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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

In the present report, the Special Rapporteur on extreme poverty and human rights focuses on the right to participation of people living in poverty. Participation is a basic human right in itself, a precondition or catalyst for the realization and enjoyment of other human rights, and of fundamental importance in empowering people living in poverty to tackle inequalities and asymmetries of power in society. The report presents the human rights approach to participation and a framework based on human rights for how to include people living in poverty in the design, implementation and evaluation of policies and programmes in a meaningful and effective way, taking into account the obstacles they face.

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I. Activities undertaken by the mandate holder

1. The current report is submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, in accordance with Human Rights Council resolution 17/13.
2. Since her previous annual report (A/HRC/20/25), the Special Rapporteur has submitted a report to the General Assembly (A/67/278), in which she analyses the obstacles to access to justice for persons living in poverty.
3. At the twenty-first session of the Human Rights Council, in accordance with resolution 15/19, the Special Rapporteur presented the final draft of the guiding principles on extreme poverty and human rights (A/HRC/21/39), adopted by consensus on 27 September 2012 in resolution 21/11. In December 2012, in the biannual resolution on human rights and extreme poverty (A/RES/67/164), the General Assembly took note of the guiding principles with appreciation. Since then, the Special Rapporteur has met with the Committee on Economic, Social and Cultural Rights (November 2012) and with the Committee on the Elimination of Discrimination against Women (February 2013) during which she encouraged Committee members to refer to the guiding principles in future discussions with State parties.
4. During the current reporting cycle, the Special Rapporteur also visited Namibia (October 2012) and Mongolia (December 2012). She takes this opportunity to thank both Governments for the active support they provided during the missions.
5. Additionally, during the reporting period, the Special Rapporteur participated in numerous events and held working meetings with Governments, United Nations agencies, the World Bank, donor agencies, academic institutions, non-governmental organizations (NGOs) and representatives of people living in poverty. Information about these meetings can be found on the mandate's website.¹

II. Introduction

6. The issue of participation is at the core of the Special Rapporteur's mandate: through its resolutions 8/11 and 17/13, the Human Rights Council requested her to, inter alia, make recommendations on how persons living in extreme poverty can participate in the definition of measures affecting them. The Special Rapporteur has emphasized the importance of participation in all her reports, including the conceptual framework outlined at the start of her mandate (A/63/274).
7. In order to respond to the Human Rights Council's request, the present report examines the key human rights principles and standards that determine the content of the right to participation with regard to the poorest and most marginalized members of society. After examining these norms and standards, the report presents a human rights-based framework for meaningful, empowering participation and elucidates the necessary actions and enabling factors to support and enable such participation for people living in poverty.
8. While the issue of participation of people living in poverty is a common theme in the literature on development and humanitarian aid, there has been little discussion of this topic from a human rights perspective. Therefore, the Special Rapporteur welcomes the decision of the Human Rights Council to bring the discussion to human rights forums.

¹ <http://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx>

9. In order to prepare the report, the Special Rapporteur addressed a questionnaire to States and other stakeholders requesting information on participatory mechanisms implemented at the domestic level. The responses are available on the mandate's website.² The Special Rapporteur benefited from a review of many studies on participation, and from an expert meeting convened by her and organized by the Office of the High Commissioner for Human Rights on 28 and 29 January 2013. The Special Rapporteur also participated in a workshop convened by International Movement ATD Fourth World from 24 to 26 January 2013 in Pierrelaye, France, which brought together activists living in poverty, community workers, academics and representatives of NGOs and United Nations agencies to produce recommendations on participation at the conclusion of a 2 1/2 year evaluation of the Millennium Development Goals by people living in poverty in 11 countries.

10. The Special Rapporteur wishes to express her gratitude to all States and civil society organizations that submitted information, and to the experts, NGOs and United Nations agencies that supported this process and assisted in the preparation of the present report. The Special Rapporteur is particularly grateful for the support and guidance of International Movement ATD Fourth World.

11. The primary focus of the present report is on States' role in participation, as States maintain the primary responsibility for human rights protection. However, other actors also have an important role to play in facilitating and organizing participation; thus, the human rights-based framework presented is not exclusive to State-managed processes. The final section gives recommendations to States on concrete actions they can take to respect, protect and fulfil the right to participation.

III. Participation, power and poverty

12. Lack of power is a universal and basic characteristic of poverty. Poverty is not solely a lack of income, but rather is characterized by a vicious cycle of powerlessness, stigmatization, discrimination, exclusion and material deprivation, which all mutually reinforce each other. Powerlessness manifests itself in many ways, but at its core is an inability to participate in or influence decisions that profoundly affect one's life, while decisions are made by more powerful actors who neither understand the situation of people living in poverty, nor necessarily have their interests at heart.

13. The right of people living in poverty to participate fully in society and in decision-making is blocked by multiple compounding obstacles – economic, social, structural, legal and systemic.³ All of these relate to their lack of financial, social and political power. Discrimination and stigma, disempowerment, lack of income, mistrust and fear of authorities all limit the possibilities and incentives for people living in poverty to participate. Due to their lack of status and power, people living in poverty are also particularly vulnerable to corruption, clientelism or co-optation. At the most extreme level, poor or marginalized individuals may face reprisal (emanating from State or non-State actors such as corrupt community leaders of business enterprises) if they speak out in participatory spaces, in the form of violence or threats to them, their families, property or livelihoods. Often, the economic dependency of people living in poverty on more powerful

² Questionnaire responses were received from Armenia, Bosnia and Herzegovina (Brcko District), Bulgaria, Burkina Faso, Estonia, France, Greece, Guatemala, Iraq, Japan, Kazakhstan, Kuwait, Lithuania, Mexico, Mongolia, Nicaragua, Qatar, Romania, Senegal, Serbia, Slovenia and Tunisia. Civil society organizations also responded to a similar questionnaire. All responses are available from <http://www.ohchr.org/EN/Issues/Poverty/Pages/ResponsesGovernmentsLivingInPoverty.aspx>

³ Many are similar to obstacles they confront in trying to access other rights; see A/67/278 (2012).

individuals or groups may also prevent them from participating or speaking out, even in the absence of concrete threats, for fear of losing their livelihoods. This is a problem particularly in very hierarchical or caste-based societies.

14. Material deprivation and disempowerment create a vicious circle: the greater the inequality, the less the participation; the less the participation, the greater the inequality.⁴ When the participation of people living in poverty is not actively sought and facilitated, they are not able to participate in decision-making and their needs and interests are not taken into account when policy is designed and implemented. This exacerbates their exclusion and often perpetuates the privilege of elites who are able to influence policy directly, or of groups such as the middle class who have a considerable voice in the media or other public spaces. Lack of participation in decision-making and in civil, social and cultural life is thus recognized by the international community as a defining feature and cause of poverty, rather than just its consequence.⁵

15. Arguably, the main aim of human rights is transforming power dynamics between individuals in society, in order to challenge oppression, subvert the subordination and marginalization of certain groups and individuals, and promote individual agency, autonomy and respect of the inherent dignity of every human being. The theory and practice of human rights is deeply concerned with preventing powerful actors from imposing their will or interests at the expense of others through coercion, force or manipulation. Thus, participatory processes based on human rights do not accept power dynamics as they are. Rather, they start from the premise that power differentials must be eliminated and seek to explicitly recognize and challenge inequality, including structural and systemic power imbalances in social and economic life. In order to do so, it is necessary to understand the way that power plays out in a particular context, to diagnose asymmetrical power relations and understand how power is exercised both within and between communities to control and exclude disadvantaged groups.

16. Through meaningful and effective participation, people can exercise their agency, autonomy and self-determination. Participation also limits the capacity of elites to impose their will on individuals and groups who may not have the means to defend their interests. Conceived as a right, participation is a means of challenging forms of domination that restrict people's agency and self-determination. It gives people living in poverty power over decisions that affect their lives, transforming power structures in society and creating a greater and more widely shared enjoyment of human rights.

17. Rights-based participation is particularly necessary in order to ensure that the poorest and most marginalized people can make their voices heard, because of its principled foundations of dignity, non-discrimination and equality. Therefore, in contrast to some supposedly "participatory" processes that are pro forma, tokenistic or undertaken to give predetermined policies a veneer of legitimacy, rights-based participation aims to be transformative rather than superficial or instrumental. It promotes and requires the active, free, informed and meaningful participation of persons living in poverty at all stages of the design, implementation and evaluation of policies that affect them, based on a comprehensive analysis of their rights, capacity and vulnerabilities, power relations, gender relations and the roles of different actors and institutions.⁶

⁴ Council of Europe, *Living in Dignity in the XXIst Century, Poverty and Inequality in Societies of Human Rights: the Paradox of Democracies*, 2013, p. 125.

⁵ Programme of Action of the World Summit for Social Development (1995), A/CONF.166/9, chapter II, para. 19.

⁶ ActionAid, *People's Action in Practice: ActionAid's Human Rights Based Approach 2.0*, 2012.

18. Participation has been associated with a range of positive effects in development cooperation, humanitarian aid and poverty reduction programmes, such as better assessment of needs and capacities, and improvements in implementation and sustainability. However, the degree of positive impact that participation can have on poverty reduction is debated, and depends on what type of participation is being studied and in what arena. Nevertheless, evidence shows that in many cases participatory processes have shown positive outcomes in terms of tackling poverty and social exclusion, particularly in building organization and capacity, strengthening social cohesion and democratic governance and creating better development outcomes (such as improved services).⁷ Participation in processes like budget formulation or service monitoring has brought tangible benefits to persons living in poverty in specific cases. However, participation on its own is not a silver bullet for poverty reduction, and must be combined with other inputs such as improvements in public services, education and accountability mechanisms to achieve this end.⁸

19. Moreover, as participation is not merely a means to an end (e.g. poverty reduction) but rather a fundamental human right and valuable in and of itself, the most important outcomes – such as exercising self-determination, rights consciousness, assertiveness and empowerment, increased capacity and social capital – may be intangible or difficult to measure. While acknowledging the instrumental benefits participation may have, this report focuses on participation as an inherent right that aims to empower those living in poverty, and seeks to identify the conduct and actions that States must undertake to respect, protect and promote this right for people living in poverty.

20. This report focuses on the intrinsic value of participation as a fundamental right to which individuals are inherently entitled by virtue of their humanity. This right to take part and exert influence in decision-making processes that affect one's life is inextricably linked to the most fundamental understanding of being human and the purpose of rights: respect of dignity and the exercise of agency, autonomy and self-determination. The right to participation imposes concrete obligations on States voluntarily assumed in several binding human rights instruments.⁹

21. Participation, when undertaken with a rights foundation, provides an opportunity for people living in poverty to be active agents in their own destiny; thus, it is fundamentally important to reclaiming dignity. Testimony from people living in poverty confirms that meaningful and effective participation can have important effects: building self-respect and gaining the respect of others; creating a sense of belonging; becoming part of a network where they can recount their experience and feel they are listened to and supported by others; regaining self-confidence and developing a plan for the future; being recognized as a human being.¹⁰

22. The right to participation is strongly linked with empowerment, which is a key human rights goal and principle. Effective participation can build capacity and rights awareness. It allows those living in poverty to see themselves as full members of society and autonomous agents rather than subjects of decisions taken by others who see them as objects of assistance or mere statistics. As stated by a Peruvian activist, “[f]or us,

⁷ J. Gaventa and G. Barrett, *So What Difference Does it Make? Mapping the Outcomes of Citizen Engagement*, Institute of Development Studies Working Paper No. 347, 2010.

⁸ G. Mansuri and V. Rao, *Localizing Development: Does Participation Work?*, World Bank, 2012, p. 8.

⁹ See section IV below.

¹⁰ Based on the experience of people living in poverty, expressed at the International Movement ATD Fourth World meeting in Pierrelaye, France, January 2013.

participating means leaving our isolation, breaking our silence and overcoming our fear... Before I was afraid, but now I'm strong, not humbled".¹¹ It can also provide people living in poverty with the chance to speak out against and challenge injustice, discrimination and stigma. It can give them confidence in dealing with government officials and bureaucracy. Indeed, exercising their right to participation can be a springboard to fully claiming other rights.

23. Ultimately, the enjoyment of the right to participation can benefit society as a whole, building trust and solidarity, creating better social cohesion and contributing to more inclusive and pluralistic societies, and bringing new issues and voices into the public arena.

24. There is no doubt that initiating and sustaining meaningful and effective participatory processes requires time, patience, resources and planning. However, it is not a simple policy option that policymakers can choose not to implement. States (all branches at the local, national and international levels) have a legal obligation to implement inclusive, meaningful and non-discriminatory participatory processes and mechanisms, and to engage constructively with the outcomes. With political will, all States are in a position to improve the enjoyment of this right. The practices of some States, United Nations agencies and civil society organizations has shown that it is possible for States to create or support participatory mechanisms that succeed in empowering disadvantaged members of the public and improving policy. Experience shows that the benefits and opportunities outweigh the risks and challenges.

IV. Normative framework

25. The international human rights framework affirms the right to take part in the conduct of public affairs and the right of those affected by key decisions to participate in the relevant decision-making processes. The right to participation is enshrined in numerous international human rights instruments, including the Universal Declaration of Human Rights (arts. 21 and 27), the International Covenant on Civil and Political Rights (art. 25), the International Covenant on Economic, Social and Cultural Rights (arts. 13.1 and 15.1), the Convention on the Elimination of All Forms of Discrimination Against Women (arts. 7, 8, 13(c) and 14.2), the International Convention on Elimination of All Forms of Racial Discrimination (art. 5(e)(vi)), the Convention on the Rights of the Child (arts. 12 and 31), the Convention on the Rights of Persons with Disabilities (arts. 3(c), 4.3, 9, 29 and 30), the International Convention on the Rights of All Migrant Workers and Members of their Families (arts. 41 and 42.2), the United Nations Declaration on the Right to Development (arts. 1.1, 2 and 8.2) and the United Nations Declaration on the Rights of Indigenous Peoples (arts. 5, 18, 19 and 41).

26. These norms have been further developed by human rights monitoring bodies, who have emphasized that participation should be understood broadly and requires concrete political, legal and institutional actions. Electoral participation is just one specific expression of the right to participation (A/HRC/18/42, para. 5); although free and fair elections are a crucial component, they are not enough to ensure that those living in poverty enjoy the right to participation in key decisions affecting their lives (E/C.12/2001/10, para.12). According to the Human Rights Committee, the right to participation in the conduct of public affairs covers "all aspects of public administration, including the formulation and implementation of policy at international, national, regional and local levels" (CCPR/C/21/Rev.1/Add.7, para. 5). The right to participation necessitates

¹¹ International Movement ATD Fourth World, *Extreme Poverty is Violence: Breaking the Silence, Searching for Peace*, 2012, p. 60.

participatory mechanisms with a legal basis, providing for “access to appropriate information, adequate support, feedback ... and procedures for complaints, remedies or redress” (CRC/C/GC/12, para. 48). Participation should not be a one-off event, but requires a long process of intensive dialogue regarding the development of policies, programmes and measures in all relevant contexts (*ibid.*, para. 13). For example, the Committee on Economic, Social and Cultural Rights has said that participation in decision-making processes must be an integral component of any policy, programme or strategy related to the rights to health and water (E/C.12/2000/4, para. 54, and E/C.12/2002/11, para. 48). The right is not limited to participation in formal political institutions, but also in civil, cultural and social activities (A/HRC/18/42, Annex, para. 5); for example, the right to take part in cultural life is also an essential element of the right to participation, and States must adopt concrete measures to ensure enjoyment of this right (E/C.12/GC/21, para. 39).

27. All human rights are interdependent and indivisible, and participation is no exception. Ensuring effective and meaningful participation of people living in poverty thus requires that a broad set of interlinked human rights are respected, protected and fulfilled by the State, especially freedom of expression (Universal Declaration of Human Rights art. 19, International Covenant on Civil and Political Rights, art. 19), freedom of assembly (Universal Declaration of Human Rights, art. 20; International Covenant on Civil and Political Rights, art. 21), freedom of association (Universal Declaration of Human Rights, art. 20; International Covenant on Civil and Political Rights, art. 22; Convention on the Elimination of All Forms of Discrimination Against Women, art. 7(c); Convention on the Rights of the Child, art. 15), the right to seek, receive and impart information (Universal Declaration of Human Rights, art. 19; International Covenant on Civil and Political Rights, art. 19) and the right to education, including the right to human rights education (International Covenant on Economic, Social and Cultural Rights, art. 13.1; Universal Declaration of Human Rights, art. 26.2; Convention on the Rights of the Child, art. 29.1; Convention on the Rights of Persons with Disabilities, art. 24(c)). All these rights are necessary preconditions to participation: in order to participate effectively, all members of the public must be able to organize, meet, express themselves without intimidation or censorship, know the relevant facts and arguments, be conscious of their rights and have the requisite skills and capacity. To ensure accountability and access to remedy and redress in cases where rights are violated, States parties should also ensure that all members of the public have effective access to justice, including the right to a fair trial (Universal Declaration of Human Rights, arts. 8 and 10; International Covenant on Civil and Political Rights, art. 14) and the right to an effective remedy (International Covenant on Civil and Political Rights, art. 3) (A/67/578).

28. Regarding the right to information, States have to make every effort to ensure easy, prompt, effective and practical access to information which might be of public interest, including by proactively making this information available and putting in place necessary procedures which enable prompt, effective, practical and easy access to information. Fees charged should not constitute an unreasonable impediment to access to information, and an appeals system should be in place to challenge failures to provide information (CCPR/C/CG/34).

29. Education is a key human right in itself, and a means by which disadvantaged adults and children can lift themselves out of poverty and participate fully in their communities (E/C.12/1999/10, para. 1). The right to education, as reflected in the International Covenant on Economic, Social and Cultural Rights, specifically provides that education shall “enable all persons to participate effectively in a free society”; educational programmes should therefore transmit the necessary knowledge to enable full participation, on an equal footing, in local and national communities (E/C.12/GC/21, para. 27).

30. States therefore have positive obligations under international human rights law to establish specific mechanisms at all the relevant levels to ensure that all persons concerned have the de facto opportunity to take part in the conduct of public affairs and decisions that might affect them (A/63/274, para. 22). This is especially relevant for people living in extreme poverty who might lack the necessary strength, knowledge or education required to make a meaningful contribution to the conduct of public affairs.

Other sources of international law

31. Aside from the United Nations human rights instruments, various other legal frameworks also refer to participation. While not specifically focused on participation of people living in poverty, these other frameworks could also assist in determining the legal content of the right to participation. For example, the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) regulates procedural rights for environmental decision-making for State parties. It links environmental rights with human rights, and in particular the right to participation,¹² and is based on three pillars – access to information, public participation in decision-making, and access to justice in environmental matters. The Convention sets out minimum requirements for public participation in various categories of environmental decision-making. The public participation requirements include: (a) timely and effective notification to the concerned public; (b) reasonable time frames for participation, including provision for participation at an early stage; (c) a right for the concerned public to inspect information relevant to the decision-making process at no cost; (d) an obligation for the decision-making body to take due account of the outcome of public participation; and (e) prompt public notification of the decision, with the text of the decision and the reasons and considerations on which it is based made publicly accessible.¹³

32. The Indigenous and Tribal Peoples Convention of the International Labour Organization (1989) (ILO Convention No. 169) is focused on participation of indigenous people in decision-making, and is the only international convention to assign governments the duty of face-to-face consultation with communities.¹⁴ It states that consultation with indigenous peoples should be undertaken through appropriate procedures, in good faith and through the representative institutions of these peoples; the peoples involved should have the opportunity to participate freely at all levels in the formulation, implementation and evaluation of measures and programmes that affect them directly. ILO Convention No. 169 also specifies individual circumstances in which consultation with indigenous and tribal peoples is an obligation. In particular, relocation/displacement of the community should take place only with their “free and informed consent”.

33. If not developed with the indigenous and tribal institutions or organizations that are truly representative of the peoples in question, consultations will not comply with the requirements of the Convention. Notably, in applying the Convention, several judgments of national and regional tribunals have found that the non-participation of indigenous groups in consultation or decision-making processes violated their rights and, as such, a broad set of measures have been judicially ordered, from the invalidation of approval of government

¹² S. Stec and S. Casey-Lefkowitz, *The Aarhus Convention: an Implementation Guide*, United Nations, New York and Geneva, 2000, p. 1.

¹³ J. Foti *et al.*, *Voice and Choice: Opening the Door to Environmental Democracy*, World Resources Institute, 2008, p. 19.

¹⁴ J. Foti and L. de Silva, *A Seat at the Table: Including the Poor in Decisions for Development and Environment*, World Resources Institute, 2010, p. 4.

projects especially in the mining, forestry and energy sectors, to remedies for those affected.¹⁵

34. The United Nations Declaration on the Rights of Indigenous Peoples, although not legally binding, developed further the importance of free, prior and informed consent in matters of fundamental importance for the rights, survival and dignity of indigenous peoples,¹⁶ based on their right to self-determination. “Free” means without coercion, intimidation or manipulation; “prior” implies in advance of the activity or decision being made, with sufficient time for indigenous peoples to undertake their own decision-making processes; “informed” necessitates provision of objective, accurate and complete information relating to the activity, presented in a manner and form understandable to indigenous peoples (A/HRC/18/42, Annex, para. 25).

V. Human rights-based approach to participation

35. While the existing legal framework does not refer specifically to how to ensure and support the participation of people living in poverty, a systematic and teleological interpretation¹⁷ of several human rights norms, standards and principles can provide guidance. In the present section, several key human rights principles will be examined with the aim of determining how the right to participation of people living in poverty should be understood and realized from a human rights perspective. The subsequent section then provides concrete recommendations to States on how to operationalize these principles.

36. The following human rights principles should guide all participatory processes, including the design, formulation, implementation, follow-up and evaluation. With each principle are listed guidelines which are intended to demonstrate what specific measures that principle would necessitate in order to achieve a participatory process that is human rights compliant, inclusive of and accessible to people living in poverty. The guidelines listed are not exhaustive,¹⁸ nor will each apply or be appropriate in every circumstance.

A. Respect for dignity, autonomy and agency

37. Dignity is the foundation of all human rights, inextricably linked to the principles of equality and non-discrimination. When based on human rights, participation can help to reclaim the dignity and autonomy of people living in poverty by recognizing them as active agents with rights and responsibilities, and enabling agency in decisions that directly affect their lives.

38. Respect for the inherent dignity of those living in poverty must inform all participatory processes and strategies, and each person’s expertise, experience and input must be valued. First and foremost, participation must be premised on the recognition of each person as a valid speaking partner with a unique and valuable knowledge to contribute. Participatory processes should begin with and be premised on the

¹⁵ See, e.g., ILO, *Application of Convention No. 169 by Domestic and International Courts in Latin America – a Casebook*, 2009.

¹⁶ See e.g., articles 10, 11, 19, 28, 29 and 32.

¹⁷ Art. 31 of the Vienna Convention on the Law of Treaties.

¹⁸ Due to the nature and limitations of this document, this section refers in general to the enjoyment of the right to participation by people living in poverty. Additional measures would be needed to facilitate the participation of certain specific groups or individuals such as children, older persons, persons with disabilities and indigenous peoples. The present report does not include an outline of such specific measures.

understandings and perspectives of people living in poverty, and give value to these, rather than assuming that they will comply with officials' assumptions, methods or thinking.¹⁹

39. To fully respect dignity and autonomy, participatory processes must be meaningful for those living in poverty and they should be able to exert influence over the final outcome. They should be included in all stages of the relevant decision-making processes so that they have the chance to set priorities or question the agenda in fundamental ways.

B. Non-discrimination and equality

40. All human beings must be able to enjoy and exercise their human rights on a basis of equality, free from discrimination of any kind. The principle of equality and non-discrimination implies that everyone should have equal and effective opportunities for making their views known to other members of society, and to be part of decision-making processes. Particular efforts must be made to ensure that certain groups who suffer structural forms of discrimination - including but not limited to women, ethnic minorities and persons with disabilities - have equal opportunities to express their views, including by assigning specific resources, mechanisms and strategies for this purpose.

41. Non-discrimination and equality are core elements of the international human rights framework.²⁰ These principles must be respected in all stages of the participatory process, from selection of the participants to evaluation.

42. People living in poverty experience discrimination on the grounds of poverty itself (E/C.12/GC/20, paras. 34–35), but also frequently due to membership in other disadvantaged sectors of the population, including but not limited to indigenous peoples, persons with disabilities, ethnic minorities and people living with HIV/AIDS. Particular attention must be paid to upholding the right to equality between men and women.²¹ Thus, when designing, implementing and monitoring participatory processes, States must take into account the different experiences of men and women and gender power relations in the community. They must recognize the multiple forms of discrimination that women experience, and address women's specific needs throughout the different phases of their life cycle (childhood, adolescence, adulthood and old age). Participatory processes must also acknowledge the responsibilities of care providers without reinforcing patterns of discrimination and negative stereotyping.

43. Even where participatory mechanisms exist, people living in poverty face serious constraints in accessing or exerting influence through them,²² such as lack of information, low levels of education and illiteracy. At the logistical level, participatory processes often require time and resources that people living in poverty simply do not have; for example, they may have to pay for transportation to reach a meeting venue, find childcare or take

¹⁹ P. Beresford and M. Hoban, *Participation in Anti-poverty and Regeneration Work and Research: Overcoming Barriers and Creating Opportunities*, Joseph Rowntree Foundation, 2005, p. 34.

²⁰ See, e.g., Universal Declaration of Human Rights, article 2; International Covenant on Civil and Political Rights, articles 2 and 26; International Covenant on Economic, Social and Cultural Rights, article 2.2; International Convention on the Elimination of All Forms of Racial Discrimination, article 1; Convention on the Elimination of All Forms of Discrimination Against Women, article 1; Convention on the Rights of the Child, article 2; and Convention on the Rights of Persons with Disabilities, article 5.

²¹ See, e.g., International Covenant on Civil and Political Rights, article 3; International Covenant on Economic, Social and Cultural Rights, article 3; and Convention on the Elimination of All Forms of Discrimination Against Women, article 1.

²² See Mansuri and Rao, *Localizing Development*, p. 5.

time off work, thereby sacrificing hourly pay. Many people living in poverty live in remote rural locations and do not speak the official language; thus, they may find it difficult to access information about participatory processes or reach meeting venues.

44. The principle of equality and non-discrimination requires affirmative action to ensure that everyone has equal opportunities to participate. This means that the barriers that prevent vulnerable and disadvantaged groups from participating must be identified and actively tackled to ensure substantive equality. A human rights approach requires focusing on power asymmetries at the community level and on the removal of physical, economic, legal, cultural and political obstacles that prevent marginalized groups from enjoying their right to participation. Participatory processes should not only avoid perpetuating asymmetries of power in the communities, but should actively seek to enable the most disadvantaged and excluded members of the community to participate as a matter of priority.

45. Simply increasing the number of people living in poverty present in existing decision-making spaces is not sufficient. Realizing the right to participation of people living in poverty requires prioritizing their meaningful involvement from the very beginning of the process, including priority-setting, and a number of political risks (e.g., co-option and manipulation) need to be considered.

46. Before implementing the participatory process, States or other facilitators should consider and put in place the specific resources, mechanisms and strategies needed to enable the participation of people living in poverty, in particular those most marginalized and excluded. To prevent discrimination, officials must be trained and educated to avoid stigma and stereotypes.

47. Every community or demographic has its own power dynamics; therefore, even participatory mechanisms targeted at people living in poverty are vulnerable to “elite capture” by more powerful individuals within a community. Processes that do not actively reach out to new and marginalized groups will reinforce the status quo and undermine the principle of equality. Therefore, to prevent dominant groups from co-opting participatory processes, officials must be trained to detect and understand how power is exercised to control and exclude disadvantaged groups. They should diagnose and counteract power relations and ensure that their own actions do not reproduce or legitimize these power dynamics.

48. Appropriate mechanisms for coordinating participation must be developed; these should be participatory themselves. In terms of the inclusion and identification of participants, programmes must be targeted to ensure the involvement of all stakeholders who may be or perceive themselves to be affected by the policy, decision or programme in question. The principles of non-discrimination and equality necessitate that participants must be identified in a transparent and proactive way. This should include undertaking a stakeholder analysis or mapping to identify vulnerable or disadvantaged groups with a stake in the outcomes of the decision; ensuring that the most marginalized groups and communities are identified and engaged from the outset, taking into account the obstacles they face; and dedicating resources to reach out to them.²³

49. Based on the principle of equality between women and men, this preparation must include a gender analysis, and members of both sexes must be given the chance to represent their views, including, if necessary, through specially targeted consultations (for example, women-only spaces) and support. Processes to identify participants must not rely on community elites in a manner that can reinforce existing inequalities, for example by

²³ Foti and de Silva, *A Seat at the Table*, p. 15.

requiring attestation from officials or community elites that a person is likely to be “affected” by the outcome of a decision.²⁴ NGOs with close knowledge of and links with the community in question can assist in identifying those within the community who are most excluded, and support their inclusion and participation.

50. In addition, the principles of equality and non-discrimination require that participatory processes and mechanisms meet the standards of availability, accessibility, adaptability and acceptability.

51. In the context of participation, availability means that channels of participation, access to information and accountability mechanisms must be made available in sufficient quantity (and be of sufficient quality) to meet the needs of the community in question.

52. These mechanisms, opportunities and processes must be physically and economically accessible to all, without discrimination and without disproportionate cost or risk. This implies that the obstacles which prevent the poorest and most marginalized people from participating must be addressed, including additional and overlapping obstacles due to age, disability, ethnicity, language, geographical location or other factors.

53. Mechanisms, processes and channels should be adaptable to the local context, taking into account the specific needs of communities or individuals in different social and cultural settings, and also adaptable to changing local, national and international contexts and standards.

54. In terms of acceptability, the processes and channels of participation, information and accountability mechanisms must be designed and implemented in a form that respects the cultural values, norms and practices of all those groups that request and use them. They must be respectful of diversity, using terminology and references accepted by the community, and the space used for participatory processes should also be culturally adequate for the community.

55. For instance, in terms of accessibility, organizers must ensure that the meeting locations are neither exclusionary nor prove to be a further obstacle to participation for people living in poverty. Community-based processes will reduce costs and travel time for participants, increasing the likelihood of their involvement. Participatory processes must also extend to remote rural communities. Organizers must provide adequate notice, via an appropriate mode of communication; this will vary depending on the community, taking into consideration the principles of acceptability and adaptability. Traditional and personal methods of communication should be considered and may be more likely to reach people living in poverty than official bulletins or announcements on websites.

56. Similarly, organizers should consult with individuals to identify a time for meetings that does not detrimentally impact wage-earning possibilities or care responsibilities – for example, after regular work hours and during seasons when migrant labourers are at home and available.²⁵ Organizers and facilitators must be trained to have sufficient understanding of the social, cultural and political context; build trust and respect, be non-judgemental; and motivate and support participants. Similarly, it may be necessary to conduct capacity-building activities with participants in advance of the main process.

57. In order to ensure that people living in poverty can participate on an equal basis, participants should be reimbursed for all costs related to attendance at meetings, including upfront, hidden and opportunity costs. At a minimum, participants must be reimbursed for transportation costs, and, if appropriate, their time, and on-site childcare should be

²⁴ Ibid., p. 11.

²⁵ Ibid., p. 19.

provided. Organizers must provide a secure, safe atmosphere. Participation procedures must allow for the full expression of the views of people living in poverty, in a timely manner and based on their full understanding of the issues involved, so that they may be able to affect the outcome.²⁶

58. It is essential that societal and intra-community power relations are openly recognized and clarified²⁷ at the start of the process, in order to confront the factors that often obstruct debates and prevent issues of inequality from being raised in decision-making arenas. Taking account of different kinds of power relations (visible, hidden and invisible) and the particular needs of marginalized groups, officials and advocates should take steps to ensure that such groups can organize their views, express them frankly and be heard. In order to ensure full substantive equality in enjoyment of the right to participation, where appropriate to enable full and free expression (particularly in very patriarchal or socially stratified communities), separate meetings should be held for excluded or vulnerable groups. For instance, in some communities it may be appropriate to separate participants by age group and sex. However, so as not to further entrench exclusion, the discussions should be brought together in a central plenary at critical moments so each group can share their analysis and actions.²⁸ Similarly, although power dynamics may necessitate separate meetings and processes for people living in poverty in order to facilitate their full participation and free expression, where appropriate, participatory mechanisms should include opportunities for members of different social groups to interact and share points of view.

59. The format and level of formality of the meeting must not be alienating or difficult to negotiate for people living in poverty. Organizers must allow sufficient time for participants to debate and seek consensus or common positions from which to develop representative and legitimate messages. The methodology of the process must not rely wholly on written materials, as this would exclude those who are illiterate or have poor reading skills. Instead, more inclusive and accessible methodologies should be used, including different media such as pictograms or theatre. Accessibility and adaptability requires that meetings should be conducted in the minority language appropriate to the community where necessary; if this is not possible, well-trained interpreters must be provided.

C. Transparency and access to information

60. From a human rights perspective, effective access to public information is a precondition for exercising other human rights. Exercise of the right to participation depends on transparency and access to complete, up-to-date and comprehensible information. People must have the capacity and opportunity to use the information, understand their entitlements and be able to evaluate the quality of the services, policies or programmes in question. Transparency is essential to ensure rights holders are fully aware of the aims and scope of the process, the other actors involved and their role and level of influence.

61. Organizers should provide appropriately designed information and tools well in advance, so individuals can make informed choices at each stage of the participatory process. Information should not only be made available, but must conform to the principles of accessibility, acceptability and adaptability. This means information should be made

²⁶ A/HRC/18/42, Annex para.8.

²⁷ Beresford and Hoban, *Participation in Anti-poverty and Regeneration Work and Research*, p. 34.

²⁸ ActionAid, *People's Action in Practice*, p. 59.

available in a manner accessible to the poorest and most disadvantaged, taking into account the constraints they suffer, including illiteracy and language barriers. It should be free of charge, relevant, up-to-date, understandable, free of technical language or jargon, and in local languages. Outreach and dissemination should be undertaken according to the local context and through channels that reach the poorest, for example, in non-written form, radio announcements or community theatre.

62. Organizers should hold preparatory meetings well in advance to agree on the parameters, goals, purposes and scope, with the involvement of the potential participants. Acceptable forms of facilitation, chairing and leadership should also be agreed with participants in advance.²⁹ The level and nature of involvement on offer must be clarified to potential participants, as well as the roles and responsibilities of facilitators, policymakers, participants and other stakeholders.

63. When participants meet for the first time, the purposes and scope of the process should be made clear and agreed; this includes setting realistic expectations and clarifying any limitations. Participants must know why they have been asked to participate and how their opinions will be used, and should clearly understand what degree of influence they can expect to have on the final outcome. Similarly, the other considerations and actors that are feeding into the process must be revealed. There must be a mechanism and/or procedures in place by which participants can easily request and access additional information that they feel they need.

64. Once the decision-making body has taken its decision, it should promptly notify participants and the public; both the text of the decision and the justifications for it must be made public, in media accessible to people living in poverty. In addition, reports of the process and meetings held should be made available in all relevant languages and in an accessible manner, while respecting confidentiality.

D. Accountability

65. Accountability is a critical feature of a human rights approach to participation. Participation understood as a right implies rights holders and duty bearers who can and must be held to account for failure to respect, protect and fulfil that right. To this end, people need access to procedures and institutions that provide redress and remedy, and mechanisms to ensure that their Government fulfils the right of access to information and the right to participation.³⁰

66. Organizers should ensure that there are effective complaint mechanisms in place in advance of the process starting. Responsibilities and the relevant chain of accountability for decision-making and the process itself should be made clear from the outset, and participants should be made aware of their rights and responsibilities. Participants must periodically evaluate the process, with indicators derived from their priorities. Where appropriate, independent advisers should monitor the process.

67. At the end of the process, a final assessment of what has been agreed and what has not should be presented, to be discussed and agreed with participants,³¹ as well as information on next steps in the decision-making process and those responsible. The

²⁹ Beresford and Hoban, *Participation in Anti-poverty and Regeneration Work and Research*, p. 27.

³⁰ Foti *et al*, *Voice and Choice*, p. 9.

³¹ R. McGee and A. Norton, *Participation in Poverty Reduction Strategies: A Synthesis of Experience with Participatory Approaches to Policy Design, Implementation and Monitoring*, IDS Working Paper No. 109, 2000, p. 70.

confidentiality of the participants must be respected in any final report or summary of the process.

68. A participatory process should be followed by concerted action and participatory evaluation. People living in poverty must have effective access to grievance mechanisms in order to hold decision-makers accountable if they feel the outcomes of the participatory process have not been adequately considered, or to seek remedy in case of any abuse. Similarly, there should be accessible accountability mechanisms in place to protest policies or programmes implemented with a lack of participation. Such mechanisms must be accessible and adaptable; for example, a variety of cost-free channels should be provided, as necessary, for the needs and constraints of people living in poverty. Complaint and grievance mechanisms must be sufficiently resourced, culturally appropriate and designed to facilitate the broadest participation possible by vulnerable and disadvantaged groups, in particular by women.

69. For States, the participation of people living in poverty in decisions that affect their lives is a legal obligation rather than a policy option. This means that a person cannot be excluded or “disinvited” from participation, for example if what they say challenges the status quo. The right to participation must be enforceable and the lack of participation must be challengeable through the courts. Therefore, appropriate laws, policies, institutions, procedures and redress mechanisms that will enable accountability for lack of participation, exclusion from participation, or manipulated or co-opted participation, are a crucial foundation for any rights-based participatory process. These mechanisms must be transparent, and must conform to the standards of availability, accessibility, acceptability and adaptability. Ultimately, policymakers and public officials must be accountable for responding to the demands of the people.

70. The question of who can claim to legitimately represent people living in poverty is an extremely sensitive issue. Ideally, people living in poverty should be directly involved in any decision-making process (see section E below). However, where they are represented by civil society actors such as facilitators or community workers, these actors should give full account of their work to the community. They should also be held responsible for any abuse of their position, breach of trust or acting beyond their mandate.

E. Empowerment

71. From a human rights perspective, participation must be premised on empowerment as the ultimate goal. Thus, participation should not be extractive or instrumental, but instead aimed at building the capacity, social capital, confidence, rights awareness and knowledge of people living in poverty.

72. Currently, many participatory processes are limited to “consultation” – a higher authority giving information to or extracting information from members of the public. Participatory processes that are not designed and implemented with a human rights perspective may in fact be disempowering, and serve to exclude or reinforce existing power structures. In contrast, human rights-based participation is an important tool to empower people living in poverty by allowing them to exercise their voice to influence relevant decision-making processes.

73. There is an important distinction between closed, invited and claimed policy spaces³² in terms of their empowering potential. Spaces for policy influence should not be

³² L. VeneKlasen *et al.*, *Rights-based Approaches and Beyond: Challenges of Linking Rights and Participation*, IDS Working Paper No. 235, 2004, p. 5.

closed or predetermined, but must allow for ideas to emerge from the ground up,³³ and participation must occur early enough in a process to set priorities and influence deliberation, drafting and outcome. It must not be limited to marginal or peripheral issues, but should focus on key issues such as public services, budgets and fiscal policy. Empowerment must be a primary and stated goal of such a process, through providing a participatory learning process that helps people to analyse local problems and develop solutions that use and promote rights.

74. A foundation of an educated and informed public who knows their rights is crucial to build effective participation. In particular, people living in poverty must be empowered so as to make their participation effective. Therefore, it is critical to strengthen the capacity of people living in poverty to engage in participatory processes, by promoting their critical thinking and ability to analyse and confront structures of oppression and power relations. They should be empowered to identify the root causes of their marginalization and to take action (individually or collectively) to make claims and realize their rights. This requires, inter alia, human rights education and other capacity-building activities,³⁴ which should be built into each participatory process and begun before the process starts. This may include public speaking training, human rights education, workshops and information provision.

75. To the extent possible, people living in poverty should be able to set the terms of the debate and choose topics for discussion. Facilitators should enable involvement, in particular with regard to the most disadvantaged and excluded, but should not dominate or excessively “manage” the discussion.

76. Meaningful decisions must be on the table for consideration and discussion,³⁵ including budgets and resource allocation. Research shows that lively participation is more likely where control over resources is located close to local people; this proximity is also critically important to whether participation can make a difference to people’s lives.³⁶ People living in poverty must be given space to criticize all elements of a programme or project, as well as the agenda or rationale behind it. For example, service delivery may take place primarily at the local level, but key decisions relating to resource allocation, service delivery structure, etc. may be taken centrally. Therefore, real participation necessitates that the public is able to discuss and criticize both elements of the equation.

77. While NGOs, especially grass-roots organizations, have an important role to play in supporting and facilitating the participation of people living in poverty, they are not a proxy. Staff or volunteers of NGOs or civil society organizations should not automatically be seen as “representatives” or “spokespersons” for people living in poverty, but rather serve as facilitators and advocates, with the ultimate goal of allowing them to express themselves and influence decision-making on their own terms. They can also play a role in helping the community organize and empowering people living in poverty with skills and knowledge that facilitate their more active participation and free expression.

78. Rather than just using meetings to extract information, facilitators and organizers should seek to actively build the capacity of the participants and foster their better enjoyment of rights such as education and freedom of expression. The opportunity to provide workshops or courses relevant to the needs of the participants, for example literacy

³³ Institute of Development Studies, *What Do We Know About How to Bring the Perspectives of People Living in Poverty into Global Policy-making?*, IDS, 2012, p. 3.

³⁴ OHCHR, “Principles and guidelines for a human rights approach to poverty reduction strategies”, p. 15.

³⁵ Development Research Centre on Citizenship, Participation and Accountability, *Blurring the Boundaries: Citizen Action Across States and Societies*, 2011, p. 45.

³⁶ R. McGee, *Legal Frameworks for Citizen Participation: Synthesis Report*, Logolink, 2003, p. 54.

or leadership training, should be taken. It may be helpful to involve local organizations in building local organizing capacity. Facilitators can also help participants forge useful links – both horizontal links with other communities or community-based groups, and vertical links with decision-makers and relevant officials, for example in the local government.

79. Evaluation and follow-up should be collaborative. Monitoring should be undertaken by the participants themselves, based on indicators set by them according to their priorities and analysis of change. As working with people living in poverty requires a long-term process, not a one-off intervention,³⁷ a “consultation” should never be an objective in itself, but rather should be part of an ongoing process where persons living in poverty have various possibilities to exercise their right to participation, and decision-makers should be required to seriously consider the opinions expressed. Resources should be devoted to make the participatory mechanisms long-term and self-sustaining, for instance by training and investing in grass-roots facilitators. Regular forums for dialogue between policymakers and people living in poverty should be created and promoted.

VI. Recommendations to States: an operational framework to ensure meaningful participation of people living in poverty

80. **People living in poverty are entitled to participate in the design, implementation and monitoring of poverty interventions and other policies, programmes and interventions that affect their lives, and to hold duty bearers accountable. Looking at participation through the prism of human rights norms and principles, it is possible to elucidate the approach and actions necessary to ensure the effective and meaningful participation of people living in poverty.**

81. **Building on the human rights framework above, this section will give practical guidance to States on how to operationalize the right to participation of people living in poverty. It is neither possible nor desirable to formulate detailed universal guidelines, as participation is always embedded in a specific sociocultural context and set of power dynamics. The appropriate formats and design are thus context-dependent and moreover should emerge from the ground up, in consultation with communities. However, it is important to move towards a common understanding of what an acceptably participatory mechanism or process looks like and the appropriate minimum standards by which to measure the adequacy and quality of participation with regard to people living in poverty. Human rights provide a way to do so.**

82. **While the recommendations below are primarily addressed to States, many are also relevant for participatory processes established by other actors such as international financial institutions and donor agencies. Recommendations to national human rights institutions are also included due to their potentially crucial role.**

83. **States have three levels of obligations with regard to human rights: to respect; to protect; and to fulfil (E/C.12/GC/21, para. 48). In terms of the right to participation, the obligation to respect requires States to refrain from interfering, directly or indirectly, with the enjoyment of the right. For example, States must not close down participatory spaces, impose censorship, repress public deliberation or retaliate against those who speak out (e.g. through violence, confiscation of property or incarceration). The obligation to protect requires States to take steps to prevent**

³⁷ X. Godinot and Q. Wodon (eds.), *Participatory Approaches to Attacking Extreme Poverty*, World Bank Working Paper No. 77, 2006, p. 8.

third parties (including business enterprises or private individuals) from interfering in the right to participation. This would include safeguarding participatory spaces, protecting freedom of expression through law and policy, and protecting individuals from reprisal from non-State actors. It also requires States to protect social movements, community organizers and human rights defenders. Lastly, the obligation to fulfil requires States to facilitate, promote and provide for the full realization of the right to participation, through appropriate legislative, administrative, judicial, budgetary and other measures. This includes strengthening skills and capacity of the public and officials, presenting meaningful decisions for public deliberation and devoting resources to long-term, sustainable participatory mechanisms to influence national priorities, programmes and decisions.

84. Government agencies and policymakers must be prepared to give value to the findings of participatory processes, critically examine their own practices and attitudes, and allow the necessary resources and time to enable people living in poverty to participate effectively. Instituting meaningful participation will require the State to relinquish unilateral control over some areas of policy traditionally seen as government prerogative, for example budgets. Similarly, while successful participation is frequently dependent on some form of State engagement, States should not seek to “own” all spaces of participation, and must protect and promote the role of NGOs and civil society.

85. Promising participatory practices have been implemented in a wide variety of contexts by actors including States, bilateral development agencies, United Nations agencies, civil society organizations and others. Prominent examples include participatory budgeting, environmental decision-making, slum surveys, citizen juries, social monitors and community scorecards. Much can be learned from such practices. Meaningful participation requires resources, time and planning, and should be seen as a process rather than an event, with multiple entry points through which members of the public can engage. However, evidence shows that it is possible, even in the most challenging of situations.

86. In order to comply with their human rights obligations regarding the right to participation, the Special Rapporteur recommends States undertake the following actions:

(a) **Legal and institutional framework:**

(i) Adopt a legal framework that includes the explicit right of individuals and groups to participate in the design, implementation and evaluation of any policy, programme or strategy that affects their rights, at the local, national and international levels. This should include:

a. Putting in place operational guidelines, policies and capacity-strengthening measures to enable public officials to apply these laws, and ensuring that these are adaptable to different contexts and allow innovation based on feedback from the ground.

b. Requiring the establishment of inclusive participatory mechanisms at the local and national levels.

c. Explicitly including the duty of policymakers and public officials to actively seek and support the meaningful participation of people living in poverty.

- d. Setting and enforcing minimum standards for participatory processes, including thresholds for participation of people living in poverty and disadvantaged groups such as women, minorities and persons with disabilities.
 - (ii) Strengthen decentralization of power, responsibilities and resources from central to local governments, with adequate accountability mechanisms.
 - (iii) Promulgate and enforce legislation to prohibit discrimination of any kind, including on the basis of economic and social status.
 - (iv) Create meaningful opportunities for active public participation in budget formulation and monitoring, including by:
 - a. Prioritizing areas of national or local budgets that most affect people living in poverty.
 - b. Requiring the supreme audit institution to maintain mechanisms for public participation in auditing budgets.
 - (v) Incorporate participatory mechanisms in national development plans, including people living in poverty from the start of the planning process.
 - (vi) Respect the right to participation in the implementation of any international assistance and cooperation programme.
 - (vii) Strengthen laws relating to freedoms of association, assembly and speech; media freedom; anti-corruption; access to information; and whistleblower protection.
 - (viii) Strengthen protection of individuals and non-governmental organizations that work with and advocate for those living in poverty; recognizing the right to act collectively; and prevent and punish any reprisal against those who exercise their right to participation.
 - (ix) Regulate the involvement of powerful non-State actors (such as business enterprises) in participatory processes; ensure that they cannot exert undue influence; and provide mechanisms for redress in cases of abuses.
 - (x) Create an independent national council on poverty and social exclusion, including people living in poverty, to represent this group to political decision-makers.
- (b) Resources:
- (i) Allocate sufficient resources to support the participation of people living in poverty in any decision-making process that affects their rights, including earmarked funds to compensate participants for opportunity costs such as travel and to provide on-site childcare.
 - (ii) Improve official capacity to facilitate public participation and access to information, including through adequate staff, equipment and training.
 - (iii) Provide long-term funding for capacity-building in disadvantaged communities, including by granting resources to community-based organizations.
 - (iv) Grant the national human rights institution adequate resources to promote the right to participation and pursue accountability and remedies.

- (c) **Equality and non-discrimination:**
- (i) Undertake an audit of barriers to participation and identify those communities and groups who face the most obstacles in enjoying their right to participation.
 - (ii) Set up a task force of people with experience of living in poverty to make recommendations on how people living in poverty can effectively participate in decision-making.
 - (iii) Use these recommendations and audits to issue guidance to all relevant government departments on how to ensure non-discrimination and equality regarding the right to participation.
 - (iv) Design participatory mechanisms, taking into account the inequalities and asymmetries of power in a given context, and take all necessary measures to counteract them, including through affirmative action.
 - (v) Ensure that conditions for participation do not unfairly exclude certain categories of people, for example those without identity documents or with mobility restrictions.
 - (vi) Take positive action to promote the inclusion of disadvantaged groups including ethnic minorities and persons with disabilities in decision-making bodies, including by allocating resources and designing mechanisms tailored for their use.
 - (vii) Undertake an analysis of barriers to women's participation, particularly in poor communities, and take proactive measures to tackle these barriers, for example implementing women-only participatory spaces or providing childcare facilities.
- (d) **Access to information:**
- (i) Enact a comprehensive right to information law, ensuring that the department designated to deal with requests is properly resourced, Promote effective and widespread use of the law including by:
 - a. Adopting policies, programmes and proactive measures that promote its use by people living in poverty.
 - b. Training public officials on the importance of access to information and the need to protect information solicitors.
 - (ii) Take specific measures to provide State data to the public, in accessible formats and via appropriate channels for people living in poverty, in particular by:
 - a. Publishing and disseminating regular information related to budgets (at local and national levels) and the quality of public services, including disaggregated data, in a non-technical and simplified form.
 - b. Proactively disseminating legal information and other key documents for decision-making (e.g. environmental impact assessments), in all relevant languages.
 - (iii) Communicate information through accessible channels and in appropriate forms, taking into account the technical understanding, literacy levels and languages of people living in poverty.

- (iv) **Improve communications infrastructure and the accessibility and affordability of information and communication technologies in rural areas and poor communities, including by providing training to people living in poverty, in particular women.**
 - (v) **Require prompt public notification of decisions following participatory processes, including the reasons and considerations on which it is based.**
- (e) **Accountability:**
 - (i) **Ensure that participatory mechanisms have built-in complaint and grievance procedures, which establish clear lines of responsibility at the national, regional and local levels. Mechanisms must be confidential, accessible even in remote rural areas and provide diverse and cost-free means of access in all relevant languages.**
 - (ii) **Provide an accessible way for the public to hold public officials accountable for violation of the right to participation, as well as for any abuse during participatory processes.**
 - (iii) **Institute effective systems of monitoring and evaluation of participatory processes ensuring the involvement of people living in poverty.**
 - (iv) **Require public officials to publicly justify their eventual decisions or actions in light of public participation.**
 - (v) **Train judges, lawyers and law enforcement officials to enhance judicial oversight and to prosecute any infringement of the right to participation.**
- (f) **Empowerment:**
 - (i) **Involve people living in poverty in setting the agenda and goals for participatory processes.**
 - (ii) **Take all appropriate steps to enhance the capacity of people living in poverty to participate in public life, including by:**
 - a. **Improving the accessibility and quality of education services provided to the poorest sectors of the population.**
 - b. **Ensuring educational programmes transmit the necessary knowledge, including human rights education, to enable everyone to participate fully and on an equal footing at the local and national levels.**
 - c. **Launching public education campaigns on issues that affect people living in poverty, such as the environment, human rights, development and budgeting processes.**
 - (iii) **Include capacity-building activities in participatory processes.**
 - (iv) **Respond to demands for participation emanating from communities living in poverty, and enable participatory processes to be promoted from below.**
- (g) **Supporting the role of civil society:**
 - (i) **Recognize the rights of civil society organizations to participate in the design, implementation and evaluation of public policy.**

- (ii) Grant financial and logistical assistance to civil society groups, giving preference to those that have long-term partnerships with people living in poverty, to facilitate participation and build capacity of public officials.
 - (iii) Protect organizations that promote participation from retaliation or interference by State agents or non-State actors.
 - (h) Recommendations to national human rights institutions:
 - (i) Undertake educational and information programmes on the right to participation, both within the general population and among particular groups such as public service providers and the private sector.
 - (ii) Scrutinize existing laws, administrative acts, draft bills and other proposals to ensure consistency with obligations related to the right to participation under international and national human rights instruments.
 - (iii) Conduct research to ascertain the extent to which the right to participation is being realized within the State as a whole and in relation to communities particularly vulnerable to poverty and social exclusion.
 - (iv) Monitor compliance with the right to participation and provide reports thereon to public authorities, civil society and United Nations human rights mechanisms.
-