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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## **Analytical compilation of the submissions received in writing and made at the consultation on the progress report on the draft guiding principles on extreme poverty and human rights**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### *Summary*

Pursuant to Human Rights Council resolution 15/19, the present report summarizes the contributions of a multi-stakeholder consultation on the annotated outline of draft guiding principles on extreme poverty and human rights as elaborated by the Special Rapporteur on extreme poverty and human rights. The consultation consisted of written submissions by permanent missions, national human rights institutions, international organizations, non-governmental organizations (NGOs) and independent experts, as well as of oral statements made during a two-day meeting in Geneva. The report presents the consultation's outcome in the form of specific commentary on individual sections, subsections and paragraphs of the outline of the draft guiding principles proposed by the Special Rapporteur with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty. During the consultations, stakeholders have broadly endorsed the outline and structure for the draft guiding principles as elaborated by the Special Rapporteur and the relevance of existing human rights standards and principles for combating poverty.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–2	3
II. General views on the draft guiding principles.....	3–4	3
III. Analytical compilation of comments on the draft guiding principles .....	5–92	5
A. General comments .....	5–6	5
B. Regarding part II: “Rationale for the development of guiding principles on human rights and extreme poverty” .....	7–16	5
C. Regarding part III: “Conceptual framework” .....	17–20	7
D. Regarding part IV: “Overview of the main underlying and reinforcing deprivations faced by persons living in extreme poverty” .....	21–24	8
E. Regarding part V: “Proposals for improving the draft guiding principles on extreme poverty and human rights” .....	25–26	9
F. Regarding part V, section 1: “Overarching human rights principles” .....	27–51	9
G. Regarding part V, section 2: “Overarching policy guidelines” .....	52–69	12
H. Regarding part V, section 3: “Specific rights-based obligations” .....	70–92	15
IV. Next steps .....	93	18

## I. Introduction

1. In 2001, the then Commission on Human Rights (and subsequently, the Human Rights Council) stressed the need to develop a set of principles on the implementation of existing human rights norms and standards in the fight against extreme poverty. In response, the then Sub-Commission on the Promotion and Protection of Human Rights entrusted an ad hoc group of experts with the task of preparing the draft guiding principles on extreme poverty and human rights. These were submitted by the Sub-Commission to the Human Rights Council at its second session in 2006 (A/HRC/2/2-A/HRC/Sub.1/58/36) and approved by the Council in its resolution 2006/9. From 2006 to 2009 the Office of the High Commissioner for Human Rights (OHCHR) led consultations on the draft guiding principles. The views of States, United Nations agencies and intergovernmental organizations, treaty bodies and special procedures, national human rights institutions, non-governmental organizations (NGOs) and other stakeholders were compiled and analysed in a report presented to the Council in 2009 (A/HRC/11/32). Following these consultations, the Human Rights Council invited the then independent expert on the question of human rights and extreme poverty (now the Special Rapporteur on extreme poverty and human rights), Magdalena Sepúlveda Carmona, to facilitate the further progress of the draft guiding principles by providing recommendations to assist States in improving the draft and incorporating the outcomes of the consultations. She presented her report to the Council in September 2010 (A/HRC/15/41). In response, the Council invited OHCHR to hold a broad consultation on the draft guiding principles on the basis of the annotated outline that was included in the above report. The objective of this consultation was to gain input from a broad range of actors, particularly States and development practitioners, so that consensus and collective agreement could be reached on the draft guiding principles. The present report details the outcome of these consultations.<sup>1</sup> On its basis, the Special Rapporteur will submit a final draft of the DGPs to the Human Rights Council in September 2012.

2. In view of its purpose to support the Special Rapporteur in her elaboration of the final draft as well as to facilitate further input on part of stakeholders, the present report is structured in line with the annotated draft guiding principles (see HRC/15/41, annex) and the questions put to stakeholders in the questionnaire attached to the Special Rapporteur's report. Submissions and statements have, thus, been analysed and sorted in relation to the section and, where applicable, the paragraph or letter to which they refer, together with short section summaries providing an overview of comments. The questions from the questionnaire on each section have been reproduced at each section heading.

## II. General views on the draft guiding principles

### Convergences

3. The revisions to the current draft of the guiding principles proposed by the Special Rapporteur were broadly endorsed. Stakeholders strongly supported the special emphasis given, throughout the draft, to women and children as a category of vulnerability cutting across all other groups. It was generally agreed that extreme poverty had tangible but also intangible features, most notably the discrimination and social stigma attached to it and the processes and institutions that produced it. There was considerable convergence among parties on the need to include a dedicated paragraph on corruption, and to make more

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<sup>1</sup> On the basis of written submissions and oral statements made at a consultation meeting held in Geneva on 22 and 23 June 2011.

explicit mention of poverty-reinforcing aspects of administrative processes. Furthermore, several stakeholders called for a greater emphasis on human rights education as an anti-poverty strategy, as well as to more explicit mention of the role of the media in producing and combating social stigma. There were also recurrent calls for more significant treatment of structural causes of extreme poverty; these included the global economic system and the debt crisis, the conduct of transnational corporations, the status of the right to development, and the global environment and climate change. Several parties also urged a more direct approach to social security, as articulated in such concepts as essential social transfers or social minimums. Recurrent mention was also made of the need to call on States to implement fiscal policies aimed at raising the revenues necessary to implement the draft's agenda. Stakeholders also broadly agreed on the desirability to make the draft guiding principles' complementarity vis-à-vis other existing international instruments combating (extreme) poverty more explicit,<sup>2</sup> as well as on the importance to emphasize the role played by non-State actors in combating extreme poverty. Finally, it was repeatedly suggested to include a concrete and detailed implementation strategy for the draft guiding principles, so as to underline their objective of being practical and practicable.

#### **Points for clarification**

4. A few issues require further clarification: firstly, all stakeholders agreed with the focus on women and children as the key categories cutting across all forms of exposure to extreme poverty. Several parties proposed to mention further categories as being particularly exposed, most notably those involving (old) age, disabilities, migration, refuge and asylum, ethnic, racial or linguistic minority status, disease (in particular HIV/AIDS), traditional social status (such as caste), location (especially for those in rural areas), and descent, especially indigenous descent. Secondly, stakeholders pointed out that the nature of the obligations mentioned in the draft guiding principles needed to be clarified and that a line needed to be drawn between references to pre-existing legal obligations, on one hand, and consensus-based principles and policies, on the other hand. Such clarification also implied, thirdly, explicit statements on the justiciability of at least some of the obligations mentioned in the draft guiding principles, in particular those related to recognized civil, political, economic, social, and cultural rights. Fourthly, although most parties stated that they thought the rights listed in the draft guiding principles were comprehensive in relation to their objectives, there were, nonetheless, several suggestions for specific rights (issues) to be included or highlighted. Several parties highlighted the right to food and to safe drinking water and sanitation, as well as the importance of the right to privacy and to family life. Furthermore, several civil and political rights were suggested for explicit mention, among them the freedom of expression and of religion.

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<sup>2</sup> Instruments specifically mentioned were the Millennium Development Goals (MDGs), the International Covenant on Economic, Social, and Cultural Rights, the Guiding Principles on Human Rights and Business, the United Nations Food and Agriculture Organization (FAO)'s Voluntary Guidelines on Responsible Governance of Tenure of Land and Forests exercise, the International Labour Organization's (ILO) Decent Work Agenda, the Global Compact, or OHCHR's own Principles and Guidelines on a Human Rights Approach to Poverty Reduction Strategies.

### III. Analytical compilation of comments on the draft guiding principles

#### A. General comments

5. In his opening remarks to the Consultation, the **Permanent Representative of France, Jean-Baptiste Mattei**, pointed out that the approach taken by the Guiding Principles was based on the interdependence and indivisibility of all human rights, as well as on the principles of participation by and empowerment of people living in extreme poverty. The **High Commissioner for Human Rights, Navanethem Pillay**, stressed the entanglement of extreme poverty and human rights: on one hand, those living in extreme poverty were often also deprived of their human rights, both civil and political and economic and social, on the other hand, a human rights approach to the alleviation of extreme poverty was crucial for understanding and counteracting the condition. The **President of the Human Rights Council, Laura Dupuy Lasserre, Permanent Representative of Uruguay**, added that many of the written submissions received converged on several core observations in relation to extreme poverty, notably on the importance of human dignity, non-discrimination, access to basic goods and services, an effective rule of law fostering the realization of human rights, a recognition of the heightened vulnerability of specific groups, and an integrated vision of human development.

6. The **Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda Carmona**, noted that when considering revisions and additions to the current DGPs, stakeholders should bear in mind their overall purpose as practical guidance for policy-makers, an advocacy tool for anti-poverty campaigners, and, most importantly, a means of empowerment for persons living in extreme poverty. She said that a rights-based approach to poverty reduction did represent an added value, both in terms of understanding the causes of poverty and in formulating responses to it. She also stated that the process had been initiated by States and it was, therefore, fundamental that States took an active part in the DGPs finalization.

#### B. Regarding part II: “Rationale for the development of guiding principles on human rights and extreme poverty”

**Question:** “Based on the report of the independent expert (HRC/15/41), what would be the added value of guiding principles on human rights and extreme poverty?”

7. The **Government of Canada** and the **National Human Rights Commission of France** recalled the definitions of poverty elaborated by the Committee on Economic Social and Cultural Rights, the Subcommission on the Promotion and Protection of Human Rights, the former independent expert on extreme poverty and human rights and other bodies, and recommended that the DGPs should take a broad and all-inclusive approach to the issue of extreme poverty. In this vein **Edmund Rice International (ERI)** added that the focus should be on the structural causes of extreme poverty, of which social exclusion and discrimination were already identified in the current draft guiding principles.

8. The **Government of Guatemala** welcomed the focus on specific vulnerable groups and the special emphasis given to women and children. The **Governments of Morocco** and of **the Philippines**, however, reiterated the DGPs’ stated purpose to not focus in detail on specific vulnerable groups, and, indeed, to not create a new vulnerable group, though they did approve of the privileged space given to women and children throughout the draft.

9. The **National Human Rights Commission of Azerbaijan (Human Rights Ombudsman)** and the **Qatar National Human Rights Committee** emphasized the added value that lay in specifically addressing stigmatization and discrimination of the poor.

10. The **Governments of Peru and of Sweden** both pointed to the central role empowerment played in the fight against extreme poverty. However, they also drew attention to the fact that it was not human rights that empowered people living in extreme poverty but that the former merely served as an instrument for the latter to empower themselves. In this sense, the draft guiding principles provided a framework for the recognition of human rights claims of people living in extreme poverty.

11. The **Governments of Bulgaria, the Philippines, Slovenia, and South Africa** as well as the **National Human Rights Commission of Mexico** and the **South African Human Rights Commission**, the **Comunità Papa Giovanni**, the **Congregation of Our Lady of the Missions**, **International Disability Alliance (IDA)** and the **Subcommittee on Poverty Eradication** emphasized that the draft guiding principles were an element of United Nations human rights monitoring and, as such, should be treated as a both a complement to and a concretization and clarification of existing international obligations addressing extreme poverty. A particular synergy existed in relation to the International Covenant on Economic, Social and Cultural Rights for which the draft guiding principles should serve as an implementation device. They should, therefore, explicitly remind States of the obligations they have assumed under the Covenant, fulfilment of which was a measuring rod for their commitment to fight extreme poverty.

12. The **Government of Peru** as well as the **North-South Institute (NSI)** stated that the ways in which the guiding principles might contribute to the implementation of the Millennium Development Goals should be treated here. They proposed that the draft guiding principles specify, for instance, how empowerment would proceed in practice by calling for the drafting of specific “how to” manuals.

13. The **Governments of Finland and of Mexico** proposed to include, in the Rationale, a reference to the economic benefits of poverty eradication, as well as the strengthening of social cohesion as a result of the reduction of social inequality, especially in post-conflict and transition societies. The **Government of Bolivia** added that the general outlook that the draft guiding principles took on poverty should be social and economic with a view to fostering different forms of economic redistribution as a core objective.

14. The **Government of Lithuania** pointed out, that the guiding principles might more clearly reflect the importance of society-wide commitment to poverty reduction, that is, not only governments but also civil society and business were to engage in this endeavour.

15. The **Government of Canada** drew attention to the fact that, given the non-mandatory character of the Guiding Principles, mandatory language should be avoided throughout the document.

#### **Analytic conclusions on the section**

16. There was broad consensus that the DGPs should be seen as complementary with other human rights instruments,<sup>3</sup> especially the International Covenant on Economic,

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<sup>3</sup> See submissions by the Governments of Bulgaria, the Philippines, Slovenia, and South Africa as well as by the National Human Rights Commission of Mexico and the South African Human Rights Commission, and the Comunità Papa Giovanni, the Congregation of Our Lady of the Missions, International Disability Alliance (IDA) and the Subcommittee on Poverty Eradication at [www.ohchr.org](http://www.ohchr.org).

Social, and Cultural Rights, and that they served as an important framework for MDG and post-MDG implementation.<sup>4</sup> They were to be seen in the wider context of social and economic governance.<sup>5</sup> Virtually all parties agreed with the focus on cross-cutting conditions in general, and the special emphasis given to women and children, in particular. A number of further conditions were mentioned by individual parties, though all agreed that a broad and all-inclusive focus should be maintained. This consensus should also inform any discussion on the viability of a specific definition of extreme poverty. Furthermore, parties highlighted the importance of addressing stigmatization and discrimination<sup>6</sup> as structural causes of extreme poverty, as well as the reliance on empowerment<sup>7</sup> as a core element of the fight against extreme poverty.

### C. Regarding part III: “Conceptual framework”

**Question:** *“Considering that the majority of those living in extreme poverty are children, should the guiding principles have a dedicated section on this specific group or should this issue be cutting across the text? (A/HRC/15/41, para. 19); and what about other specific groups?”*

17. The **Governments of Canada, Chile, Lithuania, Mexico, Norway, Switzerland, and the United Kingdom of Great Britain and Northern Ireland** as well as the **International Commission of Jurists** observed that children were a pre-eminently important group among those especially vulnerable to extreme poverty. However, they also agreed that child poverty had to be seen in the context of the poverty of their parents and, generally, as a cross-cutting issue of the broader societal problem of extreme poverty. Special attention should be paid to street children and girl children who were frequently victims of both extreme poverty and gender-related discrimination. The **Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M’jiid Maalla** added that the issue of children living in extreme poverty should be based on the four guiding principles of the Convention on the Rights of the Child, namely that children living in extreme poverty should be recognized by the law, that their rights and dignity should be respected, that their physical and mental integrity, their security and their development should be protected, and that their free expression should be encouraged and taken into consideration. Likewise, children living in extreme poverty should enjoy the full protection of economic and social rights.

18. The **Governments of Argentina, Canada, Ecuador, Finland, France, and Germany**, as well as the **National Human Rights Commissions of India, Jordan, Malaysia and South Africa** and the **Bosnia and Herzegovina Ombudsman** emphasized the appropriateness of including specific mention of other vulnerable groups, in particular women, older persons, people with disabilities, including those rendered invalid through armed conflict, migrant workers, refugees and asylum seekers, ethnic, racial and linguistic minorities, people with HIV/AIDS, people of lower castes, the rural poor, and indigenous people. They contended that these groups suffered from multiple forms of discrimination and were most in need of protection. Not only should the misfortune of these groups cut across the entire text of the guiding principles, there should also be a specific segment that recognized them as key target groups for a multifaceted approach towards the eradication of poverty.

<sup>4</sup> See submissions of the Governments of Peru as well as the North-South Institute (NSI).

<sup>5</sup> See submissions of the Governments of Finland, Mexico and Bolivia.

<sup>6</sup> See submissions of the National Human Rights Commission of Azerbaijan (Human Rights Ombudsman) and the Qatar National Human Rights Committee.

<sup>7</sup> The Governments of Peru and Sweden.

19. The **Government of Canada** drew attention to the need to clearly distinguish between State and non-State actors and their respective human rights obligations. States as the primary holders of international obligations had a duty to respect and fulfil, whereas non-State actors had a duty to protect as well as to promote human rights. In this context, the **Government of South Africa** stressed the co-responsibility of corporations for environmental degradation, sub-standard labour conditions and child labour.

#### **Analytic conclusion on the section**

20. Submissions on this section reiterate and concretise some of the main points brought up in the discussion on the Rationale. All parties, again, agreed with the focus on women and children as the key categories cutting across all forms of exposure to extreme poverty. Several parties proposed to mention further categories as being particularly exposed, most notably (old) age, disabilities, migration, refuge and asylum, ethnic, racial or linguistic minority status, disease (in particular HIV/AIDS), traditional social status (such as caste), location (especially in rural areas), and descent, especially indigenous descent. Furthermore, the specificity of non-State actors, and, in particular, corporations, both in relation to the nature of obligations attributable to them as well as their co-responsibility for aspects of extreme poverty, was recurrently pointed out.

#### **D. Regarding part IV: “Overview of the main underlying and reinforcing deprivations faced by persons living in extreme poverty”**

**Question:** *“Would you identify other underlying and reinforcing deprivations and obstacles faced by persons in extreme poverty, in addition to the ones included in this section of the report?”*

21. The **Government of South Africa** as well as the **Congregation of Our Lady**, the **International Budget Partnership (IBP)** and the **International Human Rights Internship Program (IHRIP)** recommended adding a reference to the larger economic context which impacted on the incidence of extreme poverty. They noted, in particular, distortions of trade and the global financial crisis and observed that fiscal policy and the negative impact of public debt were often implicated in extreme poverty.

22. The **Governments of Ecuador and Finland** as well as the **National Human Rights Commission of Mexico** and the **United Nations High Commissioner for Refugees (UNHCR)** proposed that several groups might be additionally mentioned here as being particularly subject to direct or indirect discriminatory practices, notably girl children, rural migrants and migrant children, as well as people with disabilities.

23. The **Government of Norway** and **Switzerland’s Subcommittee on Poverty Eradication**, as well as **the ATD Fourth World Movement**, **Eurochild**, and **UN-Habitat** all expressed concern that certain conditions specifically added to vulnerability to extreme poverty; among these were maternal and child health, as well as mental health issues, personal debt, drug addiction, unsafe housing, and statelessness and internal displacement.

#### **Analytic conclusions on the section**

24. Responses to this part of the draft guiding principles oscillated between the macro and the micro levels. On the former, some parties called for a more explicit mention of the

broader economic framework<sup>8</sup> within which extreme poverty occurred. On the micro-level, in turn, parties proposed to include a number of group categories to be potentially added to those already listed in this section; they include girl children, rural migrants and migrant children, and people with disabilities, as well as maternal and child health, as well as mental health issues, personal debt, drug addiction, unsafe housing, and statelessness and internal displacement.<sup>9</sup>

#### **E. Regarding part V: “Proposals for improving the draft guiding principles on extreme poverty and human rights”<sup>10</sup>**

**Question:** *“Are there any important aspects or issues missing in the annotated outline for guiding principles proposed in this section of the report?”*

25. The **Government of Chile** reiterated (regarding para. 34) that the core deprivations of persons living in extreme poverty were a lack of access to public services and non-compliance with their fundamental rights. The causes for these needed to be identified, appropriate programmes put in place, and monitoring mechanisms established.

26. The **Governments of Ecuador, Finland and South Africa** stated (regarding para. 36) that mention could be made of other non-State actors, besides international organizations and transnational corporations, as bearers of human rights responsibility.

#### **F. Regarding part V, section 1: “Overarching human rights principles”**

**Questions:** *“Is the list of human rights principles in this section (headings A to G) sufficiently comprehensive or should any other principles be included in the guiding principles on extreme poverty and human rights?”*

*“Are there any important aspects or issues missing in the recommendations in bold proposed under each of the overarching human rights principles in this section of the report?”*

27. The **Government of Ecuador** proposed that, in relation to the text under heading C, the inverse of discrimination, namely diversity be mentioned as a crucial condition for the fight against poverty. In addition, specific mention of discrimination in the work place as well as in relation to social security, particularly as experienced by women, should be included here. In relation to heading F, it observed that the issue of intellectual property and collective rights ought to be mentioned.

28. The **Government of Egypt** stated that the rights-based approach to the eradication of extreme poverty had to be seen in the context of the rights-based approach to

<sup>8</sup> See submissions of the Government of South Africa and of the Congregation of our Lady, the International Budget Partnership (IBP) and the International Human Rights Internship Program (IHRIP).

<sup>9</sup> See submissions by the Governments of Ecuador, Finland, Norway, and Switzerland, as well as of the National Human Rights Commission of Mexico and UN-Habitat and the United Nations High Commissioner for Refugees, as well as the Subcommittee on Poverty Eradication, ATD Fourth World Movement, and Eurochild.

<sup>10</sup> To provide a systematic account of submissions on section V, the latter are, where possible, listed according to the paragraph they refer to in the draft guiding principles. Full submissions are available online at [www.ohchr.org](http://www.ohchr.org)

development. It also drew attention to what it characterised as the policy-oriented approach adopted in the recent Guiding Principles on Human Rights and Business.

29. The **Government of Finland** and the **National Human Rights Commission of Jorda** recommended that an explicit reference be made to the right to self-determination.

30. The **Government of France** proposed, in relation to the text under heading D that gender equality in marriage should be mentioned. A general effort should be made to avoid gender-stereotyping. With regard to heading E, it emphasized that participation was of fundamental importance and should imply active involvement in the formulation of public policy.

31. The **Government of Peru** recommended that, under heading E, migrants be included among those vulnerable groups whose representation in the decision-making process ought to be ensured. In relation to heading F, it called for the media to be recognized as a relevant stakeholder in the provision of transparency and access to information.

32. The **Government of the Philippines** observed that the draft guiding principles ought to reflect the principle of progressive realization adopted in the International Covenant on Economic, Social and Cultural Rights. It also urged that the draft guiding principles not be overloaded with issues but remained a text understandable and usable by “real people”. In relation to heading B, it suggested that the notion of empowerment was closely related to agency and autonomy. In relation to heading C, it recommended that the paragraph’s language reflect the draft guiding principles’ intent to avoid the creation of a new vulnerable group. In relation to heading D, it proposed that children be added to women as a vulnerable group that merited special promotion. In relation to heading E, it suggested to include mention of access to information and human rights education. In relation to heading G, it added that the justiciability of rights fostering the empowerment of persons living in extreme poverty ought to be assured.

33. The **Office of the United Nations High Commissioner for Human Rights (UNHCR)** recommended using the draft guiding principles as an appropriate forum to give refugees and non-citizens more direct participation. The information should also be available in various languages.

34. The **ATD Fourth World Movement** recommended, in relation to heading B, to attach an additional principle after heading D entitled “adopting a multidimensional approach against poverty”. Furthermore, it recommended merging headings B and E.

35. The **Government of Chile** and the **Child Fund Angola** proposed that the right to identity should be included in the section on overarching human rights principles.

36. The **International Commission of Jurists (ICJ)** proposed, in relation to heading B, to add an explicit reference to sexual orientation and gender identity as prohibited grounds of discrimination as required by international human rights law and recognised in UN jurisprudence. In addition, and in relation to heading C, it highlighted the importance to pay special attention to the expectations and needs of people living in rural areas.

37. The **North-South Institute (NSI)** suggested that the right to self-determination be mentioned in relation to indigenous peoples, in particular with regard to land rights relating to traditional territory. In relation to heading D, it proposed to mention sexual violence, assault and exploitation. It also recommended drawing attention to the specific vulnerability of girls.

38. Recalling the preamble of the Convention on the Rights of the Child, **Association Points-Coeur** proposed that the centrality of the family as society’s basic unit should be mentioned in an additional paragraph. In relation to heading C it observed that it was

through human rights education that providers of public and private services would become sensitive to the issue at hand. In relation to heading G, it noted that the most effective way to prevent violations of the human rights of persons living in extreme poverty was, again, human rights education throughout all stages of schooling and study.

39. **Zdzislaw Kedzia, member of the Committee on Economic, Social, and Cultural Rights**, recommended that the rights-based approach to alleviate extreme poverty ought to be specially highlighted as an alternative to a needs-based approach and as fostering empowerment. He also proposed to complement the reference to human dignity with the definition of poverty adopted by the Convention as a “human condition characterized by the sustained or chronic deprivation of the 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 as enshrined in the international human rights instruments”.

40. **Eitan Felner, independent expert**, proposed, in relation to heading C, that a recommendation be added that States review legislation for built-in biases against the poor. In relation to heading E, he suggested that a call for States to proactively empower persons living in (extreme) poverty be added. In relation to heading G, he urged that recommendations be added that civil servants be held responsible for discriminatory conduct vis-à-vis persons living in extreme poverty, and that party political and clientelistic systems functioning in a discriminatory manner be overhauled.

41. The **Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M’jiid Maalla**, listed the human rights principles particularly important for children: these included equality and non-discrimination on the basis of age, the prohibition of gender-based discrimination of girls, access to information, and the right to an effective remedy. She added that special attention should be paid to the four founding principles of the Convention on the Rights of the Child, notably non-discrimination (art. 2), the prevalence of the best interest of the child (art. 3), the right to life, survival and development (art. 6), and participation (art. 12).

42. The **Government of Mexico** called, in relation to heading A, for mention of the importance of administrative coordination of anti-poverty programmes and of linking social and economic programming.

43. The **Government of Morocco** suggested, under heading A, adding the right to education, labour rights, property rights and the right to live a life on a sufficient level.

44. The **National Human Rights Commission of Jordan** recommended including, under heading A, a reference to non-State actors, particularly to international aid and development agencies.

45. The **Institut Interdisciplinaire d’Ethique et des Droits de l’Homme (IIEDH)** stated that human dignity, universality, and the interdependence and invisibility of human rights should be included, under heading A, at the beginning of the draft guiding principles.

46. The **Government of Albania** suggested that, also under heading A, gender discrimination on grounds of traditional practices be specifically mentioned.

47. The **General Secretary of the World YWCA, Nyaradzayi Gumbonzvanda**, reiterated that the DGPs represented a strategy for eradicating extreme poverty, especially in relation to women. She recalled the prominence of poverty on the Beijing Platform and set out several principles and objectives that might be additionally mentioned under heading D, notably empowerment.

48. The **Government of Bolivia** recommended a specific mention of the importance of stakeholder participation in the formulation and implementation of public policies, under heading E, including and especially in relation to commercial policy.

49. The **Special Rapporteur on the sale of children, child prostitution and child pornography** called for the explicit mention, also under heading E, of the right of children living in extreme poverty to have access to information, to be able to freely express their views, and to have their opinions taken into consideration according to their age and degree of maturity.

50. The **Government of South Africa** recalled the importance of ensuring full justiciability of economic and social rights under heading G and, in the context of the South African experience, it specifically mentioned effective litigation for land rights and in relation to HIV/AIDS.

#### **Analytic conclusions on the section**

51. As in the previous sections, there was broad consensus on the need to explicitly integrate the draft guiding principles with other human rights mechanisms,<sup>11</sup> including the International Covenant on Economic, Social and Cultural Rights<sup>12</sup> and its principle of progressive realization and with the Convention on the Rights of the Child and its founding principles.<sup>13</sup> Furthermore, the importance of accountability of State institutions and civil servants was highlighted,<sup>14</sup> as well as the need to render the rights framework fully justiciable in relation to conditions associated with the occurrence of extreme poverty.<sup>15</sup> The centrality of participation was pointed out,<sup>16</sup> and the need to clearly expand the draft guiding principles framework to non-State actors was stressed,<sup>17</sup> as was the correlation with the right to self-determination.<sup>18</sup>

### **G. Regarding part V, section 2: “Overarching policy guidelines”**

**Questions:** *“Is the list of ‘overarching policy guidelines’ in this section (headings H to K) sufficiently comprehensive or should any other overarching policy guidelines be included in the guiding principles?”*

*“Are there any important aspects or issues missing in the recommendations in bold proposed under each of the overarching policy guidelines in this section of the report?”*

52. The **Government of Canada** highlighted the importance of distinguishing between legal obligations and policy guidelines in the language of this section.

53. The **National Human Rights Commission of Jordan** proposed to include reference to ‘essential healthcare’ under heading I. It also suggested that the monitoring role of international bodies should be mentioned under headings H and K. In relation to heading J

<sup>11</sup> See submission by the Government of Egypt.

<sup>12</sup> See submission by Zdzislaw Kedzia, member of the Committee on Economic, Social, and Cultural Rights.

<sup>13</sup> See submission by Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M’jiid Maalla.

<sup>14</sup> See submission by Eitan Felner, independent expert.

<sup>15</sup> See submissions by the Governments of the Philippines and South Africa.

<sup>16</sup> See submissions by the Governments of France and Bolivia.

<sup>17</sup> See submission by the National Human Rights Commission of Jordan.

<sup>18</sup> See submission by the Government of the Philippines.

it submitted that the phrase ‘sustainable strategies for international assistance and cooperation, favouring democratic governance and domestic capacity building’ be inserted.

54. **Eitan Felner, independent expert**, proposed that a paragraph be added to this section specifically dealing with corruption. In particular, he suggested that States should enact legislation enforcing disclosure of income and assets of senior public officials, to ensure adequate income and decent working conditions for civil servants, to put in place complaints procedures and, generally, to identify and counteract the governance weaknesses that give rise to corruption. Under heading H, he suggested additionally recommending that States adopt fiscal policies enabling them to raise sufficient revenues for anti-poverty programmes, that they should be guided by the minimum core obligations set out in the context of economic, social and cultural rights, that anti-poverty budgets be entrenched, that data on extreme poverty be systematically procured, that anti-poverty programmes be comprehensive and multi-sectoral, endowed with targets and benchmarks, that geographic factors be considered in anti-poverty budgets, and that institutional designs that hamper anti-poverty programming be identified and reformed. In relation to heading I, he further recommended that States should adopt a demand-side perspective that encouraged persons living in extreme poverty to proactively use the services offered to them.

55. The **Government of Brazil** recalled, under heading H, its own efforts to identify and target poverty hotspots in the framework of its “Brazil without Misery” (*Brasil Sem Miséria*) programme.

56. The **Government of Mexico** reiterated, under the same heading, the importance of transparency of social programmes, so that those living in extreme poverty could clearly identify whether they belonged to a particular vulnerable group and what benefits were available.

57. The **Institut Interdisciplinaire d’Ethique et des Droits de l’Homme (IIEDH)** recommended that para. 54 under heading H be amended by the phrase “States set specific measures to monitor the implementation of programmes and public policies aimed at reducing extreme poverty”. It also suggested that the order of points be reversed so as to first mention data collection, then the formulation criteria.

58. The **Special Rapporteur on the sale of children, child prostitution and child pornography** stated, regarding heading H, that certain categories of children living in extreme poverty merited specific protection, notably homeless children, disabled children, unaccompanied migrant children, children working as domestic servants, children subject to child trafficking and sexual exploitation, and unregistered children.

59. The **Government of Ecuador** proposed, regarding heading I, that the co-responsibility of corporations in providing facilities, goods, and services be mentioned.

60. The **Government of South Africa** submitted, also under heading I, that social cohesion strategies should be included in the draft guidelines and that a data system should be developed which would permit the mapping of household needs in basic infrastructure and basic services.

61. The **Government of the United Kingdom of Great Britain and Northern Ireland** proposed, under the same heading, that the introduction of a set of essential social transfers that were to be defined by States themselves and that were to provide minimum income security and access to basic services be recommended.

62. The **National Human Rights Commission of Ecuador (Defensoría del Pueblo)** proposed, also under heading I, to include a mention of food sovereignty as a means to ensure food self-sufficiency.

63. The **International Budget Partnership (IBP) & International Human Rights Internship Program (IHRIP)** proposed, under heading I, that a statement on the budgetary implications of fulfilling human rights obligations should be added here; specifically, they propose to add “in particular, the Government should ensure that its budget is raised, allocated and expended in line with its human rights obligations, most particularly the obligation of equality and non-discrimination. The rights of those living in extreme poverty should consistently be prioritized in budget allocations and expenditures, and these allocations and expenditures should not be reduced unless and until the government can document significant improvement in the situation of those living in extreme poverty”.

64. The **Government of Pakistan** reiterated, under heading J, the importance of international cooperation for any programme meant to effectively fight poverty.

65. The **World Food Programme** proposed, under the same heading, that the reference to capacity-building be linked to a call for the formulation of exit and handover strategies.

66. The **Comunitá Papa Giovanni** proposed, also under heading J, to include a call for governments to fulfil the promise of contributing with 0.7 percent of GDP to Official Development Assistance.

67. The **Government of Morocco** stated, regarding heading K, that the draft guiding principles should endorse local ownership of the fight against poverty, and call for locally adapted measures.

68. The **Government of Sweden** proposed, under heading K, that specific mention to the ILO’s Decent Work Agenda, the United Nations Global Compact, the Guiding Principles on Human Rights and Business of John Ruggie, the Special Representative of the Secretary-General, and related initiatives within the corporate sector be made here.

#### **Analytic conclusions of the section**

69. An issue that appeared again in this section was corruption which, it was proposed, could be dealt with in a dedicated paragraph.<sup>19</sup> Furthermore, it was also suggested that a clear implementation strategy be set out, including budgetary allocation, data collection, benchmarking, and monitoring.<sup>20</sup> There might be a more specific focus on fiscal policy<sup>21</sup> and, again, on the inclusion of non-State actors.<sup>22</sup> In terms of specific recommendations, the addition, inter alia, of food sovereignty<sup>23</sup> and the idea of an essential social minimum<sup>24</sup> was proposed.

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<sup>19</sup> See submission by Eitan Felner, independent expert.

<sup>20</sup> See submissions by the Government of South Africa and by Eitan Felner.

<sup>21</sup> See submissions by Eitan Felner, the IBP and IHRIP.

<sup>22</sup> See submissions by the Governments of Sweden and Ecuador.

<sup>23</sup> See submission by the National Human Rights Commission of Ecuador (*Defensoria del Pueblo*).

<sup>24</sup> See submission by the Government of the United Kingdom of Great Britain and Northern Ireland.

## H. Regarding part V, section 3: “Specific rights-based obligations”

**Questions:** “Is the list of rights identified in this section sufficiently comprehensive (headings L to W) or any other human rights should be also reflected in the guiding principles?”

*“Are there any important aspects or issues missing in the recommendations in bold proposed under each of the specific rights-based obligations in this section of the report?”*

### Submissions

70. The **Government of Albania** proposed that, in relation to heading M, the co-responsibility of the media for disrespecting private and family life especially when portraying women and children might be mentioned. It also observed, in relation to heading T, that the problems of rural labour and a relevant minimum wage policy be highlighted.

71. The **Government of Argentina** recalled article 23 of the United Nations Declaration on the Rights of Indigenous People and suggested that their right to self-determination and their rights to land and other natural resources be mentioned here.

72. In relation to heading P, the **Government of Canada** drew attention to efforts currently undertaken by FAO to develop Voluntary Guidelines on Responsible Governance of Tenure of Land and Forests and it recommended that the draft guiding principles take these into consideration. It also pointed out, in relation to heading Q, that the precise nature of the obligation to provide free access to drinking water needed to be clarified. In relation to heading S, it proposed that, given its direct link with extreme poverty in many countries, HIV/AIDS might be given greater prominence room in the draft guiding principles.

73. The **Government of Finland** proposed to refer to the “eradication” rather than merely the “reduction” of homelessness in paragraph 80 under heading R. Under heading S, it suggested to add reference to immigrants, regardless of their legal status, as rights-holders.

74. The **Government of South Africa** recommended including, among the listed human rights obligations, the right to self-determination. It also stressed that, under heading L, a specific requirement for registration of newborn babies within 30 days be included.

75. The **Government of the United Kingdom** proposed that the draft guiding principles specify the sources for the obligations referred to, distinguishing between legal obligations and political commitments.

76. The **National Human Rights Commission of Azerbaijan** proposed the inclusion of a separate paragraph on children here.

77. The **National Human Rights Commission of Jordan** commented that a paragraph on the protection of the environment might be added. Furthermore, it proposed to include, under heading R, the obligation to pay compensation for forced eviction. Under letter T, slavery and servitude should be mentioned. Under heading U, the family and mothers should be added to the list of vulnerable groups.

78. The **World Food Programme (WFP)** proposed to include, under letter heading O, reference to the principles governing juvenile justice. Under letter heading P it added that the importance of early-warning mechanisms as a preventive measure of food crises should be mentioned.

79. The **ATD Fourth World Movement** commented with regard to heading M that specific mention might be made of the intrusion into their private and family life persons living in extreme poverty suffer in relation to applying for and receiving social services and

benefits. In relation to heading O it recommended that the DGPs call for access to justice to be free of charge and that the right of persons living in extreme poverty to an adequate legal defence when charged with an offence be fulfilled. In relation to heading T, it commented that the call for a 'minimum wage' was insufficient, as many minimum wage policies provided too little for a dignified life. Hence, it proposed to substitute 'minimum' with 'decent' wage. In relation to heading V, it proposed that a call for the provision of mandatory schooling free of charge be inserted. In relation to heading W, it emphasised the importance of participation in cultural life as a crucial element of poverty alleviation.

80. The **Centre Europe-Tiers Monde (CETIM)** proposed the inclusion of a paragraph on the right to development.

81. The **Comunità Papa Giovanni** and the **Subcommittee on Poverty Eradication** commented that a number of core rights should additionally be dealt with in this section, notably the freedom of expression, the freedom of religion, and the right to a nationality.

82. The **Istituto Internazionale e Maria Ausiliatrice delle Salesiane di Don Bosco (IIMA)** recommended that, under heading L, registration mechanisms should be cost-free. It also suggested the addition, in the same paragraph, of further specifically vulnerable groups, notably refugees and migrants. It also proposed inclusion of further categories of vulnerable groups under heading N, namely indigenous peoples, refugees and migrants, and people living in emergency situations.

83. The **International Disability Alliance (IDA)** proposed to include, under heading N, a recommendation to ensure that persons with disabilities live in the community; under heading O reference to children with disabilities; and under heading Q mention of persons with disabilities.

84. The **Institut Interdisciplinaire d'Ethique et des Droits de l'Homme (IIEDH)** stressed that, if a human-rights lists approach was chosen in this section, it should cover all human rights.

85. The **Special Rapporteur on the sale of children, child prostitution and child pornography** also commented on specific aspects of this section: with regard to heading N, she stated that the need for children to have access to relevant complaint procedures and to effective remedies should be reiterated. Legislation specifically aimed at the protection and security of children living in extreme poverty should be called for, and the co-responsibility of private enterprise in preventing human rights abuses of these children should be emphasised. The special vulnerability of children living in extreme poverty in case of natural disaster or humanitarian emergency should also be mentioned. In relation to heading S, the Special Rapporteur called for a more explicit mention of the importance of access to good quality healthcare, in general, as well as to preventive medicine, health education, health care for pregnant women, and mental health, in particular. Health insurance for those living in extreme poverty and specifically including children should also be called for. In relation to heading U, she called for an explicit mention of the need to make social services accessible to children, as well as to ensure their continued support from infant age to the conclusion of their school education. In relation to heading V, she added that more explicit mention should be made to pre-school education, school attendance of girls, and school curriculum quality.

86. **Zdzislaw Kedzia, member of the Committee on Economic, Social, and Cultural Rights**, commented that the demand for tailor-made services for vulnerable groups, as introduced under heading S in relation to the right to health, might be generalized throughout the section. Although an explicit targeting strategy risked reinforcing the stigma suffered by persons affected by a particular type of vulnerability, it might enhance effectiveness. He also reiterated the importance of pointing out the justiciability of all human rights. Furthermore, he proposed the inclusion, in this section, of trade union rights

and the special protection of the family. In more specific comments he stated, in relation to heading P, that a basic choice existed between treating all rights falling under this section distinctly or jointly in one paragraph. The right to food, in particular, needed to be addressed in greater detail and in relation to the work done by the Committee on Economic, Social and Cultural Rights (general comment No. 12). He stressed the link between the right to food and a wider approach to social justice and pointed to the obligation of State Parties to alleviate hunger (art. 11). He proposed that the concepts of adequacy and sustainability of food availability, as developed in the general comment, be utilised in the draft guiding principles, and recommended that they also call for the development of national strategies for the eradication of hunger. Benchmarking should be introduced to provide for more accurate monitoring of state parties' performance in this regard. In relation to heading Q, Mr. Kedzia proposed that the DGPs note that responsibility for the fulfilment of the right lay with state parties even where the provision of water and sanitation had been privatised or otherwise outsourced. In relation to heading R, he recommended that the guidelines complement the mentioned due process safeguards against forced eviction with entitlements as to compensation, the prohibition of eviction without alternative shelter, and the participation in the decision-making process by those under threat of eviction. He also proposed that specific vulnerable groups be highlighted, notably homeless persons and families, those inadequately housed and without ready access to basic amenities, those living in 'illegal' settlements, those subject to forced eviction, and generally persons on a low income. In relation to heading T, Mr. Kedzia proposed several additions to the mentioned protections, namely compensation mechanisms and assistance in the event of loss of employment by the breadwinners of poor families, protection of pregnant women against the loss of employment, access to a first job as well as non-discrimination on grounds of gender, age, and disability.

87. The **UNHCR** proposed, under heading L, to mention asylum-seekers and stateless persons as in special need of legal recognition.

88. The **National Human Rights Commission of Hungary** proposed, under heading N, to reverse the order of sections and have section 3 begin with the paragraph on the right to life.

89. **FIAN** pointed to the importance, under heading P, of taking into consideration both gender and cultural factors in food programmes.

90. The **Government of Algeria** and the International Commission of Jurists reiterated the importance, under headings P and Q, of the right to food and called for its greater prominence in this section.

91. The **Government of Switzerland** recommended that, under heading T, specific mention of a minimum wage be omitted.

#### **Analytic conclusions of the section**

92. In sum, the importance of drawing on **complementary mechanisms** or programs, especially in a United Nations context, was again highlighted in this section.<sup>25</sup> Several issues were proposed for addition to those listed, among them **children**<sup>26</sup> and the **environment**,<sup>27</sup> the **right to food**,<sup>28</sup> and the question of **access to safe drinking water and sanitation**.<sup>29</sup>

<sup>25</sup> See submission by the Governments of Argentina and Canada.

<sup>26</sup> See submissions by the Government of Albania and of the National Human Rights Commission of Azerbaijan.

<sup>27</sup> See submission of the National Human Rights Commission of Jordan.

#### IV. Next steps

93. There was general agreement that the draft guiding principles, as annotated by the Special Rapporteur on extreme poverty and human rights and the inputs derived from the stakeholder consultation represented a good basis for a final draft of the guiding principles that would likely enjoy widespread support among State parties and other stakeholders. The consultation confirmed that the approach taken by the Special Rapporteur, in particular the focus on extreme poverty as a broad set of conditions that cross-cut different types of vulnerability, meets the approval of stakeholders and provides a promising basis for a successful conclusion of the draft guiding principles process in 2012.

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<sup>28</sup> See submissions by the Government of Algeria as well as of FIAN, the ICJ, and Zdzislaw Kedzia, member of the Committee on Economic, Social, and Cultural Rights.

<sup>29</sup> See submission by the Government of Canada.