RESPONSE TO THE QUESTIONNAIRE ON THE REPORT (HRC/15/41) OF THE INDEPENDENT EXPERT ON THE QUESTION OF HUMAN RIGHTS AND EXTREME POVERTY ON THE DRAFT GUIDING PRINCIPLES ON EXTREME POVERTY AND HUMAN RIGHTS

SUBMITTED BY THE INTERNATIONAL MOVEMENT ATD FOURTH WORLD

Ad II: Rationale for the development of guiding principles on human rights and extreme poverty

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

Comment II.1: Section II constitutes a good summary of the added value, in particular the remark in para. 12 that the human rights approach provides a common point of departure for joint action.

Comment II.2: In para. 8 after the first sentence, we recommend to insert one additional sentence: “Almost twenty years have passed since the international community recognized that extreme poverty and social exclusion constitute a violation of human dignity.”

The question of human dignity appears again in para. 38, but it would be important to make this affirmation at the beginning.

We recommend that para. 8 also affirms that people in extreme poverty are not passive victims and that the guiding principles will reinforce their efforts: those living in poverty, and particularly in extreme poverty, are the first to act to change their situation and that of their families.

Ad III: Conceptual framework

► Considering that the majority of those living in extreme poverty are children, should the guiding principles have a dedicated section on this specific group or should this issue be cutting across the text? (paragraph 19 of the report); and what about other specific groups?

Comment III.1: Children as a specific group are different from other groups, in that childhood is a stage in the development of every person, and, as stated in the Convention on the Rights of the Child, "the child, by reason of his physical and mental immaturity,
needs special safeguards and care, including appropriate legal protection, before as well as after birth”. For this reason, we recommend the addition of a paragraph reaffirming this fact. However, we do not think that a separate section should be dedicated to children, in order to avoid repetition between that section and the other sections. Children should instead be a cross-cutting issue. Various vulnerable groups are mentioned throughout the report (for example in paras. 22, 25, 43, 48, 57, 70, 77, 82, 87, and 89). Para. 25 mentions that people living in extreme poverty do not constitute a homogeneous group, but that they face common obstacles. The guiding principles should concentrate on these common obstacles.

**Ad IV: Overview of the main underlying and reinforcing deprivations faced by persons living in extreme poverty**

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

**Comment IV.1:** The report is excellent, and provides a balanced and complete overview of the various deprivations.

In para. 22, we suggest that examples of stigmatization be added for the sake of clarity, such as appeared in the first draft. For example:

“The stigmatization of the poor and their associations, groups, neighbourhoods or places of residence, and their representation as persons without rights who are dangerous, violent and display other negative characteristics, must be regarded as forms of discrimination… Discrimination against the poor based on their image, their dress, their physical appearance or any other grounds related to their situation of extreme poverty constitutes a human rights violation.”

**Ad V: Proposal for improving the draft guiding principles on extreme poverty and human rights**

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

**Comment V.1:** All important aspects have been covered. We recommend that paragraph 41 be strengthened by the addition of the ideas contained in the following excerpt:

“Through community efforts, grass-roots organizations and with non-governmental organizations accompanying them, people living in poverty have and are developing innovative ways of attacking poverty at the local level. The lessons learned from these initiatives are important for others faced with the challenges of extreme poverty as well as for policy makers in charge of planning and programming decisions, at every level.”

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We also recommend that an additional action point be added to paragraph 42, before the existing point, as follows:

- “Recognize the efforts made by persons living in extreme poverty to survive and lift themselves out of poverty, and take these efforts into consideration in the development of anti-poverty strategies.”

**Section V.1: Overarching human rights principles**

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

**Comment V.1.1:** We recommend the addition of an additional principle, to be added after section D, as follows:

**D+1 Adopting a multidimensional approach against extreme poverty**

Acting effectively against extreme poverty in a society very often requires multidimensional and integrated action aimed at ensuring respect for the whole range of human rights, and targeted to the specific characteristics of the situation. Addressing separately the different elements of extreme poverty has not proved to be affective. Bringing about change will require the participation of a range of actors working conjointly for a common goal. When the necessary country level research has been able to identify those living in extreme poverty and in particular their location, specific programmes of intervention may be considered to ensure that those living in extreme poverty are also able to benefit from policies and programmes for the promotion, protection, and fulfilment of human rights, through special attention to those most in need. Thus the guiding principles might:

- “Recommend that governments consider the establishment of specific programmes of integrated measures aimed at addressing the needs of those living in extreme poverty through, as appropriate, measures dealing with employment creation, housing, education, nutrition, health, promotion of culture, and enhancing respect by the authorities for legal standards and procedures. These programmes could be designed and their implementation monitored by a mechanism in which those directly concerned and their representatives would enjoy full participation.”

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

**Comment V.1.2:** Para. 42 seems to partly overlap with para. 48. In the final draft sections B and E could be taken together, or at least treated closer to each other.

**Comment V.1.3:** Para. 44 mentions accountability mechanisms, which are the focus of para. 52. Perhaps para. 44 should not mention accountability mechanisms.

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5 Based on Despouy, Final Report, para. 195.
Comment V.1.4: Gender equality (paras. 45-46) is an issue for both men and women. In addition to the actions listed in this section, in order to achieve gender equality, governments need to:
  - promote a recognition of the importance of men’s role in child care and their greater involvement in parenting
  - support measures to enable both parents to remain with their families, i.e. in migrant legislation, shelter programmes, etc.

Comment V.1.5: Para. 48, recommendation 1, could be wrongly interpreted. The participation should refer to decision-making processes in all stages of policies and programmes (design, implementation and evaluation, as in para. 47).

Comment V.1.6: Para. 48, recommendation 3, second line, refers to “opportunity costs”. It might be helpful to clarify what is meant in this context.

Also in para. 48, we recommend the addition of a statement recognizing that people in extreme poverty will need more time to become familiar with issues on which they are called to participate than other stakeholders, and this must be included within the enabling conditions for participation to be meaningful.

Comment V.1.7: Para. 52, recommendation 1, should in the final text explain more clearly the difference between judicial, quasi-judicial, administrative and political accountability mechanisms. This is not clear to the layman.

Section V.2: Overarching policy guidelines
► Is the list of ‘overarching policy guidelines’ in this section (headings H to K) sufficiently comprehensive or should any other overarching policy guidelines be included in the guiding principles?

Comment V.2: The list is comprehensive.

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

Comment V.2.1: It is important to acknowledge that people living in extreme poverty often do not appear in official data, because they are difficult to reach, the parameters are inappropriate, or they are of little interest to policy makers.6 As recognized by the World Bank:
“The poorest are in such a state of deprivation that traditional policies which may be effective for the poor may not work for the poorest. Helping the poorest emerge from extreme poverty requires extra public resources and time. At the grass roots level, standing by the poorest for sufficiently long periods of time also requires special commitment and faith in their ability to build a better life for themselves.”

6 Despouy report, paras. 63-70.
Thus, para. 54 might begin with:

- “Recommends that States undertake a survey of the persons living in extreme poverty in their country in order to lay the basis for programmes targeted to reaching them and involving them in the policies, programmes and projects dealing with poverty elimination and recommends that the survey be periodically updated.”

**Comment V.2.2:** Para. 57 could also recognize the need for States to also respond to the fact that people living in extreme poverty pay disproportionately high prices by subsidizing certain items, by regulating the market, or by providing these items themselves. See also the last recommendation of para. 76.

**Section V.3: Specific rights-based obligations**

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

**Comment V.3:** The list of rights is comprehensive.

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

**Comment V.3.1:** We suggest that para. 64, first line, refer specifically to ‘birth’ registration.

**Comment V.3.2:** We suggest adding in para. 65 wording from the Guidelines on the Alternative Care of Children: “Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.”

**Comment V.3.3:** We suggest adding in para. 66 a recommendation included in the Guidelines on the Alternative Care of Children: “States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents.”

**Comment V.3.4:** Available information suggests that the levels of violence within the home are no or only slightly greater in the homes of people living in extreme poverty, as

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9 Ibid., para. 31.
compared to other population groups – contrary to the stereotypes in many countries.\textsuperscript{10} We therefore suggest that in para. 69, the home be referred to only in the last sentence: “Moreover, those living in poverty, with little or no economic independence, have fewer possibilities of escaping violence in the home or in the community.”

\textbf{Comment V.3.5:} Para. 72, recommendation 3, could refer to the Optional Protocol on Economic, Social and Cultural Rights, so as to ensure that the guiding principles stay within the existing human rights framework (see para. 16).

\textbf{Comment V.3.6:} Para. 84, recommendation 1. The application of minimum wages would have only a limited impact on informal sector workers, most of whom are in self-employment.

\textbf{Comment V.3.7:} In para. 87, we suggest adding that States must ensure that the conditionalities imposed on entitlements to social protection do not disproportionately penalize people living in extreme poverty and prevent their benefiting from such programmes.

\textbf{Comment V.3.8:} In para. 88, we recommend adding that children from a background of extreme poverty face a greater risk of discrimination at school from teachers and fellow pupils that result in increased school drop-out and absenteeism.

\textbf{Comment V.3.9:} In para. 89, we recommend adding to recommendation 2, a reference to the need to ensure high quality and culturally appropriate training of teachers in order to deliver high quality education.

\textbf{Comment V.3.10:} In para. 89, we recommend adding to recommendation 2 that States should take measures to mitigate the effects of discrimination faced by children from a background of extreme poverty.

\textbf{Comment V.3.11:} We recommend that para. 91 also recognize the role culture plays in combating poverty. The World Bank Report on \textit{Attacking Extreme Poverty} recognizes that “Human beings require beauty and creative expression as much as they require food, clothing and shelter. Artistic and cultural projects emphasize each person’s natural creativity. Through them, the poorest may be able to discover their capabilities and potential. They may gain the confidence necessary to dare speaking up and contributing to the well-being of their communities and to broader society.”\textsuperscript{11}


\textsuperscript{11} Attacking Extreme Poverty, page 7.