



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

**PRINCIPLES AND GUIDELINES  
FOR A HUMAN RIGHTS APPROACH TO  
POVERTY REDUCTION STRATEGIES**



## NOTE

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## Foreword

Poverty is the gravest human rights challenge facing the world today. With a staggering 40 per cent of the world's population living with the reality or the threat of extreme poverty, and one in five persons living in a state of poverty so abject that it threatens survival,<sup>1</sup> a world free from want and fear, the vision of the Universal Declaration of Human Rights, is still a distant aspiration.

Poverty on this scale is no accident of fate. As the report of the United Nations Millennium Project argues forcefully, the end of poverty is an achievable goal.<sup>2</sup> Governments around the world have expressed their strong commitment to eradicating poverty. Most recently, at the 2005 World Summit, world leaders reiterated their determination to ensure the timely and full realization of the Millennium Development Goals, including the eradication of poverty and hunger, stressing “the right of people to live in freedom and dignity, free from poverty and despair”.<sup>3</sup> The challenge now is to translate these commitments into concrete action.

Poverty is not only a matter of income, but also, more fundamentally, a matter of being able to live a life in dignity and enjoy basic human rights and freedoms. It describes a complex of interrelated and mutually reinforcing deprivations, which impact on people's ability to claim and access their civil, cultural, economic, political and social rights. In a fundamental way, therefore, the denial of human rights forms part of the very definition of what it is to be poor.

A human rights-sensitive understanding of poverty facilitates the development of more effective and equitable responses to the multiple dimensions of poverty. It complements more orthodox approaches to development and poverty reduction, looking not just at resources, but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and of other fundamental civil, cultural, economic, political and social rights.

This publication, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, aims to assist countries, international agencies and development practitioners in translating human rights norms, standards and principles into pro-poor policies and strategies.

The work here builds upon several previous publications of the Office of the United Nations High Commissioner for Human Rights, *Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies* (2002) and *Human Rights and Poverty Reduction: A Conceptual Framework* (2004), drafted by Professors Paul Hunt, Manfred Nowak and Siddiq Osmani, and also draws on consultations with various stakeholders (including Member States, intergovernmental and non-governmental organizations).

While by no means a blueprint in such a complex field, I hope that this tool will prove useful at the country level in enhancing the quality, impact and sustainability of national poverty reduction strategies.

Louise Arbour  
United Nations High Commissioner for Human Rights

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<sup>1</sup> United Nations Development Programme (UNDP), *Human Development Report 2005: International cooperation at a crossroads: Aid, trade and security in an unequal world* (New York, United Nations, 2005), p. 24.

<sup>2</sup> United Nations Millennium Project, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* (London and Sterling, VA, Earthscan, 2005).

<sup>3</sup> [2005 World Summit Outcome](#) (A/RES/60/1, para. 143).

## Acknowledgements

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OHCHR also expresses its gratitude to Professors Paul Hunt, Manfred Nowak and Siddiq Osmani, who authored the draft guidelines upon which the present document is based.

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1. The promotion of human rights and the fight against poverty lie at the very heart of the United Nations mandate. The two goals are closely connected and mutually reinforcing, as recognized in, among others, the Vienna Declaration and Programme of Action of 1993 and in the Millennium Declaration of 2000. Equally, the 2005 report of the Secretary-General, “In larger freedom: towards development, security and human rights for all”, and the 2005 World Summit Outcome reaffirm the importance of human rights to reducing poverty and achieving the development goals set out in the Millennium Declaration.
2. The present publication aims to make a contribution to the United Nations-wide endeavour to integrate human rights into development efforts to combat poverty. It is the outcome of a request made by the Committee on Economic, Social and Cultural Rights to the Office of the United Nations High Commissioner for Human Rights (OHCHR) “to develop substantive guidelines for the integration of human rights in national poverty reduction strategies”. Its objective is to provide policymakers and practitioners involved in the design and implementation of poverty reduction strategies (PRSs) with guidelines for the adoption of a human rights approach to poverty reduction.
3. As it is widely accepted that poverty reduction strategies must be “country-owned”, and as international human rights law primarily regulates the relationship between States and individuals, the principal focus of these *Guidelines* is on the role of the State. However, it is hoped that they will also be of use to other actors—civil society organizations, national human rights institutions, the agencies of the United Nations system and other international organizations—that are committed to the eradication of poverty.
4. The *Guidelines* are framed at a certain level of generality so as to be of relevance under most conditions and circumstances. They should not be taken as a prescriptive technical manual. Rather, they elaborate and clarify certain principles that should guide the process of formulating, implementing and monitoring a poverty reduction strategy if it is to be consistent with a human rights approach. The expectation is that once the principles are understood, the actors involved in poverty reduction will be able to implement them in practice, keeping in view the specificities of their own contexts and with the assistance of more specific tools as needed.
5. While the principles of a human rights-based approach to poverty reduction are broadly applicable to both rich and poor countries, the primary focus of these *Guidelines* is on poverty in poorer countries. In part, this is in recognition of the obvious fact that poverty is a much more serious problem in these countries. But it is also partly because poverty in rich countries has special features that need to be addressed separately.
6. The *Guidelines* do not address all aspects of human rights with equal emphasis, because they are formulated for the specific context of poverty reduction, which is only a part of the broader human rights agenda. The choice of and relative emphasis placed on different human rights is based on judgements as to which rights and obligations are most relevant to the context of poverty. These judgements are in turn guided by the understanding that human rights can be relevant to poverty in

different ways.<sup>4</sup> Of special significance in the context of poverty reduction are rights that have either constitutive or instrumental relevance.

7. From a human rights perspective, poverty can be described as the denial of a person's rights to a range of basic capabilities—such as the capability to be adequately nourished, to live in good health, and to take part in decision-making processes and in the social and cultural life of the community. In the language of rights, one may say that a person living in poverty is one for whom a number of human rights remain unfulfilled—such as the rights to food, health, political participation and so on. Such rights have *constitutive* relevance for poverty if a person's lack of command over economic resources plays a role in causing their non-realization. Some human rights are such that their fulfilment will help realize other human rights that have constitutive relevance for poverty. For example, if the right to work is realized, it will help realize the right to food. Such rights can be said to have *instrumental* relevance for poverty. The same human right may, of course, have both constitutive and instrumental relevance. These *Guidelines* address the rights that are considered to be particularly relevant to poverty—on either constitutive or instrumental grounds or on both. [Link to paras. [30](#) and [107](#)]

8. The document is divided into three chapters. **Chapter I** outlines the basic principles of and rationale for a human rights approach. **Chapter II** (guidelines 1–7) sets out in more detail how human rights principles should inform the *process* of formulating, implementing and monitoring a poverty reduction strategy. **Chapter III** (guideline 8) deals with the human rights approach to determining the *content* of a poverty reduction strategy, identifying the major elements of a strategy for realizing a number of specific human rights and human rights obligations of particular relevance to poverty reduction.

9. The discussion of each right or set of rights in **chapter III** (guideline 8) is structured around four parts. **Section A** outlines the relevance of particular human rights standards in the context of poverty. **Section B** sketches the scope or content of the rights and obligations as set out in the international human rights instruments. For ease of reference, boxes reproduce some of the most relevant international human rights provisions; they also refer to recent world conferences, as well as the most relevant general comments or recommendations adopted by United Nations human rights treaty bodies.<sup>5</sup> **Section C** identifies key targets in relation to specific human rights and human rights obligations and lists. For each target, certain indicators will help assess the extent to which these targets are being achieved over time. **Section D** sets out key features of a strategy for achieving the specified targets. Some brief comments are in order regarding the *targets*, *indicators* and *strategies* identified in these *Guidelines*.

10. The *targets* were derived from the scope of the specific rights and obligations as set out in international human rights law. The choice of targets was guided by the following question: what are the major targets whose fulfilment would ensure the realization of rights and obligations of particular relevance to the poor? Many of the targets draw upon, and are similar to, those set out in the Millennium Development Goals (MDGs) adopted by the General Assembly in September 2000.

11. Several points relating to *indicators* are worth noting. First, the construction of human rights indicators is an ongoing enterprise and this publication does not claim to have entirely resolved the

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<sup>4</sup> For a more detailed discussion of the multiple ways in which human rights can be relevant to poverty, see OHCHR, *Human Rights and Poverty Reduction: A Conceptual Framework* (New York and Geneva, United Nations, 2004), Section I.

<sup>5</sup> General comments and recommendations offer guidance to States parties on the meaning and content of particular human rights and the measures that might be taken to better secure their implementation. All general comments and recommendations are available on the [OHCHR website](#), and a compilation is published annually (see [HRI/GEN/1/Rev.8](#) for the 113 general comments and recommendations adopted as of May 2006).

matter.<sup>6</sup> Nonetheless, an attempt has been made to derive from the existing literature, including that on the Millennium Development Goals, a set of indicators that seem most appropriate for the targets in question, keeping in view the context of poverty. Furthermore, the proposed list of indicators is intended for reference only. Each country must decide for itself which indicators are most appropriate for its specific circumstances.

12. Second, the objective of using the indicators is to illustrate the conditions of people living in poverty, and not the average condition of the population as a whole. The indicators will therefore often have to be disaggregated to reflect the condition of people living in poverty and of specially disadvantaged groups among them, e.g., women, minorities, indigenous peoples. Exactly what type of disaggregation is appropriate will depend on the nature of the target in question and the particular circumstances of the country. However, in view of the generally disproportionate impact of poverty on women, indicators should in most instances be disaggregated by sex.

13. Third, most of the indicators proposed in these *Guidelines* are standard indicators of socio-economic progress, although it should be observed that some human rights indicators, especially those relating to civil and political rights, do not usually figure in measures of socio-economic progress. Essentially, what distinguishes a human rights indicator from a standard disaggregated indicator of socio-economic progress is less its substance than (a) its explicit derivation from a human rights norm and (b) the purpose to which it is put, namely human rights monitoring with a view to holding duty-bearers to account.

14. The *strategies* proposed for a particular right are meant to be suggestive rather than definitive. Some of the recommendations proposed here may be relevant in some cases but not in others, while there may be circumstances that demand actions that have not been addressed here at all. Such details need to be worked out by those actively participating in the preparation of poverty reduction strategies, and these details are bound to vary depending on the context. In addition, the strategy proposed for a particular right or obligation has to be seen as part of a comprehensive approach rather than as being adequate in isolation. Thus, the strategy proposed for implementing the right to food will not succeed for everyone unless progress is made in realizing the right to work, because most people who are not directly involved in food production have to work to purchase food from the market. Furthermore, successful implementation of any right will depend on the institutions for participation, monitoring and accountability. [Link to [para. 107](#)]

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<sup>6</sup> It is worth mentioning that several initiatives are currently under way, including those being proposed by OHCHR (HRI/MC/2006/7) and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2006/48), which examine the use of quantitative and qualitative indicators in human rights assessments.



## CHAPTER I

### THE RATIONALE FOR A HUMAN RIGHTS APPROACH [\[Back to Contents\]](#)

15. The human rights approach underlines the multidimensional nature of poverty, describing poverty in terms of a range of interrelated and mutually reinforcing deprivations, and drawing attention to the stigma, discrimination, insecurity and social exclusion associated with poverty. The deprivation and indignity of poverty stem from various sources, such as the lack of an adequate standard of living, including food, clothing and housing, and the fact that poor people tend to be marginalized and socially excluded. The commitment to ensure respect for human rights will act as a force against all these forms of deprivation.

16. The essential idea underlying the adoption of a human rights approach to poverty reduction is that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in international human rights law. Whether explicit or implicit, norms and values shape policies and institutions. The human rights approach offers an explicit normative framework—that of international human rights. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.<sup>7</sup> (See [guideline 2](#).)

17. The application of human rights to poverty reduction reinforces some of the existing features of anti-poverty strategies. For example, anti-poverty strategies that demand transparent budgetary and other governmental processes are congruent with the right to information, while the insistence that strategies are “country-owned” corresponds to the right of peoples to self-determination. The value added by the human rights approach to poverty reduction consists both in the manner in which it departs from existing strategies and in the manner in which it reinforces them.

18. One reason why the human rights framework is compelling in the context of poverty reduction is that it has the potential to empower the poor. As is now widely recognized, effective poverty reduction is not possible without the *empowerment* of the poor.<sup>8</sup> The human rights approach to poverty reduction is essentially about such empowerment.

19. The most fundamental way in which empowerment occurs is through the introduction of the concept of rights itself. Once this concept is introduced into the context of policymaking, the rationale of poverty reduction no longer derives merely from the fact that the people living in poverty have needs but also from the fact that they have rights—entitlements that give rise to legal obligations on the part of others. Thus, the human rights perspective adds legitimacy to the demand for making poverty reduction the primary goal of policymaking. The human rights perspective draws attention to the fact that poverty signifies the non-realization of human rights, so that the

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<sup>7</sup> For a more detailed discussion of the salient features of a human rights approach to poverty reduction, see OHCHR, [Human Rights and Poverty Reduction: A Conceptual Framework](#) (New York and Geneva, United Nations, 2004), especially Section 2.

<sup>8</sup> The term “empowerment” is used here to describe a process of increasing the capabilities of poor individuals or groups to make choices and to transform those choices into desired actions and outcomes, and to participate in, negotiate with, influence, control and hold accountable the institutions that affect their lives. For a more detailed discussion of empowerment, see Deepa Narayan, ed., [Empowerment and Poverty Reduction: A Sourcebook](#) (Washington, D.C., World Bank, 2002) and the World Bank [PovertyNet](#) website.

adoption of a poverty reduction strategy is not just desirable but obligatory for States which have ratified international human rights instruments.

20. Most of the salient features of the human rights normative framework can contribute to the empowerment of the poor in one way or another. These features include the principles of universality, non-discrimination and equality, the principle of participatory decision-making, the notion of accountability, and the recognition of the interdependence of rights.

21. The twin principles of *equality and non-discrimination* are among the most fundamental elements of international human rights law. Recognition of these principles helps to highlight the fact that a great deal of poverty originates from discriminatory practices—both overt and covert. This recognition calls for the reorientation of poverty reduction strategies from a tendency to focus on narrow economic issues towards a broader strategy that also addresses the socio-cultural and political-legal institutions which sustain the structures of discrimination. Thus, the human rights approach to poverty reduction requires that the laws and institutions which foster discrimination against specific individuals and groups be eliminated and that more resources be devoted to the areas of activity with the greatest potential to benefit the poor. (See [guideline 3.](#))

22. While the human rights approach imposes an obligation on duty-bearers to work towards poverty reduction, it recognizes that, due to resource constraints, some human rights may have to be realized over a period of time. Making trade-offs among alternative goals in the light of social priorities and resource constraints is an integral part of any approach to policymaking. The human rights approach, however, imposes certain conditions on the act of prioritization which protect the poor against certain trade-offs that may be harmful to them. In particular, it cautions against any trade-off that leads to the retrogression of a human right from its existing level of realization and rules out the non-achievement of certain minimum levels of realization. (See [guideline 4.](#))

23. Unlike earlier approaches to poverty reduction, the human rights approach attaches as much importance to the processes which enable developmental goals to be achieved as to the goals themselves. In particular, it emphasizes the importance of ensuring the active and informed *participation* by the poor in the formulation, implementation and monitoring of poverty reduction strategies. It draws attention to the fact that participation is valuable not just as a means to other ends, but also as a fundamental human right that should be realized for its own sake. Effective participation by the poor requires specific mechanisms and arrangements at different levels of decision-making in order to overcome the impediments that people living in poverty, and marginalized groups in general, face in their efforts to play an effective part in the life of the community. (See [guideline 5.](#))

24. The human rights approach to poverty reduction emphasizes the *accountability* of policymakers and others whose actions have an impact on the rights of people. Rights imply duties, and duties demand accountability. It is therefore an intrinsic feature of the human rights approach that institutions and legal/administrative arrangements for ensuring accountability are built into any poverty reduction strategy. While duty-bearers must determine for themselves which mechanisms of accountability are most appropriate in their particular case, all mechanisms must be accessible, transparent and effective. (See [guideline 6.](#))

25. In many countries, poverty reduction strategies are bedevilled by corruption. However, corruption is unlikely to flourish where there is access to information, freedom of expression, participation and accountability—all key human rights features. Therefore, a human rights approach has the power to protect a poverty reduction strategy from being undermined by the corroding effects of corruption.

26. Yet another feature of the human rights approach is that poverty reduction becomes a shared responsibility. While a State is primarily responsible for realizing the human rights of the people living within its jurisdiction, other States and non-State actors also have a responsibility to contribute to, or at the very least not to violate, human rights. (See [guideline 7](#).)

27. The international human rights framework also broadens the scope of poverty reduction strategies by recognizing the *interdependence of rights*. Although poverty may seem to concern mainly economic, social and cultural rights, the human rights framework highlights the fact that the enjoyment of these rights may be crucially dependent on the enjoyment of civil and political rights. The human rights approach thus dispels the misconception that civil and political rights and freedoms are luxuries relevant only to relatively affluent societies, and that economic, social and cultural rights are merely aspirations and not binding obligations. Accordingly, it demands that civil and political as well as economic, social and cultural rights are integral components of poverty reduction strategies. (See [guideline 8](#).)

28. In sum, the human rights approach has the potential to advance the goal of poverty reduction in a variety of ways: (a) by urging the speedy adoption of a poverty reduction strategy, underpinned by human rights; (b) by broadening the scope of poverty reduction strategies so as to address the structures of discrimination that generate and sustain poverty; (c) by urging the expansion of civil and political rights, which can play a crucial instrumental role in advancing the cause of poverty reduction; (d) by confirming that economic, social and cultural rights are binding international human rights, not just programmatic aspirations; (e) by cautioning against retrogression and non-fulfilment of minimum core obligations in the name of making trade-offs; (f) by adding legitimacy to the demand for meaningful participation of the poor in decision-making; and (g) by creating and strengthening the institutions through which policymakers can be held accountable for their actions.<sup>9</sup>

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<sup>9</sup> For further discussion of the added value of a human rights-based approach to development and its relevance to United Nations development programming, see OHCHR, [Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation](#) (New York and Geneva, United Nations, 2006).

## CHAPTER II

# THE PROCESS OF FORMULATING, IMPLEMENTING AND MONITORING A HUMAN RIGHTS-BASED POVERTY REDUCTION STRATEGY

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### Guideline 1: IDENTIFICATION OF THE POOR

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29. Any strategy for poverty reduction has to begin with an identification of the poor. This task is composed of two steps: (a) identifying the attributes that are deemed to constitute poverty and (b) identifying the population groups that possess these attributes.

30. *Identifying the attributes of poverty.* From a human rights perspective, poverty consists in the non-fulfilment of a person's right to a range of basic capabilities (see [para. 7](#)). Capability failure is thus a defining attribute of poverty.

31. Since poverty denotes an extreme form of deprivation, only those capability failures that are deemed to be basic should count as poverty, and these should be rated in some order of priority. As different societies may have different orders of priority, the list of basic capabilities may differ from one society to another.

32. However, empirical observation suggests a common set of capabilities that can be considered basic in most societies. This set includes the capabilities of being adequately nourished, avoiding preventable diseases and premature mortality, being adequately sheltered, having basic education, being able to ensure personal security, having equitable access to justice, being able to live in dignity, being able to earn a livelihood and being able to take part in the life of a community. The present *Guidelines* deal with this common set. But in each country, it must be ascertained, through a participatory process, which other capabilities its people consider basic enough for their failure to count as poverty.

33. *Identifying the poor.* Once the basic capabilities have been determined, the next step is to identify the population groups that suffer from inadequate achievement of those basic capabilities. This task is informationally demanding, especially since poverty must be measured in terms of a range of attributes. Innovative mechanisms have to be designed—using a combination of quantitative and qualitative methods—to elicit the necessary information cost-effectively. The preferred method depends on the particular circumstances of a given country. If the current capability of that country is not adequate to elicit the desired information, steps should be taken to develop that capability as expeditiously as possible.

34. Whatever method is actually used to identify the poor, the human rights approach demands that it should be guided by two special considerations.

35. First, the objective of the exercise should not merely be to come up with a number, such as the percentage of poor people in the population, but to ascertain who these people are and how poor

they are. Thus it is necessary to identify those in extreme poverty—that is, the poorest of the poor, as well as specific groups, in terms of various characteristics, such as gender, geographical location, ethnicity, religion, age or occupation—so that the problem of poverty can be addressed at as disaggregated a level as possible.

36. Second, special efforts must be made to identify those among the poor who are especially deprived and marginalized (e.g., women, or people living with HIV/AIDS, or the elderly, or the disabled, or those suffering from racial or religious discrimination). When resource constraints call for the setting of priorities, it is the entitlement of these groups that should receive prior attention. This is necessary for the sake of equality, which is an essential principle of the human rights approach.

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## **Guideline 2: NATIONAL AND INTERNATIONAL HUMAN RIGHTS FRAMEWORK**

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37. While the documents spelling out poverty reduction strategies are not legal instruments, they must be consistent with, and informed by, the State's national and international human rights commitments for two reasons: (a) this will make the strategy more effective; and (b) otherwise, some features of the strategy may be unlawful.

38. This has significant implications for States as well as for those responsible for policies and programmes that impact on States. All parties should use a State's national and international human rights commitments as the normative foundation on which poverty reduction strategies are constructed.

39. When beginning to prepare or review a poverty reduction strategy, a State should expressly identify:

- (a) National human rights law and practice in its jurisdiction, for example human rights provisions from the constitution, bill of rights, anti-discrimination laws, freedom of information legislation, as well as the main human rights case law;
- (b) The international and regional human rights treaties it has ratified;
- (c) Other important international human rights instruments, such as the Universal Declaration of Human Rights;
- (d) Commitments entered into at recent world conferences in so far as they bear upon human rights, including the United Nations Millennium Declaration;
- (e) Pledges made to the Human Rights Council, as well as human rights commitments undertaken in national programmes and plans of action.

40. Given its responsibility to ensure that its human rights commitments inform the formulation and implementation of its poverty reduction strategy, a State should ensure that:

- (a) Its human rights commitments are expressly referred to in the poverty reduction strategy;

- (b) Those responsible for formulating and implementing the poverty reduction strategy receive basic human rights training so that they are familiar with the State's human rights commitments and their implications;
- (c) Individuals are appointed with a particular responsibility to ensure that the State's human rights commitments are taken into account throughout the formulation and implementation of the poverty reduction strategy (e.g., departmental human rights officers);
- (d) Processes are designed, and put in place, to ensure that the State's human rights commitments receive due attention throughout the formulation and implementation of the poverty reduction strategy (e.g., arrangements to secure the preparation and scrutiny of ex ante and ex post human rights impact assessments).

41. Because the relevance of a State's human rights framework is not confined to the State itself, all those responsible for policies and programmes that impact upon a State should:

- (a) Ensure that they do not make it more difficult for the State to implement its human rights commitments to individuals and groups within its jurisdiction;
- (b) Make their best efforts, within their mandates, to help a State fulfil its national and international human rights commitments.

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### **Guideline 3: EQUALITY AND NON-DISCRIMINATION**

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42. The right to equality and the principle of non-discrimination are among the most fundamental elements of international human rights law. The right to equality guarantees, first and foremost, that all persons are equal before the law, which means that the law shall be formulated in general terms applicable to every individual and shall be enforced in an equal manner. Secondly, all persons are entitled to equal protection under the law against arbitrary and discriminatory treatment by private actors. In this regard, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability and health status, including HIV/AIDS, age, sexual orientation or other status.

43. People living in poverty are typically victims of discrimination on grounds such as birth, property, national and social origin, race, colour, gender and religion. Depending on the particular circumstances of each society, poverty may affect members of certain socially disadvantaged classes, or of certain ethnic or religious groups, women, elderly people or indigenous persons, but in most cases poverty is aggravated by some sort of discrimination. If Governments are responsible for such discrimination, they are under an obligation immediately to prohibit and cease all discriminatory laws and practices. If discriminatory attitudes are caused by traditions among the population (that are usually deeply rooted), Governments shall adopt and enforce laws prohibiting any discrimination by private actors. In both cases, Governments must take special additional measures to afford effective protection to their most disadvantaged, discriminated and socially excluded groups, including the poor, against discrimination by governmental authorities as well as by private actors.



44. Inequalities and discrimination may assume various forms, including explicit legal inequalities in status and entitlements, deeply rooted social distinctions and exclusions, and forms of indirect discrimination. For instance, even laws and policies that do not use categories of men and women may discriminate against women in practice, e.g., while there might be no intention to discriminate against women when the term “breadwinner” is included in social security law, if the practical application of this term disadvantages women, it may constitute indirect discrimination on the grounds of sex. It is therefore important to look at the effects, and not only the intentions, of measures and laws.

45. Not every distinction constitutes discrimination since it might be based on reasonable and objective criteria. Whereas poverty might have been regarded in earlier times as a kind of “natural phenomenon”, today it is looked upon as a social phenomenon aggravated by discrimination, which in turn requires corresponding anti-discrimination or even affirmative action by Governments. A human rights approach to poverty provides the necessary tools for identifying the roots of poverty that lie in discriminatory practices and for developing appropriate strategies to deal with them.

46. As discrimination may cause poverty, poverty also causes discrimination. In addition to bias towards their race, colour, gender and social origin, the poor are also subject to discriminatory attitudes by governmental authorities and private actors simply because they are poor. The twin principles of equality and non-discrimination require States to take special measures to prohibit discrimination against the poor and to provide the poor with equal and effective protection against discrimination. As the poor are among the most disadvantaged and marginalized groups in every society, a poverty reduction strategy must start by addressing their special needs as well as their right not to be discriminated against, according to the particular circumstances of the society concerned. Given that the most common discriminatory practices deny the poor equal access to fundamental services and human rights such as the rights to food, education, health and justice, the respective State obligations, targets, indicators and strategies will be dealt with in guideline 8 below.

#### **PROVISIONS ON EQUALITY AND NON-DISCRIMINATION IN INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

##### **International Covenant on Civil and Political Rights**

###### [Article 2.1](#)

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

###### [Article 3](#)

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

###### [Article 24.1](#)

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

###### [Article 26](#)

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**General comments adopted by the Human Rights Committee**, in particular:

[General comment No. 28](#) (2000): Equality of rights between men and women;

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| <a href="#">General comment No. 18</a> (1989): Non-discrimination.   |
| <p><b>International Covenant on Economic, Social and Cultural Rights</b></p> <p><a href="#">Article 2.2</a></p> <p>The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p><a href="#">Article 3</a></p> <p>The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.</p> <p><b>General comments adopted by the Committee on Economic, Social and Cultural Rights</b>, in particular:</p> <p><a href="#">General comment No. 16</a> (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3);</p> <p><a href="#">General comment No. 3</a> (1990): The nature of States parties' obligations (art. 2.1).</p> |
| <b>Convention on the Elimination of All Forms of Discrimination against Women</b> and general recommendations adopted by the Committee on the Elimination of Discrimination against Women.   |
| <b>International Convention on the Elimination of All Forms of Racial Discrimination</b> and general recommendations adopted by the Committee on the Elimination of Racial Discrimination.   |
| <b>Convention on the Rights of the Child:</b> <a href="#">article 2</a>  |
| <b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:</b> <a href="#">article 7</a>  |
| <b>United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education</b>  |
| <b>International Labour Organization (ILO) Convention No. 111 on Discrimination (Employment and Occupation)</b>  |

## Guideline 4: SETTING TARGETS, BENCHMARKS AND PRIORITIES

[Back to [Contents](#) and para. [20](#)]

47. Poverty is so deeply entrenched in many societies that it is unrealistic to hope that even with the best of intentions it can be eliminated in a very short time. Equally, one must accept the reality that in a context of scarce resources it may not be possible to fulfil all human rights immediately. However, the fact that the realization of some human rights is constrained by the scarcity of resources does not relieve States of their international human rights obligations to take reasonable and appropriate steps, to the maximum of available resources, to ensure the realization of rights.

48. All human rights—economic, civil, social, political and cultural—impose negative as well as positive obligations on States, as is captured in the distinction between the duties to respect, protect and fulfil. *The duty to respect* requires the duty-bearer to refrain from interfering with the enjoyment of any human right. *The duty to protect* requires the duty-bearer to take measures to prevent violations of any human right by third parties. *The duty to fulfil* requires the duty-bearer to adopt appropriate legislative, administrative and other measures towards the full realization of human rights. Resource implications of the obligations to *respect* and *protect* are generally less significant than those of implementing the obligations to *fulfil*, for which more proactive and



resource-intensive measures may be required. Consequently, resource constraints may not affect a State's ability to respect and protect human rights to the same extent as its ability to fulfil human rights. [link to [para. 82](#)]

49. The recognition that the full realization of some human rights may have to occur in a progressive manner, over a period of time due to resource constraints, has two implications for policy. First, it allows for a time dimension in the strategy for human rights fulfilment, making the setting of targets and benchmarks an indispensable element of strategies for human rights fulfilment. Second, it allows for setting priorities among different rights and considering trade-offs among them, since the constraint of resources may not permit a strategy to pursue all rights simultaneously, or with equal vigour.

50. The recognition of a time dimension and the need for considering trade-offs and prioritization are common features of all approaches to policymaking. The distinctiveness of the human rights approach is that it imposes certain conditions on those features that the duty-bearers are required to respect. The conditions on the time dimension are aimed at ensuring that the State does not defer or relax the efforts needed to realize human rights. The conditions on trade-offs and prioritization are aimed at ensuring that all trade-offs conform to the human rights norms.

51. In cases where a right cannot be realized immediately due to resource constraints, the State must begin immediately to take steps to fulfil the rights in question as expeditiously as possible. The human rights approach requires that steps taken by States satisfy the following conditions.

52. First, the State must acknowledge that with a serious commitment to poverty reduction it may be possible to make rapid progress towards the realization of many human rights even within an existing resource constraint. Thus, it may be possible to improve the efficiency of resource use—for example, by scaling down expenditures on unproductive activities and by reducing spending on activities whose benefits go disproportionately to the rich.

53. Second, to the extent that the realization of human rights may be contingent on a gradual expansion in the availability of resources, the State is required, as an immediate step, to develop and implement a time-bound plan of action. The plan must spell out when and how the State hopes to arrive at the realization of rights.

54. Third, as the realization of some human rights may take considerable time, the plan must set benchmarks (i.e., intermediate targets) corresponding to each ultimate target. As a prerequisite of setting targets and benchmarks, the State should identify appropriate indicators, so that the rate of progress can be monitored and, if progress is slow, corrective action can be taken. Indicators should be as disaggregated as possible for each subgroup of the population living in poverty.

55. Fourth, the targets, benchmarks and indicators must be set in a participatory manner, in line with the principles set out in [guideline 5](#), so that they reflect the concerns and interests of all segments of the society. At the same time, appropriate accountability mechanisms must be set up, in line with [guideline 6](#), so as to ensure that the State commits itself fully to realizing the agreed targets and benchmarks.

56. With regard to trade-offs and prioritization, the human rights approach does not in itself offer any hard and fast rules as to which rights are to be given priority. The act of prioritization has to be context-specific, as circumstances differ from country to country. However, the human rights approach imposes certain conditions on the process and substance of prioritization.

57. The *process* of setting priorities must involve effective participation of all stakeholders, including the poor. Value judgements will inevitably enter into the process of setting priorities, but the rights-based approach demands that they should do so in an inclusive and equitable manner. This implies that the process of resource allocation must permit all segments of society, especially the poor, to express their opinions with regard to priorities. It also implies that just institutional mechanisms must be put in place so that potentially conflicting opinions can be reconciled in a fair and equitable manner. (See [guideline 5](#) for more on participation.)

58. The *substance* of prioritization refers to the basis on which priorities are to be decided and the manner in which resources are to be allocated to the rights that have been accorded priority. The following principles must guide the substance of prioritization.

59. First, no right can be given precedence over others on the grounds of intrinsic merit, because from the human rights perspective all rights are equally valuable. However, strategies to ensure effective protection of all human rights may prioritize certain types of intervention on practical grounds. For example, a country may decide to give priority to a right that has remained especially under-realized compared to others, or to a right whose fulfilment is expected to act as a catalyst towards the fulfilment of other rights, or to a right which a country may feel especially well equipped to deal with in view of its traditions or experience.

60. Second, while prioritization entails trade-offs between rights, in an important way the human rights approach circumscribes the nature of such trade-offs. In particular, the principle of equality and non-discrimination rules out any trade-offs which would result in or exacerbate unequal and discriminatory outcomes, e.g., giving priority to providing health and education services to the more affluent parts of society, rather than to the most disadvantaged and marginalized groups. The human rights approach also cautions against making trade-offs whereby one right suffers a marked decline in its level of realization. Such trade-offs would need to be subject to the most careful consideration and to be fully justified by reference to the totality of human rights. In practice, this puts a restriction on the manner in which resources are allocated in favour of the rights that have been accorded priority at any point in time. Additional resources required in order to realize these rights should, as a rule, not be extracted by reducing the level of resources currently allocated to other rights (unless reduced allocation of resources can be offset by increased efficiency of resource use). Instead, as more resources become available to a country over time, increased share of the incremental resources should be allocated to those rights previously allocated fewer resources. In other words, trade-offs should normally be made only in the allocation of incremental resources. For example, if a State decides to accord priority to the right to education, it should devote more of its resources to education than to other spheres such as food and housing, rather than reducing the level of resources allocated to other rights in a way that might lead to retrogression of those rights.

61. Third, notwithstanding the recognition that resource constraints negatively affect a State's ability to implement its human rights obligations, the international human rights system specifies some core obligations that require States to ensure, with immediate effect, certain minimum levels of enjoyment of various rights. Core obligations must be treated as binding constraints to the allocation of resources, i.e., no trade-offs are permitted with regard to them. These obligations must be met before allocating resources to other purposes. For example, a State has a core obligation, derived from the rights to life, food and health, to ensure that all individuals within its jurisdiction are free from starvation. Therefore, even if the full enjoyment of the right to food—in all its dimensions—may be achieved only progressively over a period of time, the pain of starvation must be removed immediately.

**PROVISIONS ON THE NATURE OF STATES' OBLIGATIONS IN  
INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

**International Covenant on Economic, Social and Cultural Rights**

[Article 2.1](#)

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

[General comment No. 3](#) (1990): The nature of States parties' obligations (on art. 2.1 of the Covenant):

... The fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the *raison d'être*, of the Covenant which is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources (para. 9).

**International Covenant on Civil and Political Rights**

[Article 2.2](#)

Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

[General comment No. 31](#) (2004): The nature of the general legal obligation imposed on States parties to the Covenant:

The requirement under article 2, paragraph 2, to take steps to give effect to the Covenant rights is unqualified and of immediate effect. A failure to comply with its obligations cannot be justified by reference to political, social, cultural or economic considerations within the State (para. 14).

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## **Guideline 5: PARTICIPATION**

[Back to [Contents](#) and to paras. [21](#) and [55](#) and [57](#)]

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62. As States have primary responsibility for fulfilling the human rights of the people living in their respective jurisdiction, it follows that any poverty reduction strategy must be a country-driven process. Country ownership should thus be an essential attribute of any poverty reduction strategy.

63. However, country ownership should not be interpreted narrowly to mean ownership on the part of the Government alone. The strategy has to be owned by all stakeholders within the country, including the poor. This can be possible, however, only when all stakeholders, including the poor, participate effectively in all stages of policy formulation.

64. Active and informed participation by the poor is not only consistent with but also demanded by the human rights-based approach, because the international human rights normative framework affirms the right to take part in the conduct of public affairs.

65. One may distinguish four stages of participation: preference revelation; policy choice; implementation; and monitoring, assessment and accountability.

66. *Preference revelation* is the initial stage of any policy formulation. Before policies can be formulated, people must be able to express what objectives they want to achieve.

67. *Policy choice* refers to the stage at which policies are formulated and decisions taken regarding the allocation of resources among alternative uses. As different patterns of resource allocation will serve the interests of different groups of people differently, conflicts of interest are inherent in any process of policy formulation. In whose favour a conflict is resolved depends very much on who can participate effectively in the process. Traditionally, people living in poverty are left out, as they do not have enough political or financial power to make their interests count. A human rights approach must take steps to alter this situation, by creating a legal-institutional framework in which people living in poverty can participate effectively in policy formulation.

68. The point is not that the poor should take part in all the technical deliberations that underlie policy formulation, but rather that they must be allowed to take part in the process of setting priorities and benchmarks that will guide such deliberations. In practice, this means that when alternative policy options are being explored by experts, the implications of these options for the interests of various population groups must be made transparent and presented in an understandable manner to the general public, including the poor, so that they can have an opportunity to argue for the options that serve their interests best.

69. Although the *implementation* of policies is primarily the responsibility of the executive arm of the State, opportunities must be created to enable the poor to exercise their right to participate in it as well. Such opportunities are more likely to arise in community-level activities, which in turn are more likely to flourish within an institutional framework of representative local Government. Decentralization of Government and a deepening of democracy are therefore essential components of the human rights approach to poverty reduction.

70. The final stage of participation is the *monitoring and assessment* of the success or failure of policies so that the State and other duty-bearers can be held accountable for their obligations. It is an essential feature of the human rights approach that the people who are affected by policies are able to participate in monitoring and assessing their success or failure and then take part in the procedures for holding the duty-bearers accountable. Appropriate institutional arrangements are needed for such participation to be possible. (This issue is discussed further in [guideline 6](#).)

71. It is not enough for the poor merely to participate in decision-making; they must be able to participate meaningfully and effectively. In order to ensure this, two sets of preconditions have to be satisfied.

72. First, effective participation requires more than the practice of electoral democracy. Specific mechanisms and institutional arrangements through which people living in poverty can effectively participate at different stages of decision-making are needed.

73. Second, the poor themselves must be empowered so as to make their participation effective. In part, this empowerment will depend on the realization of a minimum degree of economic security without which people living in poverty are unlikely to be able to overcome the established structures which perpetuate their condition. Capacity-building activities, including human rights education, play an important role in this process.

74. In addition, empowerment requires simultaneous efforts to promote a range of other human rights. For example, if people living in poverty are to participate meaningfully in the conduct of public affairs, they must be free to organize without restriction (right of association), to meet

without impediment (right of assembly), to say what they want to without intimidation (freedom of expression) and to know the relevant facts (right to information). Furthermore, they must be allowed to receive support from the sympathetic civil society organizations (including the media) that might be able to champion their cause. For this to be possible, the State must create the necessary legal and institutional framework in which an independent civil society can flourish. (See [guideline 8, political rights and freedoms.](#))

**PROVISIONS ON PARTICIPATION IN INTERNATIONAL  
HUMAN RIGHTS INSTRUMENTS**

[\[Link to p. 48\]](#)

**International Covenant on Civil and Political Rights**

[Article 19](#)

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

[Article 21](#)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

[Article 22.1](#)

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

[Article 25](#)

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

[General comment No. 25](#) (1996): The right to participate in public affairs, voting rights and the right to equal access to public service (on art. 25 of the Covenant).

**International Covenant on Economic, Social and Cultural Rights**

[Article 15.1](#)

The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life.

**Convention on the Elimination of All Forms of Discrimination against Women:** [articles 7](#) and [8](#)

**Convention on the Rights of the Child:** [articles 13](#), [15](#), and [31](#)

## **Guideline 6: MONITORING AND ACCOUNTABILITY**

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75. The objective of monitoring is twofold: (a) to help identify, on an ongoing basis, the areas on which duty-bearers may need to concentrate in order to attain their targets for the realization of human rights in the most expeditious and effective manner; and (b) to enable a right-holder to hold a duty-bearer to account for its failure to discharge its duties.

76. An accountability procedure depends on, but goes beyond, monitoring. It is a mechanism or device by which duty-bearers are answerable for their acts or omissions in relation to their duties. An accountability procedure provides right-holders with an opportunity to understand how duty-bearers have discharged, or failed to discharge, their obligations, and it also provides duty-bearers with an opportunity to explain their conduct. While accountability implies some form of remedy and reparation, it does not necessarily imply punishment.

77. Broadly speaking, there are four categories of accountability mechanism:

- Judicial, e.g., judicial review of executive acts and omissions;
- Quasi-judicial, e.g., ombudsmen, international human rights treaty bodies;
- Administrative, e.g., the preparation, publication and scrutiny of human rights impact assessments;
- Political, e.g., parliamentary processes.

78. In some cases, the same institution performs both a monitoring and an accountability function. In other cases, one institution monitors and another institution provides an accountability procedure.

79. In the context of poverty reduction, monitoring and accountability procedures present a unique challenge. In some cases, existing procedures, such as current local governmental and judicial processes, may provide suitable monitoring and accountability mechanisms. In most cases, however, existing procedures will have to be either reformed or supplemented by additional monitoring and accountability arrangements in order to ensure the active and informed participation of the poor. In the context of poverty reduction, all duty-bearers are encouraged to devise, in close collaboration with people living in poverty, innovative and non-formal monitoring and accountability mechanisms that secure the active and informed participation of the poor.

80. The form of monitoring and accountability procedures will vary from one duty-bearer to another. However, all duty-bearers must ensure that monitoring and accountability procedures are accessible, transparent and effective.

81. While the State is the principal duty-bearer with respect to the human rights of the people living within its jurisdiction, the international community at large also has a responsibility to help realize universal human rights. Thus, monitoring and accountability procedures should also extend to global actors—such as the donor community, intergovernmental organizations, international non-governmental organizations (NGOs) and transnational corporations (TNCs)—whose actions affect the enjoyment of human rights in any country.



## **Monitoring and accountability of States**

82. The duty of the State with regard to any human right is threefold: to respect, to protect and to fulfil (see guideline 4, [para. 48](#)). The human rights approach to poverty reduction demands that appropriate monitoring and accountability procedures be established in respect of all of these elements.

83. States' obligations are usually subject to both internal and external monitoring and accountability procedures.

84. As the people's representatives, parliaments and parliamentary committees must be enabled to play an important monitoring role. In many cases, this will call for stronger power for parliament—for example, the requirement that the Government disclose necessary information to, and subject itself to scrutiny by, parliamentary committees. In addition, this will often require building the capacity of parliamentarians vis-à-vis planning and budgetary processes.

85. Decentralization and democratization of local-level governance will also be needed to enable the people, especially the poor, to monitor the activities of the Government that have an immediate and direct effect on the realization of their human rights.

86. The State must create a legal framework within which civil society organizations can perform an independent monitoring role. In particular, the State must take immediate steps to realize a set of interrelated rights, such as the rights to information, free speech and association, without which independent monitoring is not possible.

87. Accountability mechanisms must provide remedies for human rights violations. Individuals not only have the right to enjoy the various substantive human rights that their Governments have accepted, they also have a procedural right to an effective remedy before a domestic body if their human rights have been violated.

88. A remedy is effective only if the respective domestic authority has the competence to grant reparation to the victim of a human rights violation. There are various types of possible reparation depending on the seriousness of the violation and the particular circumstances of the case, such as full restitution, compensation, rehabilitation, apologies and other forms of satisfaction, general guarantees of non-repetition and, in exceptional cases, punishment of the individual perpetrators.

89. The right to an effective domestic remedy does not necessarily require a judicial procedure. States have an obligation to ensure that any person claiming a remedy shall have his or her right determined by a competent judicial, administrative or legislative authority, or any other competent authority provided for by the legal system of the State. In addition, States must ensure that the competent authorities enforce such remedies when granted.

90. By ratifying human rights treaties, States parties have agreed to make themselves answerable to treaty bodies, thereby subjecting themselves to a form of external monitoring and accountability. States parties have treaty obligations to comply with the relevant procedures provided for in the treaties, such as reporting, complaints and inquiry procedures. States also have obligations to cooperate with other external monitoring and accountability mechanisms, such as the special procedures established by the Human Rights Council and the former Commission on Human Rights.

91. External monitoring and accountability procedures are subsidiary to the equivalent internal procedures. For example, victims of a human rights violation can submit an individual complaint to an international treaty body only after they have exhausted all effective and available domestic remedies. Similarly, the reporting system can be effective only if Governments prepare their State reports in a transparent and participatory process, involving all relevant domestic civil society actors, before submitting the report to the respective international treaty body.

### **Monitoring and accountability of global actors**

92. The general observations already made concerning monitoring and accountability procedures apply equally to global actors, such as the donor community, intergovernmental organizations, international NGOs and TNCs.

93. The actions of the international community—in the spheres of trade, aid, migration and private capital inflow, for example—will have an impact on the options open to a State as it formulates and implements its poverty reduction strategy. These actions must conform to the global actors' human rights responsibilities.

94. Crucially, all global actors must ensure that there are accessible, transparent and effective monitoring and accountability procedures relating to their poverty reduction policies and human rights responsibilities. These procedures must secure the informed participation of the poor.

95. States determine the policies of some global actors, including the World Bank, the International Monetary Fund and the World Trade Organization. When determining the policies of such global actors, a State must conform to its international human rights duties and must be respectful of other States' international human rights obligations. How a State discharges its duties when determining the policies of global actors must be subject to monitoring and accountability procedures as outlined above.

96. In their own capacity, global actors must be subject to accessible, transparent and effective monitoring and accountability procedures. If global actors fail to establish appropriate monitoring and accountability mechanisms in relation to their poverty reduction and human rights responsibilities, others should take steps to do so.

97. The activities of TNCs, which may have a significant impact on poverty reduction and human rights in the States in which they operate, raise important monitoring and accountability issues.

98. First, TNCs themselves must establish accessible, transparent and effective monitoring and accountability procedures in relation to their poverty reduction and human rights responsibilities.

99. Second, the State in which a company with overseas operations is headquartered has a responsibility to take reasonable measures to ensure that the company's overseas operations are respectful of the international human rights obligations of both the home and host State. This responsibility of the State should be subject to accessible, transparent and effective monitoring and accountability procedures.

100. Third, a host State has a responsibility to ensure that TNCs operating in its jurisdiction conform to its national and international human rights obligations. Accordingly, there must be monitoring and accountability mechanisms in relation to the host State's obligation to regulate the conduct of such TNCs.



## **Guideline 7: INTERNATIONAL ASSISTANCE AND COOPERATION**

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101. Effective poverty reduction requires international action. Access to aid, debt relief, markets, substantial and affordable capital flows, as well as stability in the global economy, have an impact on the options open to a State as it formulates and implements its poverty reduction strategy. International assistance and cooperation help to create an environment in which the poor in developing States can lift themselves out of poverty.

102. The human rights approach to poverty reduction underlines the joint responsibility of States to work actively towards creating the equitable multilateral trading, investment and financial systems that are conducive to the reduction and elimination of poverty. It requires that all those in a position to assist, as a minimum, refrain from acts that make it more difficult for the poor to realize their human rights, and that States take measures to remove the obstacles that impede the realization of human rights.

103. A developed State should not only formulate a poverty reduction strategy in relation to poverty within its domestic jurisdiction; it should have a strategy for poverty reduction beyond its borders. Equally, a developing State's poverty reduction strategy should include a chapter on the steps it will take in relation to global actors that will enhance its national strategy.

### **Developed States**

104. When formulating their international poverty reduction strategy, developed States should:

- (a) Take into account their international human rights obligations to engage in international assistance and cooperation; the commitments they have made at recent world conferences; and the Millennium Development Goals (see box below).
- (b) Take measures to ensure the coherent and consistent application of these obligations across their international policymaking processes. For example, a State's obligations of international cooperation should be understood and respected by those responsible for foreign affairs; those in finance and trade who represent the State in international negotiations on those issues; and those State representatives who are responsible for multilateral development policies and projects, including those of the Bretton Woods institutions.
- (c) Ensure that all bilateral and multilateral decision-making processes are fair, equitable and transparent, and sensitive to the needs of developing States, especially their disadvantaged and marginalized individuals and groups, including the poor.
- (d) Ensure that, in accordance with the United Nations target, their development assistance is no less than 0.7 per cent of the gross domestic product (GDP), also carefully examining the quality of their development assistance, supporting human rights-related development projects and helping developing States to fulfil their international and national human rights obligations.
- (e) Ensure that the commercial activities for which a State has direct responsibility conform to international human rights standards.

- (f) Take reasonable measures to ensure that the overseas operations of companies headquartered in their jurisdiction are respectful of the international human rights obligations of both the home and host States.
- (g) Consistent with the principle of country ownership, respect the international human rights obligations of other States to individuals and groups within their jurisdiction.

### Developing States

105. When formulating a national poverty reduction strategy, developing States should:

- (a) Give careful attention to its international human rights obligations to the poor living in its jurisdiction when engaging in bilateral, multilateral or corporate negotiations. A State may wish to argue that these obligations constitute an international minimum threshold below which individuals and groups within its jurisdiction may not fall and that, therefore, it is impermissible for the State to conclude any agreement that is inconsistent with the international human rights it owes to the poor living in its jurisdiction.
- (b) Ensure that, before adopting relevant international agreements or policies, there is an independent, objective and publicly available assessment of its impact on the poor. If the assessment suggests that the proposed agreement or policy will have a negative impact on the human rights of the poor, effective countervailing measures must be adopted, consistent with the international human rights obligations of the concerned parties.
- (c) Endeavour to strengthen their negotiating capacity in relation to their dealings with TNCs, the operations of which may have a significant impact on poverty.
- (d) Seek international assistance to establish appropriate regulatory frameworks for the private sector, including TNCs, without compromising the State's comparative advantage.

| <b>PROVISIONS ON INTERNATIONAL ASSISTANCE AND COOPERATION IN<br/>HUMAN RIGHTS INSTRUMENTS</b>   |
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| <p><b>Charter of the United Nations</b></p> <p><b>Article 1.3</b></p> <p>The Purposes of the United Nations are: . . . To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.</p> <p><b>Article 55</b></p> <p>With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.</p> <p><b>Article 56</b></p> <p>All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.</p> |

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| <p><b>Universal Declaration of Human Rights</b></p> <p><b>Articles 22 and 28</b></p> <p>“Everyone ... is entitled to realization, through national effort and international cooperation ... of the economic, social and cultural rights indispensable for his dignity and free development of his personality” (art. 22), and “to a social and international order in which the rights and freedoms set forth [in the Declaration] can be fully realized” (art. 28).</p>  |
| <p><b>International Covenant on Economic, Social and Cultural Rights</b></p> <p><u>Article 2.1</u></p> <p>Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.</p> <p>Articles 11.2, 15.4, 22 and 23</p> <p><u>General comments No. 2</u> (1990): International technical assistance measures (on art. 22 of the Covenant); <u>No. 3</u> (1990): The nature of States parties' obligations (on art. 2.1 of the Covenant); and <u>No. 8</u> (1997): The relationship between economic sanctions and respect for economic, social and cultural rights.</p> |
| <p><b>Convention on the Rights of the Child:</b> <u>articles 4</u> and <u>24.4</u></p>  |
| <p><b>Declaration on the Right to Development</b></p>   |
| <p style="text-align: center;"><b>WORLD CONFERENCES</b></p>   |
| <p>United Nations Conference on Environment &amp; Development (1992): <u>Agenda 21</u>; <u>Vienna Declaration and Programme of Action</u> (1993); <u>United Nations Millennium Declaration</u> (2000); Third United Nations Conference on the <u>Least Developed Countries: Declaration and Programme of Action</u> (2001); <u>Monterrey Consensus</u> of the International Conference on Financing for Development (2002); and the <u>2005 World Summit Outcome</u>.</p>   |
| <p><u>Millennium development goal 8</u>: Develop a global partnership for development</p>   |

## CHAPTER III

# THE CONTENT OF A HUMAN RIGHTS-BASED POVERTY REDUCTION STRATEGY [\[Back to Contents\]](#)

106. This chapter does not pretend to describe in any exhaustive manner the content of a poverty reduction strategy. Rather, the intention is to flesh out substantive links between poverty and specific human rights and the practical importance of integrating such rights within broader strategies to reduce poverty.

107. The right-by-right presentation set out in guideline 8 below should not detract from the need to address individual rights as part of a comprehensive strategy, reflecting the functional interdependence of all human rights. Guideline 8 should be read together with the operational principles discussed in chapters I and II and the explanatory remarks in the introduction concerning the choice of rights ([paras. 6-7](#)), the structure of the guideline, and the targets, indicators and strategies proposed ([paras. 9-14](#)).

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### **Guideline 8: INTEGRATING SPECIFIC HUMAN RIGHTS STANDARDS**

[\[Back to Contents\]](#) and [para. 25](#)

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### **RIGHT TO WORK** [\[Back to Contents\]](#)

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#### **A. Importance of the right to work**

108. People living in poverty invariably lack adequate and secure livelihoods. In both rural areas and cities, the poor experience unemployment, underemployment, unreliable casual labour, poverty wages and unsafe working conditions. In the countryside, their livelihoods are made precarious by multiple factors such as inadequate access to land and irrigation, lack of seeds and fertilizers, deficiencies of transport, and the overexploitation of common resources such as pastureland, forests and fish.

109. Confronted with these daily vulnerabilities, people living in poverty often struggle to diversify their sources of income and food. They work on the land and in quarries and mines, take temporary and part-time jobs, sell goods in the streets, and do piecework in factories and at home. They suffer from harassment and corruption by officials, as well as from mistreatment by employers, with no form of redress. With their opportunities so limited, many people living in poverty are drawn into work that is anti-social, dangerous and illegal, such as sex work, child labour, bonded labour and other slavery-like practices. They may become entrapped by those trading in women and children.

110. Inadequate and insecure livelihoods are constitutive of poverty. Thus, the access to decent and productive work has a direct role to play in relation to poverty reduction. Furthermore, the enjoyment of this right is instrumental in securing other rights such as food, health and housing, which are also relevant to poverty reduction.

111. The Millennium Declaration highlights the importance of decent and productive work. Moreover, one millennium development goal is to halve, by the year 2015, the proportion of people living on less than one dollar a day. Both provisions underline the importance of the right to decent and productive work in relation to poverty reduction.

## **B. Scope of the right to work**

112. Work as specified in international human rights law must be *decent work*. That is, work in which human rights and the rights of workers, in terms of work safety and remuneration, are protected.

113. The right to work is not confined to wage employment, but extends to self-employment, home working and other income-generating activities. It demands the creation of a social, economic and physical environment in which all people have fair and equal opportunities to prosper by virtue of their own endeavour and in a manner consistent with their dignity. Thus, the right to work carries with it the responsibility to promote the personal capabilities and expand the opportunities for people to find productive work and to earn a decent livelihood.

114. Accordingly, the right to work implies the availability of both employment opportunities and the preconditions for income generation, such as the availability of assets, credit and a favourable regulatory environment.

115. Rights in work include the right of everyone to the enjoyment of just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, equal opportunities, remuneration which is sufficient to ensure a decent living for workers and their families, safe and healthy conditions of work, and reasonable hours of work and rest, as well as the rights to organize and bargain collectively. Various forms of work such as bonded labour and other slavery-like practices are prohibited. All employment opportunities and income-generating activities must be of acceptable quality, i.e., culturally appropriate and consistent with the dignity of the individual.

116. The right to work also requires that well-designed and adequate social safety mechanisms are put in place for those occasions, such as economic and political crises, when regular employment becomes unavailable to some individuals.

### **The right to work**

#### **International Covenant on Economic, Social and Cultural Rights**

##### Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

##### Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior

to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

#### Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

General comment No. 18 (2005): The right to work (on art. 6 of the Covenant).

### **International Covenant on Civil and Political Rights**

#### Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour.

**Convention on the Elimination of All Forms of Discrimination against Women:** [articles 6](#) and [11](#)

**Convention on the Rights of the Child:** [articles 32](#), [34](#), [35](#) and [36](#)

### **International Labour Organization**

[ILO Declaration on Fundamental Principles and Rights at Work](#)

[ILO Conventions No. 138](#) on Minimum Age and No. [182](#) on Child Labour

[ILO Conventions No. 29](#) on Forced Labour and No. [105](#) on the Abolition of Labour

[Decent Work and Poverty Reduction Strategies: A reference manual for ILO staff and constituents](#) (Geneva, International Labour Office, 2005).

**World conference:** [World Summit for Social Development](#) (1995)

## **C. Key targets and indicators**

### ***Target 1: Full employment***

Indicators:

- Rate of unemployment
- Rate of underemployment

### ***Target 2: All workers to be able to earn a minimum necessary income***

Indicators:

- Proportion of working poor (working but earning less than poverty-line income) in the labour force
- Proportion of labour force covered by minimum wage legislation

### ***Target 3: All workers to receive reasonable financial support during spells of unemployment.***

Indicator:

- Proportion of labour force covered by adequate social security provisions

### ***Target 4: To eliminate gender inequality in access to work***

Indicator:

- Female and male labour force participation rates

### ***Target 5: To eliminate gender inequality in remuneration for work***

Indicators:

- Average wages of males and females in different economic sectors
- Proportion of working poor in labour force disaggregated by gender

### ***Target 6: To eliminate child labour***

Indicators:

- Labour force participation rate of children under the age of 15
- Prevalence of the worst forms of child labour (in the sense of ILO Convention No. 182)

**Target 7: To eliminate bonded labour**Indicator:

Proportion of bonded labourers in the workforce

**Target 8: All workers should be able to work in safe and healthy working conditions**Indicator:

- Proportion of the workforce working in hazardous conditions

**Target 9: No worker should be subject to unfair dismissal**Indicator:

- Proportion of the workforce covered by labour laws giving protection against unfair dismissal

**D. Key features of a strategy for realizing the right to work**

117. A strategy to realize the right to work in the context of poverty reduction must aim at improving the quantity and quality of work for the poor. This entails reducing unemployment/underemployment of people living in poverty, on the one hand, and raising the return on their labour, on the other. For this to be possible on a wide and sustainable basis, action should be guided by three principles.

118. First, measures should be taken to improve the production potential of the economy on a sustained basis, because without growth in economic activity, an adequate quantity and quality of work cannot be provided for any substantial number of people in a sustainable manner.

119. Second, policies should ensure that growth in production takes place in such a way as to maximize the demand for labour, because it is only through greater demand for labour that unemployment and underemployment can be reduced and returns on labour increased. Policies that provide artificial incentives for the use of capital at the expense of labour—at the level of the aggregate economy—should be avoided, although in specific sectors, greater capital intensity may sometimes be warranted on productivity grounds.

120. Third, conditions should be created to enable the poor, especially the most deprived among them, to integrate into economic processes so that they can take advantage of labour-demanding growth.

121. While all three principles are important, the rights-based approach demands that special attention be given to the third since the factors preventing the poor from integrating into economic processes are often related to various kinds of violations of human rights. For example, social discrimination may prevent some people living in poverty from gaining access to certain types of jobs. Similarly, if people in certain groups are discriminated against in the provision of education and health care—for example, on the grounds of their ethnicity, religion or gender—they may not be able to acquire enough human capital to take advantage of expanding employment opportunities.

122. The precise nature of the impediments facing the poor in their efforts to integrate into economic processes varies from one case to another. An essential component of poverty reduction strategies consists in identifying and taking measures to eliminate them as expeditiously as possible. In particular, explicit acts of discrimination that prevent certain individuals and groups from gaining access to an adequate quantity and quality of work must be ended immediately.

123. Even when explicit acts of discrimination are not involved, people living in poverty may still face impediments because of the disadvantages that ensue from the state of poverty itself. Thus, poverty may prevent them from gaining adequate access to education, health care, credit, infrastructure, etc. Without such access, they will not have the assets—human, financial or



physical—that are necessary for realizing the right to work. The human rights principle of equality and non-discrimination requires that priority be accorded to eliminating these impediments faced by the poor.

124. If certain economic sectors are dominated by a few large employers, the State should take steps to encourage greater competition among producers, or else try to regulate the labour market so that employers cannot use their superior power to depress wages.

125. Legislative and other measures should be taken, and accessible and effective procedures adopted, to ensure that workers enjoy just and favourable conditions of work, including fair wages, equal pay for work of equal value, safe and healthy working conditions, and reasonable hours of work and rest.

126. Workers must be given the legal power to organize and bargain collectively with employers so that the latter cannot use their superior bargaining strength to offer unfavourable terms of employment. However, care should be taken to ensure that labour market policies do not create a “protected” and non-poor labour aristocracy in the formal sector, which can shut out competition from poor labourers working in the informal sector.

127. States must, in accordance with international standards, prohibit and eliminate bonded labour, forced prostitution, child labour and other forms of employment that the poor often are compelled to adopt as a means of coping with their poverty, but which violate their human rights. These prohibitions must be combined with employment-creating policies so that people living in poverty can earn their livelihood in a manner consistent with human rights and dignity.

128. An adequate system of social security must be put in place to protect the unemployed. This system should include standard unemployment insurance schemes, wherever applicable, as well as other safety nets, such as the creation of short-term work for the poor who are unemployed, and direct social transfers.

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## **RIGHT TO ADEQUATE FOOD** [[Back to Contents](#)]

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### **A. Importance of the right to adequate food**

129. As is self-evident, adequate food is needed for human survival. Undernutrition handicaps people for life: brain cells do not develop, growth is stunted and diseases become rife, limiting potential and condemning the hungry to a marginal existence. Hungry children cannot concentrate at school and hunger reduces workers’ productivity. Poverty may lead to undernutrition, which is likely to deepen poverty.

130. Undernutrition and hunger are constitutive of poverty. Thus, the right to adequate food has a crucial role to play in relation to poverty reduction. Further, enjoyment of the right to adequate food is instrumental in securing other rights such as health, education and work. The right to food includes the right to water, which is also inextricably related to the right to health and the right to adequate housing.

131. The importance of the right to adequate food is underlined by the millennium development goal that aims to halve, by the year 2015, the proportion of people who suffer from hunger ([goal 1](#)).



## B. Scope of the right to adequate food

132. The right to adequate food is the right of all individuals, alone or in community with others, to enjoy physical and economic access to adequate food or the means for its procurement. It should be understood primarily as the right to feed oneself, rather than the right to be fed. The right to be free from hunger is the minimum essential level of the right to adequate food.

133. The right to food implies: (a) the availability of food in sufficient quantity and quality to satisfy the dietary needs of all individuals in a form that is culturally acceptable; and (b) the accessibility of food in ways that are sustainable and do not interfere with the enjoyment of other human rights.

134. The “availability of food” refers either to the possibility of feeding oneself directly from productive land or other natural resources, or to the existence of a well functioning distribution, processing and marketing system that moves food from the site of production to where it is needed in accordance with demand.

135. The “accessibility of food” encompasses both economic and physical accessibility. “Economic accessibility” implies that the personal or household costs associated with the acquisition of food for an adequate diet should be at such a level that the satisfaction of other basic needs is not compromised. “Physical accessibility” implies that adequate food must be accessible to everyone, including those groups which may be in a particularly vulnerable situation, such as women, children, the elderly, the sick, persons with physical disabilities, persons who are mentally ill, and victims of natural disasters and armed conflicts. If access to their ancestral lands is threatened, indigenous peoples are particularly vulnerable.

136. The right to adequate food also encompasses food safety and food security. Food safety implies that food should be free from adverse substances, whether from adulteration, poor environmental hygiene or other causes. Food security implies the absence of vulnerability to hunger, i.e., a low risk of falling victim to hunger through changes in personal or external circumstances. In other words, people are food-secure if they can afford and have access to adequate food at all times.

### The right to adequate food

#### International Covenant on Economic, Social and Cultural Rights

##### [Article 11](#)

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food.... The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need”.

[General comments No. 12](#) (1999): The right to adequate food (on art. 11 of the Covenant); and [No. 15](#) (2002): The right to water (on arts. 11 and 12 of the Covenant).

**Convention on the Rights of the Child:** [articles 24](#) and [27](#)

**Convention on the Elimination of All Forms of Discrimination against Women:** [article 14.2 \(g\)](#)

**World conferences:** [Rome Declaration on World Food Security](#) and [World Food Summit Plan of Action](#) (1996); [Declaration of the World Food Summit: five years later](#) (2002)

[Millennium development goal 1:](#) Eradicate hunger

**Food and Agriculture Organization of the United Nations (FAO):** *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security* (Rome, FAO, 2004).

### C. Key targets and indicators

#### **Target 1: All people to be free from chronic hunger**

##### Indicators:

- Proportion of people with inadequate intake of dietary energy
- Proportion of adults and adolescents with low body mass
- Proportion of underweight among under-five children

#### **Target 2: Eliminate gender inequality in access to food**

##### Indicators:

- Proportion of males and females with inadequate intake of dietary energy
- Proportion of male and female adults and adolescents with low body mass
- Proportion of underweight boys and girls

#### **Target 3: All people to be free from food insecurity**

##### Indicators:

- Proportion of households not able to have two square meals regularly
- Proportion of household expenditure on food
- Variability of prices of staple foods

#### **Target 4: All people to have access to food of adequate nutritional value**

##### Indicators:

- Proportion of poor people with inadequate intake of protein
- Proportion of poor people with inadequate intake of micronutrients

#### **Target 5: All people to have access to safe food**

##### Indicators:

- Proportion of poor people vulnerable to consumption of unsafe food
- Proportion of people exposed to public information and education campaigns (including school instruction) regarding nutrition and food safety

### D. Key features of a strategy for realizing the right to adequate food

137. An effective land registration system should be developed and the land records placed in the public domain—including through the Internet—so that powerful members of the elite cannot easily usurp the lands of the poor with impunity.

138. The State should legislate for and protect (a) the rights of tenant farmers against unlawful eviction by landlords, (b) a fair division of the produce between the tenant and the landlord, and (c) effective land redistribution programmes in situations in which extreme land concentration prevents people from being able to feed themselves. Effective participatory local governance, as well as fair access to justice, must be ensured as a prerequisite for protecting these rights.

139. Efforts must be made to secure indigenous peoples' right to the lands (including forests, grazing lands and other common property resources) on which they depend for their food.

140. Effective regulatory mechanisms should be introduced to prevent monopolistic intermediaries from encroaching upon small food producers and poor consumers.

141. Wherever the market fails to serve poor farmers and consumers—due to their remoteness, the weakness of the market, or for any other reason—the State should provide the necessary services to the extent possible. The fiscal subsidies that are likely to be required in order to operate such a policy ought to be accorded high priority in the allocation of public resources.
142. Government action to support the farming community must not discriminate against any groups or individuals—on the basis of gender, religion, ethnicity or other prohibited grounds.
143. The State should promote activities aimed at empowering women wherever they suffer from either intra-household discrimination in the access to food or barriers to access to the market.
144. The State must refrain from forcing small agricultural producers to sell their products to government procurement agencies at below-market prices in normal times.
145. A fully operational early warning system should be implemented to signal impending threats to poor people's entitlement to food, stemming from either production shocks or instability in domestic and/or world markets.
146. An emergency relief system, adopting a combination of protective measures, should be set up to respond quickly and vigorously to any impending threats to the entitlement of the poor to food. Examples of such measures are direct food distribution, cash transfers, food-for-work programmes, and production support for the subsequent harvest where the crisis is due to a harvest failure.
147. The State should operate a regular (non-emergency) targeted support system—either through direct food distribution or through cash transfers—to ensure adequate access to food for individuals who are unable to feed themselves even in normal times owing to various disabilities. Fiscal provisions for this purpose must be accorded high priority in the allocation of public resources.
148. In any kind of public food distribution system, the beneficiaries must not be forced to take food that is culturally unacceptable to them and/or perceived to constitute unacceptable health risks.
149. Regulatory mechanisms should be put in place to ensure that the suppliers and distributors of food maintain minimum acceptable standards of health safety.
150. The State must avoid the use of food as a political weapon. Specifically, it must not forcibly deny parts of the population access to food or obstruct their ability to feed themselves.
151. The State should ensure that patenting systems do not appropriate indigenous knowledge without compensation and that they do not prevent access to traditional plants that are used for food and nutrition.
152. Programmes should be instituted to improve effective knowledge of nutrition and to promote activities that support increased access to food of high nutritional value.

**RIGHT TO ADEQUATE HOUSING** [[Back to Contents](#)]

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**A. Importance of the right to adequate housing**

153. Most people living in poverty are disadvantaged and endangered by the places and physical conditions in which they live. They experience precarious shelter; problems caused by overcrowding and pollution; seasonal exposure to the worst conditions; insecurity of person and property; remoteness; problems stemming from non-existent or inadequate infrastructure, including the lack of access to safe drinking water; and stigma. Poor housing reflects—and deepens—deprivation.

154. Homelessness, and living in dangerous and unsanitary housing, is constitutive of poverty. Thus, the right to adequate housing has a crucial role to play in relation to poverty reduction. Furthermore, the enjoyment of the right to adequate housing is instrumental in securing other rights, such as the right to health.

155. The importance of the right to adequate housing is underlined by the millennium development goal that aims to achieve a significant improvement in the lives of at least 100 million slum dwellers by 2020.

**B. Scope of the right to adequate housing**

156. The right to adequate housing should not be understood narrowly, as the right to have a roof over one's head. Rather, it should be seen as the right to live somewhere in security, peace and dignity. This right has a number of components, including:

- (a) *Legal security of tenure.* Everyone should enjoy legal protection from forced eviction, harassment and other threats;
- (b) *Habitability.* Housing must provide inhabitants with adequate space and protection from the elements and other threats to health;
- (c) *Location.* Housing must be in a safe and healthy location which allows access to opportunities to earn an adequate livelihood, as well as access to schools, health care, transport and other services;
- (d) *Economic accessibility.* Personal or household costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not compromised;
- (e) *Physical accessibility.* Housing must be accessible to everyone, especially to groups whose access to housing may pose particular difficulties, such as the elderly, persons with physical disabilities and the mentally ill;
- (f) *Cultural acceptability.* Housing must be culturally acceptable to the inhabitants, for example reflective of their cultural preferences in relation to design, site organization and other features;
- (g) *Adequate infrastructure.* The services, materials and facilities essential for health, security, comfort and nutrition—such as safe drinking water, sanitation and washing facilities—must be available.

## The right to adequate housing

### International Covenant on Economic, Social and Cultural Rights

#### Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including ... housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

General comments No. 7 (1997): The right to adequate housing: forced evictions (on art. 11 (1) of the Covenant); No. 4 (1991): The right to adequate housing (on art. 11 (1) of the Covenant); and No. 15 (2002): The right to water (on arts. 11 and 12 of the Covenant).

**World conferences:** Habitat II: Istanbul Declaration, Declaration on Cities and Other Human Settlements in the New Millennium

Millennium development goal 7: Ensure environmental sustainability (the aim of improving the lives of 100 million slum-dwellers)

### C. Key targets and indicators

#### ***Target 1: All people to have a home***

##### Indicators:

- Proportion of homeless people in the overall population
- Number of homeless shelter beds per homeless person

#### ***Target 2: All people to enjoy security of tenure***

##### Indicators:

- Proportion of people in the overall population:
  - With legal title (e.g., freehold, leasehold, collective tenure) to their homes
  - With statutory or other (e.g., common law) legal due process protection with respect to eviction
  - Living in informal settlements
  - Squatting
  - Forcibly evicted within a given period

#### ***Target 3: All people to enjoy habitable housing***

##### Indicator:

- Average number of square metres per person or household living in poverty

#### ***Target 4: All people to enjoy housing situated in a safe and healthy location***

##### Indicator:

- Proportion of poor households living within 5 kilometres of a hazardous site (e.g., toxic waste, waste dump)

#### ***Target 5: All people able to afford adequate housing***

##### Indicator:

- Monthly housing expenditure by median poor household as a proportion of its monthly income

#### ***Target 6: Adequate housing physically accessible to all***

##### Indicator:

- Proportion of multi-unit residential buildings occupied by poor people that are accessible to persons with physical disabilities

**Target 7:** *All people to enjoy housing with access to essential services, materials, facilities and infrastructure*

Indicators:

- Proportion of households with:
  - Safe drinking water
  - Sanitation facilities
  - All-weather roads
  - Electricity

#### **D. Key features of a strategy for realizing the right to adequate housing**

157. States should develop and allocate adequate resources to low-income housing programmes and develop tax credits and other incentives to encourage the construction of low-income housing in the private sector.

158. States should take steps to ensure security of tenure for people living in poverty, for example, by prohibiting the practice of arbitrary forced evictions; by developing quick and affordable measures for conferring title, and other statutory protection of tenure for those living in slums and popular settlements currently without security of tenure; and by expanding national land and housing registration systems to allow for the tenure rights of the poor.

159. Priority should be given to providing infrastructure (e.g., roads, water and sanitation systems, drainage and lighting) for existing low-income settlements by increasing public expenditure and providing incentives for the private sector.

160. In order to ensure that low-income groups are not compelled to spend a disproportionate percentage of their income on satisfying their basic housing requirements, States should introduce or expand housing subsidy programmes and, if necessary, resort to market regulation to prevent monopolistic pricing.

161. Formation of community-based housing organizations for the poor should be encouraged as a key means of neighbourhood and housing improvement.

162. Low-income groups should be provided with access to financial resources, including grants, mortgages and other forms of capital.

163. Assistance should be provided to low-income groups to develop their own housing finance and savings programmes.

164. States must develop housing policies for groups facing particular barriers in accessing housing or with special housing needs, including persons with disabilities, the elderly, minorities, indigenous peoples, refugees and the displaced.

165. States must ensure that displaced persons are adequately resettled and provided with reasonable compensation.

166. Where people living in poverty rely on self-built housing, States should provide them with essential resources, including appropriate building materials.

167. When developing housing policies for the poor, environmental considerations should be taken into account with a view to ensuring that low-income housing is located in a safe and healthy environment.
168. All forms of housing discrimination and neighbourhood segregation must be prohibited.
169. States must ensure that women's rights to inherit housing, land and property are fully respected.
170. States must take special measures to provide shelter for the homeless.
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## **RIGHT TO HEALTH** [[Back to Contents](#)]

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### **A. Importance of the right to health**

171. Ill health causes and contributes to poverty by destroying livelihoods, reducing worker productivity, lowering educational achievement and limiting opportunities. Because poverty can lead to diminished access to medical care, increased exposure to environmental risks and malnutrition, ill health is also often a consequence of poverty. Accordingly, ill health is both a cause and a consequence of poverty: sick people are more likely to be impoverished and people living in poverty are more vulnerable to disease and disability.

172. Good health is central to creating and sustaining the capabilities that the poor need to escape from poverty. A key asset, good health contributes to their greater economic security. Good health is not just an outcome of development: it is a way of achieving development.

173. Ill health is constitutive of poverty if the lack of command over economic resources plays a role in its causation. Thus, the right to health has a crucial role to play in relation to poverty reduction. Furthermore, the enjoyment of the right to health is instrumental in securing other rights, such as education and work.

174. Health targets are prominent among the MDGs to be achieved worldwide by 2015: among them, the goals of reducing under-five child mortality by two thirds and maternal mortality by three quarters, of halving the proportion of people without sustainable access to safe drinking water, and of reversing the spread of HIV/AIDS and the incidence of malaria and other major diseases. The Millennium Declaration also highlights other crucial health issues, such as increasing the availability of affordable essential drugs to all who need them in developing countries. The prominence accorded to health targets and issues in the Millennium Declaration underlines the importance of the right to health in relation to poverty reduction.

### **B. Scope of the right to health**

175. The right to health is not to be understood as the right to be healthy: the State cannot provide protection against every possible cause of ill health. It is the right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The right includes both health care and the underlying determinants of health, including access to safe drinking water, adequate and safe food, adequate sanitation and housing, healthy occupational and environmental conditions, and access to health-related information and education.

176. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's body, including reproductive health, and the right to be free from interference, such as freedom from torture and non-consensual medical treatment.

177. The entitlements include a system of health care and protection that is available, accessible, acceptable and of good quality. Thus, the right to health implies that functioning public health and health-care facilities, goods and services are *available* in sufficient quantity within a State. It also means that they are *accessible* to everyone without discrimination. Accessibility has a number of dimensions, including physical, information and economic. Thus, "information accessibility" includes the right to seek, receive and impart information concerning health issues, subject to the right to have personal health data treated with confidentiality. "Economic accessibility" means that health facilities, goods and services must be affordable for all. Furthermore, all health facilities, goods and services must be *acceptable*, i.e., respectful of medical ethics and culturally appropriate, and of good *quality*.

178. According to international human rights law, the right to health encompasses a number of more specific health rights, including the right to maternal, child and reproductive health; the right to healthy natural and workplace environments; the right to prevention, treatment and control of diseases; and the right to health facilities, goods and services.

## The right to health

### International Covenant on Economic, Social and Cultural Rights

#### [Article 12](#)

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child;
  - (b) The improvement of all aspects of environmental and industrial hygiene;
  - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

[General comments No. 14](#) (2000): The right to the highest attainable standard of health (on art. 12 of the Covenant); and [No. 15](#) (2002): The right to water (on arts. 11 and 12 of the Covenant).

**Convention on the Rights of the Child:** [articles 6](#) and [24](#)

**Convention on the Elimination of All Forms of Discrimination against Women:** [articles 10 \(h\)](#), [11 \(1\) \(f\)](#), [12 \(1\)](#), [14 \(b\)](#) and [general recommendation No. 24](#) (1999): Women and health (art. 12)

**World conferences:** United Nations General Assembly Special Session (UNGASS) on AIDS (2001): [Declaration of Commitment on HIV/AIDS](#); World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban (2001): [Durban Declaration and Programme of Action](#); Second World Assembly on Ageing (2002): [Political Declaration](#) and [Madrid International Programme of Action on Ageing](#).

**Millennium development goals 4** (Reduce child mortality), **5** (Improve maternal health), **6** (Combat HIV/AIDS, malaria and other diseases) and **7** (Sustainable access to safe drinking water)

**Joint United Nations Programme of HIV/AIDS (UNAIDS) and OHCHR:** [International Guidelines on HIV/AIDS and Human Rights](#)

**World Health Organization (WHO):** [Human Rights, Health and Poverty Reduction Strategies](#) (Geneva, WHO, 2005).



### C. Key targets and indicators

#### ***Target 1: All people to have access to adequate and affordable primary health care***

##### Indicators:

- Life expectancy at birth
- Proportion of public expenditure on primary health care
- Proportion of poor people not covered by any kind of pre-payment mechanisms, by non-discretionary interventions (e.g., exemption schemes, cash subsidies, vouchers) in relation to health user fees, or by privately funded health insurance
- Number of primary health care units per thousand population
- Number of doctors per thousand population
- Proportion of poor people with access to affordable essential drugs

#### ***Target 2: To eliminate avoidable child mortality***

##### Indicators:

- Under-five mortality rate
- Infant mortality rate
- Proportion of under-five children immunized against communicable diseases

#### ***Target 3: To eliminate avoidable maternal mortality***

##### Indicators:

- Maternal mortality ratio
- Proportion of births attended by skilled health personnel
- Proportion of mothers with access to pre- and post-natal medical care facilities

#### ***Target 4: All men and women of reproductive age to have access to safe and effective methods of contraception***

##### Indicator:

- The rate of use of safe and effective methods of contraception among poor couples of reproductive age who wish to use contraceptives

#### ***Target 5: To eliminate HIV/AIDS***

##### Indicators:

- HIV prevalence among pregnant women
- Condom use rate
- Number of children orphaned by HIV/AIDS

#### ***Target 6: To eliminate the incidence of other communicable diseases***

##### Indicators:

- Prevalence and mortality rate associated with communicable diseases
- Proportion of people with access to clean, safe drinking water
- Proportion of people with access to adequate sanitation
- Proportion of people immunized against communicable diseases

#### ***Target 7: To eliminate gender inequality in access to health care***

##### Indicators:

- Sex ratio (overall, birth and juvenile)
- Disability-adjusted life years lost for men and women
- Ratio of women and men treated in medical institutions

### D. Key features of a strategy for realizing the right to health

179. States should improve the supply of personal health services and make them more accessible to the poor by:

- (a) Targeting delivery to the poor by providing tailor-made services for groups whose access to health services may raise particular challenges, such as women, the elderly, children, indigenous peoples, minorities, slum-dwellers, labour migrants and those living in remote rural communities, via outreach clinics;

- (b) Ensuring that resource allocation favours the poorer geographical regions;
- (c) Ensuring that resource allocation favours the lower tiers of service delivery, i.e., primary care;
- (d) Prioritizing reproductive, maternal (prenatal as well as post-natal) and child health care;
- (e) Identifying diseases and medical conditions, such as malaria, tuberculosis and HIV/AIDS, that have a particular impact on the poor and, by way of response, introducing immunization and other programmes that are specifically designed to have a particular impact upon the poor;
- (f) Ensuring that all services are respectful of the culture of all individuals, groups, minorities and peoples, and are sensitive to gender and of good quality;
- (g) Providing essential drugs as defined by the WHO Action Programme on Essential Drugs.

180. States should improve the supply and effectiveness of public health interventions to the poor by:

- (a) Introducing and implementing basic environmental controls, especially regarding waste disposal in areas populated by the poor;
- (b) Ensuring the provision of clean, safe and accessible drinking water;
- (c) Regulating health service provision, for example with a view to eliminating the marketing of unsafe drugs and reducing professional malpractice;
- (d) Providing education and information about the main health problems in local communities, including methods of prevention and control.

181. States must reduce the financial burden of health care and health protection on the poor, for example by reducing and eliminating user fees. This can be done either by moving away from user fees and introducing other pre-payment mechanisms (e.g., national insurance or general taxation) or by keeping user fees and introducing non-discretionary, equitable and non-stigmatizing interventions for the poor (e.g., exemption schemes, direct cash subsidies and vouchers).

182. States should promote policies in other sectors that bear positively on the underlying determinants of health, entailing particular benefits for the poor, for example by supporting agricultural policies that have positive health outcomes for the poor (e.g., food security), by identifying measures that address the negative impact of agricultural policies on them (e.g., health and safety risks to agricultural labourers), and by generally promoting their income-generating activities.

183. States must ensure that the poor are treated with equality and respect by all those involved in health care and health protection. Accordingly, States should provide all relevant health staff with anti-discrimination training in relation to disability and health status, including HIV/AIDS.

**RIGHT TO EDUCATION** [[Back to Contents](#)]

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**A. The importance of the right to education**

184. Education is the primary vehicle by which children and adults can lift themselves out of poverty. The exercise of the right to education is instrumental for the enjoyment of many other human rights, such as the rights to work, health and political participation. Lack of education, as manifested by high illiteracy rates and low primary school enrolment ratios, itself constitutes a dimension of poverty.

185. The relevance to poverty of the right to education is underlined by the fact that universal primary education is a millennium development goal to be achieved worldwide by 2015. Thus, all poverty reduction strategies should give close attention to the realization of the right to education and ensure that people living in poverty are the first to benefit from better access to education.

**B. The scope of the right to education**

186. International human rights treaties define the right to education in a comparatively precise manner. In addition to providing free and compulsory primary education for all children, States have an obligation to progressively introduce free and equal secondary education (including vocational training) for all and equal access to free higher education on the basis of capacity. States also have an obligation to intensify fundamental (basic) education, leading above all to the elimination of illiteracy, for adults who have not satisfied their basic learning needs. Equality and non-discrimination are important aspects of the right to education, and States should give priority to equal access for girls and other groups vulnerable to discrimination, such as children with disabilities and minority and refugee children.

187. The quality of education should be directed to the development of the child's personality, talents and abilities to their fullest potential, and to the preparation of the child for responsible life in a free society, in a spirit of tolerance and respect for human rights, the natural environment, his or her parents and cultural identity, and civilizations different from his or her own. School discipline should be administered in a manner consistent with the child's human dignity.

188. In principle, States can provide these rights in the context of both private and public educational institutions. Since private schools usually do not guarantee free primary education for all children, States are under an obligation to establish a sufficient number of public schools, hire the required number of qualified teachers and provide for the quality of education as laid down in international human rights law. As a first step, all States parties to the International Covenant on Economic, Social and Cultural Rights should work out and adopt, within two years after ratification, a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all.

189. In addition to these positive obligations to fulfil the right to education, States have an obligation to respect the liberty of parents to establish and direct their own educational institutions, to choose private schools for their children and to ensure the religious and moral education of their children in conformity with their own convictions.

## The right to education

### International Covenant on Economic, Social and Cultural Rights

#### [Article 13](#)

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree ... that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### [Article 14](#)

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

[General comments No. 11](#) (1999): Plans of action for primary education (on art. 14 of the Covenant) and [No. 13](#) (1999): The right to education (on art. 13 of the Covenant).

**Convention on the Rights of the Child:** [articles 28](#) and [29](#) and general comment No. 1 (2001): The aims of education

**Convention on the Elimination of All Forms of Discrimination against Women:** [article 10](#)

**World conferences:** [World Declaration on Education for All](#) (1990); [Education for All Summit: The Delhi Declaration and Framework for Action](#) (1993); [Education for All: Dakar Framework for Action](#) (2000).

[Millennium development goals 2](#) and [3](#): Achieve universal primary education, promote gender equality and empower women

## C. Key targets and indicators

**Target 1: To ensure universal primary education for boys and girls as soon as possible, but no later than 2015**

**Indicators:**

- Net enrolment ratio in primary education
- Proportion of pupils starting grade 1 who reach grade 5
- Literacy rate in the age group 15-24

- Drop-out and attendance rates in primary schools
- Share of public expenditure on primary education

**Target 2: To make free primary education available to all children**Indicators:

- Proportion of primary school pupils in State schools not paying school fees
- Average fees paid by primary school pupils in State schools

**Target 3: To implement compulsory primary education**Indicator:

- Number of years' schooling made compulsory

**Target 4: To eradicate illiteracy**Indicators:

- Overall adult literacy rate
- Literacy rate in the age group 15-24

**Target 5: To ensure equal access for all to secondary education**Indicators:

- Net enrolment ratio in secondary education, disaggregated for the poor and the non-poor
- Share of public expenditure on secondary education
- Ratio of girls to boys in secondary education
- Drop-out and attendance rates in secondary education
- Proportion of children with disabilities attending secondary education

**Target 6: To make free secondary education available to all children**Indicators:

- Proportion of secondary school pupils in State schools not paying school fees, disaggregated for the poor and the non-poor
- Average fees paid by secondary school pupils in State schools

**Target 7: To eliminate gender disparity in primary and secondary education**Indicators:

- Ratio of girls to boys in primary education
- Ratio of girls to boys in secondary education
- Ratio of literate females to males in the age group 15-24

**Target 8: To improve the quality of primary and secondary education**Indicators:

- Pupil-teacher ratio
- Teacher-classroom ratio
- Proportion of primary/secondary school pupils receiving textbooks free of charge

**D. Key features of a strategy for realizing the right to education**

190. Any human rights-based, pro-poor education policy should ensure that the most vulnerable and marginalized groups in society have access, free of charge, to the most fundamental types of education, such as primary education, vocational training, literacy programmes and other forms of basic adult education. As a first step, States should formulate and adopt a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all.

191. As a priority, States should ensure access to primary education for groups whose access to education is particularly difficult, such as girls, children with disabilities, minority and refugee children, and those living in remote areas and slums. According to the MDGs, gender disparity in primary education should be eliminated, preferably by the year 2005.

192. States should establish a sufficient number of educational institutions for adults that are targeted at the most deprived groups in society and accessible to them free of charge. Vocational training should play an important role in the programmes of such institutions.

193. In addition to providing free and equal access to these types of education, Governments should ensure that people living in poverty are not discriminated against when receiving education and that their drop-out rates are not significantly higher than those for other groups in society. Special support programmes should enable the poor to have access also to secondary and higher education. For example, children living in poverty should be supported financially by scholarships and provided with transport to school, adequate textbooks, school meals and other services free of charge.

194. School discipline should be administrated in a manner consistent with human dignity. In particular, corporal punishment should be eliminated without delay.

195. Education should be directed to the full development of the human personality and strengthen respect for human dignity, tolerance, human rights and fundamental freedoms. Human rights should have an important place in all school curricula.

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## **RIGHT TO PERSONAL SECURITY AND PRIVACY** [[Back to Contents](#)]

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### **A. Importance of the right to personal security and privacy**

196. People living in poverty usually suffer from various forms of insecurity. As well as experiencing financial, economic and social insecurity, they are often homeless, marginalized, discriminated against and subject to physical violence and attacks on their privacy, integrity, honour and reputation by State and non-State actors. Accordingly, efforts to strengthen the right of the poor to personal security should have a crucial place in poverty reduction strategies.

### **B. The scope of the right to personal security and privacy**

197. The right to personal security is a human right independent of the right to personal liberty. If individuals or groups are subject to death threats, violent attacks, harassment, intimidation or severe discriminatory treatment, States have a positive obligation to provide a minimum standard of protection for their lives, integrity and personal security. In addition, States are under an obligation to ensure that no human beings shall be subjected to arbitrary or unlawful interference by State or non-State actors, with their privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation. The concept of privacy protects the particular area of individual existence and autonomy, including a person's appearance, identity, integrity, intimacy, sexuality, communication, family and home, that does not touch upon the liberty and privacy of others.

### **The rights to personal security and privacy**

#### **International Covenant on Civil and Political Rights**

##### [Article 7](#)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

##### [Article 9](#)

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

##### [Article 10.1](#)

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the

human person.

#### [Article 17](#)

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

[General comments No. 8](#) (1982): Right to liberty and security of persons (on art. 9 of the Covenant); [No. 16](#) (1988): Right to privacy (on art. 17 of the Covenant); [No. 20](#) (1992): Prohibition of torture or cruel, inhuman or degrading treatment or punishment (on art. 7 of the Covenant); and [No. 21](#) (1992): Humane treatment of persons deprived of their liberty (on art. 10 of the Covenant).

### C. Key targets and indicators

#### ***Target 1: To eliminate violence against the poor by State and non-State actors***

##### Indicators:

- Crime rate disaggregated between poor and non-poor segments of society
- Ratio of killings, violent attacks and similar crimes against the poor to the overall crime rate
- Proportion of the poor subjected to police violence, harassment, intimidation, or discrimination
- Ratio of police violence, harassment, intimidation, or discrimination against the poor to overall police violence, harassment, intimidation, and discrimination
- Proportion of poor people subjected to violent crime
- Rate of specific crime against women disaggregated between poor and non-poor segments of society

#### ***Target 2: To ensure adequate police protection for the poor threatened with violence***

##### Indicators:

- Proportion of police actions aimed at preventing violence against the poor in relation to preventive police actions in general
- Ratio of police actions aimed at investigating violent crime against the poor to overall criminal investigative actions by the police

### D. Key features of a strategy for realizing the right to personal security

198. Policies aimed at eliminating, or at least substantially reducing, violence against the poor should clearly distinguish between violence by State and non-State actors. Violence may take the form of death threats, violent attacks, harassment, intimidation or severe discriminatory treatment. As women are particularly vulnerable to domestic and other forms of gender-specific violence, special measures should be taken to combat these crimes.

199. States should conduct education programmes for the population in general, and for the police in particular, aimed at promoting better understanding of poverty as well as non-discrimination towards the poor. In the recruitment of police and other security forces, the attitude of candidates to people living in poverty and other particularly vulnerable groups of society should be taken into account.

200. Police protection should be provided in poor areas particularly affected by violence, harassment, intimidation and discrimination. Poverty reduction strategies should identify the worst affected areas, such as slums, and provide them with a sufficient number of specially trained law enforcement personnel.

201. States should take special measures aimed at providing equal, efficient and free judicial protection to the poor against unlawful attacks on their dignity, privacy, integrity, honour and reputation.



202. A pro-poor security policy should provide the poor with equal and free access to the criminal justice system and bring the perpetrators of violence against them to justice (see guideline 8, the right of equal access to justice). It should include special police measures to investigate violent crimes against people living in poverty. When such crimes are committed by security forces, effective and independent complaints systems should be available to the poor, and disciplinary action taken against the offenders.

203. States should provide shelter for homeless people subjected to violence, especially the most vulnerable among people living in poverty such as women, children, elderly people and persons with disabilities (see guideline 8, the right to adequate housing).

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## **RIGHT OF EQUAL ACCESS TO JUSTICE** [[Back to Contents](#)]

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### **A. Importance of the right of equal access to justice**

204. People living in poverty are particularly vulnerable to human rights violations and abuses by governmental authorities and private individuals. The most important tool available to the poor to defend themselves against these abuses is court protection. However, for economic or other reasons, people living in poverty typically lack the capability to obtain it. Even if free legal aid is available, they may lack the necessary information and self-confidence to seek redress from the courts. Thus, States should actively promote free access of the poor to courts, tribunals and other dispute resolution mechanisms as a remedy against human rights violations.

205. In addition, the poor are accused of criminal behaviour more often than the non-poor. Whether they have committed a crime or not, those living in poverty have a right to enjoy the minimum guarantees of a fair trial, such as the presumption of innocence. Experience shows that people living in poverty are more likely than others to be discriminated against and deprived of these minimum guarantees.

### **B. The scope of the right of equal access to justice**

206. All persons are equal before the courts and tribunals, and enjoy certain procedural guarantees in civil and criminal trials. Equality before the courts means, in particular, that all persons must be granted, without discrimination, the right of equal access to an independent and impartial court or tribunal for the determination of civil disputes or criminal charges. The most important procedural guarantee in both civil and criminal proceedings is the right to a fair and public hearing, including the principle of equality of arms between all parties.

207. In criminal trials, a number of specific rights are granted to the accused, such as the presumption of innocence, the right to an adequate defence including the assistance of counsel, the right to examine witnesses, and the right not to be compelled to testify against oneself. Victims of crime should also be provided with equal access to justice and may require specific protection.

208. Some procedural guarantees explicitly refer to the needs of the poor: if an accused in a criminal trial does not have sufficient means to pay for legal assistance, Governments are under a positive obligation, if the interests of justice so require, to provide a counsel free of charge. Similarly, if accused persons do not understand or speak the language used in court, they should have the free assistance of an interpreter.

209. If people living in poverty are victims of a human rights violation by State or non-State actors, they should be granted equal access to civil, administrative or constitutional courts, tribunals and other dispute resolution mechanisms free of charge as a remedy and an effective means of reparation.

## The right of equal access to justice

### International Covenant on Civil and Political Rights

#### Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

## C. Key targets and indicators

### ***Target 1: Equal access to civil justice for the poor as victims***

#### Indicators:

- Proportion of people availing themselves of civil justice mechanisms, disaggregated by gender and poverty

- Proportion of poor people having access to legal aid in civil matters
- Proportion of people availing themselves of specific human rights litigation, disaggregated by gender and poverty
- Proportion of poor people having access to legal aid for human rights litigation
- Number of judges and courts per unit of population
- Average distance between poor households and courts
- Average length of proceedings before civil and human rights courts and tribunals
- Level of corruption in the administration of civil justice

**Target 2: Fair trial for the poor accused of crime**

Indicators:

- Proportion of poor people sentenced for crimes in relation to the overall crime rate
- Level of corruption in the administration of criminal justice

**Target 3: As victims of crime, poor people should be able to bring the perpetrators to justice**

Indicator:

- Number of perpetrators sentenced for crimes against poor people as a percentage of number of crimes against poor people

**D. Key features of a strategy for realizing the right of equal access to justice**

210. Poverty reduction strategies should include special programmes to improve the realization of free and equal access of the poor to courts, tribunals and other dispute resolution mechanisms, and their right to a fair trial in both civil and criminal proceedings. Governments should ensure that adequate justice mechanisms are available in sufficient number, and that they are accessible to the poor and acceptable in terms of quality. With this objective in mind, Governments may establish innovative, non-formal dispute resolution mechanisms that are of good quality, accessible to the poor and consistent with all relevant human rights principles.

211. Measures to promote the right of the poor to access to justice include:

- (a) Introducing information campaigns, in slums and other areas where poor people live, on the right of access to justice;
- (b) Increasing the number of courts, tribunals and non-formal dispute resolution mechanisms;
- (c) Increasing the number of judges and law enforcement personnel, especially in poor areas;
- (d) Increasing the salary of judges and law enforcement personnel;
- (e) Establishing law clinics for people living in poverty;
- (f) Extending legal aid programmes for the poor in both civil and criminal proceedings;
- (g) Establishing training programmes for judges, lawyers and law enforcement personnel on the right of the poor to non-discrimination;
- (h) Improving the enforcement of judgements by the relevant authorities;
- (i) Improving the physical access of the poor to courts, non-formal dispute resolution mechanisms and law enforcement officers, in particular in remote rural areas;
- (j) Eliminating corruption in the administration of justice;
- (k) Helping poor people who are victims of crime to bring offenders to justice.

**POLITICAL RIGHTS AND FREEDOMS** [Back to [Contents](#) and para. [74](#)]

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**A. Importance of political rights and freedoms**

212. Usually, people living in poverty are socially excluded and belong to politically marginalized groups. They lack the information and political power necessary for meaningful participation in political decision-making. As they are underrepresented in political decision-making bodies, their specific needs are often neglected. Accordingly, lack of political rights and freedoms is both a cause and a consequence of poverty. Socially and politically excluded people are more likely to fall into poverty, and the poor are more vulnerable to social exclusion and political marginalization.

213. Lack of political rights and freedoms is constitutive of poverty if inadequate command over economic resources plays a role in its causation. Active participation in political decision-making, as well as in the broader social and cultural life of their communities, plays a role in expanding political freedoms and in empowering people, which in turn contributes towards combating social exclusion and political marginalization. In addition, the enjoyment of political rights and freedoms is instrumental to securing other human rights such as education, work, health and equal access to justice. Enabling the poor to participate actively in the social, cultural and political life of their communities should therefore form an integral part of a poverty reduction strategy.

214. Those human rights that are essential for the participation of civil society, including the poor, in a free and democratic society are usually referred to as political rights and freedoms. Apart from the general political right of citizens to take part in the conduct of public affairs, a number of political freedoms are essential for the effective participation of the poor, starting with the right to information. In addition to a lack of command over economic resources, people living in poverty usually lack the information they need in order to obtain equal access to education, work, health services, courts, the police or political decision-making processes. Thus, the right to information is a crucial human right, one which enables the poor not only to participate actively in the conduct of public affairs, but also to overcome other capability failures.

215. The right to information and other political rights and freedoms are essential in the context of poverty reduction strategies, both from a substantive and from a procedural point of view. As substantive human rights, the right to vote, equal access to public service, and freedom of expression and association empower the poor to overcome the capability failures that are constitutive of poverty. As procedural rights, they enable the poor to participate actively in the formulation, implementation and monitoring of poverty reduction strategies (see guideline 5).

**B. Scope of political rights and freedoms**

216. Political rights are usually defined as the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives, for instance by means of the right to vote and to be elected in parliamentary and other elections, and the right of equal access to public service. Political freedoms include essential democratic rights such as freedom of speech, expression, information, association, assembly and the media. While political rights are usually restricted to citizens, political freedoms are general human rights to be equally enjoyed by all human beings, regardless of citizenship or other status.

217. The right to seek and receive information establishes the duty of Governments to provide the poor, and their freely chosen representatives, with all relevant information concerning governmental activities and services. This includes information in respect of governmental services that are essential for the poor, such as access to education, health services, employment services, social security, administration of justice and the political decision-making processes. From a procedural point of view, Governments have a specific obligation to provide the poor with all relevant information in the stages of preparing, implementing and monitoring a poverty reduction strategy. The meaningful participation of people living in poverty in a country-driven poverty reduction strategy is possible only on the basis of a comprehensive information campaign specifically addressing them.

218. The right to freedom of expression guarantees the right of the poor and their representatives to express and impart any opinions, ideas or information, in relation to the poverty reduction strategy process and in general, either orally, in writing or in print, in the form of art, or through any other media. The right to freedom of assembly grants all persons, including the poor, the right to collectively express their opinions by organizing demonstrations and similar types of public meetings in order to attract the attention of the Government, the media and the public at large. Lastly, all persons have the right to freedom of association with others, including the right to form and join trade unions, for the more effective protection of their interests. For instance, people living in poverty may decide either to establish special associations, unions, political parties or foundations, or to join existing institutions, in order to make their collective voices heard, both in the process of developing, implementing and monitoring a poverty reduction strategy and in general.

219. The right to take part in cultural life is respectful of cultural diversity and serves as a protection against social exclusion. Culture must be understood broadly to mean the shared way of living of a group of people, including their accumulated knowledge and understandings, skills and values, which is perceived by them to be unique and meaningful. States have a responsibility to take all necessary measures to prevent the poor and other marginalized groups from being socially excluded, and to enable them to participate in the social, cultural and political life of their respective communities.

220. Although the exercise of political freedoms carries with it special duties and responsibilities, and may therefore be subject to certain restrictions, such limitations must be prescribed by law and must be necessary in the interests of certain public goals, such as national security, public order, health and morals, or for the protection of the rights and freedoms of others. The content of relevant ideas, opinions and information articulated by the poor in order to improve their situation and to participate in a poverty reduction strategy process will rarely give rise to legitimate governmental restrictions. If the form of their expression, for instance by way of public demonstrations, might justify certain limitations in the interest of public order or crime prevention, Governments must prove that such restrictions are necessary in a democratic society for the purpose of achieving the respective public goal. This means any limitations must be proportional and non-discriminatory.

For some of the provisions in international human rights instruments addressing political rights and freedoms, see [box in guideline 5](#) on participation.

### C. Key targets and indicators

***Target 1: To ensure full and equal participation of the poor in the conduct of public affairs, by means of parliamentary, regional and local elections, referendums and similar decision-making processes***

Indicators:

- Proportion of poor and non-poor people going to the polls
- Proportion of poor and non-poor people elected to public bodies at the local, regional and national level
- Proportion of poor and non-poor people appointed to public office

***Target 2: To ensure equal enjoyment by the poor of the right to freedom of association***

Indicators:

- Proportion of poor people belonging to any association established by poor people
- Number of associations, unions, political parties, foundations and media established by the non-poor for the protection of the interests of the poor

***Target 3: To ensure equal enjoyment by the poor of the right to freedom of assembly***

Indicator:

- Number of public meetings, demonstrations or strikes organized by people living in poverty or on their behalf

***Target 4: Equal enjoyment of the right to information by the poor***

Indicators:

- Number of public information activities organized by Governments directly addressing the poor
- Number of media programmes directly addressing the poor
- Circulation of print media in vernacular languages
- Share of public expenditure on dissemination of information to poor people

***Target 5: Full participation of the poor in the formulation, implementation and monitoring of poverty reduction strategies***

Indicators:

- Proportion of poor people who are aware of a PRS process in their country
- Proportion of poor people who participate in public PRS information meetings
- Proportion of poor people who participate in the formulation of PRS
- Proportion of poor people who participate in the implementation of PRS
- Proportion of poor people who participate in the monitoring and accountability of PRS

### D. Key features of a strategy for realizing political rights and freedoms

221. States should organize public information campaigns directly addressing the poorest sectors of society and informing the poor about their rights as well as relevant governmental services aimed at poverty reduction, including free access to education, health and social security services, the administration of justice and other services. If Governments wish to withhold certain information from the public, and the poor in particular, they have the burden of proving why it should not be disclosed. The public, and the poor in particular, should have a right to appeal to a court or other independent body against a decision to withhold certain information. People living in poverty should also be informed of their right to participate actively in the poverty reduction strategy process and in the conduct of public affairs in general.

222. People living in poverty should be encouraged and enabled to participate actively in the formulation, implementation and monitoring of poverty reduction strategies and in the conduct of

public affairs in general, at both the central and local levels of political decision-making structures. Governments should eliminate all legal barriers which might prevent the poor from participating in elections and other democratic decision-making procedures (referendums, popular initiatives, etc.) such as literacy tests, settlement requirements and similar educational or economic preconditions for voter registration, or the exclusion of persons of underprivileged social status (e.g., homeless) from the political rights to vote, to be elected and to have equal access to public service. As the relevant human rights norms refer to both “the right and the opportunity”, without any discrimination, to participate in the conduct of public affairs, Governments have a special duty to guarantee with positive measures that all formally eligible persons have the actual opportunity to exercise their political rights. For example, Governments should make special efforts to provide voter education facilities addressed to the poor, and to organize the voting process in a way that ballot boxes are easily accessible to poor people living in slums or in remote rural areas.

223. People living in poverty should be encouraged and enabled to express, freely and publicly, their opinions, ideas, political claims and criticisms of governmental policies, both within the poverty reduction strategy process and beyond, without any arbitrary restrictions and limitations. In order to make the voices of the poor heard, Governments should design and establish special non-bureaucratic, accessible and effective institutions such as poverty ombudsmen, to which people living in poverty can address their concerns, opinions and demands.

224. People living in poverty should further be encouraged and enabled to form their own special associations, unions, political parties or foundations for the more effective protection of their rights and interests. These organizations should be invited to participate actively in all stages of the poverty reduction strategy and other relevant governmental processes and forums.

225. States should enact legislation designed to respect and protect cultural diversity. They shall enable the poor to form associations for the protection of their interests and to organize meetings, social and cultural events in which people living in poverty can participate without fear of being discriminated against or dishonoured. They shall develop special programmes to combat the social exclusion of the poor and other marginalized segments of society and to enable them to take part in the cultural life of their communities.

226. All media owned or controlled by Governments should pay particular attention to the situation of the poor, actively contribute to public information campaigns for the poor and provide a public platform where their voices are heard. Other media should be encouraged by Governments to play a similar role in supporting the interests of the poor.