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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona

Summary

During the first three years of her mandate, the Special Rapporteur on extreme poverty and human rights submitted reports on her country visits to Ecuador, Zambia, Bangladesh, Viet Nam and Ireland. In the present report, she provides a critical assessment of developments relevant to the recommendations she made in those reports, and also analyses the challenges confronted by special procedure mandate holders in follow-up efforts.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–18	3
Challenges and opportunities of a follow-up report	6–18	3
II. Ecuador	19–39	6
A. Legal and institutional framework	24–27	6
B. Social protection	28–33	7
C. Situation of people vulnerable to poverty	34–39	8
III. Zambia	40–60	9
A. Legal and institutional framework	43–46	10
B. Social protection	47–51	10
C. Situation of people vulnerable to poverty	52–59	11
D. Corruption	60	12
IV. Bangladesh	61–74	13
A. Legal and institutional framework	64–65	13
B. Situation of people vulnerable to poverty	66–68	14
C. Social protection	69–72	14
D. Corruption	73–74	15
V. Viet Nam	75–91	15
A. Legal and institutional framework	79–80	16
B. Situation of people vulnerable to poverty	81–85	16
C. Social protection	86–91	17
VI. Ireland	92–108	18
A. Legal and institutional framework	94–95	18
B. Impact of budgetary adjustments	96–100	19
C. Social protection	101–102	20
D. Situation of people vulnerable to poverty	103–108	20
VII. Conclusions and recommendations	109–114	21

I. Introduction¹

1. Following the extension of her mandate in June 2011 (see Human Rights Council resolution 17/13), the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda, decided to dedicate the present report to following up the recommendations made in her country mission reports during the first three years of her mandate.

2. Since her appointment in 2008, the Special Rapporteur has focused her thematic work on, inter alia, the human rights approach to social protection programmes; the implications of the global financial and economic crises and subsequent recovery measures for people living in poverty; and the proliferation of laws, regulations and practices that penalize people living in poverty.²

3. The Special Rapporteur has conducted official visits to Ecuador, Zambia, Bangladesh, Viet Nam, Ireland, Timor-Leste and Paraguay. During her visits, she examined the situation of those most vulnerable to poverty and social exclusion, such as women, children, older persons, persons with disabilities, migrant workers, refugees and asylum-seekers and people living with HIV/AIDS. In assessing States' efforts to alleviate poverty in compliance with their international human rights obligations, the Special Rapporteur has paid particular attention to the issues examined in her thematic reports.

4. The purpose of the present report is to provide a critical assessment of developments in relation to the recommendations made in the context of country visits, as well as to highlight the challenges confronted by special procedure mandate holders preparing a follow-up report.

5. The Special Rapporteur expresses her gratitude to a wide range of actors, including Governments, United Nations agencies, civil society organizations and development actors, as well as individuals living in poverty, who have actively engaged with and supported the work under the mandate.

Challenges and opportunities of a follow-up report

6. An important debate on improving follow-up on States' reactions to the recommendations and observations of human rights mechanisms is ongoing. Currently, there is no institutionalized mechanism at the international level through which the impact of special procedures' recommendations can be measured. Several special procedures have developed a systematic method to assess the impact of country visits recommendations, while others have made these assessments on a less systematic basis. For example, some have conducted follow-up visits to previous visits under their mandate to the same country. Those visits have been valuable in highlighting ongoing human rights concerns and assessing the implementation of recommendations.³ Others have formulated follow-up reports on the basis of information requested from the States concerned, national human

¹ Websites cited were last accessed on 2 April 2012.

² See www.ohchr.org/EN/Issues/Poverty/Pages/AnnualReports.aspx for the Special Rapporteur's thematic reports.

³ For example, the Special Rapporteur on the right to food conducted follow-up visits to Guatemala in 2009 (A/HRC/13/33/Add.4) and Brazil in 2010 (A/HRC/13/33/Add.6). For additional examples see the note by the Office of the United Nations High Commissioner for Human Rights on recent practices in follow-up to special procedures' activities, submitted at the seventeenth annual meeting of special procedures of the Human Rights Council, para. 11.

rights institutions (NHRIs) and civil society organizations.⁴ However, financial and human resource constraints prevent most mandate holders from engaging in repeated visits to States, or conducting other follow-up.

7. The importance of following up on country mission recommendations cannot be overstated. A follow-up visit is the best way to assess the developments in the country with regard to past recommendations in situ. However, in the light of budget constraints that limit the number of each special procedure's missions to two per year, the Special Rapporteur decided to use existing resources to explore countries not previously visited by the mandate.

8. In order to carry out the follow-up initiative, the Special Rapporteur employed the more feasible alternative, already explored by some mandate holders, of requesting States and other stakeholders to provide information regarding her recommendations following her country visits.

9. To facilitate the assessment, the Special Rapporteur sent detailed country-specific questionnaires to the Governments of Ecuador, Zambia, Bangladesh, Viet Nam and Ireland⁵ requesting specific information about progress and challenges in the implementation of her recommendations. The Special Rapporteur wishes to express her appreciation to the Governments of Viet Nam and Ecuador for responding to the questionnaires and for their continuing dialogue with her.

10. The fact that the Governments of Zambia, Bangladesh and Ireland did not respond to the questionnaire was one of the major obstacles encountered in assessing the developments following the country visits. The extent and depth of the present review was also substantially affected in some cases by the lack of publicly available information on Government policies and the absence of up-to-date disaggregated data on the situation of those vulnerable to poverty in the different countries.

11. Information requests were also sent to the respective NHRIs, civil society organizations and United Nations country teams. Their responses varied greatly in terms of the level of engagement, depth and scope of the information provided, coordination between various actors, and timely submission of the information.

12. Three of the countries examined have NHRIs (Ecuador, Zambia and Ireland). While Bangladesh also has an NHRI, economic, social and cultural rights are not within the scope of its mandate. However, only the NHRI of Ireland was able to submit comprehensive information. United Nations agencies also played a key role in submitting data and analysis for each of the countries, and in facilitating access to information not otherwise easily obtained.

13. The work of civil society organizations had been essential in planning the visits, gathering information and visiting communities during the visits, and disseminating the country visit reports. In some countries, advocacy efforts to promote the awareness of country visit recommendations had played a critical role in the progress made. Nonetheless, the engagement of civil society organizations in the preparation of the present report varied greatly by country and capacity. The Special Rapporteur extends her gratitude to those

⁴ See follow-up reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/17/28/Add.6); the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/13/39/Add.6); and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/HRC/10/7/Add.2 and A/HRC/13/20/Add.2).

⁵ The reports on Timor-Leste and Paraguay are presented as addenda to the present report (see A/HRC/20/25/Add.1 and 2) and are not included in the current analysis.

organizations that, despite their limited capacity and resources, actively engaged in the process.

14. The work under the mandate has always benefited from cross-fertilization among several human rights monitoring mechanisms. In preparing the present report, the Special Rapporteur consulted the information submitted to, and the findings of, the universal periodic review process and treaty bodies, as well as reports of special rapporteurs who visited the respective countries after her country missions. While Ecuador, Bangladesh, Zambia and Viet Nam were reviewed under the universal periodic review mechanism before the visits of the Special Rapporteur,⁶ in the case of Ireland the review took place after the visit of the Special Rapporteur; therefore, the State's submission (A/HRC/WG.6/12/IRL/1) and the findings of the mechanism (A/HRC/19/9) were taken into account in the present report.

15. In addition, the present report takes into account the recommendations and constructive dialogue between the Government of Ecuador and the Human Rights Committee⁷ and the Committee on the Rights of the Child;⁸ Bangladesh and the Committee on the Elimination of Discrimination against Women;⁹ Zambia and the Committee on the Elimination of Discrimination against Women;¹⁰ Viet Nam and the Committee on the Elimination of Racial Discrimination;¹¹ and Ireland and the Committee on the Elimination of Racial Discrimination.¹² The report also benefits from the conclusions and recommendations made by special rapporteurs who undertook subsequent missions to the countries concerned.¹³

16. Ideally any follow-up report should include a detailed assessment of developments relevant to recommendations in a systematized and chronological manner. The lack of information from some States, combined with the restricted capacity of special procedures as a result of limited human and financial resources, constrained the Special Rapporteur's review of the impact of recommendations. Moreover, addressing the root causes of extreme poverty and social exclusion often necessitates long-term structural changes; thus, there are inherent difficulties when assessing follow-up across a comparatively short time frame. In addition, a major challenge in assessing progress is that in many countries official data regarding poverty and social exclusion is not collected at regular intervals. Given those limitations, and also constrained by strict limits on the length of special procedures' reports, the present report does not cover the whole range of recommendations made to the countries concerned but assesses those recommendations where sufficient information was received from reliable sources.

17. Given the relatively short period of time that has elapsed since the completion of some of the visits, the Special Rapporteur has included initial steps taken by Governments that are in line with her recommendations. Particular attention is paid to practical steps

⁶ See A/HRC/8/20 and Corr. 1 (Ecuador), A/HRC/11/18 (Bangladesh), A/HRC/8/43 (Zambia) and A/HRC/12/11 (Viet Nam).

⁷ CCPR/C/ECU/CO/5.

⁸ CRC/C/ECU/CO/4.

⁹ CEDAW/C/BGD/CO/7.

¹⁰ CEDAW/C/ZMB/CO/5-6.

¹¹ CERD/C/VNM/CO/10-14.

¹² CERD/C/IRL/CO/3-4.

¹³ For example, Ecuador: report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/14/21/Add.1) and of the Working Group of experts on people of African descent (A/HRC/13/59); Zambia: report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/17/26/Add.4).

taken by States to improve national laws or policies and programmes affecting people living in poverty.

18. The countries visited differ greatly both in terms of development and relevant human rights concerns. The impact of the recommendations is therefore assessed according to the different levels of resources and individual circumstances and challenges faced by each country, and should not be considered as a comparative analysis.

II. Ecuador

19. From 10 to 15 November 2008, the Special Rapporteur undertook a mission to Ecuador (see A/HRC/11/9/Add.1). Economic growth in the country has varied since the mission; the rate was expected to reach 8 per cent in 2011.¹⁴

20. Reflecting the significant investments Ecuador has made in its cash transfer programme, poverty declined from 35.1 per cent of the population in December 2008 to 28.6 per cent in December 2011, and extreme poverty was cut from 15.7 per cent to 11.6 per cent.¹⁵ The Special Rapporteur welcomes this progress, while acknowledging that the Government still has much to do to eradicate poverty and persistent social inequalities between different geographical areas and ethnic groups and between men and women. In particular, she notes that Ecuador must still take steps to raise the level of public expenditure allocated to areas such as education, health and social security, which is increasing but remains at below 10 per cent of gross domestic product (GDP).¹⁶

21. In the mission report, the Special Rapporteur analysed the situations of groups particularly vulnerable to poverty in Ecuador, and the social protection programmes in place, with particular emphasis on the Bono de Desarrollo Humano (BDH) conditional cash transfer programme. She made a number of recommendations on incorporating human rights principles into the design and implementation of poverty reduction programmes. The following sections revisit the recommendations and assess their level of implementation by the State.

22. The Special Rapporteur notes that the Government of Ecuador was open to engaging in dialogue during and after the mission, and extends her appreciation to the Government for responding to her enquiries and providing information about developments relevant to her recommendations.

23. The information contained below is drawn in part from responses provided by the Government and by other stakeholders, including the United Nations Country Team and civil society organizations.

A. Legal and institutional framework

24. The Special Rapporteur congratulates Ecuador for having ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Still, despite being the first country to ratify this important treaty, there is low usage of protection

¹⁴ Economic Commission for Latin America and the Caribbean (ECLAC), *Preliminary Overview of the Economies of Latin America and the Caribbean 2011*, p. 81.

¹⁵ Data submitted by the Government based on calculations from the National Statistics and Census Institute (INEC). According to ECLAC, for 2010 the extreme poverty rate was 16.4 per cent (see http://interwd.cepal.org/perfil_ODM/perfil_pais.asp?pais=ECU&id_idioma=1).

¹⁶ ECLAC, *Social Panorama of Latin America 2011*, briefing paper, p. 43.

measures in the context of economic, social and cultural rights and a lack of public awareness regarding those rights and their justiciability.

25. The Special Rapporteur welcomes the efforts to reform the judicial system, and reiterates her recommendation that Ecuador ensure that economic, social and cultural rights are directly applicable and justiciable in practice. To do so, it must strengthen training for judges and lawyers on the implementation of those rights and take measures to facilitate access to the justice system by impoverished members of society.

26. The Special Rapporteur welcomes the establishment of the National Coordinator on Economic, Social and Cultural Rights within the Defensoría del Pueblo, and calls on this NHRI to actively follow up on the implementation of the recommendations of human rights mechanisms in general and to address the specific issue of extreme poverty in its thematic reports. The Defensoría del Pueblo should also consider addressing paradigmatic cases to advance the legal recognition of economic, social and cultural rights within the domestic justice system.

27. Since the mission, the Government has implemented the 2007-2010 National Development Plan and adopted the 2009-2013 National Plan for Good Living (Plan Nacional para el Buen Vivir). However, information received suggests a pressing need to strengthen the monitoring and evaluation system of the National Development Plan, which lacks detailed and easily accessible information on progress made towards its goals. The Special Rapporteur recalls her recommendation to integrate human rights standards into the design, implementation, monitoring and evaluation of such programmes, and thus welcomes the collaboration between Ecuador and the Office of the United Nations High Commissioner for Human Rights in integrating human rights principles and approaches into development planning.¹⁷

B. Social protection

28. The Special Rapporteur welcomes the evolution of the social protection system in Ecuador. While she acknowledges the use of human rights discourse in the formulation of social policies, further efforts need to be made to convert this rhetoric into practice and ensure that social protection is grounded in a rights-based approach. Social security (including contributory and non-contributory systems) should not be understood as discretionary assistance; rather, it is a right that must be ensured to everyone within the country, as recognized in the Constitution.

29. The Special Rapporteur welcomes the efforts undertaken by Ecuador to increase the coverage of the BDH programme. As of 2010, Ecuador was the country in Latin America with the largest percentage of the population (44 per cent) covered by a cash transfer programme.¹⁸ Despite these successes, information received gives rise to ongoing concerns about the adequacy of the incorporation of human rights principles in the Ecuadorian social protection system. While the Special Rapporteur welcomes the fact that penalties for non-compliance with conditionalities are still not applied in practice, she calls on the State to eliminate conditionalities from the programme. The imposition of conditionalities raises a number of concerns from a human rights perspective, documented in the Special Rapporteur's previous thematic reports and raised with the Government in the country mission report.

¹⁷ See www.ohchr.org/EN/NewsEvents/Pages/PuttingHRintopracticethroughdevelopmenttheEcuadorianexperience.aspx.

¹⁸ Simone Cecchini and Aldo Madariaga, *Conditional Cash Transfer Programmes: The Recent Experience in Latin America and the Caribbean* (ECLAC, 2011), p. 103.

30. The Special Rapporteur welcomes the evolution of the BDH programme in the last three years, including the additional efforts to promote incorporation into the labour market through the Crédito Productivo Solidario (Productive Solidarity Credit), the main users of which are recipients of the BDH.

31. The Special Rapporteur acknowledges the graduation strategy of the BDH programme, and calls on Ecuador to ensure that even after families cease receiving transfers, they can enjoy at least the minimum core content of all economic, social and cultural rights, while progressively improving their situation. This entails access to a range of other social policies and programmes to ensure social inclusion and tackle poverty.

32. Information received suggests that mechanisms for the participation of beneficiaries of social programmes in their design, implementation and evaluation, as mandated by the Constitution, are still scarce, and therefore the Special Rapporteur again encourages the Government to commit human and financial resources to rectifying this.

33. The Special Rapporteur had also recommended that the Government should improve the outreach and accessibility of the programmes, taking into account groups that suffer from structural discrimination. According to information received, the Government must further strengthen its efforts in this regard, particularly in ensuring that information regarding social programmes is linguistically accessible for indigenous populations.

C. Situation of people vulnerable to poverty

1. Women

34. Women suffer from structural discrimination that limits, inter alia, their participation in the workforce¹⁹ and in government. The Special Rapporteur reiterates her recommendation that the Government scale up its efforts to tackle gender discrimination in Ecuador.

35. The Special Rapporteur welcomes the initiative to facilitate analysis and the measuring of resources spent on gender equality in the State's general budget, known as Función K: Equidad de Género (Classifier K: Gender Equity).

2. Children

36. The Special Rapporteur notes the achievement of the BDH in reducing the prevalence of child poverty and child labour. According to figures submitted by Ecuador, the percentage of children living in poverty has declined from 44.4 per cent in 2008 to 37.3 per cent in 2011, and the number of those engaged in child labour from 2.9 per cent to 1.5 per cent. The Special Rapporteur calls on Ecuador to redouble its efforts in reducing child poverty, and encourages the Government to review the operation of the BDH to ensure that the imposition of conditionalities is not resulting in the de facto exclusion of children.

3. Persons with disabilities

37. The Special Rapporteur welcomes the efforts of Ecuador in promoting the rights of persons with disabilities, which include the provision of a nationwide disability pension. The Special Rapporteur welcomes the Manuela Espejo programme, which carried out a national study covering 294,000 persons with disabilities, facilitating the delivery of a monthly voucher (Joaquin Gallegos programme) to care providers, especially those who care for persons with severe disabilities. Information received indicates that a draft law on disabilities is currently being discussed in Ecuador. The Special Rapporteur calls on

¹⁹ See INEC, Encuesta de Empleo y Desempleo, Indicadores del Mercado Laboral, December 2011.

Ecuador to ensure that the law includes provisions to guarantee, including if necessary through the courts, the protection of human rights, in line with the country's obligations under the Convention on the Rights of Persons with Disabilities.

4. Indigenous peoples

38. Indigenous peoples continue to be among the poorest, most marginalized people in Ecuador, experiencing high levels of unemployment or underemployment. Recent statistics show that 60.1 per cent of indigenous people in Ecuador live in poverty, with a smaller decline in the indigenous poverty rate over recent years compared to other sections of the population.²⁰ A combination of linguistic²¹ and geographical obstacles and structural discrimination limits the extent to which indigenous persons benefit from the social protection system. The Special Rapporteur calls on the Government of Ecuador to take immediate steps to further reduce the high prevalence of poverty among indigenous communities and address barriers which prevent these groups from participating in public life and accessing and benefiting from social protection measures on an equal footing. Ecuador must also ensure that development projects do not cause environmental damage that threatens the ecosystem in areas inhabited by indigenous peoples and ultimately their rights and welfare.

5. Afro-Ecuadorians

39. According to data received, the percentage of Afro-Ecuadorians living in poverty decreased from 50.6 per cent (2006) to 35.5 per cent (2011).²² According to the 2010 Census, the quality of life of Afro-Ecuadorians has also improved in several areas. Nonetheless, according to the Working Group of experts on people of African descent, which undertook an official mission to Ecuador in 2009, poverty is one of the most pernicious issues negatively affecting Ecuadorians of African descent (A/HRC/13/59, para. 34). The Special Rapporteur calls on the Government to intensify the efforts to ensure the social inclusion of Afro-Ecuadorians, and take specific measures to ensure their access to employment.

III. Zambia

40. From 20 to 28 August 2009, the Special Rapporteur undertook a mission to Zambia (see A/HRC/14/31/Add.1). Since then, the country has experienced significant economic and political developments, including continued economic growth, the adoption of the Sixth National Development Plan 2011-2015 (SNDP) and the election of a new Government in September 2011. However, these changes have not been accompanied by equal advances in poverty alleviation; although updated poverty statistics are not available, poverty remains serious and widespread, particularly in rural areas, where more than half the population lives in extreme poverty.²³ The situation in Zambia is a stark reminder that economic growth alone is not sufficient; human rights-based social policies, in particular comprehensive social protection systems, are essential to ensure that the most marginalized and disadvantaged in Zambia are able to realize their human rights.

41. In her mission report, the Special Rapporteur made numerous recommendations to Zambia in this regard, including improving the legal framework and consolidating the

²⁰ National Secretariat for Planning and Development (Secretaría Nacional de Planificación y Desarrollo, SENPLADES), *5 años de Revolución Ciudadana* (2012), p. 60.

²¹ Despite the 2008 recognition of Kichwa and Shuar as official languages.

²² SENPLADES, *5 años*, p. 60.

²³ United Nations Development Programme (UNDP), *Zambia: Millennium Development Goals Progress Report 2011*, p. iii.

social protection system to improve coverage and effectiveness; addressing discriminatory practices; intensifying efforts to combat corruption; and improving cooperation between Government and civil society groups.

42. In the following sections, the Special Rapporteur analyses the extent of the implementation of these recommendations. The Government did not reply to the questionnaire sent in preparation of the present report. The Special Rapporteur relied upon information drawn from the United Nations Resident Coordinator, United Nations and donor agencies, civil society organizations and treaty-body reports.

A. Legal and institutional framework

43. In her mission report, the Special Rapporteur recommended that the State incorporate fundamental human rights, particularly economic, social and cultural rights, into its constitutional reforms. In November 2011, the new Government appointed a technical committee to draft a new constitution; the Special Rapporteur urges the committee to ensure that economic, social and cultural rights are included in the final draft.

44. The Special Rapporteur calls on the technical committee to heed the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ZMB/CO/5-6, para. 13) and ensure that the constitution prohibit discrimination against women without exceptions. The Special Rapporteur understands that the current draft constitution includes a provision for social pensions for people aged 60 and over, and calls on the Government to maintain this provision, in line with her previous recommendations.

45. The Special Rapporteur had called on Zambia to ratify a number of international human rights instruments relating to the protection of persons in situations of extreme poverty in Zambia. She congratulates Zambia for having ratified the Convention on the Rights of Persons with Disabilities in 2010, and reiterates her call for the ratification of additional treaties, particularly the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and their incorporation into national legislation.

46. The Special Rapporteur had also emphasized the importance of improving the participation of civil society in the development and implementation of laws and policies. Implementation of the Non-Governmental Organisations Act has not yet begun, according to information received. The Special Rapporteur thus reiterates her recommendation to remove the provisions in the Act which impose excessive restrictions on the activities of civil society organizations.

B. Social protection

47. Since the Special Rapporteur's visit, Zambia has adopted the SNDP, with the theme "Sustained economic growth and poverty reduction", and the Vision 2030. The SNDP proposes a significant scaling-up of the country's social protection programmes in the period 2011-2015, including the expansion of the social cash transfer schemes (now implemented in 15 districts), from 26,500 to 69,000 beneficiaries, and the nationwide Public Welfare Assistance Scheme, from 75,000 to 250,000 beneficiaries.

48. The Special Rapporteur considered the social protection programmes of Zambia, particularly the Social Cash Transfer Schemes, in her mission report, and made a number of recommendations. The SNDP reflects some of those recommendations, particularly the need to drastically scale up programmes in order to respond to the needs of people living in extreme poverty. However, the Special Rapporteur notes that Zambia has not acted upon her strong recommendations with respect to increasing expenditure on social protection.

Information received indicates that the share of funds allocated to social protection remains less than 0.2 per cent of GDP. Budgetary allocation to social protection as a percentage of the total budget continues to decline, from 2.48 per cent of the budget in 2010, to 2.4 per cent in 2012. These persistent reductions, particularly in the context of economic growth, could amount to retrogressive measures inconsistent with the obligations of Zambia under the International Covenant on Economic, Social and Cultural Rights. Such reductions will likely undermine the effectiveness of the country's social protection programmes and impede their proposed expansion under the SNDP.

49. The Special Rapporteur received information indicating some improvements with regard to her recommendations on the need to design and implement cash transfer programmes in compliance with human rights norms, such as accountability and access to information. These include the current development of a new communication and advocacy strategy for social protection and more complaints procedures at local levels. The Special Rapporteur particularly welcomes the adoption of a categorical targeting approach in some cash transfer programmes and, in this regard, reminds the Government that human rights principles must be respected in the design, implementation and evaluation of those programmes.

50. The Special Rapporteur forcefully reiterates that the Government of Zambia must adopt an adequate legal and institutional framework to ground and regulate the national social protection system and ensure its long-term political and financial support.

51. The Special Rapporteur had also stressed the importance of developing a more coordinated, comprehensive social protection strategy. In this regard, information received suggests that coordination has improved among the Government, the United Nations Children's Fund (UNICEF) and other stakeholders implementing the child grant programme. The Special Rapporteur encourages the Government to continue its collaborative efforts to expand the reach of that programme. She also welcomes the focus in the SNDP on coordination of the various social protection schemes.

C. Situation of people vulnerable to poverty

1. Women

52. Zambia has taken a number of steps to address gender inequality and discriminatory practices against women since the Special Rapporteur's visit, including the adoption of the National Plan of Action on Gender-Based Violence (2010-2014) and the production of comprehensive national guidelines on the management of cases of gender-based violence (A/HRC/17/26/Add.4, para. 44). The Special Rapporteur welcomes these developments, in line with her recommendation in this regard, and urges the Government to ensure the full and effective implementation of the Anti-Gender-Based Violence Act 2011. Despite the important advances, women continue to experience discrimination and be denied the right to land ownership, especially under customary law; the Special Rapporteur urges the Government to take action on those issues.

2. Children

53. According to the latest available information, extreme poverty and malnutrition continue to affect a large percentage of Zambian children.²⁴ The Special Rapporteur therefore calls on the Government to finalize the draft national plan of action for orphans and vulnerable children. The Special Rapporteur notes the proposal in the SNDP to increase

²⁴ Save the Children, *A Life Free from Hunger* (London, 2012), p. 16.

expenditure on social protection initiatives related to vulnerable children, and stresses again that a universal child grant would be the most effective means of reducing poverty among children. She therefore welcomes the introduction of a child grant scheme in several districts, and urges the Government to develop its plans to explore and strengthen the linkages between child protection and social protection.

54. The Special Rapporteur had raised concerns regarding the unsystematic registration of children. From 2000 to 2010, only 5 per cent of children from the poorest quintile of the population were registered at birth.²⁵ As undocumented children have less access to public services and are statistically invisible for the purposes of policymaking, the Special Rapporteur urges the Government to make procedures for birth registration free and accessible to all as a matter of priority.

3. Persons with disabilities

55. The Special Rapporteur is pleased by the efforts of Zambia to incorporate the Convention on the Rights of Persons with Disabilities into domestic law, including by reviewing the Persons with Disabilities Act. The Special Rapporteur urges the Government to prepare a national implementation plan.

56. Information received by the Special Rapporteur indicates that persons with disabilities are still inadequately covered by social protection programmes; she emphasizes the need to do more to ensure that they are reached effectively.

4. Persons living with HIV/AIDS

57. In her mission report, the Special Rapporteur referred to the high prevalence of HIV/AIDS in Zambia and called for the expansion of access to free treatment. In this regard, she is pleased to note the substantial increase in the numbers of people receiving free antiretroviral treatment, and calls on the Government to urgently push ahead to increase coverage, with the support of development partners.

5. Asylum-seekers and refugees

58. The Special Rapporteur's recommendation that Zambia withdraw its reservations to the 1951 Convention relating to the Status of Refugees, and align existing refugee legislation with international human rights standards, has not been followed. An estimated 10,000 recognized refugees live in urban areas without the required residence permit, and consequently without equal access to services.

59. Information received indicates that the Refugee Bill is still awaiting approval by the Ministry of Justice before submission to Parliament. The Special Rapporteur urges Zambia to revise the Bill to remove those provisions that restrict freedom of movement and the right to work of refugees, and to ensure that the Bill provides for the possibility of integration and naturalization, in line with international human rights standards. She also calls on the Government to amend the current draft of the Constitutional Amendment Bill, which explicitly bans refugees from naturalization.

D. Corruption

60. In her mission report, the Special Rapporteur noted that the prevalence of corruption posed a serious challenge to poverty reduction efforts and the realization of human rights in

²⁵ UNICEF statistics, available from www.unicef.org/infobycountry/zambia_statistics.html.

Zambia, and urged the State to adopt anti-corruption legislation. The Special Rapporteur received information of some positive developments in this regard, including the adoption of the Public Interest Disclosure (Whistle-blowers Protection) Act of 2010. The new Government has indicated it will review all corruption-related policy and legislation, and has recently submitted a new anti-corruption bill to Parliament. The Special Rapporteur welcomes the stated commitment of the Government to fighting corruption, but stresses the need to match the rhetoric with action, through the adoption and implementation of robust anti-corruption legislation in line with the United Nations Convention against Corruption, as well as strengthening the Anti-Corruption Commission and its independence.

IV. Bangladesh

61. From 3 to 10 December 2009, the Special Rapporteur undertook a mission to Bangladesh, in collaboration with the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation (see A/HRC/15/55). Updated statistics reveal a significant reduction in poverty from 2005, when the incidence of poverty at the national level was estimated at 40 per cent, to 31.5 per cent in 2010.

62. Nevertheless, Bangladesh remains one of the poorest countries in the world. Advancements in poverty alleviation have not been sufficiently drastic or widespread, and have excluded, in particular, the rural population, more than 35 per cent of whom live in poverty.²⁶ As a result, Bangladesh is unlikely to fully meet a number of the Millennium Development Goal targets, specifically those related to rural poverty, primary education completion rates, and maternal health.²⁷

63. In her mission report, the Special Rapporteur made numerous recommendations with implications for the poverty reduction and development agenda in Bangladesh, with particular emphasis on social protection. She regrets that she did not receive a response from the Government to her questionnaire; this has greatly hampered her ability to assess the situation two years after her mission. The Special Rapporteur presents her analysis on the basis of materials produced by United Nations and donor agencies, international financial institutions and civil society.

A. Legal and institutional framework

64. The Special Rapporteur reiterates her recommendations that Bangladesh ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and submit its initial report to the Committee on Economic, Social and Cultural Rights. She welcomes the Government's indication in February 2011 that it intends to consider withdrawing its reservations to articles 2 and 16 1 (c) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/BGD/CO/7, para. 11).

65. No progress has been made with respect to the Special Rapporteur's recommendation that Bangladesh appoint an Ombudsman in accordance with the Constitution. However, the Special Rapporteur is pleased to note the enactment of the Domestic Violence (Prevention and Protection) Act 2010, an important step towards addressing the persistent problem of violence against women, which contributes to

²⁶ Bangladesh Bureau of Statistics, "Preliminary report on household income and expenditure survey—2010", seventh page.

²⁷ Jodie Keane and others, "Bangladesh: case study for the MDG Gap Task Force report" (Overseas Development Institute and the Department of Economic and Social Affairs, 2010), p. 3.

women's overrepresentation among the poor. She calls on the Government to ensure the full and effective implementation of the legislation.

B. Situation of people vulnerable to poverty

66. Those most vulnerable to poverty in Bangladesh include women, children, persons with disabilities, minority groups, indigenous peoples and refugees. As described in the mission report, these groups experience multiple forms of stigmatization and intolerance and are frequently deprived of the opportunities and resources necessary to enjoy minimum essential levels of economic, social and cultural rights (A/HRC/15/55, paras. 14–33). According to the information available to the Special Rapporteur, it appears that the situation of the most vulnerable groups in Bangladesh has not changed significantly since her visit. She reiterates the need for Bangladesh to actively tackle discrimination against those groups and ensure their access to services and adequate social protection.

Refugees

67. One of the groups most vulnerable to poverty in Bangladesh is Rohingya refugees. The Special Rapporteur had encouraged the Government to consider a system for identifying and registering refugees and ensuring their access to basic services. Information received indicates that despite some efforts to improve the situation in the refugee camps, the refugees' rights to move in and out of the camps, to work and gain a livelihood, and to access education are circumscribed. This situation is exacerbated by the Government's prohibition of civil society organizations working in the areas surrounding the camps, and by the lack of an official refugee policy or registration system. The Special Rapporteur again calls on Bangladesh to prioritize improving the situation of the Rohingya refugees, who are entitled to enjoy minimum essential levels of enjoyment of human rights.

68. The Government must pursue durable solutions to the situation, and in this regard should finalize its refugee policy and take measures to reinstate the resettlement programme run by the Office of the United Nations High Commissioner for Refugees, which was suspended in November 2010. As the political situation improves in Myanmar, the Special Rapporteur encourages the Government to seek out resettlement options that prioritize and protect the rights and interests of the refugees.

C. Social protection

69. While recognizing the clear prioritization of social protection as a means of poverty reduction in Bangladesh in many of the country's legal, institutional and budgetary policies and arrangements, the Special Rapporteur had expressed concern at serious shortcomings in the social protection system that greatly undermined its effectiveness in reaching the large majority of those living in poverty. In this regard, the Special Rapporteur made numerous recommendations with respect to, inter alia, improving coverage, rectifying fragmentation and adopting a long-term comprehensive strategy, minimizing exclusion errors, and improving the enforcement of labour standards.

70. A considerable impediment to the effectiveness of the social protection strategy in Bangladesh is widespread fragmentation and lack of coordination in implementing social safety nets and social services. The Government continues to prefer social safety net programmes over a long-term, comprehensive system. More than 60 such programmes exist in Bangladesh, many of them operated by numerous civil society organizations or donor

agencies, under the responsibility of various ministries and departments. The final draft of the Government's Perspective Plan²⁸ acknowledges the importance of social protection but does not elaborate a strategy. The Special Rapporteur has received no information about the publication of a separate social protection strategy, or of a successor strategy to the National Strategy for Accelerated Poverty Reduction II, which expired in 2011.

71. The Special Rapporteur had also expressed concern that less than a quarter of those living in poverty were being reached by social safety nets. She further noted that the reliance on safety nets excluded the 80 per cent of the workforce employed in informal markets, and urged the Government to extend coverage to informal sector workers.

72. The Special Rapporteur welcomed information that budgetary allocation to social protection had increased from 1.98 per cent of GDP in 2008/09 to 2.52 per cent in 2009/10. Unfortunately, she notes that as a percentage of total budget outlay, social protection expenditure decreased, from 15.22 per cent in 2009/10 to 14.75 per cent in 2010/11. She urges the Government to match its rhetorical commitment to comprehensive social protection with the necessary budgetary allocation.

D. Corruption

73. A key focus of the Special Rapporteur's recommendations was the urgent need to tackle corruption, which impedes the delivery of public services, including social protection, and she had reiterated the recommendation stemming from the universal periodic review that Bangladesh strengthen the independence and effectiveness of the Anti-Corruption Commission (ACC) (A/HRC/11/18, para. 52). Therefore, the Special Rapporteur is concerned to receive information about the Anti-Corruption Commission (Amendment) Act 2011, currently awaiting parliamentary assent, which will strip the ACC of important powers and essentially bring it under the control of the Government, making the Secretary of the Commission a political appointee and requiring government approval before taking action with respect to allegations against judges, magistrates and government officials.

74. The Special Rapporteur emphasizes the extremely detrimental impact of corruption on the ability of people experiencing poverty and social exclusion to access their entitlements and social services, and thus enjoy their fundamental human rights. The Government should reconsider those amendments as a matter of priority and put in place protections to fortify the autonomy and effective functioning of the ACC. The Special Rapporteur welcomes other measures taken by the Government to combat corruption, including adopting whistleblower protections in the form of the Public Interest Related Information Disclosure (Protection) Act of 2011 as well as a plan of implementation for the United Nations Convention against Corruption.²⁹

V. Viet Nam

75. From 23 to 31 August 2010, the Special Rapporteur undertook a country mission to Viet Nam (see A/HRC/17/34/Add.1), where she witnessed the Government's significant efforts to reduce poverty and increase access to services and economic opportunities. Viet Nam has made impressive advancements in alleviating extreme poverty over the past two

²⁸ Bangladesh, General Economics Division, Planning Commission, "Outline perspective plan of Bangladesh, 2010-2021 – making Vision 2021 a reality", June 2010.

²⁹ Document submitted by Transparency International (CAC/COSP/2011/NGO.13), p. 2.

decades. However, as the Special Rapporteur noted in her mission report, poverty reduction rates are slowing down considerably. Statistics provided by the Government reflect this; the 2010 survey of poor households estimates that the national poverty rate is 14.25 per cent, 0.25 per cent lower than in 2008.

76. The Special Rapporteur's recommendations focused on the measures necessary to ensure that continued poverty reduction would be enjoyed equally by all Vietnamese people, particularly the most vulnerable groups, such as ethnic minorities and those living in rural areas. In particular, the Special Rapporteur urged the Government to increase support for social protection programmes, expand health insurance coverage, and ensure that human rights principles are at the heart of all social policies.

77. Although only two years have elapsed since the Special Rapporteur's visit to Viet Nam, there have been a number of changes in the country that are relevant to her recommendations. The Special Rapporteur notes that the Government of Viet Nam was open to engaging in dialogue during and after the mission and extends her appreciation to the Government for responding to her enquiries and providing information about developments relevant to her recommendations.

78. The information contained below is drawn in part from responses provided by the Government. United Nations agencies and international agencies also provided input, for which the Special Rapporteur is grateful.

A. Legal and institutional framework

79. The Special Rapporteur had recommended that Viet Nam take steps to further incorporate its international human rights obligations into domestic law and to ratify a range of international human rights treaties. She reiterates her recommendation and urges the State to redouble its efforts in that regard.

80. In addition, a continuing issue of concern is the lack of an NHRI in Viet Nam. The Special Rapporteur was informed that the Government had been conducting studies on different NHRI models, and again encourages Viet Nam to establish an independent human rights mechanism in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

B. Situation of people vulnerable to poverty

81. The Special Rapporteur made a number of recommendations on the need for poverty reduction to be enjoyed equally by the most vulnerable groups, such as ethnic minorities, women, older persons, children, internal migrants and persons with disabilities. According to the information available to the Special Rapporteur, it appears that the situation of most vulnerable groups (except children and ethnic minorities) has not changed significantly since her visit. She therefore reiterates her previous recommendations to the Government as regards vulnerable groups.

1. Ethnic minorities

82. The Special Rapporteur had expressed particular concern about the significant disparities in income, opportunities, health and development experienced by minority ethnic groups, which represent just over 10 per cent of the Vietnamese population.

83. A large segment of ethnic minorities live in rural areas, where poverty rates are more than double those in urban areas. As noted in the report, however, geographical isolation alone does not account for stark inequalities in living standards and access to services.

Accordingly, the Special Rapporteur recommended that Viet Nam take steps to address the numerous factors, including cultural stereotyping and intolerance towards minority groups, a lack of budgetary support for minority poverty reduction initiatives, and insufficient disaggregated data, which contribute to the disadvantages experienced by ethnic minorities.

84. The Government has provided information noting that it continues to implement social and economic policies to advance the situation of ethnic minority groups, and has expanded direct support programmes to the rural poor, reaching almost 5 million people in 2011. Acknowledging the considerable role played by language barriers in preventing ethnic minorities from benefiting from social protection and social services, the Government reports the gradual expansion of the teaching and learning of ethnic languages in primary and secondary schools. According to Government statistics, in 2010/11, 108,118 students in 688 schools were able to learn ethnic languages, an increase of 2,489 students from the previous year. In December 2010, the Government adopted measures to support semi-boarding students in ethnic minority schools, including food-expense waivers, free accommodation and financial support. The Special Rapporteur welcomes these changes, and calls on the Government to redouble its efforts to reduce poverty and exclusion among ethnic minority groups.

2. Children

85. The Special Rapporteur particularly welcomes the information received from the State that enrolment rates have increased for high school and secondary education and that in both cases the dropout rate has decreased. She reiterates her previous recommendations and calls on the State to strengthen measures to comply with them.

C. Social protection

86. At the time of the Special Rapporteur's mission, Viet Nam was finalizing the Socio-Economic Development Strategy for 2011-2020, a key element of which was the Social Security Strategy for 2011-2020. The Special Rapporteur provided a number of recommendations relating to the need to incorporate human rights principles into the design and implementation of the Social Security Strategy, focusing in particular on targeting mechanisms and coverage and the availability, accessibility, acceptability and cultural adaptability of benefits and services. The Special Rapporteur urged the Government of Viet Nam to use the Strategy as an opportunity to develop an integrated, comprehensive approach to social protection that enables greater coordination with the health system.

87. The Government reports that the Social Security Strategy is still under the Government's consideration. The Special Rapporteur is concerned that Viet Nam has not yet developed an implementation plan for the Strategy, and urges the Government to expedite the adoption and publication of the Strategy as a matter of priority.

88. The Special Rapporteur reminds Viet Nam that public expenditure on social protection and social services should remain a fiscal priority, particularly during times of slow economic growth and global financial turmoil. She notes that since early 2011, the Government has been implementing an economic stabilization programme in order to re-establish macroeconomic stability in the context of the global economic and financial crises. The Special Rapporteur encourages the State to continue prioritizing poverty reduction and social protection measures during this difficult economic time.

89. The Special Rapporteur had also recommended that the Government prioritize improving access to health insurance and health-care services for the poorest and most vulnerable. She noted that barriers to access included insufficient training of health-care staff and institutionalized discriminatory attitudes towards beneficiaries of social protection

initiatives. In this regard, the Special Rapporteur welcomes information that in October 2011 a decree was issued pertaining to administrative sanctions for behaviour that hampers medical examination and treatment.

90. The Special Rapporteur had also cautioned about the effects of user fees in health on access to health services by people living in poverty. Recent information indicates that while the health insurance for the poor programme provides full fee coverage for the poor and 50 per cent coverage for the near poor, it appears to have reduced user fees only slightly, by 13 per cent.³⁰ As the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health indicated after his recent mission, this initiative does not ensure financially accessible health care because out-of-pocket expenditures account for the majority of total health expenditures in the country.³¹

91. Sufficiently reliable and disaggregated data is essential to designing and implementing social protection and social services that address the needs of the population, and ensuring that the most vulnerable groups are taken into consideration. The Special Rapporteur recalls her previous recommendation to enhance data collection capacity.

VI. Ireland

92. The Special Rapporteur undertook a mission to Ireland from 10 to 15 January 2011 (see A/HRC/17/34/Add.2), when the country was facing considerable economic hardship and political change. At the time of the visit, the Government had adopted a set of drastic budgetary adjustments designed to address the considerable budgetary deficit and to meet the strict requirements of an assistance package jointly provided by the European Union and the International Monetary Fund. In the months that followed the Special Rapporteur's visit, a new Government was elected and a new budget and recovery plan proposed, on the basis of which the Special Rapporteur made her recommendations. In December 2011, Budget 2012 was released, against which the present report will measure developments relevant to the Special Rapporteur's recommendations.

93. The Government has indicated that its response to the questionnaire is forthcoming. The Special Rapporteur regrets that she did not receive this information in time to be included in the present report but looks forward to receiving the information in the hope that it will enable a continuing constructive dialogue and follow-up. She drew upon information provided by the Government to the Working Group on the Universal Periodic Review (A/HRC/WG.6/12/IRL/1) as well as the Working Group's report (A/HRC/19/9). Extensive information was also provided to the Special Rapporteur by other stakeholders, including the NHRI and civil society organizations.

A. Legal and institutional framework

94. In the mission report, the Special Rapporteur recommended that Ireland take steps to ratify several international treaties. She welcomes the announcement that Ireland will sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights³² as well as the commitment to pass the necessary legislation to enable the

³⁰ A. Sepehri and others, "Does the financial protection of health insurance vary across providers? Viet Nam's experience", *Social Science & Medicine*, vol. 73, No. 4 (August 2011), p. 565.

³¹ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11683&LangID=E.

³² See www.labour.ie/press/listing/13310363804255512.html.

ratification of the Convention on the Rights of Persons with Disabilities (A/HRC/WG.6/12/IRL/1, para. 128). The Special Rapporteur reiterates her recommendation to Ireland to ratify these and remaining human rights treaties. She welcomes the Government's ongoing development of an implementation plan for the National Disability Strategy and encourages it to finalize this as soon as possible.

95. Since the Special Rapporteur's visit, the Government has decided to amalgamate the Irish Human Rights Commission and the Equality Authority into a single entity. While the effects of the restructuring have yet to unfold, the Special Rapporteur reiterates that the merger of those bodies must be accompanied by measures to ensure that the independence and active engagement of the body is maintained, particularly with respect to the appointment of Commissioners and the recruitment of staff, and the budgetary resources are increased to pre-budgetary adjustment levels.

B. Impact of budgetary adjustments

1. Taxation

96. One of the Special Rapporteur's overarching recommendations was that the State re-evaluate the proposed budgetary adjustments and adopt, in particular, taxation policies that adequately reflect the need to harness all available resources towards the fulfilment of its economic, social and cultural rights obligations, while avoiding measures that might further endanger the enjoyment of human rights by those most at risk. In particular, the Special Rapporteur urged the Government to review the Universal Social Charge (USC) and consider the reduction of some tax benefits.

97. The Special Rapporteur notes positively that Budget 2012 raises considerably the threshold for payment of the USC. This adjustment will ensure that those experiencing the most serious financial difficulties will not be further disadvantaged by the imposition of the USC. However, she notes with concern that the budget also provides for an increase in the Value Added Tax, from 21 per cent to 23 per cent. Such taxes are regressive, representing a considerably larger burden for lower income households.

2. Participation of civil society

98. A second central recommendation of the Special Rapporteur was that the Government undertake a human rights review of the budget and recovery plan to ensure its compliance with the international human rights obligations of Ireland, incorporating meaningful and effective participation of civil society and members of the public.

99. The Special Rapporteur notes the widespread public consultation facilitated by the Government in the lead-up to the February 2011 universal periodic review (A/HRC/WG.6/12/IRL/1, para. 3). Civil society organizations have reported an improvement in transparency and participation of the budget process. However, continued cuts in funding to community and voluntary organizations, in some cases by up to 100 per cent, suggest that civil society concerns have not been meaningfully incorporated into budgetary policy.

100. No apparent progress has been made with respect to implementing human rights impact assessments for budgetary adjustment policies. Furthermore, despite the Special Rapporteur's recommendation that the new National Employment and Entitlements Service be designed and operate with a human rights perspective, information received indicates that initial planning documents fail to mainstream human rights concerns.

C. Social protection

101. The Special Rapporteur had cautioned the Government against further budgetary adjustments in the form of reductions in public service funding and cuts to social protection benefits, which play a pivotal role in keeping many Irish families out of poverty. Regrettably, many of the cuts provided for in Budget 2012 will damage the effectiveness and accessibility of social protection benefits and public services. These cuts include, for example, €475 million from the social protection budget. The Special Rapporteur is also concerned by reductions and/or changes to eligibility criteria for the Child Benefit, the One-Parent Family Payment, the Back to School Clothing and Footwear Allowance and the Fuel Allowance, which may make it more difficult for those most in need to access the assistance to which they are entitled.

102. The Special Rapporteur remains concerned about the application of the “habitual residency condition” to social protection benefits. This requirement can pose a significant threat to the access to essential services and thus enjoyment of human rights by members of vulnerable groups, particularly people experiencing homelessness, Travellers, asylum-seekers, migrant workers and returning Irish migrants. The Special Rapporteur encourages the Government to review the impact of the condition as a matter of priority.

D. Situation of people vulnerable to poverty

1. Children

103. The Special Rapporteur notes with concern that children continue to be among the hardest hit by the economic downturn, with 19.5 per cent of children at risk of poverty, and 30.2 per cent experiencing material deprivation.³³ In this context, the Special Rapporteur regrets that her recommendations with respect to ring-fencing the Child Benefit and other allowances are not reflected in recent developments; Budget 2012 further reduced Child Benefit payments for the third and fourth children and cut the Back to School Clothing and Footwear Allowance. The Special Rapporteur notes that these cuts will have a disproportionate effect on single-parent households, which are among the most vulnerable to poverty in Ireland.

104. The Special Rapporteur does, however, welcome the establishment of the Department of Children and Youth Affairs in June 2011, which she hopes will assist the Government in ensuring that the best interests of the child are prioritized in accordance with the commitments of Ireland under the Convention on the Rights of the Child.

2. Persons with disabilities

105. The Special Rapporteur welcomes the fact that proposed reductions in disability allowance payments for young disabled persons, originally provided for in Budget 2012, have been not yet been made, pending a review. She urges the Government to recognize the critical role played by social protection benefits in keeping persons with disabilities out of poverty by permanently withdrawing the relevant sections of the legislation, and highlights the need for more comprehensive institutionalized human rights impact assessments during the budget formulation process.

³³ Central Statistics Office, “Survey on Income and Living Conditions 2010: preliminary results”, 30 November 2011, pp. 3 and 5, available from www.cso.ie/en/media/csoie/releasespublications/documents/silc/2010/prelimsilc_2010.pdf.

3. Travellers

106. As highlighted in the mission report, because of the structural discrimination they experience, Travellers are particularly vulnerable to poverty, suffering from lower life expectancy and education outcomes. The Special Rapporteur acknowledges that Ireland indicated during the universal periodic review that it is giving “serious consideration” towards officially recognizing Travellers as an ethnic group, and she calls on the Government to do so as a matter of priority. The Special Rapporteur is concerned that little progress has been made on the development of a new National Traveller Health Strategy or on providing need-specific housing facilities. The Special Rapporteur calls on Ireland to consider carefully her recommendations with regard to health, housing and education for the Traveller community.

4. Homeless people and people living in substandard housing conditions

107. The Special Rapporteur had urged the Government to take immediate action to meet the critical need for social housing, and to adopt measures to solve the long-term housing needs in the country from a rights-based approach. Unfortunately, no action has been taken in that regard, with Budget 2012 providing for a substantial reduction in the social housing budget, and a 20 per cent increase in the minimum contribution payable by tenants receiving the Rent Supplement.

5. Asylum-seekers and refugees

108. The Special Rapporteur recommended that Ireland review the Direct Provision system, ensuring that asylum-seekers are afforded the full enjoyment of their rights to, inter alia, family life, social security, and access to the labour market. This recommendation has not been followed. However, the Special Rapporteur welcomes information indicating that the Immigration, Residence and Protection Bill of 2010 includes provisions for the introduction of a single protection determination procedure. In its appearance before the universal periodic review mechanism, Ireland acknowledged the existence of unacceptable delays in processing citizenship applications, and indicated that streamlining measures would be in place within six months (A/HRC/WG.6/12/IRL/1, para. 145). The Special Rapporteur urges the Government to meet this commitment, and to ensure that the new system is grounded in human rights principles.

VII. Conclusions and recommendations

109. **Following up on recommendations made in country mission reports is crucial in ensuring the impact of special procedures’ work. In the present report, the Special Rapporteur also highlights several challenges that make a follow-up assessment difficult to undertake.**

110. **The extent and depth of the follow-up assessment depended largely on the level of engagement of the States concerned; the degree to which NHRIs, United Nations agencies and NGOs were able to engage in the follow-up process; and the availability of up-to-date information and poverty data. In conducting her assessment, the Special Rapporteur found very different levels of engagement, responsiveness, availability of information and accuracy of data.**

111. **Nevertheless, the Special Rapporteur believes that the follow-up assessment has been a valuable exercise. In particular, it shows that where there is sufficient political will, meaningful progress in addressing poverty and fulfilling human rights can be made over a short period of time. She acknowledges that in some of the reviewed States the impact of the global economic downturn has affected the availability of**

resources devoted to the progressive realization of the economic, social and cultural rights of the population. However, in some cases, the measures taken to address the crises have in fact further undermined the enjoyment of economic, social and cultural rights, where it might have been possible to consider less harmful alternatives.

112. The Special Rapporteur is hopeful that this assessment will assist the States in question to take additional steps necessary to ensure the protection and promotion of all human rights of persons living in poverty. She hopes that the present follow-up report will also benefit United Nations country teams and civil society organizations. The Special Rapporteur anticipates that this exercise will contribute to the next universal periodic review cycle and the ongoing efforts of the Human Rights Council and the special procedures to improve procedures for following up on recommendations of human rights mechanisms.

113. The preparation of the present report highlighted some key issues that the Human Rights Council should consider:

(a) *The need to establish an institutionalized follow-up procedure.* While several special procedures have made systematic or sporadic efforts to follow up on recommendations, it is clear to the Special Rapporteur that several of the challenges and limitations confronted while preparing the present report would be better addressed through the adoption of an institutionalized follow-up procedure on country visits by all special procedures.³⁴ Country visits are one of the most important and effective methods of work of special procedures, but their contribution and impact in the long term may be seriously hampered by the lack of a systematic follow-up mechanism. The Special Rapporteur encourages States and other stakeholders to adopt such a mechanism as a matter of priority;

(b) *Enhancing the constructive dialogue between States and special procedures.* Although States have called for improved follow-up to country visits,³⁵ follow-up efforts by mandate holders are often hampered by the lack of cooperation from States. Insufficient engagement by States also limits the possibility of an ongoing interactive dialogue between States and special procedures that may potentially contribute to the improvement of both the human rights situation in the country and the work of mandate holders. While acknowledging that States have multiple and sometimes coinciding reporting and follow-up demands from different human rights mechanisms (the universal periodic review, treaty bodies and other special procedures), the experience of preparing the present report suggests that even with limited resources, it is possible for States to respond in a timely and substantive fashion to an enquiry about developments relevant to recommendations;

(c) *Establishing a national mechanism to follow up recommendations.* In addition to engaging in an external assessment of progress through special procedures, treaty bodies and the universal periodic review, States should internally review the progress made in the protection and promotion of human rights in the country through periodic national consultations with the active participation of national human rights institutions, civil society organizations, United Nations agencies and other relevant actors.

³⁴ A call for a more systematic follow-up mechanism has been repeated by mandate holders at their annual meetings. See also Ted Piccone, *Catalysts for Rights: The Unique Contribution of the UN's Independent Experts on Human Rights* (Washington, D.C., The Brookings Institution, October 2010).

³⁵ See, for example, the report on the eighteenth meeting of special procedures (A/HRC/18/41), para. 34.

114. The Office of the United Nations High Commissioner for Human Rights, as well as special procedures mandate holders, may wish to consider:

(a) *Strengthening partnerships with NHRIs.* Well-functioning and ongoing partnerships with NHRIs are crucial to ensure constant and effective monitoring of developments relevant to recommendations, particularly in cases in which official information and data are not available or accessible outside the country. Contact with NHRIs should not be limited to specific events (such as country visits or submission of country mission reports to the Human Rights Council), but should be based on a mutually reinforcing flow of information. The Special Rapporteur received considerable support from some of the NHRIs in the countries concerned at the time of the visit and preparation of the report. However, the Special Rapporteur also notes the need to strengthen the ongoing cooperation between special procedures and NHRIs, acknowledging the limited institutional capacity and resources of some NHRIs;

(b) *Enhancing cooperation with United Nations country teams and other United Nations agencies.* In the country visits assessed here, the partnership with the United Nations country team and human rights field presence, where present, began from the first stages of mission preparations and was maintained throughout the entire process. The level of engagement of the United Nations entities present at the country level in the preparation and conduct of a country visit also influences the extent of meaningful follow-up. While the Special Rapporteur is grateful to United Nations partners for information provided for this report, she notes that the depth and scope of available information varied considerably, and the information received was most useful where specific human rights presences or focal points existed in the countries and agencies concerned. The Special Rapporteur acknowledges that additional efforts should be made to better coordinate the follow-up of recommendations with United Nations country teams, in terms of facilitating follow-up activities, incorporating the special procedure mandate holders' recommendations into work plans and providing feedback to mandate holders on progress made towards implementing recommendations;

(c) *Strengthening coordination among special procedures and between special procedures and treaty bodies.* In her mission reports the Special Rapporteur referred to recommendations made by other mandate holders who had previously conducted visits to the respective country, as well as to concluding observations by treaty bodies with regard to the country. Treaty bodies and other special procedures mandate holders have in turn referred to her findings and recommendations in their respective discussions, considerations (see, for example, CERD/C/VNM/Q/10-14) and reports (see, for example, A/HRC/17/26/Add.4, para. 7). These mutually reinforcing practices, which serve as complementary follow-up tools, need to be better coordinated and institutionalized through the support of the Office of the High Commissioner for Human Rights so that cooperation and coordination among the human rights mechanisms can be intensified (A/HRC/18/41, paras. 26-27).