

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

Mr. Juan Pablo Bohoslavsky

Visit to European Institutions, Brussels

(Suggested dates: 30 May-3 June 2016)

LIST OF OBJECTIVES

The purpose of the visit is to exchange information and examine issues within the scope of the mandate of the Independent Expert on the effects of foreign debt on human rights and discuss these with representatives of European institutions and other relevant stakeholders.

The visit to Brussels is intended to complement the official country visit of the Independent Expert to Greece in December 2015 which focussed on the effects of the financial and economic crisis within Greece on social and economic rights ([A/HRC/31/60/Add.2](#)).

Next to the situation in Greece it is intended to reflect more broadly on lessons learned from European countries which have completed adjustment programmes and are currently under post-programme surveillance, such as Cyprus, Ireland, Spain and Portugal.

The visit responds to concerns about the impact of the financial crisis on the enjoyment of human rights raised by the United Nations High Commissioner for Human Rights¹ Special Rapporteurs and treaty bodies of the United Nations², the European Commissioner for Human Rights³, and in resolutions and studies commissioned by the European Parliament.⁴

¹ Report by the United Nations High Commissioner for Human Rights, UN Doc. [E/2013/82](#).

² See for example reports on the Special rapporteur on extreme poverty on Ireland ([A/HRC/17/34/Add.2](#)) and on a human rights based approach to recovery from the global economic and financial crises ([A/HRC/17/34](#)), Concluding observations by the International Committee on Economic, Social and Cultural Rights on Greece

³ Council of Europe, Commissioner for Human Rights: Safeguarding human rights in times of economic crises, Issue Paper, 2013; see as well his visit reports related to Cyprus, CommDH(2016)16, Spain, CommDH(2013)18, Estonia CommDH(2013)12, and Portugal, CommDH(2012)22, available at <http://www.coe.int/en/web/commissioner/thematic-work/economic-crisis>.

⁴ See for example European Parliament resolutions, 2013/2044(INI), and the country studies on Cyprus, Ireland, Greece, Spain and Portugal commissioned by the LIBE Committee of the European Parliament, EU docs. PE 510.016, PE 510.014, PE 510.019, PE 510.017, PE 510.020.

The visit will focus on the following issues:

- (i) Human Rights obligations of European institutions and European States in relation to economic reform and austerity policies implemented in Eurozone countries;
- (ii) Human rights impact of recent economic adjustment programmes implemented in Europe to overcome the sovereign debt crises (Cyprus, Greece, Ireland, Portugal, Spain and other countries under post-programme surveillance) with particular focus on the economic, social and cultural rights, e.g. right to work, social security, health, education and adequate housing;
- (iii) Human rights impacts of the financial crisis and of the economic adjustment measures on individuals and groups in situation of vulnerability, such as persons with disabilities, refugees, migrants, members of minorities, unemployed, highly indebted persons, children, the elderly, and women;
- (iv) Efforts undertaken by European institutions to prevent negative social and human rights impacts in past and current adjustment programmes and to ensure non-discrimination in their implementation;
- (v) Main lessons learned from the implementation of economic reform programmes in the different countries (success stories, unintended side-effects and failures) in particular in relation to the enjoyment of human rights;
- (vi) The right to participation, transparency and accountability in contexts of economic reform policies supported by European institutions;
- (vii) Other topics related to the mandate of the Independent Expert.

The visit to European institutions will contribute to some of the thematic priorities identified by the Independent Expert in his first report to the General Assembly ([A/69/273](#)). The Independent Expert will take a constructive approach and make practical policy recommendations addressed to the various European institutions and European States.

The Independent Expert would like to exchange views on how economic reform policies in response to financial crises can avoid negative impacts on human rights. The Independent Expert would therefore like to reflect whether human rights and social impact assessments could be further developed with a view to contribute to this goal. In this context President Juncker, has remarked that “in the future, any support and reform programme [should go] not only through a fiscal sustainability assessment; but through a social impact assessment as well”. In response to this call the European Commission published a social impact assessment for the third economic reform programme in Greece in August 2015.⁵

The Independent Expert would also like to learn what contribution the Investment Plan for Europe, the Europe 2020 growth strategy, or the recently announced European Pillar for Social Rights can play to overcome adverse human rights impacts in context of economic reform policies. An opportunity for ensuring economic and social rights provides as well the

⁵ SWD(2015) 162 final, available at: http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/pdf/assessment_social_impact_en.pdf

European Semester, during which the Commission analyses fiscal and structural reforms of every Member State, provides recommendations and monitors their implementation.

The Independent Expert may also use the opportunity of his visit to Brussels to exchange views on solving unsustainable debt in Non-EU countries or discuss matters related to his recent work on illicit financial flows and human rights, including efforts by the European Union to combat tax evasion and avoidance by multinational companies and individuals, and to expand transparency through country-by-country reporting (see his reports [A/HRC/28/60](#), [A/HRC/31/61](#)).

MEETINGS

As responsibility for issues within the scope of the Independent Expert's mandate may lie with a wide range of institutions including different Directorate Generals of the European Commission, the Independent Expert would like to meet with relevant Directorates in the areas of human rights, finance, social and economic affairs. The topics indicated for discussion are only indicative and may not cover all specific issues the Independent Expert may wish to raise, but are submitted with the aim to assist in the preparation of meetings.

The Independent Expert would welcome if the European External Action Service could assist coordinating the programme with the European Commission. For this purpose a focal point in Brussels would be helpful.

The Independent Expert would appreciate for the arrangement of selected meetings at high-level, but the programme should allow as well for sufficient for dialogue and exchange of information with experts or responsible officials at senior technical level.

With regard to official meetings, the Independent Expert proposes meetings with the following institutions. He would be grateful for additional suggestions of stakeholders that would be relevant to meet.

I. European Commission

It is suggested that the programme of the Independent Expert could include one or two high-level meetings. Suitable interlocutors could be Vice President for better regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights; the Commissioner for Euro and Social Dialogue; the Commissioner for Economic and Financial Affairs, Taxation and Customs or the Commissioner for Employment, Social Affairs, Skills and Labour Mobility.

The Independent Expert would like to meet with the following DGs:

DG Economic and Financial Affairs (ECFIN)

- Meeting experts responsible for designing economic reform programmes in collaboration with Governments;
- Meeting with the Secretariat supporting the Eurogroup (EFC.EPC);
- Meeting with representatives from directorates covering Cyprus (F.1), Greece (F.2), Spain (F.3), Portugal and Ireland (G.2);

- Meeting with authors of the social impact assessment of the third Greek economic reform programme.

DG Employment, Social Affairs and Inclusion (EMPL)

Suggested are meetings with the following directorates/units covering the following topics, committees and funds:

- Employment, labour relations and labour law
- Social protection and social inclusion,
- European Platform against Poverty and Social Exclusion,
- Social Protection Committee (SPC),⁶ European Social Policy Network
- European Social Fund (ESF),
- Fund for European Aid for the Most Deprived (FEAD),
- Meeting with experts responsible for evaluation and impact assessment including the Guide for Assessing Social Impacts.⁷
- Meeting with staff covering Greece and other countries under post-programme surveillance.

DG Justice

- Meeting focussing on fundamental and human rights binding on European institutions in the context of economic reform programmes
- Meeting with experts that have worked on or with the “Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments” aimed at reviewing EU legislation.⁸

Note: Possibly a joint meeting could be organised with representatives from different DGs on the issue of impact assessments to understand better the existing methodology and expertise within the European Commission on impact assessments and to discuss whether this expertise could be made useful for human rights impact assessments in relation to economic reform and adjustment programmes.

DG Financial Stability, Financial Services and Capital Market Union (FISMA)

- A briefing for the Independent Expert on key EU initiatives aimed at stabilizing financial markets after the banking crisis of 2008, the establishment of a new Banking Union and the European Deposit Insurance Scheme aimed at protecting deposits of savers would be welcome.

DG Taxation and Customs Union

- Meeting on tax transparency, fight against tax fraud and the recent country-by-country reporting proposal.⁹

Structural Reform Support Service of the European Commission

A meeting with experts from this service established last year would be welcome.

⁶ The SPC has published regularly studies on relevant topics, see for example <http://ec.europa.eu/social/main.jsp?catId=758&langId=en&furtherPubs=yes>

⁷ (Ref. Ares(2009)326974 - 17/11/2009) http://ec.europa.eu/smart-regulation/impact/key_docs/docs/guidance_for_assessing_social_impacts.pdf

⁸ (SEC(2011) 567 final), available at: http://ec.europa.eu/smart-regulation/impact/key_docs/docs/sec_2011_0567_en.pdf

⁹ See http://europa.eu/rapid/press-release_IP-16-663_en.htm and http://europa.eu/rapid/press-release_IP-16-159_en.htm

II. European Parliament

Meetings should include Members of the European Parliament (MEP) from different political groupings, preferably members that have followed debt and rights issues in the context of adjustment policies or sit on relevant Committees of the European Parliament (ECON Economic and Monetary Affairs; EMPL Employment and Social Affairs; LIBE Civil Liberties, Justice and Home Affairs; DROI Human Rights Committee)

Suggested MEPs for meetings could include:

- Ms Jean Lambert, Group of Greens/European Free Alliance, rapporteur on initiative on the impact of the crisis on access to care for vulnerable groups (2013/2044(INI))¹⁰
- Mr. Othmar Karas (EPP Group) and Liem Hoang Ngoc (S&D Group), rapporteurs “enquiry on the role and operations of the Troika (ECB, Commission and IMF) with regard to the euro area programme countries.”¹¹
- Mr. Claude Moraes (S&D Group), Chair of the LIBE Committee. The Committee commissioned a series of studies analysing the impact of the economic crisis on fundamental rights in seven European countries (Belgium, Cyprus, Greece, Ireland, Italy, Spain and Portugal) published in March 2015.¹²
- Mr Richard Howitt, Member of Human Rights Subcommittee.
- Ms. Sofia Sakofara (NGL)

A courtesy call with the President of the European Parliament, Martin Schulz, could also be envisaged.

Possibly a hearing or public event involving selected MEPs or other stakeholders could be organised during the visit in with the Independent Expert on foreign debt and human rights could participate.

III. Other Meetings/Institutions

European Economic and Social Committee

A meeting with the President or selected members of the EESC is proposed.

Representative of the European Central Bank in Brussels

Other International Financial Institutions / Euro area Member States:

A meeting with representatives from the IMF Europe Office in Brussels may form part of the programme. The Independent Expert may as well meet with selected representatives from Permanent Missions of Euro area Member States in Brussels.

Meetings with civil society actors and academic experts

¹⁰ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0328&language=EN&ring=A7-2013-0221>

¹¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2014-0149&language=EN>

¹² Next to the country studies a comparative analysis is available at:
[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510021/IPOL_STU\(2015\)510021_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/510021/IPOL_STU(2015)510021_EN.pdf).

The programme will include meetings with relevant civil society representatives, including trade unions and business representatives, and academic experts working on topics falling under the mandate of the Independent Expert. About half of the programme of the Independent Expert should be devoted to meet representatives of academic experts and civil society representatives.

TIMELINE

It is suggested that visit could take place from 30 May to 3 June 2016. Potentially the programme may already start on 27 May 2015.

The Independent Expert will hold a press conference at the end of the visit during which he will share the preliminary findings of his mission with the public. A de-briefing session could be organised for the European Commission prior to the press conference.

SIZE OF DELEGATION

The working language of the Independent Expert is English (next to his mother language Spanish). He will be accompanied by one OHCHR staff. Staff of the OHCHR Regional Office for Europe may join on certain meetings.

PREPERATION OF MEETINGS

The note has been prepared in order to facilitate an open discussion in the spirit of constructive dialogue which will revolve around the issues outlined above. The meetings are intended to initiate a dialogue that can be followed-up with exchange of further information during and after the visit.

In addition, there is an opportunity for each directorate to provide documentation and elaborating on the issues of interest to the visit and to comment on the draft report to ensure that the discussions or information presented are accurately presented in the Independent Expert's mission report.

OUTCOME

The Independent Expert will discuss the findings of his visit and outline his recommendations in a report to be submitted to the Human Rights Council in March 2017. The European Delegation to the United Nations will have the opportunity to comment on the draft report before final submission to the Council.

ANNEX I

Background to the mandate

The Independent Expert on the effects of foreign debt is one of the Special Procedures mandate holders of the United Nations Human Rights Council. These are independent experts appointed by the Human Rights Council to provide advice and report to it on human rights issues. They serve in their personal capacity and do not receive remuneration for their functions.

The mandate 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, was established by Human Rights Council resolution 7/4, combining the three mandates established earlier: (a) the Independent Expert on structural adjustment policies (Mr. Fantu Cheru, 1997-2001); (b) the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights (Mr. Reinaldo Figueredo, 1998-2000); and (c) the Independent Expert on the effects of economic reform policies and foreign debt on the enjoyment of all human rights, particularly economic, social and cultural rights (Mr. Bernards A.N. Mudho, 2002-2008). Between 2008 and 2014 Mr. Cephas Lumina was Independent Expert on the effects of foreign debt.



On 8 May 2014, the Human Rights Council appointed Mr. Juan Pablo Bohoslavsky as Independent Expert on the effects of foreign debt on the enjoyment of human rights. He took up his functions as Independent Expert on 2 June 2014.

Mr. Juan Pablo Bohoslavsky obtained a law degree (National University of Comahue, Patagonia, Argentina), an LL.M. in Corporate Law (Austral University, Buenos Aires, Argentina) and a European Doctorate in Law (University of Salamanca, Spain) after writing his thesis under the supervision of Prof. Kunibert Raffer at University of Vienna (Austria). He was Hauser Global Fellow (New York University, USA) and postdoctoral researcher at the Max Planck for Comparative Public Law and International Law (Heidelberg, Germany).

He worked as a law firm partner litigating in Argentina on behalf of corporations (banks, insurance companies) and non-governmental organizations, as a legal consultant for the Argentinean state to arbitration cases related to international investments, and for the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) where he conducted research on public utilities and human rights. In 2009 he was appointed as a Professor at the University of Rio Negro (Patagonia, Argentina) where he designed and ran an LL.M. on global administrative law. From February 2011 to April 2014 he worked as a Sovereign Debt Expert for the United Nations Conference on Trade and Development (UNCTAD) coordinating the Expert Group on Responsible Sovereign Lending and Borrowing. He has published books and articles on sovereign financing, foreign investment, transitional justice and human rights. The mandate of the Independent Expert covers all countries and has most recently been renewed by Human Rights Council resolution 25/16. Mr. Bohoslavsky lives in Viedma/Argentina.

What is the Independent Expert's mandate?

Human Rights Council resolution [25/16](#) (reproduced in Annex II) requests the Independent Expert to pay particular attention to:

- (a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;
- (b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;
- (c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;
- (d) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;
- (e) Quantification of minimum standards to support the realization of the Millennium Development Goals; and
- (f) Enhancement of consultations with all relevant stakeholders in the fulfilment of his mandate.

The Independent Expert is furthermore requested by Human Rights Council resolution [25/9](#) to “continue considering the impact of illicit financial flows on the enjoyment of human rights as part of her or his mandate”. The Independent Expert reports every year to the Council (in March) and to the General Assembly (in October).

Guiding principles on foreign debt and human rights

In April 2004, the Commission on Human Rights (the predecessor to the Human Rights Council) requested the Independent Expert to draft general guidelines to be followed by States and by private and public, national and international financial institutions in the decision-making and execution of debt repayments and structural reform programmes, including those arising from foreign debt relief. The purpose of the guidelines is to ensure that compliance with the commitments derived from foreign debt will not undermine the obligations for the realization of fundamental economic, social and cultural rights, as provided for in the international human rights instruments. After a broad consultative process the Independent Expert submitted the Guiding principles on foreign debt and human rights ([A/HRC/20/23](#)) to the Human Rights Council in June 2012. The Council endorsed the Guiding principles in its resolution [20/10](#).

What issues does the Independent Expert address?

Juan Pablo Bohoslavsky has identified in his first report to the General Assembly ([A/69/273](#)) six thematic priorities. They include (a) preventive aspects of fiscal policy and debt management to avoid potential negative human rights implications of borrowing; (b) international human rights law in the context of debt restructuring and debt relief; (c) good practices to avoid negative human rights impacts in the context of debt crisis and economic adjustment programmes; (d) human rights and debt arbitration in the context of bilateral investment treaties; (e) lending to States and non-State actors involved in gross human rights violations; and (f) the impact of illicit financial flows on human rights.

The Independent Expert promotes human rights accountability and monitoring, including through guidance on human rights impact assessments to protect against negative human rights impacts of finance and investment policies. The Independent Expert promotes and supports the participation of rights holders in the design and monitoring of public policies, budgets and development projects, including austerity measures.

In March 2016 Juan Pablo Bohoslavsky submitted a thematic report on economic inequality, financial crises and human rights ([A/HRC/31/60](#)) and his final study on “Illicit financial flows, human rights and the 2030 Agenda for Sustainable Development” ([A/HRC/31/61](#)) following his interim report on the topic ([A/HRC/28/60](#)). In March 2015 he submitted a thematic report on financial complicity to the Human Rights Council ([A/HRC/28/59](#)). His report to the General Assembly in October 2015 focussed on debt restructuring and human rights ([A/70/275](#)). His next report to the Human Rights Council is expected to focus on adjustment policies and the right to social security.

All reports listed above are available at:

<http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/AnnualReports.aspx>

In December 2014 Mr. Bohoslavsky undertook a country visit to Iceland reviewing the impact of the 2008 banking collapse on the enjoyment of economic, social and cultural rights ([A/HRC/28/59/Add.1](#)). In June 2015 he undertook country visits to China, analysing to what extent human rights are integrated into China’s international lending policies ([A/HRC/31/60/Add.1](#)). He visited Greece in December 2015 focussing on the impact of the financial crisis on the enjoyment of social and economic rights in the country ([A/HRC/31/60/Add.2](#))

What are the Independent Expert's working methods?

The Independent Expert is required to submit annual reports to the Human Rights Council and to the General Assembly, exploring thematic issues relevant to the effects of foreign debt and related international financial obligations of States on the realization of human rights and detailing the activities performed under his mandate.

As a part of his mandate, the Independent Expert carries out country missions to study the effects of foreign debt and other international financial obligations of States on the realization of human rights and to engage in dialogue with Governments, international financial institutions, UN agencies and civil society as a part of his global analysis of the subject as well as to develop practical recommendations and suggestions to the countries concerned. Reports on these country missions are submitted to the Human Rights Council in March every year.

The Independent Expert works in close co-operation with Governments, inter-governmental and non-governmental organizations. This work includes participating in relevant workshops or other meetings, writing reports and articles, issuing public statements, making inquiries and responding to queries about foreign debt and human rights. The Independent Expert also receives communications from concerned individuals and organizations alleging violations of human rights and other issues of concern within the scope of his mandate.

Further information about Mr. Bohoslavsky's working methods can be found in his 2014 report to the General Assembly ([A/69/273](#)).

How can the Independent Expert be contacted?

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Further information about the Independent Expert

For further information on the Independent Expert, please consult the website of OHCHR at: <http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/IEDebtIndex.aspx>

For further information about the Special Procedures, see OHCHR Fact Sheet No. 27 "Seventeen Frequently Asked Questions about United Nations Special Rapporteurs," available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>.

ANNEX II

Resolution 25/16 adopted by the Human Rights Council

Mandate 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

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights,

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries through various national and international measures designed to make their debt sustainable in the long term,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

2. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Also recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

4. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

5. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

6. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

7. *Welcomes* the work and contributions 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, and takes note with appreciation of his latest report submitted to the Human Rights Council;¹³

8. *Decides* to extend the mandate 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,

¹³

A/HRC/25/50 and Add.1-3.

for a period of three years, and requests the Independent Expert to pay particular attention to:

(a) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(c) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(d) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(e) Quantification of minimum standards to support the realization of the Millennium Development Goals;

(f) Enhancement of consultations with all relevant stakeholders in the fulfilment of the mandate;

9. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her, and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

10. *Urges* international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of his or her mandate;

11. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

12. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

13. *Decides* to continue its consideration of this matter at its twenty-eighth session under the same agenda item.

*54th meeting
27 March 2014*

ANNEX III

The terms of reference for country visits were adopted at the fourth annual meeting of the special rapporteurs (E/CN.4/1998/45) and are intended to guide Governments in the conduct of the visit.

Terms of Reference for Fact-finding missions by Special Procedures

During fact-finding missions, special procedures of the Human Rights Council and United Nations staff accompanying them, should be given the following guarantees and facilities by the Government that invited them to visit its country:

- (a) Freedom of movement in the whole country, including facilitation of transport, in particular to restricted areas;
- (b) Freedom of inquiry, in particular as regards:
 - (i) Access to all prisons, detention centres and places of interrogation;
 - (ii) Contacts with central and local authorities of all branches of government;
 - (iii) Contacts with representatives of non-governmental organizations, other private institutions and the media;
 - (iv) Confidential and unsupervised contact with witnesses and other private persons, including persons deprived of their liberty, considered necessary to fulfil the mandate of the special rapporteur; and
 - (v) Full access to all documentary material relevant to the mandate;
- (c) Assurance by the Government that persons, whether officials or private individuals, who have been in contact with the special rapporteur/representative in relation to the mandate, will not, as a result, suffer threats, harassment or punishment or be subjected to judicial proceedings;
- (d) Appropriate security arrangements without, however, restricting the freedom of movement and inquiry referred to above;
- (e) Extension of the same guarantees and facilities mentioned above to the appropriate United Nations staff who will assist the special rapporteur before, during and after the visit.
