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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**

#### **Final report submitted by José Bengoa, coordinator of the ad hoc group of experts**

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\* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/\_, under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/\_ as of 19 June 2006.

## **Summary**

In its resolution 2005/9 of 8 August 2005, the Sub-Commission on the Promotion and Protection of Human Rights requested the ad hoc group of experts coordinated by Mr. José Bengoa to prepare a final report containing an assessment of the activities carried out during its work, to be submitted to the Sub-Commission at its fifty-eighth session. The present report builds on the preliminary working paper submitted at the fifty-fifth session (E/CN.4/Sub.2/2003/17) and the two interim working papers submitted at the fifty-sixth and fifty-seventh sessions (E/CN.4/Sub.2/2004/25 and Add.1 and E/CN.4/Sub.2/2005/20 and Add.1).

Pursuant to resolution 2004/7 of 9 August 2004, in which the Sub-Commission requested the ad hoc group of experts to prepare a final report at the fifty-eighth session on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, and on the basis of consultations with organizations of the poor and of people involved with poverty-related matters, and also with international agencies and specialized non-governmental organizations, the ad hoc group of experts has prepared a set of guiding principles entitled “Extreme poverty and human rights: the rights of the poor”, which is contained in the annex to the present report.

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## **Introduction**

1. The Commission on Human Rights requested the Sub-Commission on the Promotion and Protection of Human Rights to set up an ad hoc group of experts to consider the desirability of preparing guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty. In its resolution 2003/24, it encouraged the ad hoc working group to adopt an approach to human rights and extreme poverty based on the universality, indivisibility, interdependence and interrelation of all human rights, and recalled that freedom from want and fear could only be achieved if conditions were created whereby everyone could enjoy their economic, social and cultural rights, as well as their civil and political rights.

### **I. IMPORTANCE OF THE ISSUE OF EXTREME POVERTY**

2. Pursuant to Commission resolution 2001/31, the Sub-Commission's ad hoc group of experts<sup>1</sup> held numerous consultations with organizations and associations of the poor and persons involved with poverty-related matters, international agencies and specialized non-governmental organizations. These meetings were held in Pune (India) in 2003, Bangkok in 2005, Sao Paulo (Brazil) in 2005 and Pierrelaye (France) in 2005. The last meeting was attended by a large number of people from groups and organizations of the poor and of people working with the poor from all over Europe. Finally, in June 2006, the ad hoc group of experts met in Pierrelaye to finalize the present report.

3. Participants at all the meetings and consultations with organizations of the poor, stakeholders and professionals working in the field and organizations and institutions working to eradicate poverty agreed that there was an urgent need for an international instrument. They stressed that an international declaration on human rights and extreme poverty, addressing the rights of the poor, would be extremely useful and relevant, including by providing a proper legal framework to fight poverty. People living in poverty with whom the ad hoc group of experts had meetings stressed the need for the adoption of international principles to remedy the current situation, in which their rights were denied. The ad hoc group of experts believes that the Human Rights Council will consider its work to be a significant contribution towards eradicating extreme poverty and will take the appropriate follow-up action.

4. At virtually all international forums and, in particular, the 1995 World Summit on Sustainable Development and the Millennium Summit, the international community affirmed that poverty was a major challenge facing the modern world. While many attempts have been made to set up special funds to finance efforts to combat poverty, most meetings on the issue have been conspicuous for the absence of any explicit reference in these initiatives to human rights. Many people - policymakers, jurists and academics - believe that, so long as there is no proper legal framework to support efforts to fight extreme poverty, these efforts will continue to depend on voluntary initiatives which are generally of a purely humanitarian nature and are unsupported by a proper framework for action.

5. Mr. Arjun Sengupta, the independent expert on the question of human rights and extreme poverty of the Human Rights Commission, stated in his first report (E/CN.4/2005/49) that it might be desirable to regard extreme poverty as a denial or violation of human rights so that the corresponding obligations were not limited only to the fulfilment of human rights, but extended

also to the actual eradication of poverty. For that purpose, it might be necessary to establish that linkage through a resolution or a declaration based on international consensus (para. 53 (b)). The former Special Rapporteur on the issue of human rights and extreme poverty, Mr. Leandro Despouy, who played an active role in the seminar organized by the ad hoc group of experts at Sao Paulo University in 2005, subscribed to that view, as did participants in the seminars in Bangkok, Pune, Sao Paulo and at other meetings held earlier and mentioned in the documents submitted to the Sub-Commission. The same conclusions were reached by participants at the first and second United Nations seminars organized in 1999 and 2001 to discuss this matter.

6. In its resolution 55/106 of 4 December 2000 and in subsequent resolutions on the issue, the General Assembly reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and called for urgent national and international action to eliminate them. Undoubtedly, the development of legal instruments forms part of such urgent international action.

## **II. CONCEPT OF EXTREME POVERTY**

7. The ad hoc group of experts notes that, in recent years, international organizations and specialized agencies have reached a consensus that extreme poverty is a denial of fundamental human rights, that it prevents the effective realization of human rights, and that human rights violations and situations of extreme poverty are closely interlinked. The building of this consensus is a major achievement on the part of the international community and efforts should now be made to translate it into action.

8. The ad hoc group of experts reiterates its agreement with the Sub-Commission's assertion in its resolution 2004/7 that "extreme poverty places men, women, children and entire population groups in a situation involving the violation of fundamental rights and freedoms, in the industrialized countries as much as in the developing countries, that it may, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community" (para. 1). The approach taken by the Sub-Commission dovetails with that of the General Assembly and the Commission on Human Rights, which affirm that extreme poverty and exclusion from society constitute a violation of human dignity.

9. In its resolution 2004/7, the Sub-Commission requested the ad hoc group of experts to study the question of extreme poverty on the basis of the definition provided by the former special rapporteur on human rights and extreme poverty, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13, annex III). Mr. Arjun Sengupta, independent expert on the question of human rights and extreme poverty of the Human Rights Commission, endorses this definition when he states in his first report (E/CN.4/2005/49) that extreme poverty should be defined in terms of a composite of income poverty, human development poverty and social exclusion, and that such a definition would incorporate in a comprehensive manner the notions of the lack of basic security, capability deprivation and social exclusion and would build on the multidimensionality of the concept and take account of the interdependence of different constitutive elements (para. 53 (a)).

10. The ad hoc group of experts believes that the essence of extreme poverty is captured by the definition put forward by Mr. Leandro Despouy and adopted by the Sub-Commission in 1996: “The lack of basic security connotes the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences. The lack of basic security leads to chronic poverty when it 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” (E/CN.4/Sub.2/1996/13, annex III).

11. Seen in objective terms, extreme poverty denotes a situation where an individual, family or group of people have no access to basic commodities and services, are unable to obtain essential food supplies enabling them to live, have no access to clean drinking water, lack access to healthcare and housing, are unable to exercise their civil and political rights and are denied their rights to education and culture.

12. Generally speaking, extreme poverty is a condition characterized by a stigmatization that is practically unknown to the rest of society. A rights-based approach must seek to end this stigmatization and to ensure that extreme poverty is recognized as one of the most compelling realities and serious challenges to human life and dignity. In many cases, this stigmatization brings with it various forms of discrimination, most notably racism, ethnic hatred and sexism. In such cases, the poorest members of these groups usually do not benefit from the anti-discriminatory safety nets put in place by the authorities.

13. Extreme poverty is, in general terms, the exclusion of persons from citizenship and from their status as full members of society and, for that reason, falls outside the scope of the rights of those who are included in society, namely, civil and political rights. Exclusion is the defining characteristic of extreme poverty.

14. Extreme poverty is a compound of an economic problem (lack of income), a political problem (denial of basic civil and civil rights) and a social and a cultural problem (lack of opportunities).

15. Extreme poverty is a situation where fundamental human rights are denied. When this situation persists and affects large numbers of people, it constitutes a continuing violation of human rights. This is a situation that States and the international community have a bounden political and legal duty to remedy.

### **III. INDIVISIBILITY AND PROGRESSIVE REALIZATION**

16. Extreme poverty is thus a form of discrimination and a complete negation of civil and political rights, in particular the right to life, as well as a denial of economic, social and cultural rights. In situations of extreme poverty, all human rights which are violated are shown to be interdependent and indivisibly linked. There is no hierarchy of human rights; all rights are interdependent, indivisible and universal.

17. While certain economic, social and cultural rights are characterized by the principle of progressive realization, rights associated with safeguarding human life should be exercised with immediate effect. Deprived of adequate food, drinking water and shelter, individuals cannot survive and States and the international community have a duty to implement these rights immediately.

18. Extreme poverty is situated at the interface of civil and political rights and economic, social and cultural rights and it cannot be reduced to a single factor. The concept of the interdependence of rights is absolutely essential in order to secure and consolidate the right to life and to eradicate extreme poverty. Unless civil and political rights such as freedom of the press, the right of association and the right to education and culture are guaranteed, the results of any rights-related action will be short-lived.

19. The right to education is frequently denied to persons living in extreme poverty. Access to education and culture is one of the guaranteed rights which must be upheld if poverty is to be eradicated. Individuals or social groups lacking access to education or whose education is of an inadequate level are bound to remain in poverty or extreme poverty in today's world. Quality education<sup>2</sup> which is culturally appropriate is an essential precondition for the eradication of extreme poverty.

20. All forms of corruption, both of public officials and of private and international agencies, seriously compromise poverty eradication programmes and only through transparency and supervision by a watchful press and by civic organizations with the capacity to denounce abuses of this kind can they be checked. Corruption, smuggling of food and vaccines, the circulation of counterfeit medicines, embezzlement, etc., especially in the context of programmes to eradicate poverty, should be condemned as extremely serious crimes punishable under national and international law.

21. The right of the poor and people living in poverty to associate and organize is a prerequisite for the eradication of poverty. There is no chance that poverty will be eradicated unless the poor play a proactive role in this endeavour.

22. The participation of women is an essential part of the fight to eradicate poverty. Confronted with poverty that threatens the right to life, women are mobilizing throughout the world, organizing themselves and developing proactive programmes to lift themselves and their families out of poverty. The guiding principles and, after them, an international declaration should constitute an effective tool to empower and support the efforts being made by millions of women to escape poverty.

23. There are situations in which people themselves, or by virtue of the areas where they live, are subjected to multiple forms of discrimination, on the grounds of such characteristics as race, ethnic origin or sex. Often, if not always, poverty stems from situations quite extraneous to the person affected by it and in which they find themselves by accident of birth. The ad hoc group of experts notes that some of those living in extreme poverty experience other forms of discrimination, for example by reason of their ethnic background or gender. Some groups, such as children, women and the disabled, are more vulnerable to extreme poverty, as are other social

sectors, like ethnic minorities and indigenous populations, who, in times of crisis, are worst affected by poverty, hunger and forced displacement. In situations of crisis, these groups experience a greater degree of poverty and extreme poverty. In all cases, States and the international community should apply the principle of positive discrimination in public programmes and policies, both nationally and internationally.

24. There are places in the world where conditions of poverty and extreme poverty are generalized and these places require special attention on the part of the international community. These are high-risk areas where local and regional economies have been destroyed, where climate change endangers traditional agricultural production, and where the pace of deforestation, environmental degradation and other changes has been dramatic. Poverty in these regions is generally linked to processes in which external actors are involved and are therefore responsible.

25. Concerted efforts should be made to set in place a mechanism designating these zones, regions or localities as areas for the priority attention of the international community. The decision formally to establish and demarcate these areas should be taken by a high-level body in the United Nations system. The assignment of “high-risk” status to a particular zone should lead to the adoption of a special development plan combining obviously necessary and urgent humanitarian assistance with medium and long-term investment. The relationship of solidarity between the State or provinces and the international community should be clearly established. In a globalized and interconnected world that shares a common destiny, the establishment of effective mechanisms to eradicate poverty from specific areas and territories would appear to be an indispensable commitment on the part of the international community.

#### **IV. EFFECTIVE EXERCISE OF RIGHTS**

26. Persons whose fundamental rights have been violated have the right to assert these rights before the competent authority at both national and international levels. They have the right to demand the restoration of the right that has been infringed and to receive compensation and reparations for the harm suffered on an equal footing with the other victims of violations of these rights.

27. The legal capacity thus established will bring with it the right to render human rights violations associated with situations of extreme poverty justiciable at both national and international levels, in other words, to challenge them in a court of law. It is essential that this remedy is available to victims, to their dependants and to associations which are empowered to act on behalf of the poor.

28. In order to ensure the restoration of rights, States must also draw up detailed plans for the eradication of poverty based on the principles set forth in the present report, with the meaningful participation of the persons concerned. The drawing up, implementation and evaluation of such plans or framework laws constitute essential obligations of States and, in the event of failure to comply with these obligations, effective remedies must be available to the persons concerned.



## V. PARTICIPATION

29. The ad hoc group of experts has reached the firm conclusion that, unless participatory mechanisms for the poor and for persons living in extreme poverty are put in place, there is no chance of eradicating this scourge or escaping from this situation in which human rights are violated. The human rights-based approach enables formal and institutional relationships to be established between those responsible for the overall implementation of human rights at the national and international level and individuals and groups living in situations of extreme poverty. It also makes possible the existence of systems for monitoring, evaluating, benchmarking and supervising at the national and international level.

30. The ad hoc group of experts endorses General Assembly resolution 55/106, which reaffirms that “it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development” (para. 2).

31. As was emphasized at the United Nations Social Forum organized by the Sub-Commission, “the voice of the poor in modern society is a voice of hope and solidarity and should be taken into account in plans to eradicate extreme poverty and implement human rights”.

## VI. CONCLUSION

**32. The ad hoc group of experts believes that a rights-based approach should cover the duties and responsibilities of national, private and public stakeholders, and particularly of States, which bear sovereign responsibility for the full realization of human rights. The responsibilities and duties of international stakeholders, both public and private, should also be established, since these often have a clear impact on triggering or eliminating situations of massive poverty in a globalized world.**

## Notes

<sup>1</sup> The ad hoc group of experts comprised Ms. Iulia-Antoanella Motoc (Romania) for Eastern Europe, Mr. José Bengoa, coordinator (Chile), for Latin America, Mr. Emmanuel Decaux (France) for Western Europe, Mr. El-Hadji Guissé (Senegal) for Africa and Mr. Yozo Yokota (Japan) for Asia.

<sup>2</sup> As set out in paragraph 1 of general comment No. 13, on the right to education (article 13 of the Covenant) of the Committee on Economic, Social and Cultural Rights (E/2000/22-E/C.12/1999/11 and Corr.1, annex VI).

## **Annex**

### **EXTREME POVERTY AND HUMAN RIGHTS: THE RIGHTS OF THE POOR<sup>a</sup>**

#### **Draft guiding principles**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments adopted by the United Nations,

*Considering* the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995, resolution 46/121 adopted by the General Assembly on 17 December 1991 and the Assembly's subsequent resolutions on the issue, the Millennium Declaration, adopted by the General Assembly on 8 September 2000, and the development objectives set out in the Declaration, whereby States solemnly undertook to do their utmost to eliminate poverty,

*Also considering* the 2005 World Summit Outcome, in which the heads of State stressed "the right of people to live in freedom and dignity, free from poverty and despair", and expressed the view that "all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential",

*Recalling* that, in its resolution 54/232 of 22 December 1999 and several subsequent resolutions on the matter, the General Assembly expressed its deep concern that the number of people living in extreme poverty continues to increase, with women and children constituting the majority and the most affected group,

*Also recalling* that, since adopting its resolution 47/134 on 18 December 1992, the General Assembly has repeatedly reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity, and stressed the need for a complete and in-depth study of the phenomenon of extreme poverty, based on the experience and the thoughts of the poorest sectors of the population, a task that has been accomplished, in particular, by the Sub-Commission's Ad Hoc Group of Experts,

*Considering* that those living in poverty, and particularly in extreme poverty, are the first to react to change their situation and that of their families, and that their efforts should be identified and supported as a matter of priority,

*Recognizing* that, as the General Assembly has emphasized, the eradication of extreme poverty constitutes a major challenge in the process of globalization, and that this challenge can be met only by means of a coordinated policy stemming from continuous international cooperation and decisive action at the national level,

*Reaffirming*, after the General Assembly, that widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile,

*Considering* that the inherent dignity of all the members of the human family and their equal and inalienable rights demand that priority attention should be given to those suffering most from poverty and exclusion,

*Reaffirming* that extreme poverty persists throughout the world, that it constitutes a negation of human rights and might, in some situations, threaten the right to life, and that the international community must continue to regard its immediate alleviation and eventual elimination as a major priority,

*Taking into account* the relevant decisions and resolutions of the Commission on Human Rights, which has repeatedly condemned the situation of poverty in the world and emphasized that it represents a negation of the fundamental rights of the individual, as well as the declaration on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, and recalling that, in that context, the Commission, in its resolution 2001/31 of 23 April 2001 and its other resolutions on the matter, requested the Sub-Commission, with the help of an ad hoc group of experts, to draw up guiding principles on the implementation of human rights norms and standards in the context of the fight against extreme poverty,

*Adopts* the following guiding principles, which it submits to the Human Rights Council for consideration, expressing the hope that all the interested parties will engage in an in-depth discussion with a view to their adoption.

### **Human rights and extreme poverty: the rights of the poor**

1. Poverty is 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.<sup>b</sup>
2. Extreme poverty and exclusion from society constitute a violation of human dignity; consequently, the inclusion in national and international plans of measures to eliminate them is a priority.
3. Persons living in extreme poverty are fully entitled to demand that policies and programmes at the national and international level aimed at the eradication of extreme poverty should be drawn up and effectively implemented in accordance with the principles of human rights and the present guiding principles.
4. Persons living in extreme poverty are entitled to the full enjoyment of all human rights, including the right to participate in the adoption of decisions which concern them, and to contribute to the well-being of their families, their communities and humankind.

5. States and the international community, as well as all the organs of society at the local, national, regional and international level, have an obligation to take effective action to eliminate extreme poverty; to that end they must act in a structured and accountable manner, in partnership with persons living in extreme poverty, and must periodically report on their actions.

6. States, the international community, intergovernmental organizations, national and transnational enterprises and non-governmental organizations, inter alia, have a responsibility to take into account and fully respect human rights, in particular the principles set out in the present document. Infringements of these rights, whether arising from negligence or from a deliberate decision, should be regarded as violations of human rights, for which their perpetrators should be held responsible and should bear the corresponding legal consequences.

## **Section 1**

### **A. Participation by the poor**

7. Persons living in extreme poverty have the right to participate in all activities which concern them, particularly programmes for the eradication of extreme poverty. The implementation of such policies and programmes without the participation of the persons concerned and their associations and organizations constitutes a violation of the right to participate in public affairs.

8. States should foster and promote participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty. They should also empower people living in poverty and vulnerable groups to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development.<sup>c</sup>

9. Programmes to combat poverty should be publicly available, and should set specific targets and specify indicators to facilitate evaluation of their implementation as well as mechanisms for monitoring and accountability. The State and public and private agencies which implement poverty reduction and eradication policies and programmes should encourage the establishment of forums for evaluation and monitoring in which persons living in extreme poverty participate.

### **B. Discrimination and stigmatization**

10. Discrimination affecting persons living in extreme poverty must be punished as a violation of human rights. The stigmatization of the poor and their associations, groups, neighbourhoods or places of residence, and their representation as persons without rights who are dangerous, violent and display other negative characteristics, must be regarded as forms of discrimination. Discrimination against the poor based on their image, their dress, their physical appearance or any other grounds related to their situation of extreme poverty constitutes a human rights violation. The State, international agencies and other parties concerned have an obligation to criticize and combat stigmatization of the poor and to promote a balanced and fair image of persons who are in a situation of extreme poverty.

11. The media and education systems play a key role in the processes of discrimination and stigmatization, and hence in efforts to combat those phenomena.

12. Public officials, those of international organizations, personnel in humanitarian organizations and all those working for the elimination of poverty are expected to maintain relations of respect for the dignity and the fundamental rights of persons living in extreme poverty, particularly in human relations, in humanitarian services and in project formulation and implementation. The personnel of social welfare schemes have these obligations, and the right to freedom from discrimination based on the circumstance of poverty is a right which must be guaranteed to the poor.

## **Section 2**

### **C. Indivisibility and interdependence of rights**

13. All persons living in extreme poverty have the right to the enjoyment of all human rights, which are indivisible, interdependent and universal. The exercise of human rights is crucial to the elimination of extreme poverty, because the denial of one right has an adverse impact on the totality of the rights of the individual. However, the restoration of a right in isolation is not enough to ensure that individuals, their families and their communities will emerge from the situation of extreme poverty.<sup>d</sup>

### **D. Civil and political rights**

14. All persons living in extreme poverty have the right to be recognized as full citizens of the State in which they live, to have a domicile, to be recognized as a person before the law, to possess an identity document or any other document which constitutes evidence of their citizenship or their legal status, and to enjoy all the civil and political rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Any denial of civil and political rights to the poor on the basis of their circumstances of extreme poverty, whether individual or collective, must be regarded as a case of serious discrimination.

15. Persons living in extreme poverty have the right to form a family, to support their children, to take care of them, to raise them, and to enjoy the fundamental dignity inherent in every human being, guaranteeing respect for privacy and family life.

16. Governments in particular have a duty to put an end to violence inflicted by State and non-State actors on persons living in extreme poverty, particularly women and children, and to provide adequate police protection. The State must draw up education programmes for the population in general, and the police forces in particular, in order to promote non-discrimination against persons living in poverty. Persons living in extreme poverty must enjoy the same rights as other persons and have access to justice free of discrimination. Any person responsible for an act of violence and discrimination against persons living in conditions of poverty must be brought to justice and punished.

17. The State must in particular ensure the protection of the homeless, street children, women, the disabled and the elderly, who are worst affected by extreme poverty. The State has an obligation to implement effective programmes for these particularly vulnerable population groups.

18. States will adopt special measures to provide protection to the poor in respect of their dignity, their privacy, their integrity, their honour and their reputation. This protection must be effective and provided free of charge on an equal footing with other subjects of law.

### **E. Right to food**

19. Every human being has a right to adequate, appropriate, healthy food, and is entitled not to be exposed to the risk of hunger or starvation. The State and the international community are duty-bound to accord all human beings, individually or collectively, the right of physical and economic access to appropriate food.

20. Poor rural inhabitants are entitled, in order to feed themselves, to acquire effective ownership of their land and register that ownership in good and due form. States and the international community are duty-bound to uphold peasants' rights to the ownership of their land and to encourage agrarian reforms that will afford access to additional land and will protect and demarcate the lands belonging to indigenous population groups and the lands and territory belonging to minorities descended from slaves and protect fish resources and small-scale fishing communities' fishing grounds, nomadic herders' grazing rights, and the hunting rights of those who live by hunting.

21. In the event of hunger or famine and where welfare assistance is provided in the form of food, distributions of food or similar measures, peoples' dignity must be fully respected, organized arrangements being made for distribution that encourage active participation by the population groups concerned.

22. Corruption, food smuggling, theft of international humanitarian aid, wilful adulteration of food intended for the general public, distribution of perished foodstuffs and all other similar misconduct must be regarded as criminal behaviour of the gravest order - as a violation of poor peoples' and others' human rights in particular - and made subject to exemplary punishment.

### **F. Right to health**

23. Persons living in extreme poverty have a right to health, and the State must guarantee the appropriate exercise of that right.

24. All persons living in hardship have a right to be treated with dignity, respect and humanity by health-care systems. Health-care personnel must be acquainted with the day-to-day circumstances of highly underprivileged individuals and families and trained in forging partnerships with such people.

25. Poor people living in areas of extreme poverty where pandemics, epidemics and widespread illnesses such as HIV/AIDS, malaria, tuberculosis, leprosy or typhus occur have a right to health and to active involvement in the design and execution of eradication programmes. The State is under an obligation to uphold the right to health of the entire population, including

those living in extreme poverty. Where situations overwhelm its capacity to respond, the State is under an obligation to seek assistance from the international community, and the international community must grant such assistance immediately.

26. The right to health is closely linked to the right to life. Those responsible, nationally and internationally, for any negligence in the execution of preventive or health-care programmes, or for any ill-informed, inappropriate or ill-intentioned planning that results in human deaths, must be put on trial and punished.

27. Theft, corruption, trafficking, black-marketeering and any other criminal activity involving vaccines, medical supplies, surgical or other equipment originally intended as medical aid must be severely punished and, depending on the scale of the activity, regarded as a crime against humanity subject to prosecution and trial before international courts. Victims or their legal heirs and successors are entitled to reparation.

### **G. Right to drinkable water**

28. Persons living in extreme poverty have a right to drinkable water, and the State is duty-bound to provide this service to them free of charge. In areas of widespread rural poverty, the State must provide drinkable water whenever climatic conditions culminate in drought. If the State cannot do so by itself, it is under an obligation to seek the assistance of the international community, and the international community is obliged to provide such assistance.

29. The right to drinkable water is directly linked to the right to life. Negligence, omission or planning that results in an absence of water distribution services must be regarded as action threatening human life. Likewise, the destruction of means of resolving problems with water supplies, the sale of water rights and privatization or management of water resources that results in a lack of access to drinkable water for groups of the population must be regarded as an encroachment upon this right.

### **H. Right to housing**

30. Persons living in extreme poverty have the right to dignified housing affording suitable protection from the climate, enabling them to have a family life and to develop as individuals in dignity and decency.

31. All who live in extreme poverty have the right to private, individual, cooperative or collective ownership of their housing, furniture and utensils of every kind; in rural areas they have the right to collective or individual ownership of their land, housing, tools, animals and other daily necessities. The State is under an obligation to guarantee the poor access to housing in a manner that will spur improvements in their living conditions.

32. As part of their poverty eradication policies, States should place especial emphasis on housing policy and encourage the active involvement of those living in extreme poverty in the design, execution, management, administration and evaluation of housing policy. They should be especially attentive to the quality and suitability of any public housing that is built.

Corruption, poor management of building materials and negligence must be severely punished by the judicial system and regarded as a kind of discrimination and a breach of the human rights of the poor.

### **I. Right to education and culture**

33. All who live in extreme poverty have a right to education. They and their children are entitled to have access to basic education and schooling at all the levels offered by the education system, without being exposed to segregation or discrimination of any kind. The State should most particularly ensure that children living in extreme poverty have access to education.

34. All who live in extreme poverty have a right of access to culture and the arts. Special programmes affording access to culture, instruction, reading, art and literature and resource-management and administration programmes should be set up in collaboration with, and with the active involvement of, the poor and their families as means of eradicating hardship. Cultural and instructive programmes, whether designed and executed by the State or by private entities, should seek to uphold the dignity of the poor, promote awareness of their rights, and accord due recognition to their experience.

### **J. Right to employment**

35. All who live in extreme poverty have a right to decent, dignified, productive, safe and appropriately remunerated employment. State policy should guarantee their right to employment, to labour rights, to appropriate welfare provision and to security systems enabling them to cope with unemployment and crises. Poverty-alleviation policies must take account of the right to work as a factor militating against extreme poverty.

36. On the matter of access to employment, the State and society must strive to abolish any form of discrimination based on external impressions, physical appearance, residence, living conditions, race, ethnic background, sex or any other consideration stemming from extreme poverty. Discrimination in employment on grounds relating to extreme poverty which are unrelated to good performance on the job should be clearly penalized.

37. The State should ensure that there are fair labour codes so that wage earners, both permanent and, especially, temporary, and their families do not have to live in poverty despite going to work. The State must eradicate child labour, prostitution, forced labour, contemporary forms of slavery and other activities in which those living in extreme poverty are often constrained to engage.

### **K. Right to justice**

38. All who live in extreme poverty have the same right of access to justice as other citizens. The State and the judicial system must take care to uphold equality before the law and ensure the administration of justice without discriminating on grounds of physical appearance, residence or any other consideration stemming from extreme poverty.



39. The State and judicial administration must provide free, high-quality legal assistance for the protection of people living in extreme poverty. Judges must explain charges and proceedings in a clear, comprehensible manner and, when dealing with individuals who do not speak the language officially used in a particular court, must call in specialist translators and interpreters free of charge.

40. The State should set up educational and public-information programmes to help the poor learn about their rights and the legal and judicial proceedings which they are entitled to bring. The State and judiciary should also set up training programmes for judges, defence counsel and judiciary officials with a view to ensuring that the justice system works for the poor.

### **Section 3**

#### **L. State obligations and international cooperation**

41. Since human rights are universal, concerted action by the international community is required to give effect to them. International cooperation is, for States, developed countries in particular, a duty to which they must devote a significant proportion of their resources.

42. International cooperation over basic human rights must be developed with a view to the full realization of those rights. States and the international community are under an obligation to act immediately to end situations of widespread poverty, starvation and hardship. In the case of long-standing situations of dire poverty and situations resulting from natural disasters, armed conflict etc. which require States to make appropriate resources available at short notice it is not just the State that must take immediate action: the international community must also set up ad hoc programmes. International bodies at the highest level must decide upon preventive measures, provide assistance and set medium- and long-term development objectives for dealing with such situations together and effectively.

43. International cooperation must be combined with appropriate action in international trade, market and investment promotion, weapons dealing and labour-market regulation to ensure that such cooperation yields results and does not accentuate the cycle of extreme poverty. Cancellation of foreign debt, reduced rates of interest and similar measures should be part of States' international cooperation policies and obligations.

#### **M. Duties and responsibilities of public and private entities in combating poverty**

44. Public and private bodies working to reduce extreme poverty (whether in industrialized or in developing countries), provide humanitarian aid or conduct international cooperation or development, educational or other plans and programmes are duty-bound to make their programmes public, disclose their working methods and objectives, and account for their activities. Their duties and responsibilities must be consistent with the international human rights system and these guidelines.

45. The staff of public and private international organizations, non-governmental organizations and movements and organizations working to eradicate poverty do and must display a high level of professionalism and moral rectitude in their conduct, and must base their

action on the principles of international human rights law and these guidelines. The duties and responsibilities of such staff, whatever their status and including those volunteering their services, must be subject to independent supervision and public scrutiny. Given the humanitarian nature of such organizations' activities (their staff often work without pay), and to display greater solidarity with the poor and their living conditions, the organizations should be held strictly to ethical standards of conduct and any breach of those standards should be duly punished.

46. The international community must accord due recognition to, back and finance voluntary work in support of the poor, especially efforts to combat poverty and establish, nationally, regionally and internationally, a climate of solidarity; it must encourage poor people's organizations and social movements seeking to eradicate poverty with a view to the attainment of human rights.

47. States and the international community should celebrate the International Day for the Eradication of Poverty proclaimed by the General Assembly in resolution 47/196 of 22 December 1992, which affords an opportunity to give due recognition and lend weight to this campaign.

### Notes

<sup>a</sup> The terms "poor" and "poverty" as used in this draft refer to the situation of persons living in extreme poverty.

<sup>b</sup> Declaration by the Committee on Economic, Social and Cultural Rights on poverty and the International Covenant on Economic, Social and Cultural Rights (*Official Records of the Economic and Social Council, 2002, Supplement No. 2* [E/2002/22-E/C.12/2001/17], annex VII), para. 8.

<sup>c</sup> General Assembly resolution 55/106, dated 14 March 2001.

<sup>d</sup> See E/CN.4/Sub.2/1993, para. 178.

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