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20 November 2009

Questionnaire on social protection of older persons addressed to Governments by the Independent Expert on the question of human rights and extreme poverty

I. Introduction

This questionnaire is designed to obtain information from Governments for the preparation of a report by the Independent Expert on the question of human rights and extreme poverty Ms. Magdalena Sepúlveda. The report is due for submission to the UN Human Rights Council in its 14th session of the Human Rights Council pursuant to resolution 8/11.

In discharging her mandate, the Expert decided to focus her analysis on monitoring the compliance of specific public policies aimed at the reduction of poverty with human rights standards.¹ In particular, she identifies good practices and important lessons in order to provide concrete recommendations on how to strengthen poverty reduction efforts from a human rights perspective. In this regard, the Expert's first thematic report focused on cash transfer programs (A/HRC/11/9) and her second thematic report discussed the importance of social protection in light of the impacts of the economic and financial crisis (A/64/279).

The next report of the Human Rights Council's Expert will analyse the issue of **income security for older persons from a human rights perspective**. She will look at the impact of social protection schemes, in particular measures to secure income security such as old age pensions, on the human rights of older persons living in extreme poverty and the extent to which these programmes conform with and promote the implementation of international human rights standards.

How to answer the questionnaire

When answering the questionnaire, Governments are asked to provide information on social protection schemes that aim at securing an income for older people. Particular attention should be paid to non contributory old age pension programmes. If the information requested in the questionnaire has been provided by the Government in another context (e.g. in a report to one of the UN human rights treaty bodies) reference to the specific report or document should be provided. There is no need to repeat the information provided elsewhere.

Governments may wish to identify a **focal point** responsible for coordinating the response to the questionnaire, and make this focal point known to the office of the Independent Expert for further follow up.

¹ For more details on the Expert's plans for the mandate see A/63/274, of 13 August 2008.

Submission of responses

Due to the limited capacity for translation, we kindly request that you submit your answers, if possible, in a UN working language. Responses should be sent in hard copy or electronic format no later than **20 January 2010** to:

UN Independent Expert on the question of human rights and extreme poverty

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I– Definition of social protection schemes and old age pensions, non-contributory / contributory pensions

For the purpose of this questionnaire,

- **Social protection** schemes aim to enable people to respond to various contingencies and manage levels of risk or deprivation that are deemed unacceptable by society. These schemes aim to offset the absence or substantial reduction of income from work, provide assistance for families with children, provide people with health care, housing, water and sanitation, education or social work. The schemes are cash or in-kind benefits, ranging from pensions to user fee exemptions or subsidised services.²
- **Old age pensions consist of cash benefits received by persons above a given age whether or not additional criteria are tied to receiving the benefits. Non-contributory pensions, also known as social pensions in some countries, are programmes that do not require prior compulsory contributions from beneficiaries, employers or the State for the payments to be made.**

IV. Questionnaire

Considering the above definition, please list and describe the old age pension programme(s) implemented by the State including both contributory and non-contributory pensions. **In cases where there has been more than one programme implemented, please provide a separate reply to the questions below for each programme.** Please also provide distinct responses if the same programme had different implementation procedures during the last five years.

(i) The legal and institutional framework

1. Provide details of the legal framework by which the programme(s) is established:

- (a) Please indicate the retirement age/eligibility age for the pension and if it takes into account the nature of the occupation (e.g. formal or informal employment) of the potential beneficiaries.
- (b) Are there any restrictions, including a qualification period for receiving the pensions?
- (c) Please indicate whether it is a contributory or a non-contributory programme.

² Cf, United Nations Economic and Social Council, *Enhancing social protection and reducing vulnerability in a globalised world, Report of the Secretary-General*, E/CN.5/2001/2, para 6-8.

2. In the event that the programme is not established by law, please provide details of the administrative regulations or other relevant programmatic document available that are at the origin of its implementation

3. Please describe the institutional framework used to implement the programmes:

(a) Please indicate which governmental authorities, structures and mechanisms, including those at the federal, state/provincial, municipal and local level were involved in the design, implementation and monitoring of the programme(s).

(b) Were civil society organizations involved in the elaboration of the legal framework, the implementation and monitoring of the programme(s)? If yes, please describe their role.

(ii) Programme costs and coverage

4. Please indicate the number of beneficiaries of the programme (annually)? If available, please provide details on their profile (eg. sex, age, ethnicity, origin...).

5. Which geographical areas are covered by the programme in the country (national, regional, local)?

6. What is the annual budget of the programme(s)? What is the percentage of the GDP does this constitute?

7. Please give details and indicate the sources of funding utilised for the programme(s) and the main costs involved at the various stages of implementation. In particular, is the programme operated with national, regional, local public resources? Are external resources used for this programme?

8. Please indicate approximately how many potential beneficiaries were **not** reached by the programme. Have studies been undertaken to assess the reasons for coverage gaps? Please provide details of their profile (eg: sex, age, ethnicity, origin...) if available.

9. What is the average amount of the pensions in relation with the national average income or minimum salary? How is the pension calculated?

(iii) Implementation procedures

10. What procedures are utilized in order to pay the beneficiaries?

11. What procedures are utilized in order to inform beneficiaries about the programme? Is information made available in more than one language?

12. Were other services (such as social work, subsidised services) provided to the beneficiaries in connection to the pension? If yes, please describe them.

13. Do beneficiaries of the programme access other public services at special conditions, in particular for health services?

(iv) Monitoring mechanisms and complaints procedures

14. Please describe the monitoring procedures utilized in order to oversee the implementation of the programme(s) and the entities responsible for monitoring.

15. Are there any complaints mechanisms or procedures attached to the programme, which are available to beneficiaries? If yes, please describe them.

16. Have there been instances when any legal action was taken against the programme or those responsible for its implementation? If yes, what were the circumstances of the legal action and the basis for the complaint(s)?

(v) Existing studies and evaluations of old age pensions

17. Please provide any studies, in particular needs assessments, utilized in order to develop the programme(s).

18. Please provide any studies, in particular impact assessments, developed to assess the implementation of the programme(s).

(vi) Other available social protection schemes that benefit older persons

The Expert would welcome information pertaining to other social protection schemes that benefit older persons, in particular in-kind benefits such as user fee exemptions and subsidised services. Please provide information about existing schemes guaranteeing that older persons have access to health services and essential drugs, housing support including access to water and sanitation, life-long education, social work and care services.