

***Implementing Human Rights
Norms and Standards in the
context of the Fight Against
Extreme Poverty***



***A Discussion Tool and Summary of
the “Draft Guiding Principles
on Extreme Poverty and
Human Rights: The Rights of
the Poor”***

contained in A/HRC/2/2
21 August 2006

The UN Human Rights Council has requested a wide dissemination of the text of A/HRC/RES/2/2 and asked for comments and suggestions.

<http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/2/2>

Please transmit your comments before August 20.

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Draft Guiding Principles Extreme Poverty And Human Rights

Working Definition of Extreme Poverty

The Draft Guiding Principles define extreme poverty as 'A human condition characterised 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.'

The Link Between Poverty and Human Rights

Poverty is both a cause and a product of human rights violations. People whose rights are denied (victims of discrimination, exclusion or persecution) are likely to be poor. People living in poverty often have difficulty participating in the labor market, and have little or no access to basic services and resources. The poor also have difficulty accessing education, health care and housing. Finally, the poor are prevented from meaningfully participating in the political process and society in general and thus cannot fully enjoy their rights to citizenship.

Poverty and Human Rights: Historical Background

The 1948 Universal Declaration of Human Rights asserts that the "inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Since 1987, poverty has been considered a Human Rights issue by the Commission on the Protection and Promotion of Human Rights. In the 1990's poverty eradication was made a priority by the United Nations. In 1995 the General Assembly declared the first United Nations Decade for the Eradication of Poverty. In 2000 the Millennium Declaration called for the eradication of extreme poverty.

"I have been on the streets half of my life, and before me, my father and mother were homeless too. You have to have a lot of strength, especially if you are a homeless family....We families are being swept under the carpet. Sometimes we bend under the heavy burden of poverty. But like a reed, we struggle to stand straight again. All that suffering is hidden, as if it never happened. It needs to be said, it has to change. "

-Testimony from Ireland, 2004.

M. Duties and Responsibilities of Public and Private Entities in Combating Poverty

The international community must accord due recognition to... voluntary work in support of the poor...it must encourage poor people's organizations and social movements seeking to eradicate poverty.

- 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 programs are duty-bound to make their programs public, disclose their working methods and objectives as well as their funding, and account for their activities.
- 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.
- States and the international community should celebrate 17 October the International Day for the Eradication of Poverty..... which affords an opportunity to give due recognition and lend weight to this campaign.

"Being forced to live in poverty is a violation of human rights and those who suffer from poverty most are often working hardest to fight it- but noone sees their efforts or recognizes their fight so they are not included in debates on policy."

- Statement by Moraene Roberts , ATD Fourth World, at Expert Seminar on Extreme Poverty and Human Rights, Geneva, 2007

Background

The Draft Guiding Principles on Extreme Poverty and Human Rights Emerge

The Draft Guiding Principles were developed over a five year period to clarify the link between poverty and human rights, the multidimensional nature of poverty and its causes and consequences. Beginning with an Expert Seminar in 2001, and continuing through regional seminars, people living in poverty were able to contribute to this process in a meaningful way, culminating in the presentation of the document in late 2006. On August 21, 2006, a resolution on the Draft Guiding Principles on Extreme Poverty and Human Rights* was adopted by the UN Sub Commission on the Promotion and Protection of Human Rights (SCHR) in Geneva.

"Today, poverty prevails as the gravest human rights challenge in the world. Combating poverty, deprivation and exclusion is not a matter of charity, and it does not depend on how rich the country is. By tackling poverty as a matter of human rights obligation, the world will have a better chance of abolishing this scourge in our lifetime...Poverty eradication is an achievable goal."

***-Louise Arbour
UN High Commissioner for Human Rights
Human Rights Day 2006***

*The guiding principles were drafted by a group of five experts appointed by the sub-commission of Human Rights. Members were Jose Bengoa, (Chile) co-ordinator, Antoanella-Iulia Motoc (Romania), Emmanuel Decaux (France), El-Hadj Guisse (Senegal) and Yozo Yokoto (Japan) in conjunction with people living in extreme poverty.

Highlights from the Guiding Principles

The occurrence of extreme poverty is universal, existing in all countries of the world regardless of their economic, social and cultural situation.

Those living in poverty ... are the first to act to change their situation and that of their families, and ... their efforts should be identified and supported as a matter of priority.

States ... have an obligation to take effective action to eliminate extreme poverty ... they must act in a structured and accountable manner, in partnership with persons living in extreme poverty, and must periodically report on their actions.

Persons living in extreme poverty have the right to participate in all activities which concern them... The implementation of such policies and programmes without the participation of the persons concerned ... constitute a violation of the right to participate in public affairs..

Discrimination affecting persons living in extreme poverty must be punished as a violation of human rights... Discrimination against the poor based on their image, their dress ... or any other grounds related to their situation of extreme poverty constitutes a human rights violation..

Goals of the Draft Guiding Principles

- link extreme poverty to human rights.
- identify human rights violations as a root cause of poverty and an obstacle to the eradication of poverty.
- confirm the indivisibility of human rights, and that all rights must be seen as interdependent and equally important.
- highlight the capacity and right of the poor to participation in all aspects of society, in particular poverty eradication initiatives.

L. State Obligations and International Cooperation

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.
- 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 cooperation must be combined with appropriate action in international trade, market and investment promotion, weapons dealing and labor-market regulation to ensure that such cooperation yields results and does not accentuate the cycle of extreme poverty.



J. Right to Employment

All who live in poverty have a right to decent, dignified, productive, safe and appropriately remunerated employment.

- The State must strive to abolish employment discrimination based on ... appearance, residence, living conditions, race, ethnic background, sex or any other consideration stemming from extreme poverty.
- The state should ensure that there are fair labour codes so that wage earners...do not have to live in poverty despite going to work.
- The state must eradicate child labor, prostitution, forced labour, contemporary forms of slavery...in which those living in poverty are often constrained to engage.

K. Right to Justice

All who live in extreme poverty have the same right of access to justice as other citizens.

- The State must provide free, high-quality legal assistance for the protection of people living in extreme poverty.
- The State should set up training programmes for ...judicial officials with a view to ensuring that the justice system works for the poor.

"I work in a landfill separating recyclables from garbage. In this work there are many risks. In January there was an accident, when a landslide of garbage buried and killed eight people and their bodies could not be recovered. In spite of this, I don't feel like less of a person, because I am working for the future of my children."

-Testimony of Lorena Tepeu October 17, 2006, New York

Why Should the Draft Guiding Principles on Human Rights and Extreme Poverty be adopted by United Nations Bodies?

Provision already included in existing instruments are insufficient because :

- Efforts against poverty rarely take into account the efforts and ideas of those living in extreme poverty.
- These efforts are too often partial, not long term and thus not very effective. States should act within a comprehensive, and global strategy covering all aspects of poverty.
- States should take as a reference point for action and success the access to rights of the poorest members of society.



***"We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty."
(Millennium Declaration)***

A. Participation by the Poor

Persons living in extreme poverty have the right to participate in all activities which concern them.

States should...

- Empower people living in poverty and other vulnerable groups to organize themselves and to participate in all aspects of political, economic and social life, thus enabling them to become genuine partners in development.
- Combat the feminization of poverty and ensure the participation of women in all their anti-poverty programmes.
- Encourage the establishment of forums for evaluation and monitoring (of poverty reduction and eradication policies) in which people living in extreme poverty participate.



H. Right to Housing

Persons living in extreme poverty have the right to dignified housing.

- The State is under an obligation to guarantee the poor access to housing in a manner that will spur improvements in their living conditions.
- States should encourage active involvement of those living in poverty in the design, execution, management, administration and evaluation of housing policy.
- States should be ... attentive to the quality and suitability of public housing that is built.



I. Right to Education and Culture

All who live in extreme poverty have a right to education and access to culture and the arts.

- The state should most particularly ensure that children living in extreme poverty have access to education.
- Programmes affording access to culture... art and literature ...should be set up with the active involvement of the poor.
- Cultural and instructive programmes... should uphold the dignity of the poor, promote awareness of their rights and accord due recognition to their experience.

F. Right to Health

Persons living in extreme poverty have the right to health, closely linked to the right to life.

- Healthcare personnel must be acquainted with the day-to-day circumstances of highly underprivileged individuals and trained in forging partnerships with such people.
- Poor people ... (affected by) widespread illnesses ... have a right to active involvement in the design and execution of eradication programmes.
- Where situations overwhelm (a State's) capacity to respond, the State is under an obligation to seek assistance from the international community (which)... must grant such assistance immediately.

G. Right to Drinkable Water

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.

- If the State cannot do so by itself, it is under an obligation to seek the assistance of the international community, (which is) obliged to provide such assistance.
- Privatization or management of water resources that result in a lack of access to drinkable water for groups of the population must be regarded as an encroachment upon (the right to life.)

B. Discrimination and Stigmatization

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.

- Media and education systems play a key role in the processes of discrimination... and hence in efforts to combat these phenomena.
- All those working for the elimination of poverty are expected to maintain relations of respect for the dignity and fundamental rights of persons living in extreme poverty, particularly in human relations, in humanitarian services and project formulation and implementation.
- The right to freedom from discrimination based on the circumstance of poverty is a right which must be guaranteed to the poor.

"I cannot participate (in microcredit programmes) because I cannot stand the looks my neighbors give me. They know a lot about me and so they laugh at my situation. They know private things... that I am living in the most absolute loneliness, with my morale at rock bottom."
-ATD Fourth World "How Poverty Separates Parents and Children: A Challenge to Human Rights", 2004

C. Indivisibility and Interdependence of Rights

All persons living in extreme poverty have the right to the enjoyment of all human rights.

- 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.
- The restoration of a right in isolation is not enough to ensure ... (emergence) from the situation of extreme poverty.

D. Civil and Political Rights

All persons living in extreme poverty have the right to be recognized everywhere as persons before the law.

- All persons living in extreme poverty have the right to participate fully in the community in which they live.
- The State must draw up education programmes ... in order to promote non-discrimination against persons living in poverty.
- 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 the law.

E. Right to Food

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.

- Poor, rural inhabitants are entitled, in order to feed themselves, to acquire effective ownership of their land.
- In the event of hunger or famine and where welfare assistance is provided... people's dignity must be fully respected, organized arrangements (must) encourage active participation by the population groups concerned.

