



General Assembly

Distr.
GENERAL

A/HRC/6/NGO/48
6 December 2007

ENGLISH, FRENCH
AND SPANISH

HUMAN RIGHTS COUNCIL
Sixth session
Item 3 of the agenda

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

**Written statement^{*} submitted by Europe-third World Centre, a non-governmental
organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 November 2007]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Is poverty a violation of human rights?[†]

The question may seem absurd given that poverty limits the capacity of individuals to exercise their freedom, to enjoy their most fundamental rights, to live in dignity, and to take their place fully in society. How, for example, can one enjoy the right to free expression or the right to vote when one can neither read nor write? How can one enjoy any rights when one is condemned to die before the age of 5? How can one enjoy the right to shelter, to health, to work, etc. when one has no home?

This is certainly why the Universal Declaration (adopted in 1948) includes in Article 25 “the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” These various rights have been formalized in the International Covenant on Social, Economic and Cultural Rights adopted in 1966. In addition, Articles 6 to 9 of the Covenant include the right to work, to just and favourable working conditions, and to fair wages, the right to form trade unions and to strike and the right to social security.

The Declaration and Programme of Action adopted at the International Conference on Human Rights in Vienna, in 1993, affirmed in Point 1.25 that “extreme poverty and social exclusion constitute a violation of human dignity and in Point 1.14, that extreme poverty “inhibits the full and effective enjoyment of human rights”.

Since then, several other conference action programmes and UN Assembly Resolutions have reaffirmed these rights as well as the universality, indivisibility, interdependence and interrelatedness of all human rights.

Given the many solemn declarations and legal commitments by almost all UN member states[‡], two observations must be made.

Firstly, according to World Bank statistics, poverty affects nearly half the population of developing countries.[§] Extreme poverty affects nearly one billion people. While countries in the South are most affected, countries in the North are not spared.

[†] This statement was developed in collaboration with Francine Mestrum, Ph.D. Social Sciences, Chargée de Conférences, Université Libre de Bruxelles.

[‡] 156 States have ratified the International Convention on Economic, Social and Cultural Rights; all States, with the exception of the USA, have ratified the Convention on the Elimination of all Forms of Discrimination against Women; all States, with the exception of the USA and Somalia, have ratified the Convention on the Rights of the Child. The Declaration and Vienna Action Programme were adopted by consensus.

[§] 47.55% of the population of developing countries have incomes below US\$2 per day; 18.09% of the population of developing countries have incomes below US\$1 per day, which means that 969,48 million people live in extreme poverty (Chen, S. and Ravallion, M., *Absolute Poverty Measures for the Developing World, 1981-2004*, Development Research Group, World Bank, WPS 4211, 2007).

According to these figures, while poverty is decreasing as a proportion of the world population, it is scarcely decreasing in absolute terms and it continues to increase in Africa. Further, inequalities in the world continue to increase. They are increasing as much within countries as between countries.^{**} The world has never been as rich as it is today. The incomes of the super rich are increasing significantly faster than world growth, by 11.5% in 2006 compared to 2005.^{††} The world has nearly 100,000 people with assets superior to US\$30 million. Every day, 50,000 people die from poverty-related causes.^{‡‡}

Despite many reports, resolutions and UN declarations, it is still not generally accepted that poverty is a violation of human rights. Many political analysts of a particular school of thought, continue to deny that the poor have any right to claim, either because those having an obligation towards them cannot be clearly identified or because the assets of the rich cannot be touched without violating their human rights.

Solidarity contested

Despite the global consensus today to make poverty reduction the top priority in development cooperation, doubt persists as to the will of either donor and beneficiary countries to really attack the problem. It is also striking to note that texts advocating poverty reduction, whether they emanate from the World Bank, the International Monetary Fund or even certain UN agencies such as UNDP, do not mention the link with economic and social rights.

The Millennium Development Goals, solemnly adopted in 2000 on the occasion of the UN Millennium Summit, will probably not be achieved by 2015. The Bretton Woods institutions, which require submission by poor countries of a Poverty Reduction Strategy Paper (PRSP), continue to impose their neoliberal policies which are suspected of worsening poverty (liberalization, privatization, deregulation...).^{§§}

North South solidarity is weak and increasingly contested. Little by little, ‘poverty reduction’ has replaced ‘development’ even though these two concepts are not synonymous. Several authors doubt the usefulness of development aid and claim either that the market is a more effective mechanism for growth and eventually, poverty reduction,^{***} or that poverty in the countries of the South is the result of their poor governance and their culture.^{†††} These arguments would not stand up to scrutiny but

^{**} Milanovic, B., *World Apart. Measuring International and Global Inequality*, Woodstock, Princeton University Press, 2005.

^{††} Merrill Lynch & CapGemini, *World Wealth Report 2007*, s.l.2007; this figure applies to “High Net Worth Individuals” or people with assets exceeding US\$1million.

^{‡‡} Pogge, T. (ed), *Freedom from Poverty as a Human Right*, Oxford, Oxford University Press, 2007, p.13.

^{§§} Independent evaluations commissioned by the World Bank and the IMF confirm that poverty reduction policies are no different from previous policies. See for example, IMF Evaluation Office, *The IMF and Aid to Sub-Saharan Africa*, Washington IMF, 2007.

^{***} See for example Easterly, W., *The White Man’s Burden*, New York, The Penguin Press, 2006.

^{†††} See for example Harrison, L. & Huntingdon, S. (ed), *Culture Matters*. New York, Basic Books, 2000.

they need to be mentioned in order to stress that the right to solidarity is not generally accepted, even though the UN charter and the International Convention on Economic, Social and Cultural Rights stipulate that this is, in fact, an obligation of member states.^{†††}

These negative attitudes towards solidarity should not surprise us, as they have always existed, even though two philosophers (Condorcet and Paine) already put forward the idea in the 18th century that those who depend on their labour or those with no means of subsistence are citizens like any others and their wellbeing must be guaranteed by right. These ideas were so feared in France, the USA and the UK that they were misrepresented and consigned to oblivion.^{§§§}

Guiding principles of the Sub-Commission

It is in the above context that the Guiding Principles on “Extreme Poverty and Human Rights” adopted last year by the Sub-Commission on the Promotion and Protection of Human Rights^{****} and under consideration currently by the Human Rights Council, must be analysed.

A legal framework which would eventually allow poverty to be eradicated would be more than welcome. Even if there is no consensus on the best strategies to adopt, a legal obligation of solidarity with the poor and reinforcement of the enforceability of economic, social and cultural rights will facilitate the establishment of social security systems, progressive taxation favouring redistribution, food sovereignty and security and, at global level, solidarity between North and South based on redistribution of opportunities and wealth. At a time when globalization is presented as offering opportunities and risks, it would be very useful to conceive of poverty as a violation of human rights and as a problem of the entire international community.

Remaining questions

While these principles are embraced by the partisans of solidarity and legal obligation, the document nevertheless raises some questions.

Firstly, although the principles consider poverty as “a violation of human dignity”, they fail to specify that it is also a violation of the equal and inalienable rights of all members of the human family, as stressed in the introductory sections. This should be integrated

^{†††} In this regard, General Comment 3, “The nature of obligations of States Parties” adopted in 1990 by the UN Committee on Economic, Social and Cultural Rights, stresses the obligation of all States to contribute, through international cooperation, to the realization of these rights. Further, it connects this obligation with the Declaration on the Right to Development (13 and 14). See also the CETIM brochure entitled *The Right to Development*, Geneva, June 2007, and the report of the independent expert, Rudi Muhammad Rizki entitled “Human Rights and International Solidarity” dated 7 February 2007, presented at the 6th session of the Human Rights Council.

^{§§§} Jones, G.S., *An End to Poverty? A Historical Debate*. New York, Columbia University Press, 2004.

^{****} Cf. Final Report of the coordinator of the expert group which includes the Guiding Principles, A/HRC/Sub.1/58/16, 16 July 2006.

(in the form of an introduction) in points 7-32 of the final report of the coordinator of the expert group,^{††††} cited above in the Guiding Principles.

A second remark concerns the distinction made between poverty and extreme poverty. Such a distinction, which is largely arbitrary, does not solve the problem and does not permit identification of the source of the scandal which undermines human rights. This reductionist approach to poverty is one of many in an endless series of such texts and it goes against Article 11 of the Convention (ICESCR) which recognizes the need for each person *of a standard of living sufficient for herself and her family* which itself, goes way beyond extreme poverty. Further, the Principles often evoke the poor in general and its title refers to the rights of the poor. For this reason, it is important to get this right and harmonise the document in question.

A third point concerns what is omitted from the text. As already stated, there is considerable doubt about the strategies to adopt in poverty reduction at global level. But in fact, the ‘multidimensionality’ of poverty prevents the distinction being made between causes and consequences of poverty and thus, the analysis of structural causes. In the countries of the South, these must be linked, among other things, with the political, economic and social system imposed by the rich countries. This is why it is indispensable for states to respect the three levels of their obligations, in the domain of human rights: respect, protection and implementation. In the current context, it would be enough that powerful states abstain, for example, from imposing on the weakest, economic policies which endanger the subsistence of whole populations (loss of employment and purchasing power, massive rural exodus etc). In the same way, the historical context of colonialization must be taken into account.

Finally, the struggle against inequalities is not sufficiently highlighted in the Guiding Principles although the link between these and poverty is clear and they represent the major obstacle to the effective exercise of human rights.

Conclusion

By way of conclusion, it is very important to have a legal framework in poverty reduction which puts the accent on the right to solidarity and to the effective realization of economic, social and cultural rights everywhere in the world. In this respect, the adoption of the Guiding Principles by the Human Rights Council, taking into account the above remarks, could represent a valuable tool.

^{††††} Idem