

# GUIDING PRINCIPLES ON EXTREME POVERTY AND HUMAN RIGHTS

Based on the Guiding Principles on extreme poverty and human rights adopted by the UN  
Human Rights Council in October of 2012



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## I. INTRODUCTION

This booklet aims at giving a simple and accessible version of the guiding principles on extreme poverty and human rights adopted by the Human Rights Council in October 2012. The guiding principles are a guide for respecting, protecting and fulfilling the rights of persons living in extreme poverty in all areas of public policy.

They are based on human rights norms and principles drawn from international and regional instruments and agreements as well as general comments and recommendations of United Nations treaty bodies. The guiding principles mainly apply to those experiencing the most severe poverty as they are often not reached effectively by public policies and services as a result of their marginalization.

### a) What is Poverty?

**Poverty** is a human condition which arises as result of prolonged denial of capabilities, choices and resources necessary for the enjoyment of a worthy life and other civil, political, economic and social rights. **Extreme Poverty** is a situation where a prolonged lack of basic security affects many other aspects of people's lives thus severely hindering their chances of exercising their rights in the near future.

### b) What role do States have to play in the reduction of poverty?

Poverty, especially the extreme one, is avoidable. It is usually caused by action or failure of action on the part of a government. Thus poverty is both a cause and consequence of human rights violations and allows for other violations. Public policies often fail to meet the needs of people in extreme poverty therefore leading to the transmission of poverty across generations.

### c) How can a HRBA be taken to end poverty?

A human rights approach provides a basis for the long time eradication of extreme poverty based on the recognition of persons living in poverty as rights holders as well as agents of change. It respects the dignity of persons living in poverty and empowers them to meaningfully participate in public life, in the design of public policy and holding duty bearers accountable. The approach also requires States to take into consideration their international human rights obligations when designing policies affecting people living in poverty.

## II. FOUNDATIONAL HUMAN RIGHTS PRINCIPLES FOR ENDING EXTREME POVERTY

### a) Dignity

At the foundation of all human rights lies human dignity which is linked to equality and non-discrimination. State agents are required to respect the dignity of those living in poverty by avoiding any form of stigmatisation in the formulation and implementation of public policies.

#### **b) Indivisibility, interrelatedness and interdependence of all rights**

Every day persons living in poverty face violations of their civil, political, economic, cultural and social rights. Therefore, public policies aimed at overcoming poverty must respect, protect and fulfil all the human rights of persons living in poverty. No intervention should have a negative effect on the situation of persons living in poverty.

#### **c) Equality and Non-Discrimination**

Equality and non-discrimination are related issues that must be the basis for all measures taken by relevant stakeholders regarding persons living in poverty. People living in poverty are often face discriminatory attitudes from both public and private actors especially due to their economic position. States must ensure that persons living in poverty are entitled to the equal protection and benefit of the law. This requires states to identify disadvantaged groups in society and take positive measures to reduce conditions that bring about discrimination and in-equality for persons living in poverty.

#### **d) Equality between men and women**

Women make up a large percentage of those living in poverty. States are thus required to eliminate all forms of discrimination against women and put in place measures to achieve equality for both men and women. This can be done through; eliminating harmful cultural and traditional practices, combating gender based violence, ensuring that women have equal access to economic opportunities, ensuring women's full and equal legal capacity, equality in marriage and family relations, equal access to public services including health, education and social protection as well as equality in the labour market.

#### **Rights of the Child**

Poverty in childhood is a major contributor to poverty in adulthood. Therefore, states must ensure that all children have equal access to basic services such as high quality health care, adequate food, safe drinking water, housing, sanitation and primary education. States should also allocate appropriate resources to child protection strategies with a special emphasis on marginalized children such as the street children, child soldiers, children with disabilities, victims of trafficking and child headed households. Children should also be afforded the opportunity to make decisions that affect their lives.

#### **e) Agency and autonomy of persons living in poverty**

Persons living in poverty must be treated as free and independent human beings. To this end, all policies must be based on the recognition of those people's right to make their own decisions and must uphold their sense of dignity.

#### **f) Participation and empowerment**

States must ensure active, free, informed and meaningful participation of persons living in poverty at all stages of policy implementation. Special care should be taken to include the most socially excluded groups. States must ensure that groups at a higher risk of falling into poverty as a result of any form of discrimination based on race, language, sex or any

other statuses as well as indigenous groups are adequately represented in decisions that affect them and supported to voice their views.

### **Transparency and Access to Information**

States should ensure that public services and programmes affecting persons living in poverty are designed and implemented in an open manner. Persons living in poverty should also be supported to seek, receive and impart information about all decisions affecting their lives.

#### **g) Accountability**

Persons living in poverty should not merely be seen as those who always depend on government for assistance. States must ensure that they enjoy the right to effective remedies through judicial, administrative and political mechanisms in the event of violation of any of their rights. Also, they should be fully informed about the remedies which are available to them.

### **III. IMPLEMENTATION REQUIREMENTS**

States are expected to immediately take steps towards the full realisation of economic, social and cultural rights as well as ensuring that the least minimum essential elements of all rights are realized. Human rights law also calls for the progressive realization of some aspects of the rights and discourages any deliberate retrogressive measures except in exceptional circumstances. States need to demonstrate that any measures taken to reduce poverty are done to the maximum of their available resources including through international assistance and cooperation. Thus, poverty eradication requires an all-inclusive approach covering all aspects of public policy and political action. Therefore;

- States should adopt a broad national strategy aimed at reducing poverty and social exclusion. Also, states should establish an implementation plan as well as a comprehensive complaints and responsive mechanism.
- States should ensure that when designing public policies due priority is given to those persons living in extreme poverty. Thus measures should ensure that adequate resources are raised as well as sustainable finance for social protection mechanisms aimed at addressing inequalities.
- States should ensure that facilities, goods and services required for the enjoyment of human rights are accessible, available, adaptable, affordable and of good quality. Thus, states have the duty to protect individuals against abuses committed by private service providers.
- States should ensure that their policies are in line with international human rights obligations and that any international assistance does not result in conditions that create, sustain and increase poverty either domestically or extraterritorially.

### **IV. SPECIFIC RIGHTS**

All human rights-civil, political, economic, cultural and social- apply to and should be enjoyed by all persons living in poverty. Below are some of the specific rights persons living in poverty are often denied or for which State policies are often insufficient.

- 1. Right to life and Physical Integrity:** Persons living in poverty are often deliberately targeted by both state agents and private actors and exposed to violence and threats to their physical integrity. Thus states should take special measures to ensure that the right to life and physical integrity of persons living in poverty is respected, protected and fulfilled. In this regard, all possible measures should be taken to ensure that they have access to minimum essential requirements such as food, water, basic shelter and to tackle gender based violence committed against them.
- 2. Right to Liberty and security of the person:** Various social and structural factors often lead to unduly high numbers of the poorest persons to be continuously arrested, sometimes for long periods without having access to bail. Therefore, states should address any negative effects of criminal sanctions and imprisonment on persons living in poverty. Laws that require payment of excessively high fines for life-sustaining activities in public places such as sleeping, begging and eating should be eliminated or revised.
- 3. Right to equal protection before the law, access to justice and effective remedies:** States should undertake to establish effective, affordable, accessible procedures including non-formal dispute resolution mechanisms for persons living in poverty. Special mechanisms should also be put in place to ensure availability of legal information through information dissemination in adaptable and culturally sensitive ways.
- 4. Right to Recognition as a person before the law:** Several barriers often hinder persons living in poverty from registering at birth and gaining legal identity documents without which they are unable to access a wide range of rights. States should thus ensure that all children are registered immediately after birth, conduct registration drives for unregistered adults and children, allocate necessary resources for accessible and adequate registration systems and remove barriers that hinder disadvantaged groups such as asylum seekers, undocumented migrants, stateless persons from registering.
- 5. Right to privacy and to protection for home and family:** Persons living in poverty are often likely to experience invasion on their privacy through overcrowded housing situations and unnecessary interventions by state and not state actors. Therefore, states should revise legal and administrative frameworks to do away with inappropriate invasion into their privacy.
- 6. Right to an adequate standard of living:** The right to an adequate standard of living is one of the most important rights that include several essential elements for human survival, health, physical and intellectual development. The lack of such elements for persons living in poverty is a major problem to their enjoyment of several other rights. States should therefore put in place specific legislative, administrative and policy measures to ensure an adequate standard of living for persons living in poverty.

- 7. Right to adequate food and nutrition:** Persons living in poverty often have limited access to adequate food due to cost, discriminatory distribution, lack of infrastructure or conflict and poor quality of the food. States are thus required to; adopt a national strategy to ensure food for all based on human rights principles, ensure conducive trade and investment policies, put in place adequate early warning mechanisms to mitigate natural disasters, repeal all discriminatory practices that hinder land ownership and establish social assistance programmes.
- 8. Right to water and sanitation:** Persons living in poverty should at least have access to the minimum essential amounts of water that is sufficient, affordable, accessible and safe for domestic uses. In informal settlements legal barriers related to land tenure should be lifted to allow formal connections to water and sanitation services. States should also ensure that persons living in poverty are not charged higher rates for water services and should undertake large public information campaigns on hygiene.
- 9. Right to adequate housing, security of tenure and prohibition of forced eviction:** States should ensure that in the formulation of laws and national strategies, priority is given to; eradication of homelessness, protecting those living in poverty against forced evictions, access to affordable housing and land allocation schemes, security of tenure of land especially for those in informal settlements and improvements in infrastructure in areas inhabited by persons living in poverty.
- 10. Right to the highest attainable standard of physical and Mental Health:** Persons experiencing ill health are more likely to become poor while persons living in poverty are more prone to diseases and disability. Thus, States should adopt various steps to address the relationship between poverty and ill health. Health care services for persons living in poverty should be made accessible, of quality, accessible, safe and affordable. Specific and tailor made services should be provided for groups who face particular challenges in accessing health care services including women for whom high quality sexual and reproductive health care services should be availed.
- 11. Right to work and rights to work:** People living in poverty are often prone to several abuses of their work related rights. States should thus adopt appropriate labour regulations and ensure their enforcement. Legal standards of employment should be extended to the informal economy in order to prevent all forms of forced or harmful labour conditions.
- 12. Right to social security:** States should develop an all-inclusive social security system that gives priority to the most disadvantaged groups while allocating resources to progressively realise universal access to social security for all.
- 13. Right to education:** Education is a crucial means by which persons can develop their abilities to their fullest potential thus increasing their chances of escaping poverty. States should take steps to progressively ensure the availability, accessibility, adaptability, acceptability and quality of education in all forms. Some of the measures to achieve this include; putting in place free and compulsory primary education, provide high quality and well trained teachers to disadvantaged schools and take steps towards free secondary and higher level education.

- 14. Right to take part in cultural life and enjoy the benefits of scientific progress:**  
States should ensure that cultural heritage policies and programmes respect persons living in poverty including their protection from exploitation of their lands and enable them to continue practicing their traditional activities. Steps should also be taken to ensure that the benefits of scientific research and innovations reach and benefit those persons.

#### **V. OBLIGATIONS OF INTERNATIONAL ASSISTANCE AND COOPERATION**

States are required to seek and provide international assistance and cooperation in line with their capacities, influence and resources. They are also required to avoid conduct which is likely to hinder the enjoyment of human rights beyond borders by continuously evaluating the impact of their activities extraterritorially.

#### **VI. ROLE OF NON /STATE ACTORS INCLUDING BUSINESS ENTERPRISES**

States should have a clear strategy for protecting persons living in poverty against any abuse of their human rights by third parties including transnational corporations, businesses and other non-state actors. Non-state actors should at the very least respect human rights by preventing any such actions arising from their activities and also deal with human rights violations when they occur.

#### **VII. IMPLEMENTATION AND MONITORING**

The guiding principles should be translated into participatory national strategies on poverty reduction and effective mechanisms should be created at the domestic level to monitor and ensure their enforcement. Development partners should technically, financially and institutionally support efforts by states to implement the guiding principles.