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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Implementation of existing human rights norms and standards
in the context of the fight against extreme poverty**

**Draft initial elements for discussion
on possible guiding principles on human rights, poverty and extreme poverty**

**Conference Working Paper submitted by José Bengoa, coordinator
of the ad hoc group of experts***

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Contents

	<u>Page</u>
Introduction	
Draft initial elements for discussion on possible guiding principles on human rights, poverty and extreme poverty	6 - 29
Annex: Synthesis of preliminary comments	30 - 31

Introduction

Background and process

1. In its resolution 2001/31, the Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights to consider the need to develop, on the basis of the various relevant international texts and other relevant sources, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty. Consequently, the Sub-Commission, in its resolution 2001/8, requested four of its experts to prepare a joint working paper on this subject. The experts submitted a programme of work in 2002. In its resolution 2002/13, The Sub-Commission reiterated its request for a joint working paper, to be prepared in three stages by a group of five experts. In 2003, the experts submitted their preliminary working paper, containing “underlying principles of a conceptual framework for the elaboration of guiding principles on existing human rights norms and standards in the context of the fight against poverty, including extreme poverty” (E/CN.4/Sub.2/2003/17). In resolution 2003/13, the Sub-Commission approved the underlying principles and requested the group of experts to submit their joint interim working paper in 2004 (E/CN.4/Sub.2/2004/25).

2. During a seminar held in India, in January 2004, members of the ad hoc group of experts of the Sub-Commission reconfirmed their view on the need for guiding principles on human rights and poverty/extreme poverty, considering it to be a useful tool of empowerment for those suffering under these plagues. They decided to proceed with the preparation of draft elements on such guiding principles as a way to illustrate the value such a document could have¹. The present paper contains these draft elements and, in an annex, preliminary comments received from various counterparts.

3. It was acknowledged that the preparation of guiding principles should entail extensive discussions at the Sub-Commission session and be facilitated by the elaboration of a draft presenting preliminary elements, to be also submitted for views and comments to a variety of counterparts. It was recognized that the Social Forum of the Sub-Commission, to be held on 22 and 23 July, would be a good platform for further discussion on the need for guiding principles and on possible elements to be included in such a document.

4. Professor José Bengoa is submitting the present paper with a view to triggering discussions at the 2004 Sub-Commission session and beyond. It should be seen as a preliminary effort setting out a variety of elements which need to be explored.

5. In May 2004, the paper was submitted for comments to a number of UN agencies and

¹ For more information, see the Progress report of the ad hoc group of experts submitted to the Sub-Commission pursuant to resolution 2003/13 (E/CN.4/Sub.2/2004/25).

programmes, NGOs and experts². It is envisaged that consultations will be extended to a much wider number of counterparts, during and beyond the Social Forum and the Sub-Commission, in order to benefit from different views and make the process as participatory as possible. In particular, the participation of people living in poverty and extreme poverty in this initiative will be essential.

Issues

6. It might be helpful to highlight a few outstanding issues which arise in discussions on human rights and poverty and which relate to the elements of possible guiding principles presented in this paper.

The nature of a possible text on human rights and poverty

7. While the original mandate by the Commission on Human Rights (Resolution 1998/25) requested to consider the need for a possible declaration, subsequent resolutions shifted to the notion of guiding principles. The nature of a text on the implementation of existing human right norms and standards in the context of the fight against poverty needs to be clarified, and the distinct merit and value added of either type of a possible document should be examined. In doing so, thorough consideration should be given to existing documents, such as the OHCHR Draft Guidelines on a Human Rights Approach to Poverty Reduction.

Defining poverty in human rights terms

8. Defining poverty in human rights terms is considered indispensable as an introductory element to a possible document. Yet, there is not a clear consensus on a possible definition.

Focus: poverty and/or extreme poverty

9. Although the mandate of the group of experts relates to extreme poverty, in their preliminary report, it is suggested that both poverty and extreme poverty be encompassed, based on the consideration that while different in degrees, they are similar in terms of causes and consequences and therefore require similar remedies.

The principle of indivisibility and the issue of prioritisation

10. As the mandate given by the Sub-Commission refers to the implementation of existing human rights norms and standards, it calls for a translation of concrete poverty experiences into human rights terms. This approach certainly requires a careful formulation respecting the principles of interdependence and indivisibility between civil, political, economic, social and cultural rights.

² The annex to this document presents a synthesis of preliminary comments by UN organisations and NGOs on the draft initial elements for discussion on possible guiding principles on human rights, poverty, extreme poverty.

11. The right-by-right approach raises the issue of indivisibility versus prioritisation. Some discussions pointed towards the idea that at country level, certain rights may need more attention than others, stressing that the prioritisation of rights should depend on the actual experience of people living in poverty.

12. Comments on this document are welcome and may be transmitted to the ad hoc working group via OHCHR, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, 1211 Geneva 10 Switzerland, fax number: + 41 22 917 9010.

**Draft initial elements for discussion
on possible guiding principles on human rights, poverty and extreme poverty**

**Freedom from Poverty and Extreme Poverty;
Implementing Human Rights**

Contents

	<u>Page</u>
We agree	
I. PREAMBLE; WHAT WE UNDERSTAND	8 - 16
Basic values; human dignity and human rights	
Poverty, human dignity and human rights	
Reality of life in poverty	
Reaching people living in extreme poverty	
Overcoming poverty and extreme poverty	
Listening and changing our view	
Enabling national environment for poverty elimination	
Human rights in the fight against poverty	
Equality and non-discrimination	
Empowerment, participation and accountability	
Progressive realization	
II. GUIDING PRINCIPLES ON HUMAN RIGHTS, POVERTY AND EXTREME POVERTY	17 - 29
A. Precepts and principles	17 - 20
1. Poverty and extreme poverty: a violation of human dignity and a denial of human rights	
2. The elimination of poverty and extreme poverty: an ethical and legal duty at the national and international levels	
3. The elimination of poverty and extreme poverty requires respect for human rights and fundamental freedoms	
4. Obligation of States to respect, protect and fulfill all human rights	
5. Duties of international organizations and other actors towards human rights and poverty elimination	
6. Identifying those living in poverty and extreme poverty	

	<u>Page</u>
7. Equality and non-discrimination	
8. Participation and empowerment	
9. Monitoring and Accountability	
B. Specific rights	20 - 25
1. Respect for dignity	
2. Right to personal security	
3. Right to adequate food	
4. Right to health	
5. Right to education	
6. Right to work	
7. Right to adequate housing	
8. Right to equal and effective access to justice	
9. Political rights and freedoms	

We agree

Poverty and extreme poverty are scourges on humanity. They constitute a violation of human dignity and a denial of human rights. The elimination of poverty and extreme poverty is an ethical and legal imperative.

The persons living in poverty are entitled to the full enjoyment of human rights including having an effective voice in decisions affecting them.

Society, at the local, national and international levels, has an obligation to act effectively, in a structured and accountable manner, in partnership with people living in poverty, to end poverty and extreme poverty.

Respect for the full range of human rights is a powerful tool for the elimination of poverty and extreme poverty, which is a human rights priority.

I. PREAMBLE; WHAT WE UNDERSTAND

Basic values; human dignity and human rights

Respect for the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and these rights derive from the inherent dignity of the human person,¹

A world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people and the peoples of the United Nations have proclaimed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have agreed to promote social progress and better standards of life in larger freedom,²

It is essential that human rights be protected by the rule of law, if human beings are not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression,³

The United Nations has set out a universal understanding of human rights and fundamental freedoms in the International Bill of Human Rights and in many other internationally accepted norms.

Poverty, human dignity and human rights

Poverty and, in particular, extreme poverty and exclusion from society constitute a violation of human dignity and a denial of human rights and fundamental freedoms.⁴

Poverty, from a human rights perspective, can be seen as “the non-fulfillment of a person’s rights to a range of basic capabilities to do and to be the things that the person may value”,⁵ or “the failure of basic capabilities to reach certain minimally acceptable levels.”⁶

In the light of the International Bill of Human Rights, poverty has been defined by the Committee on Economic, Social and Cultural Rights as “a human condition characterized by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.”⁷

Extreme poverty has been recognized as a more serious, often hidden form of poverty, with more permanent consequences extending to a wide range of human rights and which requires special efforts to reach and eliminate. Extreme poverty can be seen as “...a lack of basic security which ... simultaneously affects several aspects of people’s lives, when it is prolonged and when it severely compromises people’s chances of regaining their rights and of reassuming their responsibilities in the foreseeable future.”⁸

Poverty, extreme poverty and consequent human rights violations are to be found in countries throughout the world. Most acutely in developing countries and countries in transition, but people in all states are affected in varying degrees.⁹

Certain groups are more vulnerable to poverty than others because of discrimination or their weak position in society; minorities and indigenous peoples. Women and girls bear a disproportionate burden of poverty and children growing up in poverty are often permanently disadvantaged.¹⁰

The extent and seriousness of poverty and extreme poverty and their impact on human rights is universally recognized.¹¹ Nelson Mandela, in his statement to the World Summit for Social Development, described poverty is the new face of apartheid, and the new face of slavery.¹²

Reality of life in poverty

In extreme poverty, human rights violations are linked in a concatenation of misfortunes, one violation leading to another in “vicious circles of poverty”.¹³ There is the “horizontal circle of poverty” in which one misfortune leads to or reinforces another and the “vertical vicious circle” as poverty passes from one generation to another.¹⁴ Extreme poverty is a situation of deep and mutually reinforcing insecurity across a whole range of essential rights.¹⁵

“Without shelter, drinking water, electricity, adequate food, work, a minimum income or other resources, one simply cannot conceive of living a life in good health, having

one's children go to school, participating in local activities, including annual festivities or even birthday parties, participating in any political process as citizens, or even having one's family life respected."¹⁶

"When one lives in extreme poverty, without education, it is difficult to get work. Without resources, it is impossible to get decent housing or pay bills. Our family has no electricity, or even water. It is difficult for us to eat properly. My children find it difficult to learn in these conditions."¹⁷

"We always have to be thinking about our accommodation, the food we have to find for our children and for ourselves. We keep wondering what we are going to do to ensure that our children can grow up properly. All this is like a cloak of worry which covers us and prevents us from exercising any responsibilities."¹⁸

"This all has repercussions for social life: we lose our freedom of movement; sometimes we have to hide; we dare not attend local celebrations or even exercise our rights as citizens."¹⁹

Non-respect for dignity

Poverty and extreme poverty result in affronts to dignity.²⁰

"It is not right that we are treated like this - we are human beings, after all. We feel as though we were dogs."²¹

"They think for me and decide what is good and bad for me without asking my views. I have the right to choose, after all. I'm not an incapable."²²

"I had planned to take a group of children to the zoo. This was a treat for the children, but when we arrived, we were refused entry because of the 'appearance of the children'."²³

"I was in a shelter with my children. I was so closely watched by the social services that I did not dare do anything. I did not dare scold my children when they were naughty. If they heard us shouting, someone from the child welfare office would come to see what was happening. ... I was so afraid that my children would be taken away from me that I did not dare do anything. I could only really begin to carry out my responsibilities as a mother when I left the place and got a flat. My son was then eight years old."²⁴

Discrimination

Poverty and extreme poverty involve de facto and de jure discrimination that violates the right to equality intrinsically linked to dignity.²⁵

The fact of not being registered makes it extremely difficult to obtain the papers necessary to prove parentage, to marry, to exercise political rights, to be able to travel freely within and outside national frontiers, to stand surety before the courts, to obtain employment, to benefit from social services, to avoid being imprisoned, etc. Difficulties of this kind were

in fact encountered by seminar participants, and even prevented some individuals from attending.²⁶

"My children are treated badly at school, insulted and left out of school outings because we cannot pay for them. They are always at the bottom of the class. My children have been marked for life by this experience."²⁷

Whether they are defendants or accused, persons living in poverty often see their petitions turned against them: "There is a strong possibility that they would be reproached with some unlawful aspect of everyday life quite unrelated to the grounds for the petition; the poorest have learned that, in seeking their due in a given matter, it is often preferable not to be in the wrong in some other respect."²⁸

"When I went to the polling office to be registered, they told me 'No, you've been in prison, you're not entitled to vote'. In fact, they were wrong, it was my father who had been to prison. When I went to the police station to have this corrected, they said 'Like father, like son', and they did nothing to enable me to vote."²⁹

Poverty and extreme poverty are at the origin of violations of the right to life in numerous ways,³⁰ and they violate the right to a decent standard of living³¹, the right to housing³², the right to education³³, the right to work³⁴, the right to health³⁵, the right to the protection of the family³⁶, the right to privacy³⁷, the right to recognition as a person before the law,³⁸ the right to justice,³⁹ the right to take part in political affairs,⁴⁰ and the right to participate in social and cultural life.⁴¹

Reaching people living in extreme poverty

People living in extreme poverty are invisible and are not reached in usual statistical research. They do not enter into official data collection because they are not contacted, the parameters used are inappropriate and there is a lack of interest in the extremely poor.⁴²

"The challenge of reaching the very poorest is the greatest challenge in social development."⁴³ "...traditional policies which may be effective for the poor may not work for the poorest. Helping the poorest emerge from extreme poverty requires extra public resources and time. At the grass roots level, standing by the poorest for sufficiently long periods of time also requires special commitment and faith in their ability to build a better life for themselves."⁴⁴ This requires special steps and the establishment of a kind of relationship that leads to "a qualitative understanding and the kind of mutual trust that will enable people to join a community project or become involved in some other activity which provides them with a means of escaping from poverty."⁴⁵

Overcoming poverty and extreme poverty

Poverty is not necessarily a fatality. Using the right tools and provided the right conditions are present, poverty and extreme poverty can be overcome at the individual, family, community and national levels. Poverty is the result of a complex mixture of factors operating at the international, national and local levels and requires the corresponding acceptance of responsibility for poverty elimination at each level. It requires a multidisciplinary approach, guided by human rights principles.

However, poverty can be reduced “only if we build strategies around what we have learned from poor people, from their realities as they experience them.”⁴⁶ It requires policies and action at the international, national and local levels aimed at “increasing poor people’s access to opportunity, security, and empowerment for economic growth and poverty reduction.”⁴⁷

People living in poverty struggle daily to survive. With intensity and persistence, they face up every day the terrible grind of poverty⁴⁸ and the importance of this effort must not be underestimated⁴⁹; “without making the most of these efforts and, above all, basing our own efforts on them, we will find it hard to help those who live in abject poverty escape from its embrace.”⁵⁰

Through community efforts, grass-roots organizations and with non-governmental organizations accompanying them, people living in poverty have and are developing innovative ways of attacking poverty at the local level. The lessons learned from these initiatives are important for others faced with the challenges of extreme poverty as well as for policy makers in charge of planning and programming decisions, at every level.⁵¹

Rural anti-poverty initiative

The Social Earth Project, in the Bolivian region of Sud Lipez, was designed to foster social and economic development among the rural communities of the region, to ensure adequate, secure, meaningful and long-term employment for the people of the region so they will not have to emigrate to neighbouring countries, and to motivate workers to become trained and thus ensure the long-term continuity of the project. The project includes a mining-industrial enterprise for the production of boric acid, a safety delegate for health to provide medical assistance to the rural community, educational scholarships and new alternative projects, such as an organic coffee production plant.

The project was begun because of the desire of the inhabitants to maintain sources of work in the region. It is characterized by the participation of the workers in the management of the company. The project has provided steady jobs to some 300 residents of the area, at decent wages and with medical attention for workers and their families.⁵²

Listening and changing our view

A crucial element in the human rights approach to poverty is to listen to people living in poverty and to change our viewpoint. While people living in extreme poverty “often fail to understand the language of human rights and the instruments which safeguard them, ... (they) none the less have a clear idea of what rights should be ...” protected to ensure respect for the dignity of any human being.⁵³ Listening to people living in poverty will help us to overcome the barriers of ignorance and prejudices that can have very harmful results.⁵⁴ “...feelings of guilt often inhibit people living in poverty from speaking up about their needs. Blaming the poor for being themselves responsible for their situation can be seen as a controlling strategy of the non-poor society...and this ...underlined

the need to focus on non-poor behaviour to better understand the poor and develop effective policies to combat poverty.”⁵⁵

Children are often the hardest hit and most vulnerable to poverty and require special attention in efforts to eliminate poverty and overcome the effects of poverty. Children also have a very instructive perception of poverty and what needs to be done to overcome it. Efforts to hear their voices should therefore be made. In 1999, on the 10th Anniversary of the Convention on the Rights of the Child, 86 children from poor communities from 24 countries presented an appeal to the High Commissioner for Human Rights setting out their view of poverty and calling for specific actions by adults. Their appeal was the result of long deliberations and discussions in their own countries and in Geneva and touched upon a wide range of subjects.⁵⁶

Listening to people living in poverty, as well as their participation in decision-making are essential.

In East Africa, the local government, with the support of the government of an industrialized country, planned to build a new and modern structure for an old fish market. At the old market many of the young adolescents living on the street could earn a bit of money doing odd jobs, such as cleaning fish, helping the fish sellers, collecting fire wood, jobs which provided only enough money for a small meal or a piece of fruit. However, the vendors and workers were never consulted in the planning of the modernization which called for the new market to be organized according to services, and which would permit only some of the original vendors to be present in the market; many of the poor street adolescents and very poor market workers were to become unemployed. Had the knowledge of the poor market vendors and adolescents been used in the design of the project it might have benefited all the people who worked there.⁵⁷

“A policy or programme that is formulated without the active and informed participation of those affected is most unlikely to be effective.”⁵⁸ It is essential that people living in poverty, at all levels of a decision-making process, have their “seat at the table”.⁵⁹

Enabling policy environment for poverty elimination⁶⁰

Economic policies can be factors of poverty and can constitute an obstacle to the elimination of poverty. For instance, growing disparities in income distribution do affect the capacity to reduce poverty. Thus, efforts against poverty must be based on a revision and a redefinition of economic policies towards equitability.

Good governance plays a fundamental role in creating and maintaining a conducive environment for poverty reduction and for the realization of human rights. Transparent, accountable and participatory governments responsive to the needs and aspirations of people should be the foundation of good governance.⁶¹

“Human rights and human development cannot be realized universally without stronger international action, especially to support disadvantaged peoples and countries to offset growing inequalities and marginalization. Aid, debt relief, access to markets, access to private financial flows and stability in the global economy are all needed for the full realization of rights in the poorest and least developed countries”.⁶² “There are many areas that require international action – especially by industrial countries – to ensure gains to poor countries and to poor people within the developing world. An increased focus on debt relief and the associated move to make development cooperation through aid more effective are part of the story. Of equal importance are actions in other areas – trade, vaccines, closing the digital and knowledge divides – that can enhance the opportunity, empowerment and security of poor people”.⁶³

Human rights in the fight against poverty

The real and effective exercise of human rights by those living in poverty and extreme poverty is crucial to overcoming poverty and, because the deprivation of one right can have a repercussion on the exercise of other rights, the restoration of any right in isolation is not enough to ensure that the person living in extreme poverty will be able to exercise all their rights.⁶⁴

Poverty raises complex multi-sectoral issues that are not amenable to simple solutions and the application of international human rights norms to these issues helps ensure that essential principles in poverty reduction, such as equality, non-discrimination, participation and accountability receive the sustained attention they deserve.⁶⁵ Anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful for people living in poverty if they are based on international human rights.⁶⁶ In essence, people living in poverty are entitled, under human rights norms, to economic and social policies that respect all their rights and which effectively act to reduce and eliminate poverty.

Equality and non-discrimination

Respect for the right to equality and non-discrimination is essential to the elimination of poverty. People living in poverty are often victims of discrimination on various grounds such as birth, property, national and social origin, race, colour, gender and religion. They are often subject to discriminatory attitudes by governmental authorities and private actors exactly because they are poor. Discrimination may cause poverty through denial of respect for a person’s dignity or, for instance, through denial of access to resources because of who they are, what they believe or where they live; and poverty itself may lead to discrimination. Inequality may be deeply rooted in institutions and in social values that shape relationships in households and in the community. Thus, specific attention must be given to protecting persons belonging to vulnerable groups.⁶⁷

Empowerment, participation and accountability

The international human rights framework provides many tools that can contribute to the elimination of poverty. In particular through empowerment of people living in poverty, by providing a clear and legally binding statement of their rights, identifying the holders of obligations and

specifying how they should be carried out. “While the common theme underlying poor people’s experiences is one of powerlessness, human rights can empower individuals and communities. The challenge is to connect the powerless with the empowering potential of human rights”.... Human rights can “help to equalize the distribution and exercise of power within and between societies.”⁶⁸

Empowerment and participation are based on article 21 of the Universal Declaration of Human Rights that states “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”. This right is buttressed by a number of other human rights essential to participation such as freedom of association, freedom of assembly, freedom of expression, and the right to information.

The Universal Declaration further empowers people by proclaiming that “everyone is entitled to a social and international order in which the rights set forth in this Declaration can be fully realized” and that basic right is given more detailed meaning in the various international human rights treaties. International human rights law empowers people living in poverty by “granting them rights and imposing legal obligations on others, such as States” and such rights and obligations require accountability otherwise, “they become no more than window dressing.” Thus, States, international organizations and non-state actors have their own responsibilities relating to the eradication of poverty.⁶⁹

Empowerment can be described as an expansion of freedom of choice and action to shape one’s life, of assets and capabilities of people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. People living in poverty need a range of assets and capabilities at the individual level (such as health, education, and housing) and at the collective level (such as the ability to organize and mobilize to take collective action to solve their problems).⁷⁰

Empowerment contributes to ensuring development effectiveness at the national level, through good governance, and at the local and project levels, by increasing the effectiveness of development investments.⁷¹ Anti-poverty strategies are made more effective when supported by civil liberties and the evidence shows that projects in countries with strong civil liberties –particularly citizen voice, participation, and accountability–significantly outperform those in countries with weak civil liberties.⁷²

To support empowerment, emphasis should be given to improving access of people living in poverty to effective use of basic services including health care, education, water, and roads, improving local governance, improving national governance, access to economic opportunity and the market, and access to justice and legal aid.⁷³

Progressive realization

States and other actors have specific responsibilities in acting to eliminate poverty. Many of the rights that must be respected to end poverty can be implemented within the normal resources of a State. This includes, for example, the elimination of discrimination in the enjoyment of all rights as

well as the rights associated with participation and due process of law. Developed states have the resources to move speedily to fulfil their human rights obligations. In other cases, the full implementation of certain rights may be done progressively to the maximum of a State's available resources, subject to the immediate respect for core obligations and other criteria.⁷⁴

Thus, the human rights approach to poverty elimination explicitly allows for progressive realization of rights that permits *first*, a time dimension in the strategy for human rights fulfilment by recognizing that full realization of human rights may have to occur in a progressive manner over a period of time. *Second*, it allows for setting priorities among different rights at any point in time since the constraint of resources may not permit a strategy to pursue all rights simultaneously with equal vigour.⁷⁵

Progressive realization is accompanied by certain conditions aimed at ensuring that the State does not take it as a licence either to defer or to relax the efforts needed to realize human rights. Implementation must be to the maximum of its available resources that encompasses all the resources at the disposal of the State.

Among a number of conditions, the State, while allocating more resources to the rights that have been accorded priority at any given point in time, must ensure that the other rights maintain at least their initial level of realization (no right can be deliberately allowed to suffer an absolute decline in its level of realization). In addition, and notwithstanding the recognition of resource constraints, the international human rights system specifies some core obligations that require States to ensure, with immediate effect, certain minimum levels of enjoyment of human rights (i.e. no trade-offs are permitted with regard to them).⁷⁶

II. GUIDING PRINCIPLES ON HUMAN RIGHTS, POVERTY AND EXTREME POVERTY

A. Precepts and principles

Those living in poverty and extreme poverty are entitled to demand that policies and programmes aimed at the eradication of poverty and extreme poverty be established and effectively implemented based on the following principles

1. Poverty and extreme poverty: a violation of human dignity and a denial of human rights

-Poverty violates or prevents the enjoyment of a wide range of human rights; extreme poverty and exclusion are a denial of dignity and prevent the enjoyment of human rights; poverty, extreme poverty and exclusion can be found in all countries and their elimination is a human rights priority.

2. The elimination of poverty and extreme poverty: an ethical and legal duty at the national and international levels.

-States and international organizations have a specific duty to strive to eliminate poverty and extreme poverty, and to adopt strategic plans of action for that purpose.

-Those plans should be developed in cooperation with people living in poverty and with organizations accompanying them so that policies and programs reflect the views of those concerned.

-They should be based explicitly on human rights, contain specific targets and indicators, and be subject to monitoring and accountability.

- Policies and programmes against poverty must be designed to build upon and make maximum advantage of the efforts the poor make on a daily basis to escape poverty. This requires close cooperation with the community and grass roots organizations of the poor and the NGOs accompanying the poor.

- Poverty policies and programmes must seek to change the view people have of the poor since what we know about people who live in extreme poverty is normally very little and usually wrong.⁷⁷

3. Elimination of poverty and extreme poverty requires respect for human rights and fundamental freedoms⁷⁸

-Everyone has the right to respect for her or his basic dignity and inherent human rights and fundamental freedom, and for effective remedies in case of violations; the effective elimination of poverty depends on the actual exercise of human rights by those living in poverty.

-Policies and programs for poverty reduction must be based explicitly on the norms and values set out in national and international law of human rights that create legally binding obligations.

-Action against poverty, to be effective, must therefore address the whole range of human rights to ensure that all people can live in freedom and dignity, all rights being indivisible and interdependent;

4. Obligation of States to respect, protect and fulfill all human rights⁷⁹

-States, under international human right law, have the duty and obligation to respect and protect all internationally recognized human rights and fundamental freedoms.

-Under international law, States must provide effective remedies for victims of violations. Special measures should be taken to respect, protect and fulfill the rights of people living in poverty and exclusion. These responsibilities extend to all State organs: the executive, legislative and judicial branches of government as well as institutions such as human rights commissions. The judiciary has a particularly important role in protecting people living in poverty.

-In terms of policy framework such responsibilities require to improve efficacy, coherence and consistency in cross-sectoral policies at all levels. It requires a responsive macro-economic and trade policy regime to promote and create an enabling environment for economic growth and expansion in productive opportunities, as means to address and eliminate poverty. It requires social sector development, anchored in sustainable fiscal policy framework, to address inequalities in income and exclusion of people living in poverty from the markets. It requires the State to develop capacity, in terms of resources and technical expertise, to implement adequate social security and safety nets programs to address the minimum essential levels of rights among the most vulnerable and the marginalized. Governments should subject policies and programs to poverty impact assessments to ensure they do not violate human rights or aggravate poverty or extreme poverty, and to actually contribute to the promotion of human rights and poverty elimination. States also have the obligation, in relation to other States and through international organizations to which they belong, not to make it more difficult for other States to fulfill human rights obligations, nor to require them to violate human rights.

-National ownership of poverty reduction strategies is necessary, taking into account coordinated strategies in order to benefit from synergies and accountability in the implementation of policies and programs.

-States should be able to have access to international assistance in the fight against poverty since effective poverty reduction requires international action in order to help create an environment in which people living in poverty in developing States can lift themselves out of poverty. Thus, a developing State should include in its anti-poverty strategy a chapter on the steps it will take, in relation to global actors, to enhance its national poverty strategy. On the other hand, a developed State should not only formulate a poverty reduction strategy in relation to poverty within its domestic jurisdiction; it should also have a strategy for poverty reduction beyond its borders

-Good governance is essential for a successful and sustainable reduction of poverty. Thus, poverty reduction strategies should be based on respect for the rule of law, elimination of corruption, strengthening of democratic institutions responsive to the needs of people, equitable delivery of basic services, support for participation.

5. Duties of international organizations and other actors towards human rights and poverty elimination⁸⁰

- While states have the primary responsibility – individually or collectively – to create the national and international environment to facilitate the eradication of poverty, national and international human rights law entails duties for international organizations and other actors.

-Non-State actors, including international organizations, national human rights institutions, civil society organizations and private businesses, have heavy responsibilities in the struggle against poverty.⁸¹ When dealing with governments, they are required, as a minimum, to avoid policies and practices that make it more difficult to conform to legal human rights obligations.⁸²

-International organizations and other actors should assess the impact of their policies and programs on poverty.

6. Identifying those living in poverty and extreme poverty⁸³

-Anti-poverty strategies must be constructed around people living in poverty and extreme poverty. They should thus identify the particular population groups affected, including the most vulnerable and people living in extreme poverty.

-In identifying people living in poverty, the concept of the absence or inadequate realization of certain basic freedoms (capabilities approach) or the non-fulfillment of rights (human rights approach) should be used in order to place human rights and people at the centre of anti-poverty programs and policies.

-Certain capabilities should be examined such as that of being adequately nourished, avoiding preventable morbidity and premature mortality, being adequately sheltered, having basic education, enjoying security, having equitable access to justice, being able to earn a livelihood, and taking part in the life of a community. Additional capabilities can be considered, based on the national context.⁸⁴

-In addition, the relationship between the different capabilities failures must be examined to identify the extreme forms of poverty.

-In identifying people living in poverty, beyond the determination of a percentage or number, criteria such as gender, location, ethnicity, religion, age or occupation are indispensable indicators. Vulnerable groups should be identified and should receive priority attention.

Special attention to those living in extreme poverty

- Special long-term efforts must be made to reach and include people living in extreme poverty. This requires establishing a relationship that leads to “a qualitative understanding and the kind of mutual trust that will enable people to join a community project or become involved in some other activity which provides them with a means of escaping from poverty.”⁸⁵ In this perspective, importance should be given to establishing working relationships with those organizations having significant experience in accompanying people living in poverty and extreme poverty.⁸⁶

7. Equality and non-discrimination⁸⁷

-Poverty elimination strategies must guarantee the right to equality and the principle of non-discrimination for all. The law shall thus prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability and health status, including HIV/AIDS, age, sexual orientation or other status. People living in poverty must be protected against arbitrary and discriminatory treatment by public and private actors.

-Discrimination must also be assessed by the effects that measures and laws have. If the practical application of the law disadvantages people living in poverty, it may constitute indirect discrimination. Special measures shall be taken to afford effective protection against discrimination by governmental authorities as well as by private actors to their most vulnerable, discriminated and socially excluded groups, including people living in poverty.

8. Participation and empowerment⁸⁸

-Policies and programs against poverty should ensure the active and informed participation of people living in poverty at all stages: preparation, formulation, implementation, and monitoring.

-Specific provisions must be made so that mechanisms and detailed institutional arrangements are set up through which people living in poverty can effectively participate at the different stages of decision-making (preference revelation, policy choice, implementation, monitoring, assessment and accountability). These provisions must be designed so that each partner is convinced that the other has some valuable knowledge to contribute and that this knowledge is indispensable.

-Special steps must be taken to enable people living in extreme poverty to join in projects or activities by building relations that will establish the qualitative understanding and mutual trust necessary to reach and effectively involve them.

-Programs must provide for significant investments in terms of human resources, innovation and funding. Further, a group approach should be adopted to avoid the isolation of people living in poverty; all participants must be treated as equals with each having a recognized contribution to make.⁸⁹

9. Monitoring and Accountability⁹⁰

-Appropriate monitoring and accountability mechanisms must be established in anti-poverty strategies for the various actors. These mechanisms must be accessible, transparent and effective.⁹¹ At the international level, efforts to reinforce mechanisms assisting States in monitoring their progress in poverty eradication should be continued.

-Monitoring should be designed to have two objectives: (i) to help identify the areas on which a duty-bearer may need to concentrate or to which it may need to redirect its attention if its targets for the realization of human rights are to be attained in the most expeditious and effective manner, and (ii) to enable a right-holder to hold a duty-bearer to account for its failure to discharge its duties.

-Accountability procedures should be designed in order to make duty-bearers answerable for their acts or omissions in relation to their duties and to provide right-holders with an opportunity to understand how duty-bearers have discharged, or failed to discharge, their obligations; it also provides duty-bearers with an opportunity to explain their conduct.

-In poverty reduction strategies, existing procedures will have to be either reformed or supplemented by additional monitoring and accountability arrangements in order to secure the active and informed participation of people living in poverty.

-All duty-bearers should devise, in close collaboration with people living in poverty, innovative and non-formal monitoring and accountability mechanisms that secure active and informed participation of the latter.

-Monitoring and accountability procedures must extend to States and global actors (the donor community, intergovernmental organizations, international NGOs and TNCs) whose actions bear upon the enjoyment of human rights at country levels.

B. Specific rights

As nationally-owned, poverty reduction strategies will prioritise certain rights as most relevant to the domestic concerns. Bearing in mind the indivisibility and interdependence of human rights, the following rights seem to be of particular pertinence in relation with poverty:

1. Respect for dignity⁹²

-Policies and programmes aimed at poverty elimination should give high priority to protecting the right of people living in poverty and extreme poverty to respect for their dignity. This entails working against social exclusion, supporting the rights of people living in poverty to participate actively in the social, cultural and political life of their communities. This also includes ensuring that all human beings have the necessary means to a minimum level of an adequate standard of living, including adequate food, clothing and housing, and right to privacy to be respected by public and private actors.

-Governments should ensure that special programs are set up for the education of the police, administrative and judicial authorities, as well as the public at large, in order to foster respect for the poor.

-Special measures should also be adopted aimed at providing equal, efficient and free judicial protection of people living in poverty against unlawful attacks against their dignity, privacy, integrity, honor and reputation.

-Legislation should be adopted to respect and protect cultural diversity. Special programs to combat social exclusion should be created to enable participation in cultural life.

2. Right to personal security⁹³

-Poverty reduction policies and programs must include efforts to strengthen the right of people living in poverty to personal security and protect them from various forms of insecurity including financial, economic and social insecurity, homelessness, marginalization, discriminatory treatment and violence by State and non-State actors.

-Specifically, governments must eliminate violence perpetrated by State and non-State actors and ensure adequate police protection. Special measures should be taken to combat domestic and other forms of gender-specific violence. States should conduct education programs for the population in general, and for the police in particular, aimed at promoting non-discrimination towards people living in poverty. Police protection should be provided in poor areas particularly affected by violence and discrimination.

-People living in poverty should be provided with equal and free access to the criminal justice system and perpetrators of violence should be brought to justice. Shelter should be provided for homeless people subjected to violence, especially the most vulnerable, such as women, children, elderly people and persons with disabilities.

3. Right to adequate food⁹⁴

-Poverty reduction policies and programs should aim at ensuring the right of all individuals, alone or in community with others, to enjoy physical and economic access to adequate food or the means for its procurement, understood primarily as the right to feed oneself. Everyone should be assured the right to be free from hunger as the minimum essential level of the right to adequate food.

-Policies and programs should ensure the availability of food in sufficient quantity and quality to satisfy the dietary needs of all individuals in a form that is culturally acceptable and the accessibility of food in ways that are sustainable and do not interfere with the enjoyment of other human rights. Measures must also be taken to promote food safety and food security.

-Specifically, the government should ensure that all people are free from chronic hunger; gender inequality in access to food is eliminated; people are protected from food insecurity; everyone has access to food of adequate nutritional value; everyone has access to safe food.

-A human rights strategy to protect the right to adequate food should have among its key features the following: effective land registration system, protection of the rights of tenant farmers, protection of indigenous rights to land, measures to promote competition and regulate food distribution, empowerment of women, emergency warning and food distribution systems, regulation of food safety.

4. Right to health⁹⁵

-Poverty reduction policies and programs should focus on ensuring the right to health for people living in poverty and extreme poverty.

-These policies and programs should ensure the protection of everyone's right to control one's body, including reproductive health, and the right to be free from interference, such as freedom from torture and non-consensual medical treatment, the right to maternal, child and reproductive health; the right to healthy natural and workplace environments; the right to prevention, treatment and control of diseases; and the right to health facilities, goods and services.

-Protection must be afforded for the right to health care and the underlying determinants of health, including access to potable water, adequate and safe food, adequate sanitation and housing, healthy occupational and environmental conditions, and access to health-related information and education. The system of health care and protection should be, accessible, acceptable and of good quality.

-Specifically, government policies and programs should aim at ensuring that everyone has access to adequate and affordable primary health care, avoidable child mortality is eliminated, avoidable maternal mortality is eliminated, all men and women of reproductive age to have access to safe and effective methods of contraception, HIV/AIDS is eliminated, incidence of other communicable diseases are eliminated, and that gender inequality in access to health care is eliminated.

-States should improve the supply of personal health services and make them more accessible to people living in poverty: improve the supply and effectiveness of public health interventions: reduce the financial burden of health care and health protection, for example by reducing and eliminating user fees, promote policies in other sectors that bear positively on the underlying determinants of health, entailing particular benefits for the poor, for example by supporting agricultural policies that have positive health outcomes (e.g. food security, health and safety risks to agricultural labourers).

-States must ensure that persons living in poverty are treated with equality and respect by all those involved in health care and health protection.

5. Right to education⁹⁶

-All poverty reduction policies and programs should give high priority to progressive realization of the right to education and ensure that the people living in poverty and extreme poverty are the

first to benefit from improved access to education.

-Specifically, government policies and programmes should aim at ensuring universal primary education for boys and girls as soon as possible, but no later than 2015, making free primary education available to all children, implementing compulsory primary education, eradicating illiteracy, ensuring equal access for all to secondary education, making free secondary education available to all children, eliminating gender disparity in primary and secondary education and improving the quality of primary and secondary education.

-Government policies and programs should be based on the principle that education should be directed to the development of the child's personality, talents and abilities to their fullest potential, and to preparation of the child for responsible life in a free society, in a spirit of tolerance and respect for human rights, the natural environment, the child's parents and cultural identity, and civilizations different from his or her own. School discipline should be administered in a manner consistent with the child's human dignity, and the liberty of parents to establish and direct their own educational institutions, and to ensure the religious and moral education of their children in conformity with their own convictions should be respected.

6. Right to work⁹⁷

-All poverty reduction policies and programs should aim at ensuring the right to decent and productive work for people living in poverty and extreme poverty, in which rights are protected and which generates an adequate income with adequate social protection. These policies and programmes should aim at ensuring the right to work, rights in work and the right to adequate social protection that extends beyond wage employment to self-employment, home working and other income-generating activities and a well-designed and adequate social safety mechanisms are put in place for those occasions, such as economic and political crises, when regular employment becomes unavailable to some individuals.

-Specifically, government policies and programs should aim at ensuring full employment and should enable all to earn a minimum necessary income, to receive reasonable financial support in case of unemployment. An adequate system of social security must be put in place to protect the unemployed.

-Governments should aim at improving the quantity and quality of work, reducing unemployment/underemployment of people living in poverty. Thus, measures should be taken to improve the production potential of the economy on a sustained basis; policies should ensure that growth in production takes place in such a way as to maximize the demand for labor; conditions should be created to enable people living in poverty and extreme poverty to integrate into economic processes so that they can take advantage of labor-demanding growth. This latter element demands special efforts to identify and overcome the various kinds of discrimination that usually prevent people living in poverty from accessing decent work.

-Laws should be passed, and accessible and effective procedures adopted, to ensure that workers enjoy just and favourable conditions of work, including fair wages, equal pay for work of equal value, safe and healthy working conditions, and reasonable hours of work and rest. Employment policies should strive towards the elimination of all forms of discrimination, including gender inequality, in access to work and at work.

- Workers must be given the legal power to organize and bargain collectively with employers.
- States must prohibit and eliminate bonded labour, forced prostitution, child labor and other forms of exploitation that people living in poverty and extreme poverty often fall into as a means of surviving, and which constitute severe human rights violations.

7. Right to adequate housing⁹⁸

-Policies and programs for the elimination of poverty should include - as an essential element the protection of the right to housing understood as the right to live somewhere in security, peace and dignity: legal security of tenure; habitability; safe and healthy location; economic accessibility; physical accessibility; cultural acceptability; availability of services, essential for health, security, comfort and nutrition, such as safe drinking water, sanitation and washing facilities. Thus, governments should specifically aim at ensuring that all people have a home, everyone enjoys security of tenure, habitable housing, housing situated in a safe and healthy location, that everyone is able to afford adequate housing physically accessible to all and that everyone enjoys housing with access to essential services, materials, facilities

-Governments should accordingly increase public expenditure, tax credits and other incentives for low-income housing; ensure security of tenure for the poor; give priority to providing infrastructure for existing low-income settlements; introduce or expand housing subsidy programmes; encourage the formation of community-based housing organizations for people living in poverty; improve the access for low-income groups to financial resources; develop housing policies for vulnerable and other groups with special housing needs; provide poor relying on self-built housing with essential resources, including appropriate building materials; ensure that low-income housing is located in a safe and healthy environment; prohibit all forms of discrimination and neighborhood segregation; ensure that women's rights to inherit housing, land and property are fully respected.

8. Right to equal and effective access to justice⁹⁹

-Policies and programs aimed at poverty elimination should ensure that people living in poverty and extreme poverty have equal and effective access to justice, in civil and criminal matter, and are enjoy defense against abuses by public officials and private actors. States should actively promote free access to administrative and judicial mechanisms in case of human rights violations. This includes free legal defence and, if needed, the free assistance of an interpreter.

-Special programs should be set up to improve free and equal access to courts, tribunals and other dispute resolution mechanisms, through free legal aid programs, to ensure the right to a fair trial in both civil and criminal proceedings. Information campaigns on the right of access to justice should be conducted in slums and other destitute areas.

-The number of courts, tribunals and non-formal dispute resolution mechanisms should be increased, as should the presence of judges and law enforcement personnel, especially in destitute areas. The salary of judges and law enforcement personnel should be increased, law clinics for people living in poverty should be established.

-Training programs for judges, lawyers and law enforcement personnel on the right of people living in poverty to non-discrimination should be established, the enforcement of judgements by the relevant authorities improved. In remote rural areas, non-formal dispute resolution mechanisms

should be encouraged. Corruption in the administration of justice should be eliminated and help should be provided to victims of crime to bring offenders to justice.

9. Political rights and freedoms¹⁰⁰

-Poverty reduction policies and programmes must aim at the protection and strengthening of the exercise by the people living in poverty and extreme poverty of their political rights and freedoms.

-Governments should specifically ensure the full and equal participation of people living in poverty in the conduct of public affairs, by means of parliamentary, regional and local elections, referenda and similar decision-making processes. The equal enjoyment by people living in poverty of the right to freedom of association, the right to freedom of assembly, and the right to information should be ensured.

-States should organize public information campaigns directly addressing the poorest sectors of society and informing them about their rights as well as relevant governmental services aimed at poverty reduction, including free access to education, health and social security services, the administration of justice and other services.

-States should encourage and support people living in poverty to participate actively in the formulation, implementation and monitoring of poverty reduction strategies in the conduct of public affairs in general, at both the central and local levels of political decision-making structures.

-All legal barriers which might prevent people living in poverty from participating in elections and other democratic decision-making procedures (referenda, popular initiatives, etc.) such as literacy tests, settlement requirements and similar educational or economic preconditions for voter registration, or the exclusion of marginalized people from the rights to vote, to be elected and to access to public service should be eliminated.

-Governments have a special duty to guarantee, through positive measures, that all formally eligible persons have the actual opportunity to exercise their political rights.

-Governments should encourage and enable people living in poverty to express, freely and publicly, their opinions, ideas, political claims and criticism of policies. Governments should design and establish special non-bureaucratic, accessible and effective institutions such as poverty Ombuds, to which people living in poverty can address their concerns, opinions and claims.

-Governments should not obstruct and should actually encourage and enable people living in poverty to form their own special associations, unions, political parties or foundations for a more effective protection of their rights and interests. The media should be encouraged to engage in public pro-poor information campaigns.

Notes

¹ Universal Declaration of Human Rights, Preamble and Article 1.

² Ibid. Preamble.

³ Ibid.

⁴ See, General Assembly resolution 57/211, para. 1; Statement on Poverty by the Committee on Economic, Social and Cultural Rights of 4 May 2001, E/C.12/2001/10, para. 1 (Herein after CESCR Statement), Final Report on human rights and extreme poverty by the Special Rapporteur, Mr. Leandro Despouy, E/CN.4/Sub.2/1996/13, para. 176 (Herein after Despouy Final Report).

⁵ Human rights and extreme poverty, Report of the Secretary General, A/57/369, para.31.

⁶ Human rights and poverty reduction, A conceptual framework, Office of the United Nations High Commissioner for Human Rights, HR/PUB/04/1, page 7. (Herein after Conceptual Framework)

⁷ CESCR Statement, supra, para. 8.

⁸ Despouy, Final report supra, Annex III.

⁹ Statement on Poverty adopted by the Committee on Economic, Social and Cultural Rights (4 May 2001) E/C.12/2001/10, para. 5

¹⁰ Statement on Poverty adopted by the Committee on Economic, Social and Cultural Rights (4 May 2001) E/C.12/2001/10, para. 5.

¹¹ "The poverty problem is immense, whether seen through the eyes of one poor woman struggling to feed her family, or seen through aggregate poverty statistics: 2.8 billion people living on less than two dollars a day." Voices of the Poor; From Many Lands; the World Bank, 2002, page 461.

¹² Despouy Final Report, supra, para. 185-186.

¹³ Ibid, paras. 113-121.

¹⁴ Ibid, para. 179.

¹⁵ Ibid, paras.123-126

¹⁶ Ibid, para. 116. Participant from Latin America.

¹⁷ Ibid, para. 117. Participant from Europe.

¹⁸ Ibid, para. 118. Participant from Africa.

¹⁹ Ibid, para.119. Participant from Western Europe.

²⁰ Despouy Final Report, supra, paras. 104-110.

²¹ Ibid, para. 108.

²² "Ils pense à ma place et ils décident de ce qui est bien ou mal pour moi sans me demander mon avis. J'ai le droit de choisir quand même, je ne suis pas une incapable." Statement submitted to the European Meeting at the University of Warsaw, (6 - 7 February 2004 by the ATD Quart Monde Group Jeunes, Bordeaux.

²³ Despouy Final report, supra, para. 171. Participant from Latin America.

²⁴ Ibid, para. 149. Participant from North America.

²⁵ Despouy Final Report, supra, paras.111-112.

²⁶ Ibid, para. 156.

²⁷ Ibid, para. 136. Participant from North America.

²⁸ Ibid, para. 163. Also "The overwhelming majority of those subjected to torture and ill treatment are ordinary common criminals from the lowest strata of society ...who cannot afford good lawyers ... or who may not have access to any lawyer at all." Report of the Special Rapporteur on Torture to the General Assembly, A/55/290, Section E. Torture and poverty, paras. 34 - 37.

²⁹ Despouy Final report, supra, para. 167.

³⁰ In 1995, based on a WHO report, extreme poverty was described as "the world's most ruthless killer and the greatest cause of suffering on earth". Despouy Final Report, supra, para 32 and paras. 158-161)

³¹ Despouy Final Report, supra, paras. 123-126.

³² "Ours is a wandering life. We go from slum to slum, living beside rubbish dumps, under bridges, in cemeteries or even in the streets. Living this way, it is extremely difficult to get health care. What is more, you have to take odd jobs that are particularly arduous and damaging to your health." Ibid, paras. 127-132

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- ³³. "As the family dwelling is built on squatted land, it cannot be considered a legal residence and, in this country, without a legalized link with the land neither property nor people can legally exist. As a result, the mother cannot obtain a residence certificate that would entitle her children to go to the public school." Ibid, paras.133-136
- ³⁴. Ibid, paras. 137-142.
- ³⁵. Ibid, para. 143-145
- ³⁶. "When you live in poverty, they sometimes tell you, 'If you stay with your husband - or your wife - we will find another home for your children.' They have no right to say that. My wife and I have done everything, even lived apart, to stop them touching our children. We even made a statement to the police to prove it, even though we are not married! What right have they to do that?" Ibid, para. 153 "Sometimes one of the children goes out begging, which is an offence in this country. One evening, he is arrested by the police and sent to a juvenile correctional home. His mother goes to visit him regularly. She can't take him away because she has no residence certificate. She will have to get the full support of other residents of the shanty town to have herself and her children put on the residence certificate of her own mother, who is herself registered on the certificate of a friend. Only then can her son go back to his family." Ibid, para 147, participant from Asia. Ibid, para. 146-150.
- ³⁷. "I was in a hostel when I found out I was pregnant. I went to the doctor and he gave me a medical certificate. At the hostel they said that they would hold a meeting to decide whether I should have an abortion or keep the baby." Ibid, paras. 151-154
- ³⁸. The fact of not being registered makes it extremely difficult to obtain the papers necessary to prove parentage, to marry, to exercise political rights, to be able to travel freely within and outside national frontiers, to stand surety before the courts, to obtain employment, to benefit from social services, to avoid being imprisoned, etc. Difficulties of this kind were in fact encountered by seminar participants, and even prevented some individuals from attending. Ibid, paras. 155-157
- ³⁹. Ibid, paras. 162-165
- ⁴⁰. Despouy Final Report, supra, paras. 166-169
- ⁴¹. Ibid, paras. 170-174
- ⁴². Despouy Final Report, supra, paras. 63-70.
- ⁴³. UNICEF Reaching the Poorest, supra, page 6.
- ⁴⁴. Attacking Extreme Poverty; Learning from the Experience of the International Movement ATD Fourth World; Edited by Quentin Wodon, 2001, World Bank, Washington. Page 7.
- ⁴⁵. Ibid, para 197, citing "Reaching the Poorest".
- ⁴⁶. Voices of the Poor; From Many Lands; the World Bank, 2002, page 461.
- ⁴⁷. Empowerment and Poverty reduction: A sourcebook, The World Bank, 2002, page xvii.
- ⁴⁸. "Those at the sharpest end of the problem of absolute poverty - the poorest quarter of the world's people - are occupied almost every waking hour of every working day in the struggle to meet the basic needs of their families." It is essential to support the efforts of the extremely poor, who "will continue to struggle, as they have always done, to meet most of their own needs by their own efforts". Despouy Final report, supra, para. 193. -194
- ⁴⁹. UNICEF, State of the Worlds Children, 1993, quoted in Despouy Final Report, supra, para. 194.
- ⁵⁰. Despouy Final Report, supra, para. 195.
- ⁵¹. See, for example, "Best Practices in Poverty Eradication: Case Studies from the Field", Franciscans International and the Sub-Committee for the Eradication of Poverty of the NGO Committee for Social Development, United Nations New York, August 2003.
- ⁵². Best Practices in Poverty Eradication: Case Studies from the Field, Sub-Committee for the Eradication of Poverty of the UN NGO Committee for Social development, United Nations, New York, 2003, pages 21-25.
- ⁵³. Despouy Final Report, supra, para. 101
- ⁵⁴. Ibid, paras. 189-192, "Charles Booth... wrote "the rich have drawn a curtain over the poor, and on it they have painted monsters".
- ⁵⁵. Report of the seminar on extreme poverty and the denial of human rights, supra, para.37.
- ⁵⁶. See, "Friendship Wins Over Poverty", Children's Appeal, International Children's Forum, 20 November 1999, at <http://www.Tapori.org/appeal/appeal.html>
- ⁵⁷. "Partnerships with people living in persistent poverty, the missing partners in sustainable development", report

submitted to the World Forum on Sustainable Development (Johannesburg, August 2002) by ATD Forth World, pages 5-6.

⁵⁸. CESCR Statement, *supra*. para.12.

⁵⁹. Despouy Final Report, *supra*, para. 12.

⁶⁰ CESCR Statement, *supra*, para. 18; Conceptual Framework, *supra*, pages 27-31, Guidelines, *supra*, paras. 213-223.

⁶¹ Human Rights Commission, Resolution on “the role of good governance in the promotion of human rights”, 2004, para. 3 and 4.

⁶² UNDP, 2000 Human Development Report

⁶³ World Bank, World Development Report, 2000-2001

⁶⁴. Despouy Final Report, *supra*, para.178.

⁶⁵ See, Human rights and poverty reduction, A conceptual framework, Office of the United Nations High Commissioner for Human Rights, HR/PUB/04/1 and Poverty statement by the Committee on Economic, Social and Cultural Rights, E/C.12/2001/10.

⁶⁶. CESCR Statement, *supra*. paras. 9 and 13.

⁶⁷ See CESCR Statement, *supra*. Para. 11, and Conceptual Framework, *supra*, pages 17-18 and Guidelines, *supra*, paras. 57-61

⁶⁸. CESCR Statement, *supra*. para.6.

⁶⁹. *Ibid*, paras. 14 & 20.

⁷⁰ Empowerment and Poverty Reduction, the World Bank, 2002, pages xviii – xix.

⁷¹ *Ibid*, pages xvii – xviii.

⁷² *Ibid*, page xviii.

⁷³ *Ibid*, pages xviii – xxiv.

⁷⁴ CESCR Statement, *supra*. paras. 15-18. Conceptual Framework, *supra*, pages 22-27, and Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies, OHCHR, 2002 (Herein after, Draft Guidelines), paras. 62-74.

⁷⁵ *Ibid*.

⁷⁶. See Draft Guidelines, *supra*, paras. 62 - 74.

⁷⁷. Despouy Final Report, *supra*, para 191

⁷⁸ See Conceptual Framework, *supra*. Pages 9-12.

⁷⁹ See Draft Guidelines *supra*, paras. 213-223 and Conceptual Framework, *supra*. Pages 27 to 31 and CESCE Statement, paras. 14-18.

⁸⁰ See Draft Guidelines *supra*, paras. 213-223 and Conceptual Framework, *supra*. Pages 27 to 31 and CESCE Statement, para. 20

⁸¹. CESCR Statement, *supra*, para 20.

⁸². See Conceptual Framework”, *supra*, page 15.

⁸³ Draft Guidelines, *supra*, paras. 44-51

⁸⁴. *Ibid*, para. 47.

⁸⁵. Despouy Final report, *supra*. para 197, citing “Reaching the Poorest” .

⁸⁶ See, Proceedings of the 7th European Conference of the Fourth World’s People’s Universities

⁸⁷ See Conceptual Framework, *supra*, page 17-18 and Draft Guidelines, *supra*, paras. 57-61

⁸⁸ CESCR Statement, *supra*, para. 12, Conceptual Framework, *supra*, pages 13-20, Guidelines, *supra*, paras. 75-87.

⁸⁹. See, Proceedings of the 7th European Conference of the Fourth World’s People’s Universities, page 64.

⁹⁰ CESCR Statement, *supra*, para. 14, Conceptual Framework, *supra*, pages 15-16, Guidelines, *supra*, paras. 224-249..

⁹¹. Conceptual Framework, *supra*, page 16.

⁹². Guidelines, *supra*, paras, 181 - 191.

⁹³. *Ibid*, paras. 174 - 180.

⁹⁴ See Draft Guidelines, *supra*, paras. 88-111.

⁹⁵. *Ibid*, paras. 112 - 124.

⁹⁶. *Ibid*, paras.125 - 135.

⁹⁷. *Ibid*, paras. 136 - 156.

⁹⁸. *Ibid*, paras. 157 - 173.

⁹⁹. Ibid, paras. 192 - 199.
¹⁰⁰. Ibid, paras. 200 - 212.

ANNEX

**Synthesis of preliminary comments
on the draft initial elements for discussion on possible guiding principles
on human rights, poverty and extreme poverty**

The present annex is a synthesis of preliminary comments received from NGOs, UN organisations, agencies and programmes as well as from experts, on the draft initial discussion elements for possible guiding principles on human rights, poverty and extreme poverty. Most of those solicited at this very early stage expressed interest in the initiative of the group of experts and in getting involved in the process.

Given the very preliminary nature of the draft elements, the present synthesis is quite succinct and will not include comments pertaining to the structure, language, formulation, and overall coherence of the paper.

Nature of the text

The need to choose between a declaration and guiding principles was underlined. In particular, in view of existing work such as the OHCHR Draft Guidelines on a human rights approach to poverty reduction, it was observed that duplication should be avoided. Thus, the value-added of a declaratory document or of guiding principles should be examined as a primary step. The language and content will obviously depend on the nature of the document.

Need for a clear definition of poverty and extreme poverty

Most comments stressed the need for a clear definition of poverty and extreme poverty, based on existing attempts. Some expressed the idea that the draft should concentrate on extreme poverty.

Reference to international human rights law and right-by-right approach

The majority of counterparts observed that the paper should build upon existing human rights norms and standards and called for the framework of international human rights law to appear in the draft.

Some emphasized that relevant international and regional human rights instruments should be systematically referred to in order to inscribe all human rights and to show their relevance and application to the specific context of poverty and extreme poverty. In this connection, a right-by-right approach was considered as most relevant, with respect to the indivisibility and interdependence of civil, political, economic, social and cultural rights, including through a cross-cutting analysis. Concern was raised with regard to the specific rights approach in the current paper

as well as to the emphasis on economic and social rights over civil and political rights. It was underlined that such an approach is in contradiction with the principles of indivisibility and interdependence.

Mainstreaming: gender, children, youth, discrimination

Most comments underlined the need for gender mainstreaming, commenting that the paper lacked a gender dimension. The same observation was made regarding children and youth and the need to address their situation was underlined.

The importance of highlighting the way all forms of discrimination impact on those living in poverty and extreme poverty was stressed as particularly pertinent.

Other concerns

It was noted that accessibility, while at stake in a situation of poverty or extreme poverty, is not much covered by the paper. Participation and empowerment, while often mentioned, should be emphasised in more practical terms. Similar remarks were made about accountability.

Some comments expressed concern at an overemphasis on dignity and ethics over the legal dimension.

Process

In order to facilitate the consultation process around the idea of possible guiding principles on human rights and poverty, a suggestion was made to prepare a work programme, especially with regard to the inclusion of people living in poverty and extreme poverty. In this context, consideration should be given to actors and resources required.
