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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the independent expert on the question of human rights  
and extreme poverty, Arjun Sengupta\***

**Summary**

In the present report, the independent expert on the question of human rights and extreme poverty takes stock of the key issues raised during his tenure. In particular, he reiterates that extreme poverty should be regarded as the combination of income poverty, human development poverty and social exclusion. The independent expert calls for attention to be focused on the intersection of these three components of poverty when social consensus on poverty reduction strategies are formulated. On this basis, he notes that European Union policies are based on the same conceptual understanding of poverty as that proposed by the independent expert. In this context, European Union programmes promoting social inclusion are discussed. In the report, the independent expert emphasizes the importance of international cooperation, which is enshrined in international human rights law. In order to examine the effectiveness of international cooperation in eradicating extreme poverty, the independent expert makes some observations on the past experiences on poverty reduction strategy papers in Africa. He concludes the report by emphasizing the need to recognize that extreme poverty is a denial of human rights, and suggests that guiding principles on extreme poverty become legally binding.

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\* The present report is submitted after the deadline in order to reflect the most relevant information.

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## I. INTRODUCTION

1. Since 1989, the Commission on Human Rights has been discussing extreme poverty as a major source of deprivation, affecting all human rights. It was felt that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent national and international action was required to eliminate them.<sup>1</sup> In 1998, the Commission decided to establish the mandate of the independent expert on the question of human rights and extreme poverty. A.M. Lizin served as the independent expert from 1998 to 2004, and Arjun Sengupta succeeded her in 2004.

2. In its resolutions 1998/25, 2004/23 and 2005/16, the Commission invited the independent expert to focus on the relationship between the enjoyment of human rights and extreme poverty, the obstacles encountered and progress made by women living in extreme poverty and the impact of discrimination on extreme poverty.

3. The present report is the last report by Dr. Sengupta in his capacity as the independent expert on extreme poverty. The author is grateful to Ipshita Sengupta and Avani Kapur of the Centre for Development and Human Rights, and to the staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR), for their assistance in the preparation of the present report. The report is a summary of the key findings of his work since 2004. The independent expert hopes that his findings will be examined by the Human Rights Council during its review of this mandate and inform the next mandate-holder accordingly.

4. Pursuant to Commission resolution 2001/31, and other related resolutions, the Sub-Commission on the Promotion and Protection of Human Rights set out to draft a set of guiding principles on human rights and extreme poverty. In its resolution 2/2, the Human Rights Council requested OHCHR to circulate those draft guiding principles among stakeholders to obtain their views and suggestions. In that regard, the final section of the present report contains a discussion on the independent expert's views on the guiding principles.

## II. BACKGROUND

5. During his tenure, the independent expert clarified the conceptual relationship between human rights and poverty and analysed the basic issues concerning poverty reduction strategies, highlighting the importance of employment-generation, ensuring legal entitlements to basic services and providing social safety nets for the poorest of the poor, paying special attention to the situation of women.

6. In 2005, in the first report submitted by the independent expert to the Commission (E/CN.4/2005/49), he outlined his general approach to the mandate by defining extreme poverty as a combination of income poverty, human development poverty and social exclusion.

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<sup>1</sup> General Assembly resolution 51/97.

7. In his second report (E/CN.4/2006/43), the independent expert tried to show the distinct value of approaching extreme poverty in terms of violation or denial of human rights on the basis of the definition of extreme poverty provided in his first report and the obligations it implied for relevant actors to ensure implementation of effective programmes to combat extreme poverty.

8. The independent expert also carried out a fact-finding mission to the United States of America from 24 October to 4 November 2005, when he met with people living in extreme poverty and representatives of civil society organizations and Government. The result of that mission was reflected in the report of the mission submitted to the Commission (E/CN.4/2006/43/Add.1).

9. On 23 and 24 February 2007, OHCHR organized an expert consultation on extreme poverty and human rights in Geneva. The discussion by the experts highlighted issues such as the legal empowerment of the poor; the need to safeguard social security expenditure with international support; the role played by national agencies, transnational companies and developed countries in the fight against extreme poverty; and strengthening participatory approaches transcending domestic sovereignty.

10. In his third report to the Council (A/HRC/5/3), the independent expert developed that approach and suggested methods of dealing with extreme poverty by using his findings from several case studies from different regions and the result of the expert consultation.

11. In the present report, the independent expert takes stock of all the issues that have been raised on extreme poverty and human rights. The section below deals with the conceptualization of the notion of extreme poverty and the approaches towards its eradication. The independent expert discusses the issue of social exclusion identified as a component of extreme poverty in his earlier reports, and seen as a key characteristic in many approaches to extreme poverty adopted in the European Union. The independent expert then considers the importance of international development cooperation for eradicating extreme poverty and studies the poverty reduction strategy papers in Africa as a tool for achieving the same. The final section presents the views of the independent expert on the draft guiding principles elaborated by the Sub-Commission.

### **III. UPDATE ON THE ACTIVITIES OF THE INDEPENDENT EXPERT**

12. On 17 January 2008, the independent expert met with Jérôme Vignon and Walter Wolf at the European Commission in Brussels. Mr. Vignon is Director of Social Protection and Integration in the Directorate General for Employment, Social Affairs and Equal Opportunities, while Mr. Wolf is a policy officer working on social inclusion.

13. The purpose of the meeting was to discuss European Union policies addressing poverty and social exclusion within European Union member States from the perspective of the mandate. The independent expert shared with the European Commission his definition of extreme poverty as the combination of income poverty, human development poverty and social exclusion. Bearing in mind his mission to the United States in 2005 in his capacity as independent expert, he enquired on how the European Union applied the concept of social inclusion to policies tackling extreme poverty in its member States.

14. The European Commission officials explained that, on the European Union level, there was no common definition of absolute poverty. The Open Method of Coordination on social protection and social inclusion, however, provided the necessary tools for mutual learning. Set up at the Lisbon European Council of March 2000, the Open Method of Coordination provided a framework of political coordination without legal constraints. Member States agreed to identify and promote their most effective policies in the fields of social protection and social inclusion with the aim of learning from each other's experiences. It involved:

(a) Agreeing to common objectives, including high-level, shared goals to underpin the entire process;

(b) Agreeing to a set of common indicators that showed how progress towards those goals could be measured;

(c) Preparing national strategic reports, in which Member States set out how they intended to plan policies over an agreed period to meet the common objectives;

(d) Evaluating these strategies jointly with the European Commission and the Member States.

15. The first key element of European Union policies against poverty is a "relative poverty" approach, which is linked to the concept of social exclusion. In Europe, relative poverty is often a critical issue, and ongoing globalization is contributing to the widening inequality in the region. By European Union standards, those who earn less than 60 per cent of the national median income are considered to be at risk of poverty; they cannot fully participate in society, i.e., they face the risk of social exclusion.

16. A second element is an effort to mainstream the need to address poverty and social exclusion as a common value in European Union policies. Tackling poverty and social exclusion require multifaceted responses in various sectors. Effective policies to achieve social inclusion do not stop at the level of employment policies. The idea of a holistic social policy needs to be promoted through dialogue, particularly in the economic and employment activities of the European Commission.

17. A third element, nonetheless, is the current consultation on "active inclusion", which is to promote access to the labour market for all those who can work while achieving the wider objective of providing a decent living standard to those who are and will remain outside the labour market.

18. From a social policy point of view, the limitation of employment policy poses a key challenge in this context. For instance, the working poor and those who cannot work need to be reached by measures other than labour market policies. Moreover, employment policy cannot have a direct influence on employment creation, the demand side; it can only address the supply side of labour markets, in which the need for both flexibility and security should be taken into account, while maintaining competitiveness in the global market is essential.

19. Another challenge is that, in some of the member States that recently joined the European Union, the average income is quite low compared to the European Union average. Hence, there may be a need to review the concept of absolute poverty in such a context. Currently, there is no agreed standard of what constitutes “adequate income” in the European Union. Recommendations made by the Council of Ministers refer only to qualitative aspects of minimum living standards but do not mention quantitative requirements. The harmonization of wages at the European Union level cannot be the objective, as wages should reflect the cost of living and the actual level of productivity.

20. The independent expert met with Fintan Farrel of the European Anti-Poverty Network, a group of civil society organizations from 24 European countries active in the field of research and advocacy. The Network closely monitors the implementation of social policy coordination by the European Union.

21. The Network drew the following key issues to the attention of the independent expert:

(a) A major focus must be kept on relative poverty and widening inequality within the European Union. The multidimensional nature and human rights aspects of poverty should be emphasized. There was a need for further work on indicators that capture relative poverty and social exclusion;

(b) The shift in European Union strategy in 2005, which was triggered by the change of the European Commission leadership, was a matter of concern. The newly-defined strategy emphasized economic growth and employment-creation as a means to overcome poverty more than mainstreaming social inclusion, which was agreed upon as a common strategy in 2000 in Lisbon;

(c) The declining trend in financing for social protection and distributional measures suggested by the European Union joint report was of particular concern. Apparently, they were the result of market pressure currently faced by European Union member States. That trend was undermining universality and the quality of public services enjoyed by all.

22. On 16 January, the independent expert participated in a seminar at the Higher Institute of Labour Studies at the University of Leuven, attended by scholars and representatives of civil society. The independent expert presented his views on the relationship between extreme poverty and human rights. Referring to the definition of poverty as a combination of income poverty, human development poverty and social exclusion, he highlighted the relevance of experiences in Europe in addressing social exclusion. The discussion generally supported his view, and suggested a need for continuing research and exploration of this subject, including of the role of civil society and individuals, in addition to the primary obligation of States to fulfil human rights.

#### **IV. DEFINITION OF EXTREME POVERTY**

23. In his first report, the independent expert devised a working definition of poverty as a combination of income poverty, human development poverty and social exclusion. Extreme poverty was an extreme deprivation, in terms of some consensual definitions of severity of deprivation, especially when all these elements of deprivation coexist.

24. The first dimension is income poverty. A simple definition of absolute income poverty could be based on a minimum daily amount of calorie intake from food necessary for survival in a reasonably healthy condition, supplemented by some minimum amount of non-food items regarded as essential for a decent social existence. It would then be possible to determine a minimum expenditure line; people who live below it would be considered extremely poor. Alternatively, income poverty could be equated, by convention, with a per capita level of expenditure or poverty line, such as \$1 or \$2 per day, in terms of a comparable level of purchasing power.<sup>2</sup>

25. A relative interpretation of income poverty would consider the sociocultural context of a country, while defining capacity to fulfil basic needs. While a person's income covers the requirements of subsistence and essential consumption, he or she may be regarded as poor if his or her income does not allow access to goods and services required to satisfy sociocultural norms. A group of people may then be regarded as poor in one country even if they would be considered not poor or relatively rich in another country. Relative poverty can also be defined directly in terms of income distribution. For example, people belonging to the lowest 10 per cent in the scale of income distribution can be regarded, by social consensus, as relatively poor.

26. The second component is human development poverty, where extreme poverty is regarded as extreme or severe deprivation. The United Nations Development Programme (UNDP) in its human development reports formulated certain indicators on health, education, food, nutrition and other basic needs (in addition to per capita income) as Human Development Indicators or components of the concept of well-being. In this context, the concept implies a person's ability to lead a life that she or he values with freedom of "being and doing". Extreme poverty, in that sense, can be regarded as extreme deprivation of such freedoms, which can be captured through the indicators. For example, literacy rates or school enrolment ratios represent freedom from ignorance and the lack of education. Similarly, indices of life expectancy or infant mortality have been described as indicators of the freedom to lead a healthy life.

27. Such freedoms include both the processes and outcomes of social arrangements in both their constitutive and instrumental roles. For example, the freedom to lead a healthy life is a constitutive element of a person's well-being; however, it is also instrumental in allowing the person to enjoy other freedoms, including freedom to work or freedom of movement. Income can be recognized in both its constitutive and instrumental roles, though in most cases, instrumentality is much more important than its intrinsic value. Income may also be seen as a

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<sup>2</sup> This method of measuring income poverty is known as "headcount ratio", which is the proportion of people below the poverty line and is a simpler measure for which now data have been collected for most developing countries. But this is not necessarily the best measure of income poverty, because it does not capture the average shortfall of income of the poor from the poverty line nor the distribution of income among the poor. Both these notions may be necessary in order to devise a policy to solve the problems of the poorest in any anti-poor programme. Where data are available, these other indicators may be used in addition to the headcount ratio to attack income poverty appropriately. However, we have chosen the usual headcount ratio as an indicator of income poverty, as a first approximation of this exercise. See Sen (1995), "Inequality Re-examined", Oxford, pp. 102-116.

proxy variable for all the good things in life constituting well-being, and can be considered desirable in itself, representing power, status, security and command over resources, even when these are not actually used.

28. The third component of poverty is social exclusion, which is quite distinct from the other components, yet is an essential component of the concept of deprivation of well-being. It affects the level of different human development indicators and, often, the level of income itself, just as income and human development also influence social exclusion. Social exclusion is thus the opposite of social integration, where the poor, the unemployed, ethnic minorities and vulnerable groups have remained “outsiders” in the social hierarchy. It is this relational aspect of social exclusion which brings in a distinct added value in identifying problems associated with poverty.

29. While income and human development poverty focus on individuals, implying deprivation owing to lack of income or failure to achieve a certain level of human development, social exclusion focuses on social relations, thereby implying deprivation because of membership of a certain social group whose interaction with other groups causes that deprivation. The relevant issues, then, concern the nature and causes of the disruption of social bonds, inability of the group to participate in society, the discrimination they faced, or the denial of their rights within the existing legal system.

30. The independent expert noted that, at key international events such as the Copenhagen World Summit on Social Development or in the Millennium Declaration, the international community affirmed that poverty was not limited to economic deprivation but entailed social, cultural and political deprivation as well.<sup>3</sup>

31. Extreme poverty can therefore be identified with people suffering from income poverty (being below an agreed level of minimum disposable income or expenditure required for leading a sustainable life) and people suffering from human development poverty (without access to, or availability of, certain basic goods and services to make it possible for them to lead a meaningful life) as well as people in social exclusion (without basic security to lead an adequate social existence, dependent on the structure of social relationships).

32. Though there are major overlaps and interdependence between the concepts, since both income deprivation and human development deprivation occur within a social context, these are distinct spheres of analysis that have to be pursued in terms of their respective characteristics and domains in order to achieve more effective methods of addressing the problems raised.

33. There are several advantages of viewing poverty in this manner. Firstly, it is possible to develop indicators for these forms of poverty from the existing data, which not only capture the outcomes but also the process aspects of activities, and not only the availability of goods and services but also the access to them.

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<sup>3</sup> The Copenhagen Declaration on Social Development of the World Summit on Social Development, 1995, paras. 2 and 9. Available at: [www.un-documents.net/cope-dec.htm](http://www.un-documents.net/cope-dec.htm).



34. Secondly, it enhances social consensus and acceptability, thereby enabling States and other social actors to accept the responsibility of adopting policies to eradicate extreme poverty. While it is desirable that society take care of all poor people in a country, it may be prudent to move step-by-step and begin by identifying a group of people recognized as extremely poor, so that appropriate policies can be formulated along with institutional mechanisms to alleviate their deplorable living conditions.

### **A. Union v. Overlap**

35. The total universe of the poor in a country is regarded as the aggregate or union of all three groups: those who are income poor, those who are deprived of human development and those who are socially excluded. Extreme poverty in such a case would be a portion of each of these categories selected in terms of the severity of the conditions of deprivation.

36. Since this number can be very large in many developing countries, a society may choose a set of criteria limiting the number of people suffering from extreme poverty to a smaller subset, i.e., an overlap of the three sets of people who are income poor, human-development poor and socially excluded. In other words, those suffering from all three categories of poverty, thereby, give a smaller number of people than implied in the union approach. The advantage of this approach is that the severity of the conditions of poverty would be apparent to every member of society. Following the Rawlsian principle of justice, which emphasizes the need to concentrate on the most vulnerable sections of society, it should therefore be possible to appeal to people's sense of justice and persuade them to accept the obligations associated with the elimination of extreme poverty, which makes a small section of the population extremely vulnerable, suffering from the loss of all liberties or freedom of action.

37. At the 2007 expert consultation, the issue of public choice was discussed at length. While the independent expert's approach by no means guaranteed that there would be no disagreement between social groups on what the relevant elements of extreme poverty were, most experts agreed that narrowing down the universe of the poor to the extremely poor would most likely achieve greater political acceptance.

### **B. Importance of different dimensions**

38. The independent expert clearly stated in his previous reports that the multidimensional definition of extreme poverty, as propounded by him, did not stand in contradiction to any of the earlier definitions of poverty. The most comprehensive definition used in human rights reports on extreme poverty was based on Father Joseph Wresinski's concept of the "lack of basic security", combining the French approach of social exclusion, in terms of lack of participation and rupture of social bonds, with other economic and social factors preventing the enjoyment of freedoms and human rights. This concept was also summarized by the first Special Rapporteur on Human Rights and Extreme Poverty of the Sub-Commission, Leandro Despouy, when he stated that the lack of basic security connoted the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights (E/CN.4/Sub.2/1996/13, annex III). The factors that enable individuals and families to assume basic responsibilities directly refer to access to income and human development. But they also include features that relate to social exclusion, because basic responsibilities imply a social role linked to the enjoyment of rights that have to be recognized by society. Nothing would be lost if

this definition were to be recast as a combination of income poverty, human development poverty and social exclusion. On the contrary, it would enormously improve the relevance of the “lack of basic security” in defining extreme poverty.

39. Similarly, capability poverty, which has now been broadly accepted in human development literature, can also be regarded as the simultaneous deprivation of income, human development and social exclusion. In fact, Amartya Sen’s definition of capability “as freedom to lead a life one has reasons to choose” is clearly multidimensional and combines income and human development as components of capability, both as constituent and instrumental variables, with social exclusion adding the relational dimension of poverty.

40. Extreme poverty, as a combination of income poverty, human development poverty and social exclusion, is not just a question of severity and intensity of poverty; it is a concept that considers poverty a denial of human rights, thus mobilizing public action towards the adoption of public policies by Government.

### **C. Added value of a human rights framework**

41. There is a significant added value to invoking a human rights framework in policies to eradicate poverty. It adds the appeal that basic human rights are usually recognized as highly valuable objectives that all individuals are inherently entitled to. This has two implications. First, if poverty is considered a violation of human rights, it could mobilize public action, which itself could contribute significantly to the adoption of appropriate policies, especially by Governments in democracies. It is basically the obligations that are entailed by human rights, the deprivation of which is recognized as poverty that changes the nature of the discourse of economic development, making poverty-removal a principal objective. Second, human rights obligations are binding, and the authorities must be able to demonstrate that they have made their best efforts to fulfil those rights by adopting appropriate policies that have the greatest likelihood of achieving those results.

42. The independent expert summed it up in his second report when he stated that, when concentrating on extreme poverty, it should be possible to invoke the associated obligations more generally, with the duty-bearers finding it difficult or improper to reject the appeals to the related obligation.

43. As a first step, it is often easiest to call for the fulfilment of the human rights that have been recognized through international human rights law or national domestic legislation. The International Covenant on Economic, Social and Cultural Rights has accorded this legal recognition to the right to food, health, education, social security and an adequate standard of living. The International Covenant on Civil and Political Rights has recognized the right to association, information, freedom of expression and so on. If, in a social arrangement, these rights are fulfilled, it is difficult to imagine that there will be any poverty in that society.

## V. POVERTY REDUCTION AND SOCIAL INCLUSION

### A. Definition of social exclusion

44. The independent expert has enunciated the importance of seeing extreme poverty in all its multidimensionality; in practice, however, different countries have often given primary emphasis to one dimension, to which other dimensions can be added. For many poor developing countries, income poverty may appear to be most important. For others, human development poverty may be more important. For many developed countries, such as those in Europe, poverty is seen mostly in relevant terms, and social exclusion becomes their primary concern. Social exclusion is based on the concept of relative poverty. According to Townsend, “individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the type of diet, participate in the activities and have the living conditions and amenities which are customary, or at least widely encouraged, or approved, in the societies to which they belong”.<sup>4</sup>

45. In his report, Joseph Wresinski observed that “the poor are pushed into areas where others rarely penetrate: inner city slums, the outskirts of towns and isolated rural dwellings. When they appear in the public eye, it is often because they have been made homeless in their own neighbourhoods. Geographically segregated and socially isolated, they are cut off from the cultural, political and civic life of the country”.<sup>5</sup> Wresinski suggested that it is this exclusion that traps poor families and that any effort to reduce poverty cannot be successful unless it addresses the effects of exclusion.

46. In 1995, the European Foundation for the Improvement of Living and Working Conditions defined social exclusion as “the process through which individuals or groups are wholly or partially excluded from full participation in the society within which they live”.

47. Tony Atkinson identified three key features of social exclusion:<sup>6</sup>

- Relativity: exclusion can only be judged by comparing the circumstances of some individuals (or groups or communities) relative to others, in a given place and at a given time
- Agency: people are excluded by acts of some agents
- Dynamics: the characteristics of exclusion (and its adverse effects) may only become apparent over time as an accumulated response

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<sup>4</sup> See, Townsend, P., *Poverty in the United Kingdom* (1979), Penguin Books, Harmondsworth.

<sup>5</sup> Chronic Poverty and Lack of Basic Security: a report of the Economic and Social Council of France by Joseph Wresinski, 1987, at [www.atd-fourthworld.org/IMG/pdf/Wres\\_JO87en.pdf](http://www.atd-fourthworld.org/IMG/pdf/Wres_JO87en.pdf).

<sup>6</sup> Atkinson quoted in Peter Saunders, Can Social Exclusion Provide a New Framework for Measuring Poverty?, SPRC Discussion Paper No. 127, October 2003, at <http://www.sprc.unsw.edu.au/dp/DP127.pdf>.

## **B. Social protection and inclusion**

48. In his previous reports, the independent expert referred to several attempts at estimating social exclusion and to the establishment of a relationship between social exclusion and other aspects of poverty leading to the denial of basic freedom or security of certain sections of society. In most countries, development policies are designed in a manner whereby only one dimension of the three aspects of poverty, such as income or human development poverty, is accorded importance. The social inclusion process initiated by the European Union in 2000 provides a strong example whereby the concept of social exclusion has been expanded to include the other elements of extreme poverty (income poverty and human development poverty) in the European Union development discourse to make a significant impact on eradicating poverty in the region by 2010. Plans to combat poverty are integrated into national policies, and Member States are encouraged to examine their policies critically.<sup>7</sup> Member States are also aiming at reforming their already developed social protection systems through policy dialogue and mutual learning. The Open Method of Coordination process is being implemented, whereby the European Union social security system is being modernized, particularly in the field of pensions, health and long-term care.<sup>8</sup>

49. The social inclusion aims of the European Union programme are:

- To eradicate child poverty by breaking the vicious circle of intergenerational inheritance
- To make labour markets more inclusive, entailing an adequate level of income support with a link to the labour market and better access to services<sup>9</sup>
- To ensure decent housing for everyone that promotes social inclusion related to homelessness through projects, campaigns and studies<sup>10</sup>
- To overcome discrimination and increase the integration of people with disabilities, ethnic minorities and immigrants by adopting a three-pronged approach: increasing inclusion of vulnerable and marginalized groups; increasing access to mainstream services and opportunities; and enforcing legislation to overcome discrimination and developing targeted approaches to respond to the specific needs of each group, particularly immigrants and ethnic minorities

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<sup>7</sup> Social inclusion at [http://ec.europa.eu/employment\\_social/spsi/poverty\\_social\\_exclusion\\_en.htm](http://ec.europa.eu/employment_social/spsi/poverty_social_exclusion_en.htm).

<sup>8</sup> Social protection at [http://ec.europa.eu/employment\\_social/spsi/social\\_protection\\_en.htm](http://ec.europa.eu/employment_social/spsi/social_protection_en.htm).

<sup>9</sup> Active inclusion at [http://ec.europa.eu/employment\\_social/spsi/active\\_inclusion\\_en.htm](http://ec.europa.eu/employment_social/spsi/active_inclusion_en.htm).

<sup>10</sup> Decent housing and homelessness at [http://ec.europa.eu/employment\\_social/spsi/homelessness\\_en.htm](http://ec.europa.eu/employment_social/spsi/homelessness_en.htm).

- To tackle financial exclusion and over-indebtedness by drawing up national action plans on inclusion aimed at prevention and treatment of over-indebtedness and financial exclusion caused by barriers to banking and financial illiteracy, and at an understanding of low-income money management patterns

50. The Open Method of Coordination was established at the Lisbon European Council in March 2000 as a framework of political coordination without legal constraints between Member States for the identification and promotion of policies with regard to social protection and social inclusion.<sup>11</sup> In “Working together, working better: a new framework for the open coordination of social protection and inclusion policies”, the European Union sets out proposals for streamlining the Open Method of Coordination in the following fields:<sup>12</sup>

- Access to resources, rights and services needed for participation and preventing exclusion
- Adequate and sustainable pension systems
- Accessible, high-quality and sustainable health care and long-term care

51. The Open Method of Coordination also featured a set of common primary and secondary indicators in the areas of social inclusion, pension, health and long-term care. Primary indicators are a small set of lead indicators covering all essential dimensions of the defined objectives. Secondary indicators aim at supporting these lead indicators.<sup>13</sup> In June 2006, the European Union Social Protection Committee adopted a set of common indicators for the social protection and social inclusion process. It consists of 14 overarching indicators and 11 content indicators to attain the new objectives of social cohesion and interaction with the Lisbon strategy growth and jobs objectives and of the portfolios for social inclusion, pensions and health and long-term care.

### **C. Indicators of social exclusion in the European Union**

52. All common indicators and context information are calculated and updated by Eurostat.<sup>14</sup> The overarching objectives will be monitored through the use of indicators. In their national reports, Member States are required to provide a brief and consolidated overview of economic,

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<sup>11</sup> See [http://ec.europa.eu/employment\\_social/spsi/the\\_process\\_en.htm](http://ec.europa.eu/employment_social/spsi/the_process_en.htm).

<sup>12</sup> [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/objectives\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/objectives_en.pdf).

<sup>13</sup> [http://ec.europa.eu/employment\\_social/spsi/common\\_indicators\\_en.htm](http://ec.europa.eu/employment_social/spsi/common_indicators_en.htm).

<sup>14</sup> This section is derived from *Portfolio of Overarching Indicators and Streamlined Social Inclusion, Pensions and Health Portfolios*, European Commission, Employment, Social Affairs and Equal Opportunities, Brussels, 7 June 2006, at [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2006/indicators\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/indicators_en.pdf).

social and demographic context, which is taken into account when designing development policies with regard to social protection and social inclusion. The analysis of Member States should draw on the commonly agreed overarching indicators and statistics, supplemented with national indicators.

53. Member States should adopt a focused approach by identifying few priority objectives, while addressing streamlined objectives. With regard to social inclusion, they should take an integrated, multidimensional approach to tackling poverty and social inclusion. The existing list of indicators has been streamlined by strand; each strand constitutes a commonly agreed condensed and comprehensive monitoring tool of a country's social situation with regard to the common objectives in each strand.

54. The three overarching objectives of the social protection and social inclusion process are to promote:

- Social cohesion, equality between men and women and equal opportunities for all through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies
- Effective and mutual interaction between the Lisbon objectives of greater economic growth, more and better jobs and greater social cohesion, and with the Sustainable Development Strategy of the European Union
- Good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy

55. European Union and national indicators cover the key common objectives, such as the European Union risk poverty rate (share of persons with a disposable income below 60 per cent of the national median income); European Union income inequality indicator (ratio of total income received by the 20 per cent of the country's population with the highest income (top quintile) to that received by the 20 per cent of the population with the lowest income (lowest quintile)); national indicators, such as healthy life expectancy (number of years a person is expected to live in a healthy condition); early school-leavers (share of people aged between 18 and 24 years who have only lower secondary education); people living in jobless households without access to labour markets (proportion of people living in jobless households, expressed as a share of all people in the same age group and main household types); and indicators for social exclusion.

#### **D. Funding the Open Method of Coordination: Community Programme for Employment and Social Solidarity**

56. The Community Programme for Employment and Social Solidarity is aimed at financially supporting the implementation of the objectives of the Open Method of Coordination. The programme conducts studies to improve the understanding of social exclusion and poverty; monitors and evaluates implementation of the Open Method of Coordination and its impact at the national and community levels; analyses the interaction between the Open Method of Coordination and other policy areas; organizes exchanges on policies and promotes mutual learning through peer review, transnational projects and development of indicators; raises

awareness and disseminates information about the key challenges with regard to coordination between various stakeholders; and develops the capacity of European actors to support and develop community policy goals and strategies.

57. The Community Action Programme to Combat Social Exclusion 2002-2006 was aimed at enabling the European Community and Member States to cooperate and increase the effectiveness of policies to combat social exclusion. It was accessible to all public and private actors involved in the struggle against social exclusion, including Member States, local and regional authorities such as social partners, social service providers, non-governmental organizations, universities and research bodies, national statistical bodies and the media.

58. A sum of 75 million euros was allocated to the implementation of the Programme for a period of five years, from 2002 to 2006. A committee comprising Government representatives from European Union Member States and other participating countries (EFTA/EEA countries) was constituted to provide political guidance to the Commission on the implementation of the Programme.

59. The Community Action Programme was also evaluated during the said period. The evaluation report found that the Programme had been making efficient use of the resources and funds available, although better capitalization of the results would increase efficiency. The Programme is relevant in the context of all European Union Member States, although some actions are more relevant to particular thematic areas. The relevance of programmes is further undermined by constraints at the national level and relative lack of engagement with key actors at the subnational level. The Programme has been effective in raising awareness, increasing understanding, implementing learning and helping in building capacity to address social exclusion and poverty questions. It has been successful in starting up the Open Method of Coordination process and has contributed added value to the European Union and helped develop practical strategies to address social exclusion and poverty.<sup>15</sup>

60. On a broader level, it was observed that the Programme had encouraged shared learning on almost all key issues. At the strategic level, the role of the Programme had been limited, as it was criticized for addressing the issues of poverty and social exclusion in a scattered and piecemeal manner on only a few thematic areas, and was not embedded in the European Union social inclusion process.

## **VI. POVERTY REDUCTION AND INTERNATIONAL COOPERATION**

61. The concept of international cooperation through international development assistance has its origins in the theory of distributive justice, which deals with the fair allocation of scarce

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<sup>15</sup> Final synthesis main report of the evaluation of the European Union programme to promote Member State cooperation to combat social exclusion and poverty, December 2006, at [http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/evaluation\\_full\\_text\\_en.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/evaluation_full_text_en.pdf).

resources in society. Given that wealth and resources are limited, the key question is how to distribute such resources in a fair and equitable manner.<sup>16</sup> The concept of international cooperation may also be attributed to the theory of cosmopolitanism.<sup>17</sup>

62. Articles 55 and 56 of the Charter of the United Nations requires all Member States to pledge to take joint and separate action in cooperation with the United Nations for the promotion of peaceful and friendly relations among nations based on the principles of equality and self-determination of peoples. The Universal Declaration of Human Rights also stresses the need for international cooperation for the realization of economic, social and cultural rights (arts. 22 and 28).

62. The International Covenant on Economic, Social and Cultural Rights recognizes the relevance of international cooperation for the fulfilment of economic, social and cultural rights and lays down that richer countries should provide assistance individually and through international assistance and cooperation, especially economic and technical to poorer countries that face a resource constraint in fulfilling the rights under the Covenant. Article 11 (1) of the Covenant requires States parties to take appropriate steps to ensure the realization of the right to an adequate standard of living, recognizing to this effect the essential importance of international cooperation based on free consent. Article 11 (2) requires States parties to take relevant action individually and through international cooperation, regarding the right to freedom from hunger.

64. The Declaration on the Right to Development of 1986 emphasizes the importance of international cooperation (art. 3 (3)) as a duty of States individually and as members of the international community. The Vienna Declaration of 1993 reiterates the notions of international solidarity and cooperation.

65. The United Nations Millennium Declaration of 2000 states that international solidarity is one of the key values of international relations in the twenty-first century, wherein “global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most”. Goal 8 of the Millennium Development Goals, to develop a global partnership for development, can be described as the means to achieve the other seven

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<sup>16</sup> The theory of international distributive justice can be located in jurisprudential theories. John Rawls’ notion of the duty of assistance to assist burdened societies to become full members of the society is crucial to this understanding. Ronald Dworkin, on the other hand, emphasizes just distribution through the envy test, whereby distribution of goods is not satisfactory unless it causes a person to envy another person because of the bundle of resources he has received. This can be resolved through an auction where everyone gets the same amount that enables him to bid for all available resources. Robert Nozick explains the concept of distributive justice through the entitlement theory whereby everyone is entitled to the holdings they possess under distribution by just means.

<sup>17</sup> Charles R. Beitz referred to social liberalism and cosmopolitan liberalism based on an understanding of an international society. Thomas Pogge distinguished between institutional and interactional approaches to cosmopolitanism.



goals. The need for global development partnerships, as stipulated in goal 8, stems from the lack of financial and human resources that most developing countries are chronically faced with. Besides, the international policy environment is unfavourable, as developing countries receive inconsistent aid flows while international trade barriers still exist. Also, the systemic weaknesses in global governance with regard to transparency, accountability and participation, especially in international agreements on trade and finance, cannot be addressed by developing countries on their own and without international cooperation.<sup>18</sup>

66. Though most experts argue that there is no legally binding international obligation on the part of developed countries to provide international aid and development assistance to developing countries, the existing international legal framework on international cooperation makes a strong case for rich developed countries to assume a moral and political obligation to reach out to developing countries in the spirit of international cooperation. In the section below, the independent expert discusses the experience of poverty reduction strategy papers in Africa to examine the effectiveness of international cooperation.

67. The eradication of extreme poverty should be the primary objective of development policies, and can only be ensured by a rights-based approach to development. Those policies must internalize the basic principles of international human rights norms: equity, non-discrimination, participation, accountability and transparency.

68. The development compacts<sup>19</sup> model of international cooperation for implementing poverty reduction programmes requires that the issue of donor conditionalities be resolved in a manner whereby developing countries, while receiving international aid and assistance to fulfil their development objectives, do not have to sacrifice ownership in the design and implementation of their policies and programmes. This approach requires developing countries to accept obligations to fulfil and protect human rights. The international community, including donor countries and

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<sup>18</sup> Sakiko Fukuda-Parr, Millennium Development Goal 8: Indicators for International Human Rights Obligations, *Human Rights Quarterly* 28 (2006), pp. 966-997.

<sup>19</sup> The concept of “development compacts”, as developed by Dr. Arjun Sengupta, then independent expert on the right to development, is a practical model for implementing the right to development through international cooperation, and to set up a monitoring system within the countries engaged in that cooperation. The right to development-development compact (RTD-DC) model is based on a mutual commitment between the donor countries of the Organization for Economic Cooperation and Development, financial institutions and concerned developing countries for implementing the right to development through programmes, namely poverty reduction programmes. The concerned developing countries must accept the primary responsibility for implementation of the poverty reduction programmes covered by the RTD-DC model, but these programmes should not be imposed from outside and countries implementing these programmes must have ownership over them.

international agencies, must ensure that developing countries have free access to trade and finance. It must be ensured that the conditions or obligations undertaken by the developing countries are in their best interest and closely monitored by themselves in a manner consistent with the rights-based approach.<sup>20</sup>

69. As such, a framework of international cooperation to achieve poverty reduction targets has been adopted by the international community, under the aegis of developed donor countries and international financial institutions such as the World Bank and the International Monetary Fund (IMF). The poverty reduction strategy papers, initiated by IMF and the World Bank in 1999, are prepared by low-income countries, detailing their strategies for poverty reduction, linking national action, donor support and development outcomes, involving domestic stakeholders and development partners, including IMF and the World Bank. The papers were formulated as “a new approach to the challenge of reducing poverty in low-income countries based on country-owned poverty reduction strategies”.<sup>21</sup> Five core principles drive the approach of poverty reduction strategy papers: it should be country-driven; result-oriented; comprehensive; partnership-oriented; and based on a long-term perspective for poverty reduction. The approach succeeded the IMF-World Bank’s highly criticized Structural Adjustment Programmes, seen as imposing conditions on developing countries for enforcing a free-market policy to the extent of compromising their economic sovereignty.

70. The approach of poverty reduction strategy paper has either been completely adopted or is at various stages of being implemented in more than 70 low-income countries throughout the world. While most countries have recognized the primacy of poverty reduction in their policy framework and their broad objectives are in conformity with international human rights standards and international cooperation principles, it would be important to review the implementation of the papers from the perspective of a rights-based approach to poverty reduction, i.e., equity, non-discrimination, participation, accountability and transparency.<sup>22</sup>

### **A. Equity and non-discrimination**

71. Equity is to be construed as equity with respect to growth, structure and distribution of resources in the economy, as well as equitable distribution of income and benefits accruing from the exercise of rights. Non-discrimination entails abstention from discriminating on the grounds of sex, race, language, political affiliation or socio-economic status in the design and implementation of policies and practices and in the practice of democracy and the rule of law, while particular attention is paid to the well-being of vulnerable groups.

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<sup>20</sup> See also the fourth report of the independent expert on the right to development, Mr. Arjun Sengupta (E/CN.4/2002/WG.18/2).

<sup>21</sup> IMF, IMF Executive Board Reviews the Poverty Reduction Strategy Paper Approach, Public Information Notice No. 02/31, 15 March 2002, at [www.imf.org/external/np/sec/pn/2002/pn0231.htm](http://www.imf.org/external/np/sec/pn/2002/pn0231.htm).

<sup>22</sup> All country-specific poverty reduction strategy papers and their progress reports cited in the present report are available on the IMF website at [www.imf.org/external/np/prsp/prsp.asp](http://www.imf.org/external/np/prsp/prsp.asp).

72. Social safety nets, including cash transfers, food and price subsidies, public works and so on are targeted at the poor or those at risk of poverty to protect them against the insecurity of unequal distribution of income and to help them overcome vulnerability to shocks and adversities that can drive them to complete destitution. Poverty reduction strategy papers in many African countries have acknowledged and incorporated social security measures. While in Cape Verde, a social protection development strategy has been developed as part of the poverty reduction strategy paper, in Senegal reference is made to the social protection national strategy of 2005, a comprehensive social security scheme that addresses the poorest and at-risk social categories. However, in most African countries, the right to social security has not been achieved as the fruits of economic growth have failed to trickle down to the poorest and most vulnerable.

73. Gender inequality is a major obstacle to rights-based economic growth. It has been observed that improving the education of women increases the efficiency of the family and decision-making regarding production, consumption and savings. Gender inequality in employment persists in many African countries. In Lesotho, for example, though more girls than boys are educated, gender discrimination is widespread in employment and access to productive resources and credit. Instances of domestic and sexual violence are very common, despite the gender and development policy and the Sexual Offences Act of 2003. Nevertheless, these strategies have, on the one hand, enhanced knowledge and appreciation of gender issues; on the other, they have ensured better lobbying and advocacy of women's rights and equal participation of men and women in decision-making. In Malawi, the Growth and Development Strategy (2006-2011) aims to mainstream gender in the development process and ensure equal participation of men and women to achieve sustainable development. Rwanda has one of the highest representations of women in Parliament, with 45 per cent of seats held by women in local elections. The Local Government Electoral Amendment Act 2004 in Lesotho reserves 30 per cent of all electoral seats for women.

74. In Djibouti, poverty reduction strategy papers include specific plans of action for the improvement of identified vulnerable groups such as street children, displaced persons and nomads. In Chad, the Government strategy on social protection takes a two-pronged approach: to ensure that sectoral strategies are better targeted to meet the needs of the poorest people; and to organize more specific actions to benefit persons with disabilities, orphans, the urban unemployed and women.

## **B. Participation**

75. All members of a community that adopts a rights-based approach to development should be able to participate, either individually or collectively in (a) decision making about policy priorities; (b) formulation of programmes to implement policies; (c) monitoring the process of implementation; and (d) evaluating the outcomes, and then taking corrective actions.

76. The interim poverty reduction strategy papers, which were the basic documents for framing the final papers, were usually prepared by technocrats in collaboration with officials of IMF and the World Bank, without any participatory process. However, in a few countries, the Government allowed citizen involvement in areas of governance, such as accountability of public funds and citizen monitoring of public services. In Ethiopia, consultations were held in 171 districts, and were complemented by consultations at the provincial level, followed by consultation at the federal level. In Rwanda, the Government solicited the views of ordinary

people in the national poverty assessment study involving 1,000 people, a community action planning process whereby communities developed action plans to solve the problems they had identified; a policy relevance test was also conducted in 38 of 100 districts, where 10,000 people participated in focus groups.<sup>23</sup> The Lesotho poverty reduction strategy paper took longer to complete because of the extensive process of participatory consultation, to ensure better quality of the result.<sup>24</sup> In Benin, the preparation process was supported by a consultation and participation by local governments, non-governmental organizations, the private sector and development partners.

77. Countries have nonetheless faced various problems while attempting to introduce a more participatory approach. In Kenya, less than 10 per cent of parliamentarians attended consultations. In Malawi, the district consultations excluded ordinary citizens and elected representatives. In Djibouti, there has been very little participation of the civil society in the design of public policies; however, since the 1990s, it has witnessed a boom in the creation of grass-roots associations capable of mobilizing communities, that are determined and dynamic and involve women and youth. However, the scope of their actions is limited by lack of structure, weak technical and institutional capacity, and severely limited financial means. In Gambia, the Pro-Poor Advocacy Group has conducted a number of training activities and will continue with the training and capacity-building effort for civil society organizations. At the local level, participation in public resource management will take place in the context of decentralization under the Decentralization and Local Government Act.

### **C. Accountability and transparency**

78. Accountability focuses on how to transform right-holders from passive recipients of aid into empowered claimants. Since duty-bearers are accountable for the failure in the fulfilment of their duties, there should be appropriate legal procedures to cover the process of implementation, indicators to assess the process, reforms of the judiciary and other institutions that can provide evaluation and assist in overcoming corruption, as well as effective governance.

79. States and the international community at large have the responsibility of realizing universal human rights. Thus, monitoring and accountability procedures should not only involve States but also extend to global actors such as the donor community, intergovernmental organizations, international non-governmental organizations and transnational corporations, whose actions have a bearing on the enjoyment of human rights.

80. Of the mechanisms that can help ensure accountability and transparency, the medium-term expenditure framework is a way to establish links between the poverty reduction strategy process

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<sup>23</sup> Fantu Cheru (2006), Building and Supporting PRSPs in Africa: What has worked well so far? What needs changing?, Third World Quarterly, Vol. 27, No. 2, pp. 355-376.

<sup>24</sup> Benjamin Roberts, Exploring the PRSP process in Lesotho: reflections on process, content, public finance, donor support and capacity need, Economic Commission of Africa, Third Meeting of the African Learning Group on the Poverty Reduction Strategy Papers, 3-4 December 2003, at [www.uneca.org/prsp/docs/srd\\_prsp/Final\\_Lesetho.PDF](http://www.uneca.org/prsp/docs/srd_prsp/Final_Lesetho.PDF).

and budget formulation and implementation; through them, national budgets are increasingly becoming more realistic and result-oriented. The 2004 Ghana budget had a strong linkage with the Ghana poverty reduction strategy. In spite of the financial difficulties facing the Government, poverty-related activities were funded in full. In Kenya, the medium-term expenditure framework process, aimed at improving links between the national budget and development activities, is actively reviewed through the Public Expenditure Review to determine its strengths and weaknesses and to recommend changes with a detailed implementation plan.

81. Judicial reforms are important for the promotion of the rule of law, accountability, providing opportunities, empowerment and security through laws and strong and independent judicial institutions, modern and transparent legal systems, enforceability of laws and social commitment to justice.<sup>25</sup> The judiciary in Gambia is an example of ambitious reform. It has initiated a number of programmes for strengthening the judicial system and expediting the delivery of justice and legal processes, such as development of an electronic case management system in the high court; introduction of a computerized transcription system in the high court; development of an information and communication technology strategy; introduction of an alternative dispute-resolution system; establishment of the Children's Court; introduction of a self-accounting system for effective management of judicial resources; development of an information technology network linking all higher courts, judges and officials; revision of High Court and Magistrate Court rules to strike a balance; and human capacity-building activities, including seminars, training and workshops for court personnel.

82. Another useful example of an accountability mechanism is the Public Finance and Accountability Act in Uganda, which empowers the Auditor General to examine, inquire and audit classified expenditure centres. It also requires the Accountant General to monitor the internal audit function in all ministries, departments and agencies. Under the Public Procurement and Disposal of Public Assets Act in 2003, procurement is being decentralized from the old central tender board to procurement committees within public institutions themselves.

83. Due to the grossly inadequate national monitoring and evaluation system, the approach of poverty reduction strategy paper faces a serious challenge in ensuring transparency and accountability. The monitoring and evaluation system monitors the input, process and outcome of the poverty reduction strategy papers, and should also be participatory in nature, including the voices of civil society, academia, the private sector, the media and other stakeholders. A study in 11 sub-Saharan African countries has shown that there is not much emphasis on the development of an overall monitoring and evaluation strategy, although indicators and targets have been identified. An important issue is linking monitoring and evaluation results with planning and

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<sup>25</sup> Robert Danino, Global Learning Process For Scaling Up Poverty Reduction and Conference Shanghai, Parallel Thematic Session on Judicial Reform, May 2004, at <http://info.worldbank.org/etools/docs/reducingpoverty/doc/45/file/Danino-ShanghaiSpeech.pdf>.

budgeting. Most of the countries in sub-Saharan Africa (except Mali, Mauritania, the Niger and Gambia) have put a lot of effort into systematic reporting, but monitoring and evaluation results have not been effectively integrated.<sup>26</sup>

84. To conform to human rights principles, the monitoring and evaluation system has to be participatory in nature. Civil society has been actively involved in participatory poverty assessments during the preparation of poverty reduction strategy papers, but much less in subsequent implementation, monitoring and evaluation. Though all strategy papers acknowledge some role for non-governmental organizations in the official monitoring system, only a few countries, such as Malawi and Uganda, acknowledge their function as independent watchdogs. In Gambia, the Government is developing methods for increasing the participation of civil society in order to identify budgetary priorities, tracking of budget spending to key sectors and monitoring of the quality of public services at the national level. In Mozambique, the Action Plan for the Reduction of Absolute Poverty established poverty observatories at the central and provincial levels, which institutionalized the participation of civil society in monitoring poverty reduction strategy papers.

## VII. DRAFT GUIDING PRINCIPLES

85. The Sub-Commission for the Promotion and Protection of Human Rights developed a comprehensive set of draft guiding principles, entitled “Extreme poverty and human rights: the rights of the poor”, which incorporated various relevant international instruments, building on international efforts and ongoing work in other forums, including the reports by the independent experts on the right to development and on extreme poverty.

86. The draft guiding principles recognize that extreme poverty and social exclusion constitute a violation of human dignity, and thus require prioritization in national and international policies for its eradication. They give great importance to the right to participation and encourage States to foster it through empowerment, thereby enabling the poor to become genuine partners in their development. They further recognize that all human rights are indivisible, interdependent and universal. The guiding principles focus on rights that have already been recognized in international instruments, such as the right to participate in public life, the right to fair justice (incorporating the principles of equality before the law), economic and social rights. All States and the international community are duty-bound to ensure these rights to everyone, especially those suffering from extreme poverty. The draft guidelines suggest that the international community has the additional task of providing a suitable international environment in areas of trade, investment, market, debt and so on. Lastly, the guidelines also take into account international human rights principles of non-discrimination, accountability and transparency and direct specific policies to be targeted at the most vulnerable groups, such as women, children, the elderly, persons with disabilities and the homeless.

87. The drafting of guiding principles dealing specifically with extreme poverty is a significant step towards recognizing the multifaceted problems faced by those suffering from extreme

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<sup>26</sup> N. Holvet and Robrecht Renard (2007), “Monitoring and Evaluation Under the PRSP: Solid rock or quicksand?”, *Evaluation and Program Planning*, Vol. 31, Issue 1, pp. 66-81.

poverty, and bringing them into the mainstream of policy debate. The adoption of the draft guidelines would also help develop a suitable programme for implementation.

88. However, several points should be highlighted for the successful eradication of extreme poverty. In order to ensure that all duty-bearers perform their obligations to the best of their ability and are held accountable for non-performance, it would be necessary to make these obligations binding. The simplest way to do this would be to establish removal of extreme poverty as a human right, recognized by an international consensus on moving towards the drafting of a new instrument.

89. Establishing eradication of extreme poverty as a human right, particularly by confining it to a smaller fraction of the population, enhances the possibility of reaching a social consensus and will ensure its social acceptance, enabling a higher prioritization in domestic affairs and the international community of policies to achieve that right. The importance of implementing existing human rights norms and standards in the context of the fight against extreme poverty has already been noted by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2006/9. However, the link that makes these obligations binding is missing. It would thus be useful, especially in dealing with State obligations and international cooperation, to incorporate the concept of binding obligation. Since the rights involved (such as the rights to housing, health and education) have already been recognized as human rights in international covenants and other international treaties, these rights are binding in the sense that the States and the international community have an obligation to take measures or adopt policies resulting in actions that ensure the attainment of those rights. An effective poverty alleviation programme can therefore be built upon a policy for the realization of human rights as they have been recognized by the relevant international covenants.

90. A binding obligation does not mean that all the rights have to be realized immediately, nor only through judicial enforcement. States and the international community should work towards their fulfilment, even if the rights are progressively realized, with the constraint that no right should be violated in the process. The enforcement of these obligations may be possible through several processes carried out simultaneously and separately, including administrative procedures, social auditing, public scrutiny, judicial determination and monitoring by international human rights mechanisms.

91. Another issue regarding the feasibility of implementing guidelines to eradicate extreme poverty is the need to have a working definition of extreme poverty, in order that indicators can be established and the improvement or realization of extreme poverty as a human right can be monitored. As the independent expert has already indicated, such a definition of extreme poverty could refer to a combination of those suffering from income poverty, human development poverty and social exclusion. Alternatively, if a smaller subset of people is preferred because of resource and institutional constraints, an overlap approach targeting those people who are suffering from all three forms of poverty could be applied. It must be reiterated that such a definition would facilitate a social consensus to be developed, with limited sacrifice on the part of other agents. It would also allow the development of both targeted and integrated policies in the light of minimum standards and core principles of the various rights associated with extreme poverty.

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