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Human rights and extreme poverty

Report submitted by Ms. A.-M. Lizin, independent expert*

* The independent expert submitted her report after the deadline because the last two missions that she undertook in 2003 - to the Sudan from 18 to 23 November and to Washington from 30 November to 5 December - in the context of her dialogue with the international financial institutions, came one after the other, and also because she wanted to incorporate late replies to the questionnaires. The annex to this report is reproduced in the language of submission.

Executive summary

The independent expert on extreme poverty has been studying best practices to combat poverty and extreme poverty since 1999. By visiting countries on all continents to meet the poorest populations, she has been able to recommend to Governments and international organizations various measures to combat extreme poverty that incorporate all human rights and are based on international instruments.

This final report by the independent expert takes up the main themes of the fight against poverty (chap. I). It also echoes the principal recommendations made in her previous reports, particularly the report submitted in 2003 (E/CN.4/2003/52) and the reports on missions to the Dominican Republic (E/CN.4/2003/52/Add.1) and Yemen (E/CN.4/2004/43/Add.1) (chap. II).

Recalling previous recommendations on social security systems, legislation on a guaranteed minimum income and integration into employment for the most deprived, the report adds two further recommendations based on replies received from 46 countries to the questionnaires annexed to document E/CN.4/2003/52: decentralization as a technique of administration and community-based government working for the poorest (chap. III), and the need for civil registration systems covering the whole population (chap. IV).

The independent expert has continued her fruitful dialogue with the World Bank and the International Monetary Fund (IMF) and has drawn up six relevant recommendations (chap. V).

In 2003, the independent expert visited two Arab countries, Yemen and the Sudan. With reference to the Sudan, she is drawing up more general recommendations concerning certain financial practices (Islamic microfinance and banks, *zakat*, *awqaf*, *hawala*) (chap. VI).

Lastly, on completion of her mandate, the independent expert wishes to thank the Commission on Human Rights for its confidence and hopes that the mandate on extreme poverty will continue, thereby reaffirming the international community's commitment to pursue the fight against poverty, one of the most serious - and certainly the most widespread - human rights violations.

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Introduction

1. Since the adoption of Commission on Human Rights resolution 1998/25 and her appointment as independent expert on extreme poverty, for the past six years the independent expert has submitted to the Commission an annual report showing that extreme poverty is an absolute denial of human rights, in whatever country it occurs and whatever the level of development in which extremely poor people live.
2. In the course of her mandate, the independent expert has met with persons living in poverty and extreme poverty on all continents and under the most difficult circumstances. Together they have considered what efforts poor people can make to overcome their situation of poverty. She has tried to gauge the extent to which the States of which these persons are nationals establish - or fail to establish - structures to enable them to express themselves, and how these States take account of the needs of the poor. In parallel with this work, the independent expert has established a wide range of contacts with non-governmental organizations (NGOs) working with the poorest people all over the world. Lastly, pursuant to each resolution confirming her mandate, the independent expert has been able to develop a fruitful dialogue with the international financial institutions.
3. The independent expert's mandate enabled her, in her initial report submitted in 1999 (E/CN.4/1999/48), to focus on the relevant international instruments underpinning international action to combat poverty from a human rights perspective, particularly article 25 of the Universal Declaration of Human Rights and the relevant articles of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.
4. On the basis of these core texts, six years of observing States' behaviour - both domestically and in the international organizations responsible for enforcing these conventions and in the United Nations development institutions - have enabled the independent expert to consider the role of the United Nations Development Programme (UNDP), the World Bank and other institutions that she has encountered during field visits, undertaken as part of her mandate or otherwise, to Albania, Algeria, Benin, Bolivia, Bulgaria, Burundi, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, France, Lebanon, Portugal, the Sudan and Yemen.
5. Throughout her mandate, the independent expert has also studied efforts to coordinate measures to combat poverty, and has thus been able to observe the first steps towards framework documents for a poverty reduction strategy and gauge their progress, become involved in the establishment of the Secretary-General's Millennium Development Goals and track coordination efforts at the highest level with the World Trade Organization (WTO) and the International Monetary Fund (IMF). Throughout her six-year mandate, the independent expert has maintained ongoing contact with the NGO ATD Fourth World, whose work should command the admiration of all those confronted with extreme poverty.

I. TRENDS: NO SURRENDER TO PESSIMISM

6. The total world military budget for 2003 alone would cover the cost of building all the schools that Africa needs for young people aged from 0 to 18 years and pay their teachers for 15 years.

7. Extreme poverty is still a long way from being overcome and the numerous initiatives by the international community and development bodies (United Nations thematic summits, the Millennium Declaration, the plethora of poverty reduction strategies) cannot hide the fact that extreme poverty remains more than ever a problem of enormous proportions. The population of shanty towns will double in 30 years; approximately 1 billion people currently live in these sprawling poverty-stricken cities, whose population has increased by 36 per cent over the past decade. Most slum dwellers live in Asia (60 per cent). In the developed countries, 54 million people live in urban slums. More than 72 per cent of Africa's population live in some of the most deprived shanty towns in the world. The United Nations Human Settlements Programme (UN-Habitat) estimates that in 2050 two thirds of the world's population will live in cities and that more than 3.5 billion people will live in unhealthy towns without proper housing, electricity or sewerage.

8. The independent expert has been able to track developments in Asia over a six-year period: these include significant investments in education, particularly in India, and the outstanding success of policies to combat poverty and job-creation investment in China. Judged by quantitative criteria, China appears to be the biggest success story of development, particularly as regards the decline in illiteracy, the creation of a vigorous middle class of consumers and the reduction of infant mortality. Statistical criteria already indicate that China can defeat poverty within a decade.

9. In Brazil, a true middle class has developed, and the Government's reforms provide hope for the future in the light of the positive policy choices that have been made in health care and education. This example could point the whole continent in the right direction, to the extent that targeted measures enable indigenous populations to participate in progress.

10. Financing for development remains inadequate. However, in the six years of her mandate, the independent expert has witnessed changes in the pattern of pledges. These have picked up again, but have still not reached the target of 0.7 per cent of gross domestic product (GDP) promised by the donor countries. The events of 11 September 2001 have had a double impact: after an inward-looking phase, a more positive view has prevailed in most developed countries and the flow of assistance has recovered slightly, in some cases restrained by the recession affecting a number of the richer countries. Meanwhile, development assistance budgets appear to be reverting to bilateral channels, either overtly or in a less obvious fashion, owing to a wariness of certain multilateral procedures or the need to exert pressure more openly. All these elements could signal a weakening of multilateralism; as an antidote, the independent expert recommends policies that factor in the increased need for international security.

11. The failure in 2003 of the Cancun conference to place international trade at the service of development is a cause for pessimism. The independent expert shares this feeling, which she expressed with other colleagues when the failure became obvious: subsidies in the rich countries have a grave impact on competitive practices and the freedom of markets. This "fortress"

mentality only generates wealth for a short time within the protected zone because protectionism breeds restrictive practices, makes investors nervous and stifles innovation. Yet these are the regions of the world where the rule of law and the welfare State are the most highly developed, and Governments believe they have a duty to pursue such policies in the interests of their populations, including policies to combat poverty. Ought we then to advocate the deconstruction of States on a gigantic scale? In fact we should advocate the restructuring of non-existent States that are unable to levy taxes on workers at major agricultural, industrial or service enterprises, thereby enabling these States to implement policies to combat poverty. To overcome the failure of Cancun, it is not enough to resume the negotiations from an unchanged position; the protectionist countries must launch a policy to support development in the poor world that will prompt them to abandon ineffective "fortress" policies.

12. During her mandate, the independent expert has observed changes in the willingness of United Nations bodies to combat poverty: the development goals contained in the Millennium Declaration shaped a credible strategic objective, namely the objective of consistency as called for in the reports submitted in 1999 (E/CN.4/1999/48) and 2000 (E/CN.4/2000/52), which was perceived by each stakeholder in the international multilateral arena as a prerequisite for credibility. The Millennium Development Goals are being applied in 2004 as a universal benchmark indicator, including for the international financial institutions and WTO. This victory for consistency enables one to take an optimistic view of the lucidity of which the international community is capable.

13. Likewise, the independent expert has noted that the World Bank's goals are now more appropriate and more closely connected with the fight against poverty. The appearance in 2000 of a sketchy reference to poverty reduction strategies instead of structural adjustment programmes turns out, four years later, to have been more than just a change of facade. The independent expert makes a special study of this matter in the chapter on her dialogue throughout this period with the two institutions, the World Bank and IMF, regarding the incorporation of human rights into poverty reduction strategies. In the course of her missions to Bolivia and Benin, she was able to become directly involved in this work. At the request of the Committee on Economic, Social and Cultural Rights, the Office of the High Commissioner for Human Rights has performed the invaluable task of preparing draft guidelines on a human rights approach to poverty reduction strategies. During her discussions with IMF, the independent expert noted the clear position developed by the Director-General of the Fund in relation to the fight against poverty. The independent expert recalls, however, that human rights obligations are still absent from the terms of reference of IMF and the World Bank, and she believes it would be helpful if they formally incorporated these rights into their respective mandates.

14. Generally speaking, the independent expert considers that the change in the World Bank's position with regard to social objectives and social development programmes is still too timid. She was struck by the discouragement felt by those responsible for the policy of promoting "gender" within the Bank itself, and who expressed the view that declarations intended to place women at the centre of policies to combat poverty are not implemented.

15. The independent expert also had to deal with reactions to the tragic events of 11 September 2001. Her mandate does not permit her to deal here with civil and political rights; instead she focuses on the link with economic and social rights, which have been somewhat overlooked in commentaries on these events. Efforts to combat obscurantism

and poverty are intrinsically linked. Security objectives can therefore be dovetailed with the objectives outlined in this report with a view to restructuring States for the benefit of the poorest. Security budgets cannot be limited to the short-term outlook; they must seek radically to transform societies, thereby enabling them to develop in the direction of education, respect for women and the rejection of hatred. The independent expert has thus been particularly impressed by the willingness of the Yemeni Government to advance women. A marked change has taken place in the interval between the independent expert's visits in 1999 and 2003, indicating that women's rights have been incorporated into a vision of a society moving towards development and leaving behind the most extremist forms of terrorism (see E/CN.4/2004/43/Add.1).

16. These moves toward State restructuring and an effective security policy combined with policies to fight poverty and respect human rights and the rights of women prompt the independent expert to examine civil registration policies in a number of countries. These policies have the great advantage of combining a security objective with well-designed policies to promote human rights, in that they confer a recognized identity on everyone at birth and grant women access to identity cards without having to seek their husbands' consent; these are fundamental reforms combined in a civil registration system that uses new technologies and ultimately bolsters the State's function of promoting its citizens. An identity card never made anybody richer, but it draws people's attention to the fact of their existence and indicates that they are recognized and have rights guaranteed by their State. The issuance of an identity card heightens security and shines a light into those dark corners of the world where any origin or status can be bought where States no longer exist. These places are often the hideout of terrorists, and the independent expert strongly recommends the continuation of the study she has begun on the basis of the replies to her questionnaire (see chap. IV below on civil status systems and, in the annex, the replies to the questionnaire contained in her previous report (E/CN.4/2003/52)).

17. The resolution that mandates the independent expert to submit reports also requests her to monitor the implications and conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa. Racism against the poor is a widespread social behaviour, and racism has been fuelled by the exacerbation of differences and the generalization of fears and therefore also of hatreds. The independent expert also refers to the report on her mission to the Dominican Republic (E/CN.4/2003/52/Add.1), where the role played by civil registration policies in erasing or accentuating differences is highlighted. The aftermath of 11 September 2001 has revealed instances of religious intolerance that have greatly harmed respect for human rights and served as a reminder of the considerable vulnerability of immigrant populations in the rich countries. Thus the number of Arab students, both rich and poor, in the United States of America has declined 30 per cent as a result of the discrimination they face. The tendency to restrict requests for asylum in Europe, which compounds the economic fortress mentality by a territorial one, fuels racism and targets Muslim populations in particular. In this regard, the rights of Muslim women are becoming a polarizing element.

18. In the context of her mandate, the independent expert visited Arab countries on two occasions in 2003 and feels that they should be watched closely. A recent report by UNDP and the Arab Fund for Economic and Social Development (FADES) has revealed worsening poverty in Arab countries, whose populations have been the victims of culpable rejection throughout the world. The drafters of the report, who are all from the region, also highlight the decline in

knowledge and increasing difficulties in accessing knowledge throughout the region. The independent expert was able to investigate a number of interesting financial practices rooted in Islamic culture (Islamic banks and microfinance, *zakat*, charitable *awqaf*), practices that are little known and all too rapidly rejected or even viewed with suspicion whereas they could be harnessed to combat poverty through approaches that are in keeping with local culture.

19. The efforts of the International Organization of la Francophonie (OIF) in the areas of human rights and citizenship should to be highlighted. Burundi is a target country for exploring this problematic link. Despite modest funding, OIF performs useful work with regard to the common principles of citizenship.

II. PRINCIPAL RECOMMENDATIONS

1. The inescapable responsibility of States with extremely poor populations

20. The independent expert has reiterated in each of her reports that Governments and their political will or lack of will to combat poverty are the key to ensuring policy effectiveness because they control the resources allocated to this area. The essence of economic and social rights, to take only the most basic among them (the right to education and to health), is that they can be realized only if the infrastructure exists to enable them to be exercised, and if they can be accessed by persons with little or no income. These policies cost money and their effectiveness depends on political will backed up by budget choices. Education and health budgets should thus be put on the same footing as military budgets.

2. A package of “good legislation”: a social security system covering health risks, loss of employment and retirement

21. Throughout her mandate, the independent expert has tested best practices for combating extreme poverty. While country variations can take account of specific circumstances, the best legislation must include the creation of a social security system providing health insurance, insurance against loss of employment and retirement pensions. Worldwide coverage against risk is the trend to follow, and it is wrong to think or claim that these structures are the preserve of rich countries. The efforts made by Rwanda to establish a social security system are a shining example of active political will. Funding mechanisms for social security arrangements of this nature can be varied to accommodate greater or lesser participation by the State and an important role for the private sector. If a country with a weak structure such as the Democratic Republic of the Congo, for example, can enlist the businesses benefiting from its wealth (the report of the Panel of Experts on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo gives some idea of the extent of this wealth (see S/2002/1146)) in a compulsory social security scheme, the fight against poverty will be effective, much more so than under a non-binding gentleman’s agreement. It is on reforms such as these that United Nations development institutions should concentrate their efforts.

3. Restructuring of States and good public governance

22. Contrary to the widely held views on open markets, free trade and growth as essential components of the fight against poverty, the independent expert has observed that it is the weak structure of States, and sometimes the complete absence of such a structure, that has contributed over the past six years to the emergence of extreme poverty and the abuse of the rights of the very poor. Poor populations need States, laws and the redistribution of wealth by fiscal mechanisms that make the rich contribute meaningfully to the internal redistribution of wealth. Poor populations need a State governed by the rule of law that itself respects and can make others respect individual rights, particularly trade union rights at enterprises and the right of access to a minimum level of education and health-care services. The independent expert believes that priority must be given to the restructuring of States by organizing good governance programmes to fight corruption and restore appropriate salaries for those responsible for the essential functions of the State (police, justice and finance).

23. Chapter III of this report and, in the annex, the results of the questionnaire to which many States have replied demonstrate the usefulness of State decentralization.

4. A guaranteed minimum income combined with a policy of reintegration through employment

24. The independent expert has noted the growing popularity of this kind of legislation, which at the beginning of her mandate was the preserve of the developed countries (in 1999, Portugal had just put the finishing touches to its law modelled on the French statute on social exclusion - the most comprehensive of its kind). The experience of Yemen, described in the report of her visit to the authorities responsible for combating poverty (E/CN.4/2004/43/Add.1), shows that a very poor country can launch an experiment of this kind by adapting it to the everyday realities of the most marginalized populations. Even if few resources are allocated in the initial phase of the law's implementation, such investment nevertheless permits the establishment of a mechanism to protect the most vulnerable, particularly single women or women heads of households, thereby helping the State to gain a realistic picture of its poor population. The same holds true for people with disabilities, who rely solely on a guaranteed minimum income. Legislation of this kind is highly recommended by the independent expert because it focuses on people outside the labour market (unlike the beneficiaries of the social security arrangements referred to above) who can survive only on an allowance, upgraded as necessary, enabling them to gain entry to the labour market even if they are handicapped. The independent expert wishes to emphasize that the Yemeni experience of making provision for the disabled should be encouraged through associations grouped together into a single council acting as a partner for dialogue with the State. The independent expert fully endorses the plan for an international convention for disabled people in order to enable them to exercise their rights.

5. Access to schools and health care

25. These are expensive but absolutely essential policies. The independent expert judges it superfluous to indicate that, out of all economic, social and cultural rights, the exercise of these two key rights alone would be enough to roll back poverty and encourage poor populations to believe that their right to a dignified existence might be realized. She is of the view that, within the context of its poverty reduction strategy, every country should establish a schedule of

measures and investments necessary to guarantee the enjoyment of these rights for everyone living on their soil. Bilateral and multilateral policies on cooperation for development should seek to dovetail with each country's programme to build schools and hospitals, train competent staff and make budgets available to remunerate staff and ensure that the two sectors operate smoothly, possibly by combining the public and private sectors.

6. Strengthening the role and power of women

26. The independent expert confirms that there can be no hope of waging an effective fight against poverty unless the capacity of women to act in society is strengthened and unless they are accorded the same rights as men. The report that she compiled following her mission to Yemen is optimistic. In Yemen, which she has visited twice, a thoroughgoing change has taken place since 11 September 2001, perhaps even as a result of what happened on that date. Yemen wishes to show that it can be a modern State and is encouraging women's organizations to submit more projects and requests as part of a wide-ranging national campaign against domestic violence. Meanwhile, in a departure from the official line, there is perceptible discouragement among those responsible for ensuring that that gender is treated as an important policy at the World Bank. In this key centre for the development of policy to combat poverty, urgent progress needs to be made.

7. Microcredit has increasingly become an essential component of any policy to combat poverty

27. The Consultative Group to Assist the Poorest formed by the World Bank is a clearing house for good practices and technical and financial support for the numerous initiatives being developed throughout the world. Although microcredit continues to fire enthusiasm and gives rise to far-reaching projects such as Jacques Attali's PlaNet Finance, it can also engender exclusion mechanisms that aggravate extreme poverty.

8. Continuing to listen to the poorest populations

28. In the report she submitted to the Commission at its fifty-eighth session (E/CN.4/2002/55), the independent expert made a detailed study of effective methods to enter into a dialogue with the poorest populations and to enable them to speak out freely. The work that has been done with populations in Bolivia and northern Benin remains a priority in the recommendations. In the independent expert's view, ATD Fourth World is the best advocate of the need to listen to the poor in order to involve them in the development of suitable policies. The work that this NGO has done with the poorest segment of the population of one Belgian city (Liège) exemplifies this willingness and presupposes decentralized local authorities that listen to local people in a genuine spirit of participation.

9. Other examples of good legislation

29. These include programmes to encourage the education of girls in very poor families; the establishment of cost-free legal aid for the poorest; the creation of a legal mechanism to ensure that very poor people who are unable to pay their fines are not kept in prison once their penalty has been enforced; national programmes to inform the poorest - in their own languages - of their right to education and health care; the establishment in police services of preventive units with a

social remit; programmes to eliminate judicial and tax corruption; public funding of basic services (minimum water and electricity supply); and ad hoc programmes for the benefit of certain categories of poor people. The independent expert has also been able to gauge the utility of programmes for the Roma/Sinti in a number of European countries in transition, assistance for the Batwas in Burundi and programmes for indigenous populations in Bolivia and Ecuador. To be effective, these initiatives must be developed and pursued in cooperation with community leaders, with respect and understanding, and with the involvement of women; such cooperation is sometimes lacking for political reasons, which is often a source of tension and conflict.

10. Renewal of the mandate and pursuit of activities in parallel with the Sub-Commission for the Promotion and Protection of Human Rights

30. The independent expert firmly believes that it is vital for the Commission to remain attentive to the question of extreme poverty in connection with human rights, and she recommends that this mandate be renewed. The independent expert has followed the work of the Sub-Commission and has already associated herself with the definition of extreme poverty as a violation of human dignity and all human rights (see E/CN.4/Sub.2/2003/13). She hopes that this effort to clarify concepts will be continued.

III. DECENTRALIZATION FOR THE BENEFIT OF THE POOREST

31. The goal of decentralization as an effective tool for combating poverty was posited in the independent expert's first report in 1999 (E/CN.4/1999/48). That recommendation was thoroughly evaluated in the report that she submitted in 2002 (E/CN.4/2002/55) in the context of an analysis of measures taken in Benin, Bolivia and Ecuador, and it was reconsidered in the report on her mission to the Dominican Republic in 2003 (E/CN.4/2003/52/Add.1). What should be the approach to extremely poor populations in needs assessments to enable them to survive? Properly funded decentralization within a coherent national framework is the only effective administrative arrangement that allows the poorest to express themselves. Since the beginning of her mandate, the independent expert has seen measurable progress as a result of the trend towards decentralization, despite some politicians' wariness of elected, decentralized authorities that could exert pressure on a Government or influence its policies.

32. The Algerian reply demonstrates the importance of this process. The strategy that emerged from the National Conference to Combat Poverty and Exclusion held in 2000 highlights the fact that the lack of a participatory community development approach - one of the structural causes of poverty in Algeria - is due, among other things, to the "centralization of decision-making in economic and social matters". According to the strategy, "greater decentralization ... encourages, on the one hand, the socio-economic integration of the poor and the promotion of local initiatives and, on the other, the emergence of a more dynamic approach and of a cooperative relationship between the various levels of government".

33. In establishing a framework for decentralization, care should be taken to avoid dismantling the State; in fact, federal or central authority should be reinforced. The case of the Sudan after the decision on the peace agreement is a case in point.

34. The decentralization of the State can also be useful in encouraging reluctant population groups to share development objectives and respect economic, social and cultural rights. In this

regard, the independent expert stresses the effectiveness of Benin's experience with decentralization, in which traditional kings were involved in social change. A system in which the population is actually part of a decentralized State process, instead of being reluctantly involved in the school or medical system or in women's rights, can bring about change for the better.

35. This report surveys the views of Member States on decentralization. It updates the views of central Governments on the subject and shows that efforts to involve poor populations in a decentralized and participatory system of government have had a positive effect. The report highlights the dire straits in which public authorities find themselves and, in particular, the need for competent officials in decentralized authorities. In this connection, the Government of Haiti makes a reasoned plea in its replies.

1. Decentralization and social policy

36. Romania's position reflects the importance of efforts to ensure that decentralization really makes it possible to reach the poor and marginalized sector of the population: "The local authorities have responsibilities ... [as regards the establishment] of the rights to social benefits and services as well as ... the supply of the necessary financial support. Thus, for social programmes such as ... social aid, ... [the establishment] of the social right and of the amount and the payment are made following the mayor's written disposition."

2. Decentralization and resources

37. The reply from the Democratic Republic of the Congo reveals the glaring need for resources. "The present system of government and the relations between the different levels of local government are not satisfactory. The decentralized bodies are often stifled by the central Government, especially with regard to the various taxes. Local authorities would like to see greater decentralization in their favour. While the poorest have always felt abandoned to their sorry fate, they believe that local authorities could still do something for them, since the solution to their problems must involve those authorities. In the city of Kinshasa, every commune has its own resources from taxes on local trade or other profit-making business activities and from central subsidies. However, their income from business activities has been cut during the past year and the taxes returned to them by central Government are insignificant."

3. Conclusions on decentralization

38. An analysis of the replies (see annex) leads to the conclusion that there is a need to continue working towards genuine decentralization: some of the replies indicate that there is still a long way to go. While the role of decentralized institutions in combating poverty is quite clear, they need to be given the necessary financial resources. Germany, the richest of the countries that replied and, in the independent expert's view, the one with the most decentralized system, combats poverty within a federal framework in order to avoid differential treatment. This single national frame of reference is obviously vital. It is also important to have competent trained officials to manage the decentralization process. Not all local authorities enjoy the public's confidence; participatory processes need to be developed in addition to regular elections in order

to involve the poorest segment of the population in the decision-making process and keep them informed about their rights (through local committees or the involvement of their representatives in consultations).

4. Recommendations on decentralization

39. The independent expert recommends that United Nations agencies and the international financial institutions should give priority to establishing and funding decentralized organizations. She recommends that UNDP should strengthen the forum of the World Alliance of Cities against Poverty by providing a framework and resources for intercity partnerships. International coordination bodies linking cities and towns will need to play a greater role in combating poverty: the independent expert recommends that they should be given a place within United Nations consultative mechanisms.

40. In her talks with the World Bank and IMF, the independent expert found that officials were favourably disposed towards decentralization. The Director-General of IMF pointed out that poverty was a local problem that called for policies that were applicable and that made a difference at the local level. The financial institutions see decentralization as a way of creating and implementing at the appropriate level incentives to increase the supply not only of water and electricity services but also of education and health services. Decentralized bodies may thus be excellent partners in establishing a market and service economy that provides profitable and efficient public services. Decentralization should take place within a framework that allows its functioning to be monitored and evaluated on a regular basis. The independent expert recommends that the international financial institutions should put decentralization at the heart of poverty reduction strategies by giving decentralized institutions the task of collecting local revenue, disseminating information supplied by the State authorities and implementing social policy.

41. Budgetary constraints in countries with economies in transition and in developing countries make decentralized bodies the “poor relations” of the public sector. The independent expert recommends that the international financial institutions should promote higher borrowing capacities for decentralized bodies once an adequate monitoring mechanism is in place. This development could help make cities into genuine development partners.

IV. CIVIL STATUS AND HUMAN RIGHTS

42. One of the most neglected and damaging denials of a right that the independent expert encountered during her mandate was one that opens the door to all kinds of abuse and violence: the denial of an individual’s right to existence, arising from the failure to register a birth, which means persons can be sold or married off or fall victim to traffickers. In the case of women, the refusal to recognize their existence by means of an identity card shows how they are treated like children. The situation of illegitimate children as regards birth registration or identity cards all too often conceals unacceptable forms of discrimination, including against women. Recognition of civil status is a vital part of establishing the duty to protect a newborn child who will grow up to be a citizen of a State.

43. The independent expert believes that this recommendation deserves special attention, particularly since a properly kept civil register contributes to a security policy. While there are

budgets for this kind of policy, there is often no database. Such a policy is a long-term investment that accords perfectly with the necessary reorganization of States and the establishment of the rule of law. The independent expert has observed that, in places where elections are held to establish democracy, sizeable budgets are often allocated by the international community to pay for computers and electoral registers; however, efforts to ensure that everyone is registered fade as soon as the elections are over. Yet the equipment is available and could be used to issue identity cards and family record books, not just for short-term electoral purposes. Modern technology permits many countries to make the transition from hand-kept registers to a computerized civil register.

44. In every country that she visited, the independent expert was struck by the lively interest in civil registration policies, for which there are many reasons, such as a desire to protect children, avoid early marriages where such marriages are banned, or measure progress in the provision of compulsory education. Yemen has introduced a new system that is already proving to be very efficient in that it has given women the right to an identity card even if their husbands do not want them to have one. The Sudan is acquiring equipment, but needs help, particularly with family record books. Benin and the Democratic Republic of the Congo require funding. The most interesting experience is that of the Dominican Republic, where the independent expert witnessed how the distribution of identity cards allows children to be enrolled in school. The difficulty experienced by people of Haitian origin in obtaining identity cards reflects the importance of modern technology, and has led the Government to expand access to it. The issuance of identity cards can also carry a risk of exclusion. Who will be refused a card? Which ethnic group, which religious group, which asylum-seeker? This issue transcends the question of poverty levels, and touches on the core issue of the exercise by every human being of his or her rights. The independent expert received a large number of replies from Member States to a detailed questionnaire, which showed that, with the exception of the Asia-Pacific region (from which only Nepal replied), many countries would like to modernize their civil registration system. Some of them, such as the European countries with economies in transition, have already made a start. African countries have difficulty finding funding for this policy, which is considered - wrongly - as a low priority. Almost all countries in Latin America are in the modernization and computerization phase. All the countries that are setting up new civil registers have requested technical assistance. Only a few international organizations are active in this area: the Organization of American States (OAS), in Latin America; the French development cooperation agency; the United Nations Children's Fund (UNICEF), which is concerned mainly with the registration of births as a guarantee of children's rights; and the European Union, on behalf of its members and acceding countries. Funding for these programmes should be increased.

45. The comparison of States' objectives for civil registration (see table 4 in the annex) illustrates the usefulness of this policy:

(a) Many States cite the protection of children as the prime objective, and many of these also cite the protection of girls;

(b) The next most important objective is to establish filiation, because of the rights to which this gives rise, particularly with regard to the role of the family and the right to inherit;

(c) For Albania, Haiti and the Dominican Republic, the primary objective is to monitor internal population movements;

(d) Monitoring cross-border movements is cited by only Algeria, El Salvador and Haiti as a priority of some significance.

46. In conclusion, with regard to civil status, the independent expert recommends that:

(a) The Commission should continue to analyse the impact of modern civil registration systems on the perception of rights and the exercise of these rights by poor populations;

(b) States should make the modernization of their civil registration systems one of their priorities for funding, not only for reasons of security but also for reasons related to human rights;

(c) United Nations agencies and donors should provide technical support and help finance modern civil registration programmes in the poorest areas.

V. THE INTERNATIONAL MONETARY FUND AND THE WORLD BANK: SIX RECOMMENDATIONS

47. Contact with the international financial institutions is explicitly mentioned in the mandate given to the independent expert by the Commission. She found this to be a useful part of her mandate at a time when these institutions were being heavily criticized by NGOs¹ and certain States. The approach taken by the independent expert was to have a dialogue: for each of her reports, she met with the IMF Director-General, which allowed her to assess developments in the institution's methods and in the form taken by its actions.

48. The emphasis on national poverty reduction strategies and support mechanisms has made it possible to involve economic and social actors from Member States more closely in discussions with the international financial institutions. IMF still considers that its mandate does not explicitly include respect for human rights. The independent expert's meeting with the Director-General in December 2003 gave her an opportunity to highlight a number of factors that complement the monetary and trade policies of interest to IMF, namely: social safety nets, improved performance by institutions, including the judiciary, and incentives to prevent corruption.

49. IMF does not consider that its task is to produce scenarios to replace those developed by the member State for its poverty reduction strategy, as recommended by the NGO Oxfam,² or to develop alternatives to poverty and social impact analysis. However, its Executive Board has recognized that the Millennium Development Goals are relevant and determining factors in its activities.

50. The IMF Director-General believes that change takes time and is afraid there may be some confusion over roles. He warns that the value of each institution could be undermined if it is asked to take on the tasks of another. Greater account is now taken of efforts to combat poverty. According to the Director-General, the most likely cause of an increase in poverty today is the position taken by the developed countries in trade negotiations.

51. The seminars attended by the Secretary-General of the United Nations and the heads of the international financial institutions and WTO offer a good opportunity to establish inter-institutional coherence, and the IMF Director-General reiterated that he and his institution wished to work with the United Nations. IMF has a tried and tested approach (poverty reduction strategies and the Poverty and Growth Reduction Facility) which has been reinforced by the Millennium Development Goals. It includes technical assistance, talks with workers' organizations and institution-building, including the strengthening of decentralized institutions. According to the Director-General, up-to-date civil registers would be useful but are not a priority for IMF.

52. The independent expert supports the initiative by IMF and the World Bank to promote the modernization of financial mechanisms drawn from Islamic culture (*zakat* or Islamic bank) or commonly found in developing countries (*hawala*). The independent expert recommends that efforts in this direction should be continued, and that *awqaf* (mortmain properties in the form of charitable foundations) should be added to the list, as they could provide resources to combat extreme poverty.

53. The independent expert had talks with the World Bank in parallel with those she had with IMF and she came away with the same impression: the World Bank is a huge organization whose different parts do not always know what the others are doing. It has made combating poverty an integral part of its strategies and has harmonized its approach to the concept (which was not the case in 1999-2000). Unlike IMF, where everything is tightly coordinated, the pace at the World Bank is variable, and certain subject areas (such as gender) are noticeably discouraged. On the other hand, the World Bank is more open and encourages innovation through its "Development Marketplace".

54. The independent expert believes that an extra effort should be made to make the gender issue one of the World Bank's priorities, even if the Bank already deals with it as a specific topic and has a special office to deal with it.³

55. The independent expert observed some very important developments in the Consultative Group to Assist the Poorest (CGAP) and the Consultative Group on International Agricultural Research (CGIAR).

56. CGAP attributes a significant role to microcredit. Analysis should now be focused on those excluded from the system of microfinance, lest it be forgotten that it is at this level that the mechanism of extreme poverty begins to operate. Although its two goals (of reaching the poor and being financially viable) have been reached, CGAP prefers to give priority to the number of beneficiaries.

57. Reforms are under way to modernize CGIAR by diversifying its partnerships and encouraging them to address qualitative concerns. The reforms are reflected in increased participation by the countries of the South, while modernization is reflected in the participation of the private sector and civil society. CGIAR has also strengthened the mandate of its Science Council. Thus, the CGIAR management team within the World Bank has taken advantage of important synergies to optimize the use of resources allocated to other associated global programmes such as the Global Water Partnership (GWP) or CGAP.

58. The independent expert believes that these two important consultative groups (CGAP and CGIAR) should be encouraged in their work and that donors should be made more aware of what they do.

59. CGAP should also be encouraged to focus on savings and financial services.⁴ The independent expert studied the PlaNet Finance project, for example: its use of European funds to help local intermediary organizations provides a good model.

60. During the period in question, the World Bank has developed the concept of social development, strengthened its links with the International Labour Office and worked on risk analysis in relation to poor populations; it coordinates its work with the United Nations bodies for each State concerned. The Bank considers that major efforts are being made at the national level to promote the rights of the disabled, the rights of children and the rights of workers as part of poverty reduction strategies.

61. In the independent expert's opinion, the World Bank could do more in the area of social protection. Some examples can be cited, including that of Mexico, where pension reform has been successful. Although risk analysis in the insurance sector is a sensitive issue in developing countries, it should be tackled by the Bank. The independent expert is in favour of further research in the area of social insurance.

62. The World Bank recently set up a human rights unit, as a token of its willingness to work along the lines suggested by the Commission. Every regional and technical office now has a focal point for human rights. Every region conducts a systematic analysis of the human rights situation and a training programme has been prepared. International Movement ATD Fourth World sums up developments at the Bank very well in its comments on the latest *World Development Report*, entitled "Making services work for poor people": "The report considers a human rights approach, emphasizing equality in dignity and equality in opportunity, a valuable complement to economic analysis. It consequently states that Governments are responsible for making services work for poor people, since human rights are the responsibility of States and citizens. We welcome this breakthrough about human rights that NGOs had been requesting for a long time and hope that future reports will build on it."

63. The independent expert recommends that the role of the human rights unit within the World Bank should be enhanced in cooperation with staff working on social development and gender issues.

64. There is also a need to be careful that the frequent calls on the Executive Board of the World Bank to simplify procedures are not used as an excuse for not addressing human rights issues. Oversimplification can be dangerous if it is used to sidestep constraints. The Executive Board has a vital role to play in making the World Bank more human rights-oriented; it might be useful to strengthen the links within Governments between the minister responsible for human rights, the minister for foreign affairs and the finance minister, as well as links with the parliaments of the countries concerned so that criticisms can be passed on by the minister responsible for relations with the Bank. The poorest countries' share in the distribution of voting rights should also be increased. The international network linking the World Bank and parliaments is progressing quite well.

65. Given the cultural gap between IMF staff and people living in extreme poverty, the independent expert recommends that IMF should organize open meetings to ensure that poor populations really have been involved in the process of developing poverty reduction strategies and that, where they have been consulted, their demands have not been gradually discarded in the later stages of the process. The independent expert shares the idea, so clearly expressed by International Movement ATD Fourth World, that the staff of the World Bank and IMF should develop methods that pay closer attention to the populations concerned in their activities in recipient countries.

66. The independent expert therefore believes that:

(a) Human rights should be integrated in the poverty and social impact analyses and social assessments carried out by the international financial institutions;

(b) Country-specific criteria should be precisely defined for including economic and social rights in poverty reduction strategies, in accordance with the circumstances in the country concerned;

(c) Closer relations should be established between officials of the international financial institutions and those responsible for human rights within the United Nations;

(d) A new generation of more comprehensive and participatory poverty reduction strategies should be implemented, as recommended in a recent book.⁵

67. Lastly, in order to consolidate the progress made by the international financial institutions in taking account of human rights, particularly economic, social and cultural rights, the independent expert recommends that the duty to take these rights into account should be incorporated clearly in the terms of reference of IMF and the World Bank. In order to reflect a coherent vision of their role and to clarify their objectives, their articles of agreement could be amended as follows:

(i) Add the phrase “while respecting human rights, particularly economic and social rights” to article I (ii) and article IV, section 1 (i), of IMF articles of agreement;

(ii) Add the phrase “while respecting human rights, particularly economic and social rights” to article I (iii) and article III, section 5 (b), of the articles of agreement of the World Bank (International Bank for Reconstruction and Development).

A similar amendment would be a welcome addition to the articles of agreement of the International Development Association, a part of the World Bank Group that provides credit at subsidized rates to the least developed countries.

VI. COMBATING POVERTY IN THE SUDAN

68. The independent expert has paid particular attention to Yemen and the Sudan, two countries in a part of the world where development is of crucial importance. The reports on her mission to Yemen and visits to Algeria during the period in question show a noticeable improvement in the authorities’ awareness of the vital need to establish and abide by the rules of good governance both in public affairs and in trade rules. The financing practices followed in

various Arab or Muslim countries have aroused a good deal of suspicion during the period in question, often as a result of ignorance and sometimes as a result of a lack of transparency. The independent expert studied the Sudanese system for collecting and distributing *zakat* and made some suggestions that would enable the Sudan to draw up a proper map of the poorest segment of its population that benefits from *zakat*, and one that is in keeping with the poverty reduction strategy under preparation. The independent expert recommends that the international financial institutions and UNDP should be encouraged to pursue their analysis of Islamic methods of financing that might be useful for development purposes (Islamic banking and Islamic microfinancing as practised in Yemen, for example - charitable *awqaf*) or for the transfer of funds (*hawala*), so as to make it possible to channel some of this capital to effective programmes to combat physical and intellectual poverty in the countries concerned. In fact, during the same period, UNDP and the Arab Fund for Economic and Social Development published (in 2002 and then in 2003) a disturbing report on the trend towards lower educational levels and reduced access to knowledge in the Arab region. The independent expert agrees with the report's authors on the situation of women, which should be examined by the authorities in the countries concerned to determine the progress that still needs to be made. She is convinced that progress in this region, including progress in reducing extreme poverty, will be achieved by enhancing women's rights and their role in the production sector, as well as their access to all levels of education. In this connection, Saudi Arabia has undertaken reforms that should be encouraged.

Mission to the Sudan: spotlight on a change for the better

69. The independent expert was invited to visit the Sudan in November 2003 within the context of her mandate. While the war situation often makes it difficult to implement a proper policy to combat extreme poverty, the independent expert accepted the Sudan's invitation at a time when the country was concentrating on the peace process and the international community was hoping to see the Sudan embark on peaceful development. The independent expert observed how the Sudanese Government took advantage of the process of preparing an interim poverty reduction strategy to produce an overview of the country's situation and to cut the military budget in order to increase the welfare budget. The lack of statistics makes the task difficult. The peace process makes it possible to establish common rules for the north and south within the Joint Planning Mechanism, but discussions are only just beginning. The process has not yet reached the federated States; their decentralized budgets do not permit real spending on education or on health to be measured. So far, only a few NGOs have been involved in the preparation of the interim poverty reduction strategy paper, and several have complained about this. In the meantime, constant contact is maintained with the World Bank and IMF, and the Ministry of Finance has set up a special unit to prepare the paper.

70. The independent expert believes that the preparation of a poverty reduction strategy will benefit from the involvement of all the government departments with which she had meetings. The situation of women is only slowly improving, but there are signs of progress: discussions on the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, progress in combating genital mutilation, which is discussed openly, and preparations for the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The efforts of the Minister of Justice and the Minister for Foreign Affairs have been significant in bringing the country into an international human rights framework: a law is being prepared on genital mutilation and a debate is under way on the ratification of the Convention on the Elimination of All Forms of Discrimination against

Women. The independent expert drew attention to the urgent need to ratify the Convention against Torture and other international instruments such as the Rome Statute of the International Criminal Court.

71. The independent expert had a meeting with the board of directors of the Zakat Chamber in Khartoum and observed the work done to collect information on the extremely poor. *Zakat*, one of the five pillars of Islam, is a donation (proportionate to a person's wealth) collected by the Zakat Chamber and distributed to the poor in the form of money or food, as well as often being used to finance transport and, in the future, housing development projects. The people who administer it in Khartoum are the people most familiar with the realities of extreme poverty. Their knowledge should be used more systematically to combat extreme poverty, while making sure that *zakat* is redistributed without any ethnic, religious or regional discrimination. The Sudanese Government is hoping that investment will recover and is counting on growth to eliminate poverty by creating jobs in the production sector. Two experiments should be mentioned and encouraged: (i) the Savings and Social Development Bank, which provides small loans for private, individual or group initiatives in villages, and which deserves to be better capitalized; and (ii) the programme for unemployed high-school graduates, of whom there are about 50,000 in the country as a whole, which is aimed at realizing the hopes of 20,000 of them. Since May 2003, the programme has benefited 1,200 graduates, some of whom were given farmland. In addition, the Government has imposed a contractual obligation on oil companies to finance development projects for the population in the oil-producing regions. The agreement on resource-sharing signed in December 2003 by the Government and the armed opposition in the south of the country (the Sudanese People's Liberation Movement (SPLM)) allocates a share of oil receipts to local development. Moreover, in addition to the Zakat Chamber, there are semi-public funds for the most disadvantaged population groups, such as retirees or students, through the national social security and health insurance schemes or the programme for families in the production sector.

72. After meeting with several NGOs working to help women, including by providing training for them, the independent expert had a meeting with the Sudanese Women's Union. Its leaders are optimistic: they can see that progress has been made and they have introduced a forum for women experts on Islamic affairs, which can only enhance that progress. Polygyny, unfair inheritance laws, the legal age for marriage and arranged marriages are all being discussed, but no strong demands are being made, except in the case of genital mutilation.

73. The independent expert visited the Ministry of the Interior, including the office dealing with identity cards. The current programme is still in the initial phase but is functioning well and could be extended to several federated states and then to the rest of the country. The independent expert wishes to encourage those responsible for this programme within the Ministry, as it is difficult to obtain sufficient funding for this basic security and human rights measure. She calls on the international community to include this civil registration programme in the package of measures to be funded once a peace agreement is concluded. A unified civil register is, after all, an important tool that the State can use to prevent fraud and trafficking in human beings. While tribes still have some problems in this area, there are no restrictions on women having their own card. The aim is to computerize the distribution centres in 120 towns in 14 governorates (*wilayas*). It is also important to have an administrative unit to deal with

camps for displaced persons. This would mean equipping the Ministry to issue birth certificates, identity cards, family record books and marriage and death certificates for the whole population of the country (at an estimated cost of US\$ 45 million).

74. The independent expert found the officials and NGO representative whom she met very open to suggestions. She recommends that:

(a) The Sudanese authorities should further strengthen the role of women in society and help them to assume that role. Two positive signals could be sent in the short term:

- (i) Prohibition of genital mutilation, an area in which commendable work has already been done, which would bring the Sudan into line with a policy that is needed in Africa;
- (ii) Ratification of the Convention on the Elimination of All Forms of Discrimination against Women at the conclusion of the current debate;

(b) The Sudanese authorities should expand the role of the Savings and Social Development Bank in the area of microcredit by encouraging its recapitalization and should provide a formal framework for the Zakat Chamber, whose work makes a real difference to the poorest people, in order to determine who should benefit and to collect accurate data on extreme poverty;

(c) The Sudanese authorities should continue to work on an interim poverty reduction strategy and should not hesitate to involve as many willing NGOs as possible;

(d) The international organizations and United Nations agencies should support the Sudanese Government's efforts to produce an up-to-date and comprehensive civil register (in the north and in the south) so that the distribution of official documents to refugees, displaced persons and sedentary populations throughout the country can be financed;

(e) The same organizations and agencies should support efforts to recapitalize the Savings and Social Development Bank and should encourage schemes to create jobs for unemployed high-school graduates;

(f) The European Union should implement its plan of action in the Sudan, including the programme to improve civil registration, while strengthening the position of Sudanese women and encouraging them to take on projects.

75. The independent expert is convinced that, following the anticipated signing of the peace agreement, the United Nations should be involved in the implementation of both the poverty reduction strategy and the implementation of all human rights, including economic, social and cultural rights, as well as in any action to strengthen the role of women in society.

VII. CONCLUSIONS

76. Some of the recommendations in this report, as summarized in chapter II, were drafted because the independent expert believes that they are relevant to the mandate given to her by the Commission: she is referring to the recommendations concerning IMF and the World Bank, the recommendation on decentralization practices and the recommendation on civil registration systems. Financial practices drawn from Islamic culture offer examples of innovative ways to combat extreme poverty, and the independent expert finds them worth considering, in part to counter the sometimes simplistic view taken of the culture and followers of Islam.

77. The Commission should still make every effort to combat the most negative aspects of the events of 11 September 2001, which include a resurgence of racism in many forms and the closing of the borders of the richest countries to migrant populations whose desire to try their luck in the places where wealth is concentrated has been constantly growing during the independent expert's mandate. This migratory pressure has rightly been taken into account by the International Organization for Migration.

78. Only Governments that are aware of their role and public responsibilities towards their citizens are able to pursue policies that really combat social exclusion and extreme poverty. The markets and mechanisms for economic growth can create the necessary conditions but will never be able to produce the kind of policy based on accessibility and a sympathetic ear that the poorest populations need. The responsibility of States and governments in this respect is therefore fundamental. This approach involves political choices, and the social values underlying them need to be reclaimed. There should be no shame in talking about political choices: on the contrary, credit should be claimed for them and for what they represent - rational choices made by democratically elected representatives of the majority who have decided to allocate resources to raise the standard of living of populations living in extreme poverty in order to restore their dignity. Too many countries today have not begun to address this need, although the trend over the past six years has been in the right direction, and this is what is most important.

79. It is not the aim of this report to criticize those who prophesy a war between the poor and the rich, but one thing is certain: in every country visited by the independent expert, the poor know how the rich live. They understand better than some people realize what is at stake in wars and who benefits from them; like others, they are gradually acquiring a kind of global awareness. So why should they not claim their fair share of the happiness that a decent standard of living can bring? What happens in the coming years will depend on the way we manage conflicts and the justified demands of the poorest populations. Conflict, when it stems from a real (though non-violent) power struggle and leads to genuine negotiations, is a social reality, far removed from the international community's reports and meetings. With their knowledge of a world that is today within reach, poor populations are in a position to demand a readjustment of the world's priorities and resources. Will we just wait for it to happen?

Notes

¹ For a constructive contribution to the debate, see Christian Aid, *Options for Democratising the World Bank and IMF*, 2003.

² *The IMF and the Millennium Development Goals: Failing to Deliver for Low Income Countries*, September 2003.

³ See *Engendering Development: Through Gender Equality and Rights, Resource, and Voice*, 2001.

⁴ See *CGAP Phase III Strategy (2003-2008): Building Financial Systems that Work for the Poor*, January 2003.

⁵ Mac Darrow, *Between Light and Shadow: the World Bank, the International Monetary Fund and International Human Rights Law*, 2003.

ANNEXE
Tableaux récapitulatifs des réponses reçues aux questionnaires
de l'experte indépendante

Tableau 1. Réponses reçues aux deux questionnaires de l'experte indépendante

1. Albanie	État civil	Anglais
2. Algérie	État civil + décentralisation	Français
3. Allemagne	État civil + décentralisation	Anglais
4. Argentine	État civil + décentralisation	Espagnol
5. Azerbaïdjan	État civil + décentralisation	Russe
6. Belize	État civil	Anglais
7. Chili	État civil + décentralisation	Espagnol
8. Chypre	État civil + décentralisation	Anglais
9. Colombie	État civil + décentralisation	Espagnol
10. Costa Rica	État civil + décentralisation	Espagnol
11. Croatie	État civil + décentralisation	Anglais
12. Danemark	État civil	Anglais
13. Dominique	État civil	Anglais
14. El Salvador	État civil + décentralisation	Espagnol
15. Émirats arabes unis	État civil	Arabe
16. Espagne	État civil	Espagnol
17. Fédération de Russie	État civil	Russe
18. Ghana	État civil + décentralisation	Anglais
19. Guyana	État civil + décentralisation	Anglais
20. Haïti	État civil + décentralisation	Français
21. Italie	décentralisation	Anglais
22. Kazakhstan	État civil + décentralisation	Russe
23. Kenya	État civil	Anglais
24. Liban	État civil + décentralisation	Arabe
25. Lituanie	État civil	Anglais
26. Luxembourg	État civil	Français
27. Maroc	État civil + décentralisation	Français
28. Maurice	État civil + décentralisation	Anglais
29. Mexique	État civil + décentralisation	Espagnol
30. Népal	État civil + décentralisation	Anglais
31. Nicaragua	État civil + décentralisation	Espagnol
32. Oman	État civil + décentralisation	Arabe
33. Panama	Décentralisation	Espagnol
34. Qatar	État civil + décentralisation	Arabe
35. République arabe syrienne	État civil + décentralisation	Arabe
36. République démocratique du Congo	État civil + décentralisation	Français
37. République tchèque	État civil + décentralisation	Anglais
38. Roumanie	Décentralisation	Anglais
39. Rwanda	État civil + décentralisation	Français
40. Slovénie	État civil + décentralisation	Anglais
41. Soudan	État civil	Arabe
42. Togo	État civil + décentralisation	Français
43. Trinité-et-Tobago	État civil + décentralisation	Anglais
44. Uruguay	État civil + décentralisation	Espagnol
45. Venezuela	État civil + déclaration de Margarita-OEA	Espagnol
46. Yémen	État civil	Arabe
Frente Social (association équatorienne)	Décentralisation	Espagnol

Tableau 2. La décentralisation vue par les États

	Haïti	Algérie	Maroc	Mexique	Panama	Slovénie	Uruguay	Venezuela	Népal	Costa Rica	Nicaragua
Décentralisation satisfaisante ou pas	Non	Non	Presque (articulation faible)	Non	Non	Non	Non	–	Début du système	Non	Oui (améliorable)
Décentralisation à approfondir ou pas	Oui	Oui (très fort)	Oui	Pas nécessairement	Oui	Oui (introduction du niveau entre ville et État)	Oui	Oui	Oui	Oui (très fort)	Oui
Compétences prioritaires pour la décentralisation	Supervision des services collectifs décentralisés	Environnement, services sociaux, eau, habitat, santé	Emploi, services sociaux	Eau, environnement en partie, éducation en partie, gestion des problèmes sociaux	Services sociaux locaux, justice familiale, contrôle urbain, sécurité, urbanisme	Environnement, urbanisme, transports	Eau, électricité, éducation (sauf investissements)	Emploi, eau, services sociaux, éducation, santé	Éducation de base, santé primaire, agriculture, égouts	Politique sociale, eau, aménagement du territoire, égouts	Planification du territoire, gestion des problèmes sociaux, éducation, bâtiments publics
Confiance des populations pauvres dans la décentralisation	Oui	Oui (soutien aux associations)	Non	Non	Non	–	Oui	Oui	Oui (relativement)	Non	Oui
Moyens financiers pour la décentralisation	Insuffisants	–	Insuffisants	Grande différence selon les États	Insuffisants	Suffisants (35 % de la taxe sur le revenu)	Insuffisants	Insuffisants	Insuffisants	Insuffisants	Oui
Service état civil dans la ville		Oui	Oui	Oui		Oui		–	–	–	
Partenariat avec une autre ville		Oui	Oui	Oui	Oui	Oui	Oui	–	–	–	

Tableau 2. La décentralisation vue par les États (fin)

	Chypre	Colombie	Ghana	Italie	Liban	Oman	Qatar	République arabe syrienne	Togo	Kazakhstan
Décentralisation satisfaisante ou pas	Oui	Amélioration à poursuivre	Oui, en progrès	Oui	Débat en cours pour entamer le processus	Oui	Oui	Oui	Amélioration à poursuivre	
Décentralisation à approfondir ou pas	Oui	Oui	Oui, pour renforcer la participation	Oui	Certainement, échelon entre municipalités et gouvernement central indispensable	Oui, si les citoyens en bénéficient	Oui		Oui, pour renforcer démocratie et promouvoir développement local	Oui
Compétences prioritaires pour la décentralisation	Sélection en cours		Inadaptée pour électricité et infrastructures	Assistance aux pauvres et aux groupes vulnérables	Débat en cours	Politiques sociales, éducation, santé, infrastructures	Politiques sociales, aide aux plus pauvres, éducation	Responsabilités partagées sauf pour les grandes infrastructures		Politiques sociales, cartes pour familles pauvres
Confiance des populations pauvres dans la décentralisation	Pas de responsabilité directe		Partielle		Partielle	Oui, contacts étroits	Oui	Oui, représentation dans les conseils locaux garantie	Oui, mais souhait d'assistance plus élevée	
Moyens financiers pour la décentralisation	Insuffisants	50 % des investissements sociaux effectués au niveau local	Insuffisants	Acceptables	Imprévisibles de la part du gouvernement central, bons pour la coopération internationale	Oui, avec contributions volontaires en faveur des pauvres	Oui	En général oui, aide fournie en cas de déficit des budgets locaux	Insuffisants	

Pays	Décentralisation satisfaisante ou pas	Décentralisation à approfondir ou pas	Compétences prioritaires pour la décentralisation	Confiance des populations pauvres dans la décentralisation	Moyens financiers pour la décentralisation
Trinité-et-Tobago	Oui	Oui	Électricité, eau, éducation	Non	Non
Azerbaïdjan	Oui	Oui	Problèmes sociaux, eau, infrastructures	Élargissement des conseils municipaux y contribuera	Non

Tableau 3. Comparaison de la mise en œuvre de l'état civil dans le monde

<i>Pays</i>	<i>Méthode en cours</i>	<i>Femmes</i>	<i>Rôle des hôpitaux et des institutions religieuses</i>	<i>Satisfait ou non</i>	<i>Rénovation ou non dans les deux ans</i>	<i>Bonne coopération du service statistique</i>	<i>Intérêt d'une assistance technique à ce sujet</i>	<i>Base bilatérale déjà en cours</i>
Azerbaïdjan	Émission centralisée, Ministère de la justice	Oui, le nom de la mère est inscrit deux fois	Oui, hôpitaux	Oui	Informatisation en cours, nouveau réseau d'état civil	Oui	Oui	Fondation Soros
Algérie	– Délai légal pour enregistrement des naissances: 5 jours. – Chef de daïra ou wali.	– Pas de restriction pour les droits aux documents. – L'épouse peut déclarer la naissance. – Autorisation du père pour que la mère ait les enfants sur son passeport.	Oui, les hôpitaux fournissent un document	Oui (1 541 communes)	Administration centrale du Ministère de l'intérieur modernisé. (Il faut de nombreuses années car coût élevé.)	Oui	Oui	–
Belize	– Délai légal de 42 jours. – Administration faible. – Coût.	–	Oui, naissance et décès	Système manuel insatisfaisant	Absolument nécessaire (personnel actuel: 17)	En attente d'un meilleur serveur	Oui	–
Haïti	– Bureau d'officier d'état civil au niveau des communes. – Tribunaux civils.	Aucune restriction pour les jeunes	Oui, mais il faut aller au bureau de l'état civil	Non, insatisfaisant	Absolument nécessaire	Oui (personnel sous-qualifié)	Oui	–
Lituanie	– Bureau municipal de l'état civil (pas de coût). – Service de migration dans les commissariats pour les passeports.	Aucune restriction	Oui, certificats hôpitaux vers l'officier de l'état civil. Pas de référence de religion.	Oui	En cours depuis 1995; en 2003, nouveaux ordinateurs	Oui	Oui	–
Luxembourg	– Bourgmestres et officiers d'état civil. – Passeport par le Ministère des affaires étrangères.	Aucune restriction, y compris pour l'enfant naturel	Non	Oui	Non	Oui	Non	–

<i>Pays</i>	<i>Méthode en cours</i>	<i>Femmes</i>	<i>Rôle des hôpitaux et des institutions religieuses</i>	<i>Satisfait ou non</i>	<i>Rénovation ou non dans les deux ans</i>	<i>Bonne coopération du service statistique</i>	<i>Intérêt d'une assistance technique à ce sujet</i>	<i>Base bilatérale déjà en cours</i>
Népal	<i>Village development committees or municipalities</i>	– Déclaration par le chef de famille ou l'homme le plus âgé. – Divorce peut être demandé par chacun des époux.	Oui, certificats sont fournis vers l'autorité locale	Non	Oui, mais manque de moyens financiers, pas de programme de modernisation	Très faible	Oui, mais pas de moyens	–
Allemagne	Registres municipaux	Aucune. Nom du père peut être indiqué mas pas obligatoire.	– Certificat de l'hôpital obligatoire. – Pas de valeur acte religieux.	Oui	Oui, effet en 2006 (registres centralisés)	Oui	–	–
Slovénie	– Autorité administrative locale – Passeport Ministère des affaires étrangères.	– Aucune sauf pour les jeunes filles en dessous de 18 ans. – Égalité pour l'enfant naturel.	–	Oui	Mai 2005, nouveau système d'état civil	Oui	Oui	–
Uruguay	– Unité décentralisée du Ministère de l'éducation – Copie Ministère de l'intérieur.	– Aucune. – Nouvelle loi sur le nom du père.	Oui, certificat obligatoire pour l'hôpital	Oui	–	Oui	Oui	–
Nicaragua	– Registres municipaux. – Gratuit. – Cinq jours maximum	Aucune. Nom du père en premier (en cas d'impossibilité, nom de la mère.)	Non	Efforts considérables Reste insuffisant.	Oui, il y a des projets au Conseil supérieur électoral, mais peu de moyens	Oui	Oui	UNICEF
Mexique	Registre d'état civil au niveau du district fédéral	Aucune	Non	Non	Oui	Oui	Oui	–
Costa Rica	– Services d'état civil. Tribunal suprême des électeurs.	Aucune Nouvelle loi pour l'enfant naturel.	–	Oui	–	Oui	Non	–
Argentine	– Service du registre d'état civil.	Déclaration de naissance par le père, et exceptionnellement	Oui, certificat de naissance obligatoire pour les	–	–	–	–	–

<i>Pays</i>	<i>Méthode en cours</i>	<i>Femmes</i>	<i>Rôle des hôpitaux et des institutions religieuses</i>	<i>Satisfait ou non</i>	<i>Rénovation ou non dans les deux ans</i>	<i>Bonne coopération du service statistique</i>	<i>Intérêt d'une assistance technique à ce sujet</i>	<i>Base bilatérale déjà en cours</i>
	– Police fédérale pour les passeports.	la mère	hôpitaux.					
Chili	Service état civil (contrôle suivi de la justice). Passeports en trois jours. Nouveau système de cartes d'identité.	– Livret de famille – Pas de discrimination	–	Oui	Nouveau système, y compris pour les îles, pour les cartes d'identité tout à fait moderne.	Oui	Efforts internes	–
République démocratique du Congo	– Pas de délai d'enregistrement des naissances. – Pas de carte d'identité. – Passeport au Ministère des affaires étrangères.	– Aucune. – Une femme peut inscrire ses enfants sur son passeport.	Oui, certificats à l'hôpital. Mariage religieux ou traditionnel doit être déclaré	Non pas de vue globale.	Pas encore (peut être pour les élections)	Non pas étroitement.	Oui	UNICEF Belgique
Danemark	Passeport: <i>local chief constable</i> , contrôle par autorités de police. – Mariage (gratuit). Séparation devant le Ministère de la justice.	Non	Rôle des hôpitaux et des institutions religieuses. Églises font un certificat.	Oui	Nouveau passeport en 2004.	Oui	–	–
Dominique	Enregistrement dans les trois mois (employés municipaux). Pas de carte d'identité.	Oui (enfants naturels). Les femmes peuvent avoir un passeport, il faut un certificat de naissance.	Oui, certificat est un moyen de vérification mais pas obligatoire.	Non	Oui: projet régional de modernisation et d'informatisation.	Non pas de base commune d'information.	Oui	–
Guyana	Office central d'état civil	Non	Oui (hôpitaux sont centres officiels)	Oui	Oui c'est prévu	Oui	–	–

<i>Pays</i>	Méthode en cours	Femmes	Rôle des hôpitaux et des institutions religieuses	Satisfait ou non	Rénovation ou non dans les deux ans	Bonne coopération du service statistique	Intérêt d'une assistance technique à ce sujet	Base bilatérale déjà en cours
Kazakhstan	Carte d'identité et passeport (Ministère de l'intérieur)	Aucune	Non	Oui	Oui le Ministère de l'intérieur fera l'informatisation.	–	–	–
Maurice	– 4-5 jours enregistrement à l'officier d'état civil. – Carte d'identité à 18 ans. – Divorce par la Commission suprême.	Oui. (Enfant naturel) mère peut avoir ses enfants sur son passeport seulement avec l'accord du père.	Oui le mariage religieux a des effets civils rites musulmans Pas de rôle des hôpitaux.	–	Modernisation réalisée. Informatisation dans les deux ans.	Oui	Oui	
El Salvador	– Autorités locales pour les naissances et les décès (gratuité). – Carte d'identité par le registre national.	Non –Mais (code de la famille) et (rôle du père). –Autorisation des mariages de mineurs d'âge à titre exceptionnel.	Oui, les hôpitaux fournissent les certificats.	Gros efforts depuis 1995	– Registre national a modernisé les pratiques. – 2001: émission d'un document unique d'identité.	Oui	Oui	CEPALC (Commission économique pour l'Amérique latine et les Caraïbes)
République tchèque	<i>Municipal offices</i> («matrika»)	Non. Enfant naturel.	Oui, les hôpitaux délivrent les certificats. Les mariages religieux sont enregistrés.	Très satisfaisant	– Réorganisation a eu lieu en 2001. Il reste des questions techniques (Schengen) Informatisation n'est pas une priorité.	Oui	Non	–
Croatie	Municipalité pour naissance et décès, et police pour cartes d'identité et passeports	Non. Une femme peut avoir ses enfants sur son passeport.	Oui. Effet religieux dans certains type de mariage, les registres religieux sont valables. Les hôpitaux ont un registre.	Oui	Services sont informatisés. La modernisation est en cours.	Oui Recensement tous les 10 ans	Oui	Union européenne

<i>Pays</i>	<i>Méthode en cours</i>	<i>Femmes</i>	<i>Rôle des hôpitaux et des institutions religieuses</i>	<i>Satisfait ou non</i>	<i>Rénovation ou non dans les deux ans</i>	<i>Bonne coopération du service statistique</i>	<i>Intérêt d'une assistance technique à ce sujet</i>	<i>Base bilatérale déjà en cours</i>
Albanie	Municipalités et communes pour naissance (sous 30 jours) et mariage. Police pour passeport. Carte d'identité: nouveauté en cours.	Non		Non, sauf pour passeports	La modernisation est en cours. Passeports informatisés	Coopération allemande en cours mais davantage espéré pour informatiser	Non	
Chypre	<i>District officers</i> pour naissance (sous 3 mois), carte d'identité, passeport. Mariages: <i>mariage officers</i>	Non	Obligation de transmettre info	Oui	Informatisation réalisée	Déjà effectuée	Oui mais bases de données distinctes	Oui
Colombie	Bureaux d'état civil (842) sauf pour passeports (Ministère des affaires étrangères)	Non	Projets pilotes	Oui, mais progrès encore requis	En cours	Oui	Oui	Oui
Émirats arabes unis	Naissance: bureaux de santé; carte d'identité et passeport: Ministère intérieur fédéral; mariages: tribunaux religieux.	Oui, au regard de la charia; le passeport est émis avec accord du chef de famille		Oui	Mise en place d'un numéro individuel	Oui, bases connectées en préparation	Oui	
Espagne	Naissance, mariages: bureaux état civil	Non	Non	Oui	Informatisation en cours	Oui, bases distinctes	Oui	
Ghana	Naissance, mariage et décès: bureaux état civil	Non	Non	Couverture naissances et décès: 17 %	Informatisation en cours	Oui	Oui, pour intégrer les bases de données	
Kenya		Non; accord du père requis pour inscription enfant sur passeport de la mère.			Informatisation passeports	Non	Oui	

<i>Pays</i>	Méthode en cours	Femmes	Rôle des hôpitaux et des institutions religieuses	Satisfait ou non	Rénovation ou non dans les deux ans	Bonne coopération du service statistique	Intérêt d'une assistance technique à ce sujet	Base bilatérale déjà en cours
Liban		Non, accord du père requis pour inscription enfant sur passeport de la mère					Oui	
Maroc	Naissance: bureaux d'état civil	Non, prénom fictif du père pour enfant naturel	Obligations de transmissions pour décès	Oui	Oui	Oui		
Oman	Bureaux d'état civil dans les capitales des gouvernorats sauf pour mariages et divorces, passeports	Non	Oui (Ministères de la santé et de la justice)	Améliorations en cours avec informatisation		Oui	Aucune actuellement	
Qatar	Naissances et décès: bureaux état civil		Oui, les hôpitaux font signalement	Oui	Oui		Oui	
Fédération de Russie	Bureaux d'état civil							
Rwanda	Bureaux d'état civil	Non	Oui, hôpitaux	Non, coordination insuffisante	À long terme	Oui	Oui	
Soudan	Cartes d'identité gratuites pour les pauvres		Oui, hôpitaux	Oui	Oui, informatisation en cours			
République arabe syrienne	Bureaux d'état civil		Oui, hôpitaux, prisons	Oui	Priorité à l'informatisation des passeports, puis de tous les registres depuis 1922, plus numéro national	Oui	Oui	
Togo	Centres d'état civil pour naissances, commissariats pour cartes d'identité	Oui, pas de restriction pour enfant naturel si père inconnu	Oui, hôpitaux	Non	Oui	Oui	Oui	
Trinité-et-Tobago	Bureaux de district pour l'état civil	Oui	Oui, hôpitaux	Oui	Informatisation des archives depuis 1938	Base unifiée	Oui	

<i>Pays</i>	Méthode en cours	Femmes	Rôle des hôpitaux et des institutions religieuses	Satisfait ou non	Rénovation ou non dans les deux ans	Bonne coopération du service statistique	Intérêt d'une assistance technique à ce sujet	Base bilatérale déjà en cours
Venezuela	Bureaux municipaux, naissance sous 90 jours	Oui	Oui, hôpitaux	Oui	Informatisation prévue	Oui	Oui	
Yémen	Bureaux d'état civil; naissance (500 rials), carte d'identité (505 rials)	Non, interdiction d'enregistrer enfant naturel sauf avec tiers sans mention du nom du père	Oui, hôpitaux	Oui	Informatisation en cours	Oui	Oui	

Tableau 4. Comparaison des objectifs des États en matière d'état civil

Pays	Protection de l'enfance	Protection des petites filles	Connaissance des mouvements de population internes	Répartition ethnique	Situation matrimoniale, mariage, polygamie	Filiation	Droit à l'héritage	Accès aux services sociaux, retraite, etc.	Contrôle des mouvements frontaliers
Algérie	1	1	3	9	9	9	2	4	3
Belize	1	9	3	9	9	4	5	2	9
Haïti	7	8	1	9	2	4	6	3	5
Lituanie	3	4	7	9	5	1	6	2	8
Luxembourg	9	9	9	9	9	9	9	9	9
Népal	3	5	4	9	8	1	7	2	6
Allemagne	9	9	9	9	9	9	9	9	9
Slovénie	9	9	9	9	9	9	9	9	9
Uruguay	1	2	7	8	4	5	6	3	9
Nicaragua	1	2	3	9	9	4	5	6	9
Mexique	1	2	3	4	5	6	7	8	9
Costa Rica	9	9	9	9	9	9	9	9	9
Argentine	9	9	9	9	9	9	9	9	9
Chili	1	2	8	9	4	3	6	5	7
République démocratique du Congo	1	9	2	8	5	4	3	6	7
Danemark	9	9	9	9	9	9	9	9	9
Dominique	3	8	1	7	4	2	6	5	9
Guyane	1	9	9	9	9	9	9	9	9
Kazakhstan	9	9	9	9	9	9	9	9	9
Maurice	2	7	8	6	4	1	3	5	9
Salvador	2	3	8	9	6	1	7	4	5
République tchèque	9	9	9	9	9	9	9	9	9
Croatie	1	2	7	9	3	5	6	4	8
Classement des priorités	1 ^{re} priorité	4 ^e priorité	5 ^e priorité	9 ^e et dernière priorité	7 ^e priorité	2 ^e priorité	6 ^e priorité	3 ^o priorité	8 ^o priorité

Tableau 4. Comparaison des objectifs des États en matière d'état civil (*fin*)

Pays	Protection de l'enfance	Protection des petites filles	Connaissance des mouvements de population internes	Répartition ethnique	Situation matrimoniale	Filiation	Droit à l'héritage	Accès aux services sociaux	Contrôle des mouvements frontaliers
Albanie	3		1					2	4
Chypre	1		7	6	5	4	3	2	8
Colombie	1	2	6	7	9	4	5	3	8
Émirats arabes unis	3	4	7	8	6	1	5	2	9
Ghana	2	7	6	9	8	3	4	1	5
Kenya	1								
Maroc			4		5		3	2	
Oman	5	6	8	9	1	2	4	3	7
Qatar	4					1	2	3	
République arabe syrienne	2	3	7		6	1	5	4	
Rwanda	1		2			3			
Soudan	1		3			2			
Togo	1	2	3	4	5	6	7	8	9
Trinité-et-Tobago	1	9	2	5	6	4	7	3	8
Venezuela			6	5	4	1	2	3	7
Yémen	1	2	3		4	5	6	7	8