resources” does not require a State to devote all the resources at its disposal nor, obviously, does it require it to devote resources that it does not have in order to fulfil these rights. Nevertheless, the allocation of resources is not left to the complete discretion of States. They have a duty to move as expeditiously and effectively as possible and must accord a degree of priority to human rights in the allocation of resources, collect disaggregated data, devise and adopt a plan of action, and monitor the realization of these rights among other obligations. There is also a strong presumption that retrogressive measures are not permitted. If such measures are introduced, States have to show that they have been introduced after consideration of all alternatives and are fully justifiable by reference to all the rights



24. From a human rights perspective, all persons should be covered by the social security system. Moreover, particular attention must be paid to ensuring that individuals belonging to the most disadvantaged and marginalized groups are covered at a minimum. In order to ensure universal coverage, non-contributory schemes such as CTPs are often necessary, especially because they have the potential to assist the most vulnerable and excluded to realize their rights by avoiding further deterioration of their living conditions. Nonetheless, the independent expert underlines that CTPs cannot provide a substitute for social security schemes as defined by international human rights law and labour law. International human rights law provides that States must work towards universal access to social security and towards the fulfilment of the right to an adequate standard of living, beyond the implementation of CTPs only.

25. The right to social security has been strongly affirmed in international law: further to articles 22 and 25 of the Universal Declaration, it appears in articles 9 and 10 of the International Covenant on Economic, Social and Cultural Rights, article 5 (iv) of the International Convention on the Elimination of Racial Discrimination, article 11 of the Convention on the Elimination of All Forms of Discrimination against Women, article 26 of the Convention on the Rights of the Child, article 27 of the International Convention for the Protection of Migrant Workers and Their Families. It also appears in regional human rights instruments<sup>9</sup> and in several International Labour Organization (ILO) conventions, in particular Convention No. 102 on Minimum Standards of Social Security. The Convention on the Rights of Persons with Disabilities mentions the right to social protection in its article 28.

26. In its general comment No. 19, the Committee on Economic, Social and Cultural Rights specified the essential elements of this right, drawing from various ILO Conventions and Declarations and the Committee's experience. The first element is that the right to social security requires that a system, whether composed of a single scheme or variety of schemes, should be available to ensure that benefits are provided for the relevant social risks and contingencies. This system is meant to be characterized by a number of features, such as being established under domestic law, and public authorities must take responsibility for its effective administration or supervision. Some CTPs meet this condition. Consideration needs to be given as to whether CTPs which do not meet this condition can be improved, particularly if social security systems have not been established by law in accordance with the right to social security.

---

included in the Covenant. States parties are also under a "minimum core" obligation to ensure at the very least, "minimum essential levels of the rights" in the Covenant. See the Committee's general comment No. 3 on the nature of States parties' obligations (art. 2, para. 1 of the Covenant), para. 12; its general comment No. 12, para. 28, general comment No. 14, para. 18; and general comment No. 19, paras. 40-42.

<sup>9</sup> See article 9, Protocol of San Salvador and article 12, European Social Charter. The African Charter stipulates that "the aged and the disabled shall also have right to special measures of protection in keeping with their physical or moral needs".

27. Other essential elements of the right to social security include coverage for the nine principal branches of social security,<sup>10</sup> adequate benefit levels, and that qualifying conditions for the benefits are reasonable, proportionate, transparent and accessible to those who are entitled to them. The Committee on Economic, Social and Cultural Rights has also identified the core obligations of States, which include the obligation to provide a minimum essential level of benefits to all individuals and families, and to ensure the right of access to social security systems or schemes in a non-discriminatory manner, especially for disadvantaged and marginalized individuals and groups. Over time, the right to social security must be realized fully by States in accordance with their maximum available resources. The Committee particularly notes the importance of providing minimum coverage for those working in the informal economy as they cannot access formal schemes.

28. Research indicates that CTPs may also play an important role in supporting the realization of other human rights, such as the right to education (e.g. article 11, International Covenant on Economic, Social and Cultural Rights), the right to the highest attainable standard of health (e.g. art. 12) and the right to work (art. 6).

#### **A. Ensuring an adequate legal and institutional framework for cash transfer programmes**

29. The replication and expansion of CTPs has promoted the simultaneous development of a wide range of institutional and legal frameworks for these programmes. In some cases CTPs are institutionalized and incorporated into a national social protection strategy, generally through domestic laws, including constitutional legislation. For example, in Brazil, the 1988 Constitution recognized the right to social protection. In South Africa, the Social Assistance Act charges the national Government with responsibility for social security grants.<sup>11</sup>

30. In most cases, however, CTPs are based only on presidential decrees, policy statements or simply operational manuals and guidelines. Pilot schemes and programmes funded mostly through external sources are usually based upon operational guidelines only.

---

<sup>10</sup> These nine branches are: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.

<sup>11</sup> Among the responses to the questionnaire, Chile, Brazil and South Africa reported the existence of specific legal provisions regulating their national programmes and their implementation. The Brazilian law (Law 10.836/2004) stipulates the right to a basic income in order to obtain food, education and health care. The Chilean law (Law 19949 of 5 June 2004) sets an indexation mechanism for the all social transfer operations in place. In South Africa, the Social Assistance Act (Act 13 - 2004), charges the national government with responsibility for social security grants. On the other hand, Kenya has a number of CTPs implemented in the country with strong involvement of the Ministry of Gender, Children and Social Development but is still lacking a solid legislative framework. Uganda is developing a pilot scheme based on its Social Development Sector Strategic Investment Plan.

31. In order to protect human rights there must be a clear legal framework for CTPs. Legal and institutional frameworks are essential in order to ensure that there is clarity regarding the various roles and responsibilities of government entities (at both the national and local levels), international organizations and civil society actors involved in the implementation of CTPs.

32. The existence of institutional and legal frameworks is also essential to ensure long-term involvement of State authorities at all stages of CTPs. This is the case regardless of whether they are implemented by States themselves, or by international or national NGOs. There is a risk that where CTPs are implemented without clear institutional and legal frameworks the necessary protection of human rights standards may be lacking and this risk increases in the case of small-scale initiatives and pilot projects, because when they finish, beneficiaries may be left in a more difficult situation than before the institution of the programme, or suffer from the abrupt loss of income. Without a strong legal and institutional framework and a long-term strategy, beneficiaries are not in a position to claim their rights.

33. Where clear and effective legal and institutional frameworks are adopted there is also less risk that political changes jeopardize the existence of the CTPs, which in turn protects the enjoyment by their beneficiaries of the right to social security.

#### **B. Ensuring that cash transfer programmes reach the most vulnerable and the most excluded members of society**

34. Universal provision of CTPs (e.g. old-age pensions given to everyone of pensionable age regardless of income) is the simplest and most transparent structure, and with the lowest administrative costs. Universal coverage reduces opportunities for corruption and has no stigma attached as it is available to all who qualify and might receive broad political support. The cost of delivering universal cash transfers is often viewed as a major impediment. Nonetheless, costing studies suggest that they are affordable even in low-income countries and experience shows that the administrative costs can be kept relatively low.<sup>12</sup>

35. When poverty is widespread, the administrative costs and problems associated with targeting methods in the identification, monitoring, and delivery of programmes tend to outweigh the benefits. Nevertheless, targeting can be useful to complement universal policies or when the poor represent a small percentage of the population. There are several targeting methods such as categorical (benefits are provided to a specific group), means testing (benefits are provided to individuals or households under certain criteria) and self-selection.

36. Due to resources constraints, when designing CTPs policymakers often set up eligibility criteria in order to target specific households or individuals. Defining which beneficiaries to target is one of the most complex questions in the design of any CTP. Decisions about targeting in the design of a CTP must make careful consideration of the fact that practical implementation often involves targeting errors: some of the poor may be excluded and some of the non-poor may

---

<sup>12</sup> See “Can low income countries afford basic social security?”, ILO, 2008, and “Development in ageing world: World Economic and Social Survey 2007”, New York, United Nations, Department of Economic and Social Affairs, 2007.

be included. While no targeting mechanism can ever be perfect, from a human rights perspective inclusion errors (providing the benefit to someone who is not in the target group) are not as problematic as exclusion errors (failure to provide the transfer to those targeted).

37. CTPs have the potential for targeting certain groups that would not directly benefit from other schemes. Depending on the characteristics of the population, certain schemes may in practice assist in reaching more persons than others, and from a human rights perspective, reaching the most vulnerable and marginalized poor people should be a primary concern. For example, in a number of African countries where HIV/AIDS is prevalent, universal old age pensions have proven to be effective because they have impacted positively on the lives of AIDS orphans raised by their grandparents.<sup>13</sup>

38. “Means-testing”, which is used in a number of CTPs, is an interesting method which might be seen as a way of reaching the poorest. Nevertheless caution is required. It involves methods of wealth calculation that require more sophisticated administration systems and which may lead to exclusion errors that are discriminatory. Moreover, the more complicated the adopted method of calculation is, the more opaque the eligibility criteria becomes: this can render scrutiny of the process by beneficiaries difficult, if not impossible. As the process becomes less transparent it becomes more difficult for individuals to access the CTP. In sum, means testing is costly, it is administratively complex and requires significant administrative capacity. It can lead to large under-coverage, rendering targeted programmes ineffective. These are strong reasons for adopting universal policies in developing countries.

39. The principle of equality and non-discrimination requires that the targeting process and eligibility criteria be fair, reasonable, objective and transparent. Targeting mechanisms must be open to scrutiny, assessed on a regular basis and must not exclude those in need of support. CTPs in which the registration of beneficiaries is limited to a fixed survey or to an enrolment period raise particular concern as to the compliance with this principle.

40. Poverty originates from overt and covert discriminatory practices and these practices in turn reinforce the poverty experienced by those who are subject to discrimination. If CTPs have as their objective the reduction of poverty, then they must contribute to reducing the stigmatization of beneficiaries and eliminate negative stereotypes and social exclusion. This implies, for example, that benefits for HIV/AIDS patients be disbursed in a way that preserves their dignity and their right to privacy.

41. The principle of accessibility requires that outreach and information on CTPs must be specifically designed to reach groups that are particularly vulnerable or excluded. Information should employ channels that reach the poorest segments of society (e.g. radio announcements, talk shows, community plays, etc.). Outreach must also overcome physical barriers (e.g. by using Braille or other specific means to reach persons with disabilities) and cultural barriers (e.g. by making information available in languages used by minorities, indigenous peoples and by

---

<sup>13</sup> See, *Age and security: How social pensions can deliver effective aid to poor older people and their families*, HelpAge International, 2004.

immigrant populations). Where appropriate, technological measures to facilitate access to the programmes should be put into place. For example, in various states of South Africa, the population can access information about grants and entitlements through toll-free phones.

42. Information is not sufficient to ensure accessibility and that all eligible persons are actually in a position to claim their benefits. CTPs' outreach must also incorporate measures to remove any physical, cultural, geographical and other impediments to access by certain groups who face particular obstacles: in particular, persons with disabilities, the elderly, indigenous peoples, minorities or people with HIV/AIDS. Special measures should be taken for administrators to reach beneficiaries living in remote rural areas.

43. With proper guarantees against abuse, there should be ways and means for potential or actual beneficiaries to be represented by others. This is particularly important for the elderly and persons with disabilities. Accessibility also requires removing administrative barriers that may have a disproportionate impact on the extremely poor, such as requiring identification documents for registration when such documents are costly or are required in countries where many persons are not registered at birth.

### **C. Ensuring accountability, transparency and access to information**

44. The direct transfer of cash to a large number of beneficiaries raises concerns about potential abuses by the programme administrators. It is essential that all CTPs have accountability mechanisms in order to avoid corruption, abuse, mismanagement and political manipulation. Transparency and access to information are essential elements of accountability.

45. Transparency means that beneficiaries - and society at large - should be able to identify the roles and responsibilities of all stakeholders (at both the national and local level). There should also be transparency in regard to several components of the CTPs, such as targeting mechanisms, eligibility criteria, benefits, complaints mechanisms, and avenues for redress. As such, the first requirement is that the legal and institutional framework of a CTP is clear and public.

46. In order to safeguard against abuse and maladministration, CTPs should have built-in mechanisms for the disclosure of information about every step of implementation. Beneficiaries and the whole society must have access to information about the design of CTPs as well as about how the authorities are discharging their obligations. Information on the results of monitoring and evaluations should also be made available. Information must be accessible culturally appropriate and provided in a manner which is also accessible to the illiterate.

47. CTPs without accountability and redress mechanisms are less likely to be understood in terms of entitlements and rights and are rather more likely to be viewed as instruments of clientelism, which can be manipulated by political actors. Independent and effective mechanisms to monitor the administration of programmes and to collect and process complaints are essential to prevent abuses. Such mechanisms are essential in particular for the review of three key elements: qualification under the programme, the maintenance of the programme (to report instances of demands of inappropriate work, political support, demands for money, threats, or sexual harassment) and the supervision of payment procedures. These mechanisms not only enhance the protection of the beneficiaries but they also contribute to improving the efficiency of a CTP.

48. Complaints procedures should include an appeal process that is accessible, simple, fair and effective. In order to reduce power imbalances, complaints mechanisms should provide guarantees of anonymity and they should permit both individual and collective complaints. In Argentina, Brazil and Mexico, evidence shows that both the protection of anonymity and the use of toll-free hotlines have created positive incentives and facilitated the exposure of corrupt practices and clientelism.<sup>14</sup> Complaints mechanisms must be sufficiently resourced and culturally appropriate.

49. Under human rights standards, everyone has the right to an effective remedy when their rights have been violated. Therefore, quasi-judicial and judicial remedies must be available to the beneficiaries of CTPs. Those people that are entitled to transfers (in accordance with the national strategy plan), but who are excluded from the CTP, must have a final recourse to a judicial body.

50. Non-judicial mechanisms such as independent national human rights institutions have a role to play in empowering potential beneficiaries in their relationship with the programme's authorities and to promote transparency.

#### **D. Ensuring meaningful and effective participation**

51. International human rights law sets out a right to participation in public life (e.g. art. 25, International Covenant on Civil and Political Rights).<sup>15</sup> The participation of persons living in extreme poverty in policies and programmes that affect them, and generally in public life, is essential for the protection of the rights of the poor. Therefore beneficiaries of CTPs must have the right to participate in the design, implementation and evaluation of the programmes.

52. However, participation is not simply something desirable from the point of view of ownership and sustainability, but rather a right. It must play a role in the design and implementation of CTPs. Due to the asymmetry of power between the beneficiaries of programmes and the authorities that administer them, beneficiaries are often unable to protect their rights. Without fair and effective mechanisms that enable beneficiaries to actively participate, CTPs are vulnerable to political manipulation.

53. The absence of participation means that policymakers and programme administrators have no feedback from the people and this in turn undermines their effectiveness, their development and their sustainability. Participation also contributes to ensuring social cohesion and political support for CTPs.

54. Often, when participatory strategies are put in place, they are not meaningful because participation is pro forma or reduced to mere consultation, which does not actually enable the beneficiaries to have any real impact on decisions. Frequently, participation processes are

---

<sup>14</sup> See Christian Gruenberg, Victoria Pereyra, "Manual de estudios de caso: Transparencia, participación, y rendición de cuentas en programas sociales focalizados", Fundación Tinker, Chile, 2009.

<sup>15</sup> See Human Rights Committee, general comment No. 25.

incorporated without giving serious consideration to the causes that restrict the participation of vulnerable groups, such as existing power asymmetries between groups in this society. This runs the risk of producing results that are the opposite of those desired, as it may perpetuate, rather than eliminate, abuses of power by local elites and the exclusion of marginalized groups, especially women. Therefore, participation should be understood in a broad sense. For example, it should include not only beneficiaries but also civil society organizations that can play a role in advocating the rights of the beneficiaries and compensating for the asymmetry of power.

### **E. Conditional versus unconditional cash transfer programmes**

55. “Conditional cash transfer” programmes (CCTPs) are specific types of CTPs that pay cash to beneficiaries in exchange for a commitment on the part of the beneficiary to do something in return - such as enrol their children in school, participate in health programmes or meet nutrition objectives. Based on the experience of some Latin American and South Asian countries, some international development agencies and financial institutions, including the World Bank, are encouraging more countries to establish conditional CTPs.

56. There is currently a lack of sufficient evidence as to the respective costs and benefits of conditional versus unconditional CTPs. There is a debate as to whether attaching conditions to cash transfers increases the ability of CTPs to reduce poverty and improve the enjoyment of other human rights, for example by improving literacy or infant mortality rates.

57. There are three predominant arguments in support of CCTPs. First, they are necessary to influence the behaviour and attitudes of the targeted beneficiaries. This argument is based upon the assumption that, in the absence of conditionalities, beneficiaries would not make the same investment in health or education. Second, CCTPs are more likely to be perceived as benefiting the “deserving poor”, and therefore are able to gain wider political support. Finally, CCTPs contribute to the self-esteem and sense of autonomy of the beneficiaries as they are not receiving “something for nothing”. In addition, some advocates argue that by fostering the demand for health and education services, CCTPs strengthen human capital and thus in the long term contribute to breaking the intergenerational reproduction of poverty.

58. There are also strong arguments against conditionalities. Critics indicate that there is no sound social and economic evidence about the extent to which conditions are necessary to achieve the desired result, so that it is possible that the same improvements would be achieved without them. The imposition of conditions is also questioned on the basis of the potential negative impact of conditionalities in the absence of proper investment in the supply side of public services. This is particularly true for low-income countries, countries devastated by war or in middle-income countries where in some regions services are non-existent, inaccessible or of poor quality. Another argument is the fact that conditionalities involve additional monitoring and administration costs, as well as private costs on the beneficiaries to comply with them. Evidence suggests that in the context of low-income countries, resources may be better spent in extending existing social services rather than on the administrative costs associated with monitoring compliance with conditionalities. It is also argued that the imposition of conditions may unnecessarily undermine the individual’s autonomy and assume that the poor cannot make rational choices that improve their livelihoods.

59. One of the key choices in designing conditions is determining how they will be enforced. While some States establish rigid penalties for non-compliance, in others, conditionalities are not enforced and non-compliance does not result in benefit cuts. The exclusion of an individual or a household from a CTP because of failure to satisfy the imposed conditions raises strong human rights concerns. Non-compliance with conditionalities should assist programme officials in identifying and acting upon problems. For example, in some countries girls are not going to school (a condition of the CTPs) because they are sexually harassed, pregnant women are not going to health clinics because the quality of service is very low or the clinics are too far away. In such cases, the CTP should have a mechanism in place to help families that are not complying with the conditionalities, without any punitive outcome. This is particularly the case when female heads of households are in charge of ensuring that the conditions are met (see paragraph 66 below).

60. Enforcing rigid conditionalities (e.g. expelling families from the CTP for failure to comply the condition) may mean that the poorest are punished. States must ensure that whatever policy they implement, the final result will not violate the right of individuals to at least a minimum essential level of human rights.

#### **F. The current economic crisis, cash transfer programmes and human rights**

61. The Human Rights Council, in its resolution S-10/1, invited all relevant special procedures to consider the impacts of the current economic and financial crises on the enjoyment of human rights. While the international community is still assessing the impact of the crisis, it is clear that the poor are disproportionately affected, and that the crisis will push more people into poverty.

62. At the time of writing, countries were in the process of deciding which policies to adopt in order to mitigate the social impacts of the crisis, including responses to wage and savings losses, reduction of remittances, increased prices of basic food, fuel, essential drugs, home foreclosures and limited access to credit. Stimulus packages announced in some countries tend to include cash transfer initiatives and expansion of social security schemes for example strengthening unemployment benefits (e.g. Canada, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), increased cash transfer programmes (e.g. Brazil, Canada, Chile, France, Italy, Indonesia, Japan, Mexico, Philippines, Republic of Korea and Thailand), child benefits (e.g. Australia, Germany, Mexico, South Africa and Spain) and old age pensions (e.g. Argentina and China).

63. The majority of developing countries face a contracted fiscal space, limiting government spending and investment in social services. There are risks that official development assistance (ODA) may decrease too. However, evidence from previous crises, especially from the Asian crisis in the late 1990s, shows that crises periods are not the moment when social expenditures should be cut.<sup>16</sup> On the contrary, it should be used as an opportunity to redress imbalances and set up comprehensive social security systems, of which cash transfer programmes are only one element.

---

<sup>16</sup> Ariel Fiszbein, Norber Schady, *Conditional Cash Transfers, reducing present and future poverty*, World Bank Policy Research Report, 2009, p. 197.



64. CTPs should be seen as one policy tool amongst many others that are necessary to tackle the crisis. The 1929 financial crisis caused widespread poverty in developed countries, but it also led to government programmes such as the New Deal, because it generated the political will to expand social security systems for all, social assistance for the poor and employment programmes. The same opportunity exists today in developing countries - with the support of international assistance and cooperation.

65. Any CTPs must be accompanied by long-term social security systems. Unclear economic perspectives across developed and developing countries should not be interpreted as sufficient reason to regress on the realization of the economic and social rights of all, including the rights to social security and to an adequate standard of living. Implementing temporary cash transfer initiatives alone would not amount to sufficient efforts towards the realization of these rights.

## **V. GROUPS IN NEED OF PARTICULAR ATTENTION**

### **A. Women and gender equality**

66. Human rights law allows, and under certain circumstances requires, States to adopt temporary special measures aimed at accelerating de facto equality between men and women (article 4, Convention on the Elimination of All Forms of Discrimination against Women). In addition, States must take all appropriate measures to modify the social and cultural patterns of conduct of men and women with the aim of eliminating prejudices, customary and all other practices which are based on the idea of the inferiority or the superiority of either sexes or on stereotyped roles for men and women (art. 5 (a)). States must also promote a common responsibility of men and women in the upbringing and development of their children (art. 5 (b)).

67. As noted by many observers and stressed by the independent expert in her 2008 report to the General Assembly (A/63/274), the multifaceted nature of gender discrimination means that women are overrepresented among the extremely poor. Recognizing this, many CTPs include specific provisions to address gender inequality. For example, in some schemes women qualify for a social pension transfer at an earlier age than men (e.g. South Africa). In other countries, transfers target poor widows and destitute women (e.g. Bangladesh) or they are channelled through the female head of the recipient household (e.g. most CCT programmes in Latin America). Sometimes, both conditional and unconditional transfers aim explicitly to bolster the nutrition, health and education of girls and mothers living in extreme poverty.

68. Some of these CTPs have been successful in reducing the country's gender gap in education and in empowering women. It has been argued that channelling the cash through women reinforces their role and independence, especially as they are entrusted with financial matters within their families. This results in a shift in the balance of power in the household, as women acquire greater control over household expenditure and the increased income is considered as increasing opportunities for women to seek jobs and education.

69. Men and women are indeed affected in different ways by the CTPs. A gender-based approach is required to refine the analysis on the potential impact of CTPs in the enjoyment of human rights by women living in extreme poverty. For example, means testing that links a woman's eligibility to a spouse's income can exacerbate potential vulnerability to abuse or economic deprivation.

70. Without the removal of legislative, procedural and cultural barriers that impede women's participation, they cannot exercise their rights. Often, women's participation is constrained due to their subordinate status in relation to men at home (e.g. husbands, fathers and brothers) or men as decision makers and power-holders (traditional leaders, local council members, judges, police).<sup>17</sup> Women often confront disadvantages in terms of education, access to land, credit and other productive assets. Without security, power or resources they cannot participate and demand accountability.

71. CTPs that make women heads of household ensure that conditions are met (e.g. sending children to school, participating in health checks or attending nutrition workshops) may create an unnecessary burden on women while perpetuating traditional notions of gender roles within the family. Putting conditionalities on women is based on evidence suggesting that women's commitment to the well-being of their families is generally greater than that of men. In such case, programmes are designed to circumvent the risks of men misusing the resources provided to them and ensuring that the intended beneficiary (e.g. children) is reached. However, this approach runs a high risk of perpetuating patriarchy and society's view of this behaviour instead of working to change it.<sup>18</sup>

72. CTPs imposing conditionalities on women may have a punitive outcome if they do not take into account the opportunity costs for women (e.g. their own time and behaviour) or ensure that services are available, affordable and gender-sensitive.

## **B. Children**

73. Resource transfers facilitate the compliance with several obligations assumed by States with regard to children. They can have an impact on a child's right to survival (article 6, Convention on the Rights of the Child), on their right to the enjoyment of the highest attainable standard of health (art. 24), on the right to benefit from social security, including social insurance (art. 26), on the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (art. 27), on the right to the highest attainable standard of health (art. 24) and right to education (art. 28), among others. As established under the Convention, "a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier".

---

<sup>17</sup> "Who answers to women? Gender and Accountability", UNIFEM, 2008.

<sup>18</sup> Bradshaw, S., "From structural adjustment to social adjustment: a gendered analysis of Conditional Cash Transfer programmes in Mexico and Nicaragua", *Global Social Policy*, vol. 8, No. 2, pp. 188-207.

74. Extreme poverty affects children not only in the immediate present, but also in the longer term, having a cumulative impact on their evolving capacities. Children are particularly dependent on social services to provide the conditions they need to grow without suffering from poverty. Children require, in particular, access to health, social welfare and educational services.<sup>19</sup> Support to children may also be deeply affected by economic deprivation and other changes that significantly reduce family capabilities to invest in their development.

75. Many CTPs identify children as a vulnerable group. These CTPs channel the benefits to heads of households with the expectation that alleviating economic constraints will be a direct (in the case of conditional cash transfer) or indirect (for the unconditional) incentive for improving access to health, education and nutrition for children. Programmes may also focus on discouraging child labour, and on raising gender equality by supporting investment in the human capital of girls and the bargaining power of women within the household.

76. Evidence suggests that cash transfers are an effective tool in improving some indicators related to child poverty. It suggests that various models of cash transfers targeting children can have broadly similar effects on poverty reduction.<sup>20</sup> According to studies, the regularity and reliability of payments allows families to start planning again and investing additional income in generating activities, or in the education of their children.<sup>21</sup>

77. Even if children are frequently indicated as the target population of CTPs, they are not usually seen as the subjects of rights, and the evaluation of CTPs is very often not adequately child-focused. The improvement of net income to a household with children may have very limited effects if the social services offered to these same children remain inadequate to meet their basic needs.

78. Data compiled by the World Bank indicates that conditional CTPs had positive effects on school enrolment and attendance, and that they occasionally helped to reduce the gender gap in school enrolment.<sup>22</sup> Available research says little, however, about whether students actually learn more. Furthermore there is little evidence about the modest effects in school participation, progression and attainment of additional years of schooling.<sup>23</sup> Experts express particular fears

---

<sup>19</sup> UNICEF, Innocenti Social Monitor 2006, “Understanding child poverty in South-Eastern Europe and the Commonwealth of independent States”, UNICEF (2006).

<sup>20</sup> Armando Barrientos and Jocelyn DeJong, “Reducing child poverty with cash transfers: a sure thing?” In *Development Policy Review*, 2006, vol. 24, No. 5, pp. 537-552.

<sup>21</sup> Rolf Künnermann, Ralf Leonhard, “A human rights view of social cash transfers for achieving the Millennium Development Goals”, *Brot für die Welt, Evangelischer Entwicklungsdienst*, 2008, p. 10.

<sup>22</sup> Ariel Fiszbein, Norber Schady, op. cit. note 18, chap. V.

<sup>23</sup> Fernando Reimers, Carol DeShano da Silva and Ernesto Trevino, “Where is the ‘education’ in conditional cash transfers in education?”, UNESCO, 2006, p. 50.

that the imposition of conditions as a part of CTPs may have negative influence on the school environment, as it provides teachers with additional means to exert authority over students and parents, that are not dependent on the quality of the instruction they provide.<sup>24</sup> The same study indicates that empowering teachers with the authority to directly influence the welfare of poor families may undermine the potential to develop more democratic and participatory forms of school management.

79. There is also some evidence of increases in the use of preventive health services as a consequence of the transfer. Nonetheless, it is apparent only for some outcomes (such as growth monitoring for children) and generally not for others (such as immunization rates).<sup>25</sup>

80. Research also indicates that CTPs accompanied by information, social support, weight monitoring and micronutrient supplements, can stimulate healthier feeding practices and improve young children's nutritional status dramatically, particularly the incidence of stunting. However, the mixed picture with respect to issues such as vaccination, morbidity and mortality, suggests that encouraging utilization of services through CTPs may not produce the expected results if the quality of the services offered remains low.

81. The reduction of child labour is not an explicit objective of the majority of the existing CTPs. Nevertheless the ILO has identified it among the positive effects that CTPs have had in Latin America.<sup>26</sup> However, the lack of adequate data on child labour in most countries impedes the identification of the exact impact of the transfers in child labour.

82. In general terms, the impact of CTPs on children living in poor households can be influenced by: (a) the volume of the transfers; (b) the degree to which the design of the scheme is child-oriented;<sup>27</sup> (c) who controls the transfers at the household level; and (d) the availability of complementary social services.<sup>28</sup>

83. CTPs should only be seen as one component of the wider social protection system. The impact that CTPs may have on children's lives can only be achieved through their full integration with a broad range of social policies and the provision of public services. Special

---

<sup>24</sup> Ibid, p. 51.

<sup>25</sup> Ariel Fiszbein, Norber Schady, op. cit, note 18, p. 137.

<sup>26</sup> Pablo Sauma, *Trabajo infantil y los programas transferencias en efectivo condicionadas en América Latina*, 2007.

<sup>27</sup> CTPs could achieve this by either focusing on children, by taking children's needs into account when determining the size of transfers, and/or by linking beneficiary households to other services that provide for children's needs.

<sup>28</sup> Bernd Schubert, Douglas Webb, Miriam Temin, and Petronella Masabane, "The Impact of social cash transfers on children affected by HIV and AIDS: evidence from Zambia, Malawi and South Africa", UNICEF, 2007.

attention should be paid to particularly vulnerable groups of children, such as orphans, street children, children with disabilities, and child-headed households, who are detached from adult-headed households and often are omitted from CTP.

### **C. Persons with disabilities**

84. Disability is often both a cause and consequence of poverty. There are approximately 650 million persons with disabilities in the world - that is 10 per cent of the global population. An estimated 80 per cent of these persons live in developing countries, many in poverty. In both developed and developing countries, evidence suggests that persons with disabilities are disproportionately represented among the poor and tend to be poorer than their counterparts without disabilities.<sup>29</sup>

85. The Convention on the Rights of Persons with Disabilities, article 2 of the Convention on the Rights of the Child and the principle of non-discrimination in international human rights law oblige States to ensure that persons with disabilities enjoy all human rights on an equal basis with others.<sup>30</sup> It recognizes the right of persons with disabilities to an adequate standard of living for themselves and their families and to ensure their realization without discrimination on the basis of disability. It also recognizes the obligation of States to ensure their right to social protection without discrimination. States must ensure access of persons with disabilities to social protection and poverty reduction programmes and the right of those living in poverty and their families to have access to assistance from the State with disability-related expenses, including financial assistance (article 28, Convention on the Rights of Persons with Disabilities).

86. The above Convention also specifically recognizes the importance of international cooperation and its promotion of the realization of the rights of persons with disabilities: it stipulates that international cooperation measures should be inclusive of, and accessible to, persons with disabilities, and facilitate and support capacity-building (art. 32).

87. Disability grants must be part of a broader social protection system that should include a comprehensive set of measures, from inclusive access, to education and health services to facilitate employment. A key concern should be the adequate standard of living and social inclusion of persons with disabilities.

88. Today, there is a lack of data on the impact of CTPs on persons with disabilities and their families. States should strengthen the collection of data on the impact of CTPs on persons with disabilities as well as in regard to the type and degree of disability in the population.

---

<sup>29</sup> E/CN.5/2008/6, para. 2.

<sup>30</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 5 (1994).

## V. THE ROLE OF INTERNATIONAL ASSISTANCE AND COOPERATION

89. The potential cost of national CTPs in low-income countries is not insignificant. Nonetheless, evidence suggests that they are affordable and can be implemented where the necessary political will exists.<sup>31</sup> In some cases, they are made possible by the provision of international assistance. States parties to the International Covenant on Economic, Social and Cultural Rights are obliged to use the maximum available resources, individually or in the context of international assistance and cooperation (art. 2, para. 2).

90. In recent years, several States, donor agencies, international financial institutions and NGOs have shown interest in supporting more CTPs. The World Bank announced that in 2009, it would provide US\$ 2.4 billion in lending to scale up and start CCTP operations around the world.

91. CTPs cannot replace other measures of international assistance - rather they can only complement wider assistance packages. Donors may however play a crucial role in ensuring sustainable social security systems in recipient countries. To this end, international assistance should be transparent, predictable and reliable, and should support long-term processes that empower the poor. Donor initiatives should be coordinated to foster a more comprehensive coverage, reduce duplication and lower administrative costs.

92. When implementing CTPs with external assistance, it is crucial to build political support and country ownership of the programmes.<sup>32</sup> The design of any CTP must be based on the particular circumstances of the recipient country, in addition to being in compliance with human rights standards. CTPs should be introduced in genuine partnership with the recipient State and in dialogue with the potential beneficiaries. With the support of donors, States must invest in building the capacity of their institutions and staff to deliver CTPs.

93. Pilot projects of CTPs provide an implementation option that is useful when, for example, a country lacks sufficient human or financial resources to fully implement its own programme. However, to ensure ownership and sustainability during the pilot period, donor agents should seek harmonization of their aid and assistance. In addition, recipient States should ensure that the pilot project is implemented within an appropriate legal and institutional framework. Even during a pilot period, it is desirable that the recipient State contribute to or co-finance it (to their maximum available resources), and explicitly commit to increase progressively the contribution of domestic funds.

94. Intergovernmental organizations and particularly international financial institutions should respect and support the fulfilment of States human rights obligations in the context of CTPs.

---

<sup>31</sup> Op. cit., footnote 14.

<sup>32</sup> Degol Hailu, "Cash transfer: lessons from Africa and Latin America", UNDP International Poverty Centre, 2008.

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

95. Cash transfer programmes are today considered an effective means to alleviate poverty and extreme poverty worldwide. In developed countries, where better established social security systems are in place, the transfer of resources to households living in extreme poverty is a longstanding component of a number of social assistance programmes. More recently, CTPs and CCTPs have been developed and replicated in several developing countries.

96. The independent expert recognizes that CTPs are a policy option that can assist States in fulfilling their human rights obligations. Transfers can impact positively on the exercise of a number of economic, social, cultural civil and political rights. In particular, CTPs have the potential to assist in the realization of the right to an adequate standard of living including adequate food, clothing and housing. Hence, the independent expert welcomes the efforts made by States implementing CTPs, in many cases as part of broader national strategies to address extreme poverty.

97. Nonetheless, CTPs are not necessarily the most appropriate and effective means of tackling extreme poverty and protecting human rights in all contexts. CTPs should be seen as only one component of comprehensive efforts to reduce poverty. Weaknesses and deficiencies in the design and implementation of CTPs may result, in practice, in inconsistencies with human rights obligations.

98. While further analysis is required on how CTPs can contribute to, or impact on, the enjoyment on human rights the independent expert will continue to examine the links between human rights and social protection systems, including CTPs, over the course of her mandate.

99. She wishes to present the following recommendations:

(a) Integrate CTPs within social protection systems and ensure solid legal and institutional frameworks:

- (i) States must fully integrate CTPs within broader social protection systems. In order to become a stable component of these systems, CTPs must be well articulated within the existing social security system - its legal and institutional framework must take into account the international and national standards regarding the right to social security;
- (ii) States must establish solid legal and institutional frameworks in order to guarantee legitimacy, effectiveness and sustainability of CTPs. Legal and institutional frameworks are shields against political and economic instability and, most importantly, are essential elements to ensure clear determination of responsibilities;

**(b) Integrate human rights principles and standards throughout the design, implementation and evaluation of CTPs; while taking into consideration specific conditions of each country, in particular demographic, geographic, economic and social conditions, States should ground their decisions on the following principles and standards:**

- (i) Equality and non-discrimination:** The principle of equality and non-discrimination requires States to give priority to disadvantaged and marginalized individuals and groups. States must ensure that targeting processes and eligibility criteria are fair, effective and transparent, and that they safeguard against discrimination. CTPs must not lead to further stigmatization or social exclusion of any individual or group in society. The principle of non-discrimination also requires that States pay continuous attention to the accessibility and adaptability of the schemes to different physical, geographical, social, cultural contexts, taking into consideration particular constraints faced by groups particularly vulnerable to discrimination;
- (ii) Transparency, access to information and accountability:** States must ensure that CTPs have built-in mechanisms for the disclosure of information about the programmes' design and functioning. Information on the results of monitoring and evaluation should also be made widely available. Information must be accessible, culturally appropriate and provided in a manner which is accessible to all, in particular those receiving the transfer. States must also ensure that CTPs have complaints mechanisms that are easily accessible, sufficiently resourced and culturally appropriate. Beneficiaries must have access to effective remedies in cases of performance failure or abuses;
- (iii) Meaningful participation:**  
  
States must ensure the existence of mechanisms to stimulate meaningful participation by those living in poverty in the context of the implementation of CTPs. The establishment of participatory channels must take into account local power structures and ensure the inclusion of particularly vulnerable groups. The result of meaningful participatory processes should lead to the elimination of asymmetries of power between those receiving benefits and those distributing them, enhancing the capacities of beneficiaries to resist potential political manipulation;

**(c) Further assess the impact of conditional cash transfers:** States that attach conditions to cash transfer schemes must ensure their implementation does not exclude and further expose to human rights violations those that fail to comply with the established requirements. Prior to attaching conditionalities to cash transfers, States and policymakers must undertake in-depth analyses of the programmes' capacity to properly monitor compliance and simultaneously provide social services that correspond to the needs of the population living in extreme poverty;



**(d) Mainstream gender perspectives:** States must mainstream gender into the design and implementation of CTPs. They should assess whether programmes affect women's decision-making authority and participation, and whether they perpetuate gender-biased stereotyped roles for men and women. Gender equality must also be one of the standards against which the performance of the CTPs are evaluated. States should also strengthen the collection of gender-disaggregated data about the impact of CTPs and ensure that their complaint mechanisms are gender-sensitive;

**(e) Integrate CTPs with broader cross-sectoral child-focused policies:** States must ensure the full integration of CTPs into a broad range of social policies, and the provision of public services focused on children in other areas, in order to increase their impact on children's lives. Special attention should be paid to some vulnerable groups of children, such as orphans, street children, children with disabilities, and child-headed households. States are required to ensure that all children are treated without discrimination of any kind;

**(f) Integrate CTPs for persons with disabilities into social protection systems:** States must ensure that CTPs for persons with disabilities are integrated into social protection systems. The use of CTPs as a measure to cover the substantive gaps that exist in various national social protection systems is acceptable as long as they are developed within a strategy that pursues the establishment of progressive universal schemes that will ensure the fulfilment of the right to social security. Particular measures to avoid stigmatization and further exclusion must be also devised in parallel to the transfers;

**(g) Ensure international cooperation to support the implementation of CTPs:** International cooperation is required in order to develop and expand CTPs around the world. In particular, in situations of economic crisis, international support can play a decisive role in the protection of the most vulnerable through CTPs. Cooperation toward the implementation of CTPs must be guided by human rights standards and must particularly consider the long-term integration of the transfers into national social protection systems;

**(h) Expanding social protection systems:** States should use the momentum created by the current financial crisis to build political consensus to ensure sufficient levels of public spending on social policies and interventions, including the expansion of social security, health and education coverage.

-----