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Implementation of General Assembly resolution 64/215 on legal empowerment of the poor and eradication of poverty

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/215. It finds that expanding access to justice and the rule of law is important for poverty reduction and the achievement of internationally agreed development goals. Legal empowerment of the poor requires improvements in the administration of justice and expansion of identity and birth registration, as well as the repeal of laws that impede the poor from exercising their rights. Key legal instruments for poverty reduction include pro-poor property rights and access to land and assets, employment policy and regulatory frameworks that protect labour and increase employment, a fair, inclusive and socially responsible private sector, and quality education and training that target vulnerable populations in particular. Furthermore, international cooperation efforts should be cognizant of and conducive to the legal empowerment of the poor. Finally, national and local contexts, including traditional or informal dispute resolution mechanisms, must be considered in any reforms aimed at empowering people living in poverty.

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I. Introduction

1. General Assembly resolution 64/215 recognized that the legal empowerment of the poor was essential for the effective eradication of poverty. Legal empowerment of the poor focuses on the legal protection of assets, labour and economic transactions ensuring the security of livelihoods, shelter, identity, tenure and contracts. Reduction of poverty depends on institutions' ability to deliver goods and services, regulate the market in the public interest and provide legal access to economic assets in ways that are fair and equitable. In this way, legal empowerment can accelerate the achievement of the Millennium Development Goals through legal reform, institutional strengthening and empowering disadvantaged groups.

2. The General Assembly, in its resolution 64/215, takes note of the broad diversity of national experiences in the area of legal empowerment of the poor, recognizes the initiatives undertaken by some countries in advancing the legal empowerment of the poor as an integral part of their national strategies and objectives, and stresses the importance of promoting the sharing of national best practices in this regard.

3. In the same resolution, the General Assembly requested the Secretary-General to submit to it at its sixty-sixth session a report on the implementation of the resolution, taking into account the national experiences and views of Member States. To this end, the Secretariat sent a questionnaire to the Governments of all Member States requesting information on national experiences and views with regard to legal empowerment of the poor and eradication of poverty. Ten countries, Austria, Georgia, Guatemala, Iraq, Japan, Jordan, Lebanon, Mexico, Mongolia and Thailand, responded to the questionnaire. The present report is based primarily on the country responses and their thematic focus.¹ Input was also sought from the United Nations system through the Rule of Law Coordination and Resource Group, which is responsible for the coordination and coherence of rule of law activities within the United Nations system. Through the Group, United Nations agencies provided input to the present report, giving information on their activities, as well as additional country and regional examples.

4. The themes addressed in the present report emerged from General Assembly resolution 64/215. They are: (a) the rule of law and access to justice; (b) property rights and access to land; (c) full employment and decent work; (d) a socially responsible private sector; (e) education and training; and (f) international cooperation.

II. Background

5. In 2004, Norway, with the support of Denmark, Finland, Iceland and Sweden, proposed the establishment of the Commission on Legal Empowerment of the Poor to contribute to poverty eradication efforts. In 2005, the independent Commission was launched by Canada, Denmark, Egypt, Finland, Guatemala, Iceland, India, Norway, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania with the support of the United States of

¹ The examples presented in the present report are not intended to be a comprehensive account of developments in the responding countries or in the field but reflect responses received.

America. The final report of the Commission on Legal Empowerment of the Poor, entitled *Making the Law Work for Everyone*,² stressed the importance of sharing best practices in legal empowerment of the poor. The General Assembly took note of the Commission's report in its resolution 63/142.

6. The 2008 report by the Commission describes legal empowerment as “a process of systemic change through which the poor and excluded become able to use the law, the legal system, and legal services to protect and advance their rights and interests”.² Legal empowerment of the poor is an approach to development which recognizes that poverty results from disempowerment, exclusion and discrimination. The approach calls for institutional and legal reform and aims to empower individuals and communities to become agents of their own development, through strengthening their livelihoods, property and labour rights and facilitating entrepreneurship.

III. Rule of law and access to justice

7. Despite widespread and growing recognition of and adherence to human rights standards and the rule of law, many people, particularly people living in poverty, women, indigenous peoples and disadvantaged groups, still lack access to justice and protections guaranteed through national and international legal frameworks. Access to justice requires not only legal rights but also awareness of those rights and reasonable access to the mechanisms by which grievances can be redressed. Often, the time, effort and cost needed to access courts or other justice mechanisms is prohibitive. Where justice systems are accessible, they often do not operate fairly or efficiently and may not be guided by statutory law. Lack of efficient resolution of civil cases such as land or property disputes undermines the business environment, making escape from poverty difficult. In crisis settings such as conflicts and disasters, internally displaced people are often deprived of their basic human rights, including legal protection for land and property rights, and lack access to identity papers and personal documentation.

8. A broad range of local, national and global efforts are under way to expand access to justice. Those efforts include legal reform to strengthen gender equality, financial assistance for those in need and public education about the legal system, as well as alternative dispute resolution mechanisms. Women, displaced persons and indigenous people are also being made the focus of increased access to justice in some countries.

9. For example, in Thailand, the Government has initiated a range of activities to improve access to justice, including establishing a justice fund with the aim of providing financial assistance for legal services. Japan approved the Comprehensive Legal Support Act of 2004, designed to provide all citizens with necessary information and services for legal solutions of disputes on both civil and criminal affairs, so that the justice system may be utilized more easily by citizens. The Japan Legal Support Centre provides all citizens in Japan with information services, civil legal aid and other forms of legal assistance.

² Commission on Legal Empowerment of the Poor and United Nations Development Programme, *Making the Law Work for Everyone*, vol. I, *Report of the Commission on Legal Empowerment of the Poor* (New York, 2008). Available from www.undp.org/legalempowerment/report/index.html.

10. The right to a legal identity is essential to ensure access to entitlements and the right to nationality and citizenship. Civil registration is an important tool to ensure and protect the legal rights of individuals and their access to entitlements.

Civil registration and citizenship

11. Jordan, Malaysia, South Africa, Sri Lanka and Thailand have developed civil registration systems over recent decades. Although progress is being made and civil registration systems are being developed in a number of countries, many countries still lack comprehensive civil registration. A well-functioning civil registration system requires the institutional, legal and technical capacity to record vital events such as births, marriages and deaths. The United Nations Statistics Division reports that only 60 per cent of 230 countries and areas register at least 90 per cent of births that occurred in the country. For death registration, only 47 per cent of the countries and areas have at least 90 per cent coverage.³ Legal recognition of births and deaths is important for ensuring access to social services and the resolution of court cases. Birth registration is important for demonstrating parentage and place of birth, which are often key factors in determining citizenship. Citizenship enables access to other rights, such as the right to reside in a country, the right to protection under the law and the right to social services. People in rural and remote areas are less likely to be included in civil registration systems than urban dwellers.

12. In some countries, women lack equal rights of citizenship and the ability to transmit citizenship to their children or spouses, although progress is being made on this front. Since 2002, Egypt, the Libyan Arab Jamahiriya and Morocco have introduced reforms to give women greater rights to transmit citizenship to their children, while Algeria, Iraq, Qatar and Tunisia have taken steps to amend laws that discriminate against women in relation to passing citizenship to both children and spouses. In 2006, the Nepal Citizenship Act was passed, enabling children to claim citizenship through their mothers for the first time.

13. Geographical and language barriers pose a challenge to universal civil registration. In order to help overcome these barriers and increase the inclusiveness of the civil registration system, Guatemala has conducted two major awareness and registration campaigns in different parts of the country. In 2008, a campaign was run in the town of Chichicastenango, Quiché, where more than 97 per cent of the population is rural and indigenous. The Registro Nacional de las Personas, the institution responsible for civil registration, established partnerships with the municipality, indigenous leaders, community development councils and representatives of health and education sectors. Through the training of and collaboration with community leaders, the campaign succeeded in registering more than 450 people and initiated a network of local actors who continue to promote the civil registry. In 2009, similar campaigns were conducted in three other municipalities, both in Spanish and the Mayan languages.

14. Lebanon is implementing a national programme to help people living in poverty by building a database of poor families. The registration system is intended to help identify their needs and tailor interventions with the goal of reducing poverty by half, from 8 per cent to 4 per cent, by 2015, in line with the Millennium Development Goals.

³ For more information, see http://unstats.un.org/unsd/demographic/CRVS/CR_coverage.htm.

15. Civil registration is a key component used to generate quality population statistics, which are essential for monitoring progress on internationally agreed development goals. Several United Nations agencies assist developing countries in improving their population statistics. The United Nations Statistics Division, among other activities, provides a range of technical advice and support to developing countries that are working to implement and improve their civil registration systems.⁴ The United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the United Nations Population Fund also work with developing countries to improve their population statistics.

Women and vulnerable populations

16. Women, indigenous peoples and displaced persons face legal marginalization, compounding the problems associated with their higher risk of living in poverty. While access to justice should be universal, it is often useful to target within a universal framework, programmes and laws towards traditionally excluded groups.

17. Many countries are using innovative approaches to enable women to access justice. Over the past two decades, legal reforms have strengthened gender equality in Nepal, ensuring greater economic security for women, protecting them from violence, safeguarding their sexual and reproductive rights, amplifying their voices in decision-making, ensuring equal inheritance and property rights and expanding their divorce rights.

18. In the United Republic of Tanzania, a programme called "Jurisprudence on the ground" has been launched by the International Association of Women Judges and the Society for Women and AIDS in Africa — Tanzania. The programme shares knowledge with judges and magistrates to enable them to tackle gender bias in the judicial system, helps to educate local women in order for them to understand their basic rights and supports them in navigating the legal system. As part of the programme, accessible public education materials have been developed in English and Swahili on women's rights, including practical information on which court to approach, what to expect as a witness and how to register a complaint if one encounters corruption. The programme has helped to improve the accountability of judges to ordinary women; when judges are aware of the barriers that women face, their attitudes change, and they tend to come up with simple but effective solutions, such as waiving court fees, providing forms free of charge or prioritizing sensitive cases.

19. In Argentina, the Supreme Court of Justice, with support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNDP and UNICEF, established a dedicated office of domestic violence to provide rapid access to justice and facilitate coordination between agencies in 2008. Women reporting violence are given immediate assistance from a multidisciplinary team including lawyers, psychologists and social workers who provide support services, collect evidence and carry out detailed risk assessments to recommend measures for victim protection.

20. In South Africa, thuthuzela care centres were introduced as part of a national anti-rape campaign, which includes providing rape survivors with a range of integrated services. The centres, which bring together emergency medical care,

⁴ See <http://unstats.un.org/unsd/demographic/CRVS/default.htm>.

forensic services, counselling and court preparation information, aim to address the medical and social needs of sexual assault survivors, reduce secondary victimization, improve conviction rates and reduce delays in court cases. It is estimated that the centres deal with about 20 per cent of all victims of sexual offences in South Africa and have helped to increase conviction rates in rape cases to 89 per cent, compared with the national average of 7 per cent. The trial completion time for cases dealt with by some of the centres has also decreased to 7½ months from the national average of around 2 years.

21. Jordan has hosted workshops and awareness campaigns conducted by the Office of the United Nations High Commissioner for Refugees to advise refugees on their rights, which include free access to the courts of law and the right to legal assistance wherever possible. Guatemala has been providing training workshops and seminars to educate judges on issues related to the rights of indigenous peoples.

Alternative dispute resolution and mobile justice

22. Alternative dispute resolution mechanisms such as mediation are increasingly being established in many countries. Such mechanisms can provide a means for resolving disputes without incurring the cost and inconvenience of litigation. Community-based networks can be used to prevent crime, provide treatment and protect individual's rights. Alternative dispute resolution and court mechanisms can be community-based or mobile, so they increase geographical access to justice, particularly in remote and rural areas.

23. In Thailand, the Ministry of Justice has initiated a justice community network which works in partnership with the people in the community with the aim of preventing crime, developing dispute resolution, providing treatment for offenders and protecting rights and liberties. The Ministry of Justice is also making efforts to ensure justice for people in southern border provinces by enhancing fair settlement of disputes and alternative justice processes and rehabilitating people affected by unrest.

24. Several countries, including Guatemala, Nepal and Thailand, are implementing mobile justice clinics with the aim of providing legal information and assistance to people living in remote areas. In the Democratic Republic of the Congo, mobile courts have been used to bring justice closer to women. In 2010, nine mobile courts adjudicated 186 cases. Of these, 115 rape cases were heard, which resulted in 95 convictions, leading to prison sentences for perpetrators ranging from 3 to 20 years.

IV. Property rights and access to land

25. The absence or insecurity of property rights, particularly with regard to land, remains a central cause of poverty, especially in the poorest countries. Effective recognition of property rights can facilitate access to utilities, such as electricity and running water, and to credit, which enables entrepreneurship and property development. Transferability of assets also provides a buffer for external shocks, such as ill health, death and loss of employment in the household. Furthermore, ownership of assets makes the holders more capable of accessing and using public resources and strengthens their voice in decision-making. Expanding the legal

protection of assets of the poor and promoting access to property by the poor are therefore crucial for their empowerment.

Land titling and informal settlements

26. The strong links between poverty and tenure insecurity have prompted numerous efforts to increase individual land ownership, particularly for women and people living in poverty. Statutory land reforms provide the poor with greater tenure security on land they already occupy. In order for land reforms to be successful, they must combine legislative reform with strong implementation and awareness-raising campaigns targeted at the poor and vulnerable. The power of statutory law depends on the enforcement of the rule of law in the country and the efficiency of public administration at the local level.⁵ Countries have enhanced their citizens' access to land and property through titling land, granting loans and regularizing State land, including in the context of irregular settlements.

27. It is important that land-titling efforts take into account the complexity of property rights at the local level. Access and control of land and related natural resources at the local level depend not only on statutory law but also on a range of customary and religious laws and other normative or legal frameworks. For example, in Africa, 90 per cent of people living in rural areas access land through customary mechanisms.

28. Access to land can be hindered by historic factors related to the distribution of wealth and to ownership and availability of land. In Guatemala, the 2010 amendment to the Land Fund Act has provided people living in rural areas with the possibility of gaining access to land through loans and the regularization of State land. Moreover, the land registry process benefited 192,700 people during the period from 2006 to 2010. Guatemala has also benefited more than 96,600 people through negotiation and mediation services that aim to resolve land conflicts and has implemented rural development programmes consisting of agricultural productivity, training and welfare components.

29. In some countries, especially in economies in transition, private land ownership was only recently legalized. In Mongolia, private ownership of land was made possible in 2003, and since then, the Government has taken concrete steps to ensure the access of all citizens to land and property. The 1994 Land Law was the first legislation to regulate the possession, use and protection of land, followed by the 2003 Law on Mongolian Citizens' Ownership of Land. In 2003, a Government programme that allowed family possessors of residential land to title the land was implemented. In 2008, the General Authority for State Registration also removed land registration fees in order to encourage all citizens, including the poor, to register their land.

30. Property rights remain a challenge not only in rural areas but also in suburban and peri-urban areas, particularly in the context of irregular settlements. The Government of Mexico is allowing poor households to regularize their property in irregular settlements. This is facilitating poor people's access to credit and giving them opportunities to initiate small businesses and other income-generating projects.

⁵ See Ruth Meinzen-Dick, "Property rights for poverty reduction?", Department of Economic and Social Affairs Working Paper, No. 91 (New York, United Nations, Department of Economic and Social Affairs, 2008). Available from www.un.org/esa/desa/papers/2009/wp91_2009.pdf.

In Mongolia, the Property Rights Project is expected to improve the formal system of recognizing and transferring land rights in suburban and peri-urban areas and issue up to 75,000 privatized and registered land titles.

31. The United Nations system is engaged in supporting Governments to enforce and promote property rights, including through the property regularization process. In Ukraine, UNDP is working with the Government to foster full enjoyment of land and property rights. The project aims to ensure that rural landowners in Ukraine become aware of their rights and understand the economic benefits that land and property ownership entail and to provide legal assistance and information to citizens in order for them to effectively exercise their property and land rights.

Women's access to land and property

32. Women represent a large share of the agricultural labour force but remain disadvantaged in their access to land and other productive resources. In Africa, women represent almost 50 per cent of the agricultural labour force but own only 15 per cent of land holdings.⁶ Greater priority must be given in national development policies to improve women's direct access to land and productive assets. This may include changes in inheritance laws and in social norms and attitudes towards women's claims, in addition to the promotion of legal literacy, provision of legal aid and gender sensitization of officials.

33. Land registration and formalization programmes, however, can lead to the erosion of women's customary land rights if the land is registered in the name of the male head of household. Government transfers of agricultural land distributed under anti-poverty, land reform or resettlement schemes should be allowed in women's names and should include women's secondary rights to land (see the report of the Committee for Development Policy on its twelfth session, E/2010/33). Recent tenure reforms in Ethiopia require that wives' names be registered with their husbands', which increased women's awareness of the certification process and the inclusion of women in the registration.

34. Enhancing women's access to land and property rights is also an important priority for United Nations agencies. In Kyrgyzstan, UN-Women has taken comprehensive measures to ensure women's property rights. UN-Women supported capacity-building for local officials, launched media campaigns to raise awareness of women's legal rights and established legal aid clinics in remote areas to provide free legal aid and representation to thousands of women. In Ethiopia, UNDP supported projects that were integral to initiating the revision of the Family Code of Ethiopia to include terms that provide women rights equal to those of men. In Rwanda, UNDP facilitated citizens' awareness-raising with regard to the legal provisions on land, property and inheritance. In addition, the Food and Agriculture Organization of the United Nations supports Government efforts to ensure that their policies and programmes promote and support women as equal contributors to agriculture and rural development, including through their access to land and other productive assets.

⁶ Food and Agriculture Organization of the United Nations, *The State of Food and Agriculture 2010-2011: Women in Agriculture — Closing the Gender Gap for Development* (Rome, 2011).

V. Full employment and decent work

35. Expansion of employment with decent wages and working conditions is the most effective way to eradicate poverty. The right to employment (or gainful work) is indeed recognized by the constitutions of many countries. In practice, however, this right often remains unfulfilled. The private sector often fails to generate as many employment opportunities as are required, while the public sector feels constrained owing to financial and other reasons. National Governments are implementing a broad range of policies to support and promote the right to employment and labour rights, including expanding dialogue between labour, Government and trade unions and establishing labour dispute mechanisms. Vulnerable populations are also being made the focus of employment programmes.

36. In 2005, India adopted the National Rural Employment Guarantee Act aimed at providing at least 100 days of guaranteed wage employment per year to every rural household whose adult members volunteer to do unskilled manual work. This demonstrates that budgetary constraints on employment expansion programmes aimed at the poor are not insurmountable. Such programmes also have a positive impact on the growth of the economy as they boost the poor's purchasing power, which is mostly directed to domestically produced goods and services.

37. In Mongolia, the laws on the right to employment and labour relations were adopted in 2001. In 2011, the Government of Mongolia intends to amend these laws by harmonizing them with international norms and standards. The Government action plan for 2008-2012 aims to provide employment to each citizen. In April 2011, Mongolia increased the minimum wage by 30 per cent. The Government is exploring incentives for employers that sustained a substantial number of jobs and created new ones. A small and medium-sized enterprise fund has been created to encourage and promote entrepreneurship.

38. In Georgia, the protection of labour rights, fair compensation and safe working conditions for women and children are defined by law. The labour code prohibits discrimination against marginalized and vulnerable populations. In 2010, Georgia in collaboration with the International Labour Organization (ILO), founded a trilateral commission on social partnership, which aims to institutionalize social dialogue among the Government, employers and trade unions.

39. In Iraq, the Constitution provides that work is a right for all Iraqis; that the law regulates the relationship between employers and employees; and that the State shall guarantee freedom of movement of Iraqi manpower, goods and capital between regions and governorates. Iraq is in the process of signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Iraq is also providing job opportunities to the unemployed in all groups in society without discrimination, through the implementation of workshops and income-generating activities. Efforts have been made to prevent child labour in Iraq pursuant to article 32 of the Convention on the Rights of the Child and to promote gender equality in the workplace and in the political sphere, where 25 per cent of elected parliamentarians are women.

40. Marginalized groups face particular challenges to attaining decent work. Policies geared towards safeguarding their rights and opportunities as labour force participants increase economic growth and contribute to poverty reduction. Many countries are taking steps to protect the labour rights of marginalized segments of

the population. In Mexico, the National Development Plan 2007-2012 includes various strategies to combat poverty, including strengthening employment-related projects focused on vulnerable groups and advancing the concept of social security to expand the scope and coverage of Government programmes to vulnerable groups.

41. Ukraine recently implemented a programme in collaboration with UNDP and ILO to safeguard the rights and opportunities of working-age persons with disabilities through increased access to employment so as to overcome the very low participation rates of persons with disabilities in the labour force. One of the activities of the programme was to improve legislation regarding job placement and employment of persons with disabilities. This involved reviewing national legislation for consistency with relevant international conventions and making recommendations for new regulatory instruments to bring national legislation in line with international norms, as well as ensuring its implementation. The programme has resulted in increased employment for persons with disabilities: in 2008 one third of working-age people with a disability had a job. By 2011, that figure had increased to one half.

42. Facilitating the movement of people to work across borders is also an important component of a fair, multilateral trading system and helps migrant workers and their families to come out of poverty. Recent trends in a number of destination countries to curb the flow of migrant workers are a concern, especially during difficult economic times, when remittances from these migrant workers have decreased.⁷

43. Several countries have legislated to protect domestic workers. Jordan amended its labour laws to include domestic workers, guaranteeing monthly payment of salaries, sick leave and a maximum 10-hour working day. In Indonesia, the law on domestic violence includes the protection of domestic workers against violence within its scope. In Costa Rica, the reform of the Labour Code in 2009 specified terms of employment for domestic workers. The International Labour Conference adopted the Domestic Workers Convention, 2011, and an accompanying guidance instrument, the Domestic Workers Recommendation, 2011, to improve the lives of some 53 million domestic workers, many of whom face additional discrimination because of their gender or status.

44. In order to achieve democratic governance structures that provide adequate access to labour justice and efficient labour dispute resolution mechanisms, countries have been modernizing their labour legislation and implementing strong enforcement mechanisms, including labour inspection and labour dispute settlement systems. The Labour Dispute Settlement Project in Cambodia and the modernization of the administration of justice in Nicaragua, implemented with support from ILO, have succeeded in helping to build reliable alternative dispute resolution bodies and reform entire labour justice systems to drastically reduce judicial backlog. Technical assistance in such projects has included conducting critical reviews of national justice systems and helping State legislatures reform existing laws and draft new ones.

45. The Better Work Programme, a partnership between ILO and the International Finance Corporation which operates in Cambodia, Haiti, Indonesia, Lesotho,

⁷ *MDG Gap Task Force Report 2011: The Global Partnership for Development — Time to Deliver* (United Nations publication, Sales No. E.11.I.11).

Nicaragua and Viet Nam, focuses on key industries in those countries and provides advisory services and training to promote working conditions that are in line with national and international standards. Better Work programmes have succeeded in helping secure more employment opportunities, better quality working conditions, improvements in freedom of association, wage increases and improved workplace relations.

VI. Encouraging a socially responsible private sector

46. A dynamic, inclusive, well-functioning and socially responsible private sector is a valuable instrument for generating economic growth and reducing poverty. Policy and regulatory frameworks at the national level can encourage the promotion of an enabling environment that facilitates entrepreneurship and doing business by all, including women and people living in poverty. Private sector development must be sustainable and socially responsible; growth generated by reducing the benefits and protections of the average worker is likely to be unsustainable and short-lived and ultimately have long-term negative implications on human capital, productivity and overall economic growth. In addition, the expansion of infrastructure and market access is a precondition for private sector development in rural areas, especially in low-income countries. Food security, poverty reduction and the growth of dynamic rural farmers largely depend on rules-based market development at the local level and public investment in economic and social infrastructure. Many Governments are taking steps to increase competitiveness and economic growth by creating favourable climates for business by reducing regulation and costs associated with doing business. At the international level, the opening of markets by developed countries for exports from developing countries benefits the development of the latter's private sector. Finally, the international business climate is benefited by the harmonization of commerce law.

47. The Government of Mexico has been promoting, as part of its national development plan for 2007-2012, the integration of a national competitiveness agenda in order to create conditions that will ensure a favourable business climate to promote competition and increase productivity and employment. Several programmes and measures have been applied in recent years, including the Trade Facilitation Programme, which aims to reduce the costs associated with trade. The Regulatory Reform Programme aims to increase competitiveness and strengthen economic development through various activities, including significantly reducing the transaction costs faced by businesses and citizens to promote the competitiveness of the national economy. The Government is also seeking to eliminate costs, procedures and regulations to facilitate access to cutting-edge technologies that enable companies to generate innovation.

48. The Constitution of Georgia requires the State to promote free entrepreneurship and the development of competition. The Government of Georgia has taken several important steps towards attracting investment and spurring economic development, including simplifying registration procedures for entrepreneurs, simplifying the tax code and system and reducing tax rates. The procedure for businesses to obtain licences and permits has been simplified, and the number of permits and licences needed to operate a business has been reduced by 88 per cent. Finally, transparent privatization of State business has been used as a strategy to attract foreign investment and increase the role of the private sector in the country's economy. The

reforms have been successful in creating a conducive environment for business as the number of registered enterprises increased threefold between 2003 and 2010.

49. The opening of markets by developed countries for exports from developing countries would support socially responsible private sector development and job creation in developing countries. A rules-based and fair international trading system is essential for the accelerated economic growth required to increase incomes and reduce poverty. During the recent economic and financial crisis, most jobs lost in developing countries were in export sectors, forcing workers into vulnerable employment with lower pay and reduced social security benefits.⁷

50. Relevant in this context are the activities of the World Trade Organization (WTO) and the United Nations Commission on International Trade Law (UNCITRAL). WTO helps to make the multilateral trading system secure and predictable through its dispute resolution body, which handles disputes over trade rules among WTO members. Through its formulation of rules, provision of technical assistance and other activities, UNCITRAL assists States in creating an enabling environment for private sector development based on internationally recognized legal standards. UNCITRAL legal standards contribute to the success of small- and medium-scale enterprises, as well as to job creation, income generation in households and the formalization of the informal business sector, all of which are relevant to the legal empowerment of the poor. Examples of UNCITRAL assistance to States with their commercial law reforms include the Private Sector Development Programme of the United Nations Industrial Development Organization in Iraq, the “Ease of doing business” project of the Asia-Pacific Economic Cooperation in Indonesia and Peru, the East African Community Task Force on Cyberlaws and the World Bank law reform projects in the field of alternative dispute resolution.

VII. Education and training

51. Education and training are critical factors in empowering people living in poverty and an imperative to the legal empowerment of the poor. Education provides opportunities, through skill development, for people to advance their status and improve their livelihoods and thus break the cycle of poverty. Education is also a necessity for people living in poverty to overcome barriers to legal representation and achieve full rights to property, employment and businesses. It is also critical in tackling local corruption and taking full advantage of the services that Government provides. Education and literacy help people to obtain information and knowledge about their rights, facilitating their access to justice. Education and training are therefore the cornerstone of overcoming destitution and legal exclusion and providing people living in poverty with a means to lift themselves out of their situation and demand justice and equal rights.

Access to quality education

52. According to the International Covenant on Economic, Social and Cultural Rights, the right to education includes the right to free, compulsory primary education for all and an obligation to make secondary education, including vocational and technical education, accessible to all. Despite the sustained efforts to provide education, globally 11 per cent of young people between 15 and 24 years of age, amounting to 127 million people, lacked basic reading and writing skills in

2009.⁸ Countries have taken steps to ensure access to and the quality of education, taking into account their national settings and the special needs of vulnerable and marginalized populations.

53. As access to education has steadily increased, the quality of education remains a concern. Financing for education in sub-Saharan Africa has increased 6 per cent every year for the past decade, together with increased enrolment rates, but educational gains do not always match this progress. South Africa has tried to address the issue of quality of education through pro-poor reforms that have effectively directed public spending to poor children. Large gaps, however, already exist by age 8 between the performance of the poorer communities and that of more affluent communities, due to a lack of quality teachers and learning materials, ineffective resource management and poor socio-economic conditions in the communities.⁹

54. Countries have taken various measures to combat illiteracy, including prioritizing partnerships, adult education and access to disadvantaged groups. The Government of Guatemala has prioritized literacy programmes for illiterate young people and adults, with a focus on women in rural and peri-urban areas, and reached about 79,000 beneficiaries in 2010. The Government has also managed to eradicate illiteracy in several municipalities by creating synergies with local governments, the United Nations Educational, Scientific and Cultural Organization, non-governmental organizations and the private sector. In Mongolia, the Government identified, through a population and housing census, the number of illiterate people (amounting to 2.2 per cent of the population) and their characteristics and tackled the issue through innovative approaches to adult literacy programmes, including life skills training and hybrid group training.

55. In order for Governments to respond to the needs of the poor, educational planning must be tailored to the national context. In Mongolia, the Law on Education, adopted in 2002, provides a legal environment that supports both formal and non-formal education and mandates that the citizens of Mongolia have a right to education in formal and non-formal settings. The Law has provided an educational framework that takes into account the diverse needs of the population. Guatemala is responding to the call for multilingual education embedded in its Constitution and Peace Treaty and provides bilingual education in 17 different Mayan languages in order to provide quality education and equal opportunities for different linguistic communities. Mexico has developed an intersectoral approach to improve the welfare of families living in poverty that takes into account the multidimensionality of poverty. Benefiting more than 5.7 million families in 2010, the “Oportunidades” programme provides scholarships in elementary and high school, access to basic health care and direct monetary and nutritional support for poor families.

56. Access to education in rural areas remains a critical barrier to ensuring that the most disadvantaged portions of the population have an equal right to education. In the Plurinational State of Bolivia, multilingual satellite schools are helping to ensure that indigenous girls in remote areas have access to education. Supported by a central school, the satellite schools send teachers out to isolated communities to

⁸ *The Millennium Development Goals Report 2011* (United Nations publication, Sales No. E.11.I.10).

⁹ Servaas van der Berg and others, “Low quality education as a poverty trap” (Stellenbosch University, 2011).

provide classes that promote multiculturalism and impart language skills to indigenous children.

57. Children living in countries affected by conflict and refugee children face additional barriers to accessing education: 42 per cent of primary school-age children not enrolled in school (28 million) live in poor countries affected by conflict, whereas 37 per cent of refugee children in 87 urban areas have no access to schooling.⁸ In Iraq, the Government has improved primary education, launched a community-based awareness campaign to prevent dropouts and reduced constraints and barriers to the education of girls in primary, secondary and tertiary education. In Jordan, the situation of refugee children has been addressed by granting refugees, particularly Iraqis, the right to register at public schools regardless of their legal status, resulting in more than 27,000 students registering in the public school system in 2010 and 2011.

Training

58. Training, including vocational, professional and on-the-job training, is a central vehicle to provide people with skills and capacities to obtain access to decent work and start their own enterprises. In the aftermath of the financial and economic crisis, retraining has become increasingly important for job seekers to respond to changing demands in the labour market and bridge gaps between jobs. Attention should be paid in particular to vulnerable groups and disenfranchised individuals. Countries and the United Nations system have developed and implemented training programmes that respond to the fluctuations in the labour market and take into consideration the needs of vulnerable groups, including people living in poverty, youth, migrant workers and refugees.

59. Several countries have targeted training programmes to marginalized groups, including people living in poverty and refugees. Lebanon is conducting country-wide training courses, with special allowances for marginalized groups, in order to allow them access to decent work. Guatemala reported the dramatic increase in beneficiaries of its training courses, from 129,000 people in 2009 to 196,000 in 2010. Georgia has initiated a programme to provide job seekers with three-month State scholarships in private companies with vacant positions. Jordan has restructured the National Aid Fund to assist the unemployed poor through the provision of vocational training and job opportunities. In addition, the Government has given Iraqi refugees access to Government-provided vocational training, in order to meet national labour demands and create job opportunities for refugees.

60. Governments have also responded to the growing challenge of employment of young people by targeting training to adolescents and recent graduates. In Mexico, the Ministry of Labour and Social Security has implemented the Employment Support Programme, which offers various types of training to unemployed or underemployed youth aged 16 years or over in order to develop their knowledge and skills. The programme provides on-the-job training for technical jobs; internships for the professional and technical levels; self-employment training for people who want to start their own business; training vouchers for retraining and short-term skill development; and training for workers that are temporarily unemployed.

61. The United Nations system, particularly ILO, is broadly engaged in training activities. The ILO Skills and Employability Department implements initiatives that prepare workers and employers for economic and social changes in labour market

conditions worldwide. For example, the Training for Rural Economic Empowerment Programme is a proven platform that assists those working in poor rural communities to build skills and abilities for employment and income generation, with a specific focus on Africa.

VIII. International cooperation

62. Development cooperation between donor and recipient countries is a critical tool for improving the legal empowerment of the poor. In 2009, donors from the Development Assistance Committee of the Organization for Economic Cooperation and Development allocated \$4.2 billion to justice programming, with the United States of America and the European Union together accounting for 70 per cent of this amount. Gender equality has been an important objective within this assistance: \$206 million was allocated to programmes with gender equality as a primary aim and \$633 million to those with gender equality as a secondary aim. Canada, Denmark, Germany, Norway and Sweden were the largest donors to justice programmes in which gender equality was a primary aim.¹⁰

63. Because legal empowerment of the poor requires a broad approach to the rule of law and access to justice, donor nations have taken a variety of measures to tackle this issue. Japan has provided technical assistance to advance the rule of law, promoted democratization by establishing institutions and policies that protect the rights of the poor, and enabled the poor to participate in political activities. The Austrian Development Agency supports a variety of interventions that promote the legal empowerment of the poor, including projects that aim to: strengthen the judiciary and advance access to justice in Bhutan and Uganda; foster women's and girls' rights in Uganda and Central America; combat human trafficking in the Southern African Development Community region; advance social inclusion in the former Yugoslav Republic of Macedonia; and support vulnerable groups in Africa, including persons with disabilities. The Agency also supports a variety of rural development, local governance and local development projects.

64. Regional cooperation, including South-South and triangular cooperation, has become more prominent in recent years. Emerging economies and middle-income countries are engaging in development cooperation with countries from their region and sharing best practices. Thailand is engaging in technical cooperation with other developing countries in such areas as agriculture, education, public health and poverty reduction. In the Asian region, UNDP supports knowledge-sharing among Governments and civil society representatives through the Legal Empowerment Asia Partnership. In 2010, the Partnership, hosted by the Ministry of Justice of Thailand, supported regional learning and South-South cooperation by hosting an exchange of experiences between China, Indonesia, the Lao People's Democratic Republic, Mongolia, Thailand and Viet Nam. Subsequent study tours between China, Mongolia and Viet Nam focused on ways to deliver legal aid services to marginalized and vulnerable workers. In 2011, the Partnership, hosted by Mongolia, will develop a guidance note on methodology for formal screening of laws and regulations for their impact on the poor, test the methodology nationally and share its experiences through its regional consultation meeting.

¹⁰ See UN-Women, *Progress of the World's Women 2011-2012: In Pursuit of Justice* (New York, 2011).

IX. Conclusions and the way forward

65. The national experiences and views of Member States reviewed for the present report highlight the importance of expanding access to justice and the rule of law; full employment and decent work; quality education and training targeted towards vulnerable groups; a socially responsible private sector and economic competitiveness; pro-poor property rights and access to land; and international cooperation, including technical and financial assistance for poverty reduction and empowerment of the poor.

66. Legal empowerment of the poor requires that people living in poverty be protected by effective legal instruments and that they have knowledge of and access to the paths available to redress rights violations. Identity and birth registration systems help people to establish and access their legal rights. Efforts to empower the poor should continue to focus on expanding the rule of law and access to justice for all through, inter alia, strengthening and improving the administration of justice, identifying and repealing laws that are barriers to legal empowerment, raising legal awareness and strengthening identity and birth registration systems.

67. National experiences in implementing the legal empowerment agenda highlight the importance of taking into consideration the national context and respecting traditional and/or informal means of resolving disputes while, at the same time, adhering to internationally agreed standards and rights.

68. Employment is the most effective way to reduce poverty. Employment policy and regulatory frameworks can contribute to poverty reduction and the empowerment of the poor by ensuring full employment and decent work for all by strengthening and protecting labour rights, including through respect for the fundamental principles and rights at work proclaimed by ILO.

69. Education and training are among the critical factors in empowering those living in poverty. Education and training opportunities, including literacy programmes, should be expanded, taking into account the needs of vulnerable populations.

70. Private sector entrepreneurship is a valuable instrument for generating economic growth and reducing poverty. Policy and regulatory frameworks that promote a dynamic, inclusive, well-functioning and socially responsible private sector also encourage the promotion of an enabling environment that facilitates entrepreneurship and doing business by all, including women and people living in poverty.

71. Property rights are an essential component of legal empowerment that facilitates access to credit, transfer of assets, entrepreneurship and business formation and contributes to poverty eradication. Strengthening respect for the rule of law, pro-poor property rights and appropriate policy and regulatory frameworks are important priorities in poverty reduction programmes.

72. The international community must continue to make the eradication of poverty a priority. To this end, support provided to developing countries' poverty eradication efforts should be conducive to the legal empowerment of the poor.