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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, Magdalena Sepúlveda Carmona, on the draft guiding principles on extreme poverty and human rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 12/19, contains detailed recommendations by the independent expert on the question of human rights and extreme poverty on how to improve the draft guiding principles on extreme poverty and human rights prepared by the Sub-Commission on the Promotion and Protection of Human Rights. The report benefits from the contributions of States and other relevant stakeholders that participated in various consultative processes conducted after 2006.

The report includes both the rationale behind the proposals and the basic conceptual definitions that frame these recommendations. It also outlines the main challenges experienced by persons living in extreme poverty that must be taken into account when preparing the principles. Finally, it presents an annotated outline of the independent expert's proposal on how to improve the draft guiding principles, divided into three sections: overarching human rights principles, overarching policy guidelines and specific rights-based obligations.

The independent expert believes that the guiding principles can become a tool to help States and other actors operationalize existing human rights obligations for persons living in extreme poverty.

* Late submission.

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I. Introduction

1. The independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, submits this report in accordance with Human Rights Council resolution 12/9. It presents the expert's views on how to improve the draft guiding principles on extreme poverty and human rights (hereafter the draft guiding principles).

2. In 2006, the Human Rights Council examined the draft guiding principles prepared by the Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission). At the request of the Council, the Office of the United Nations High Commissioner for Human Rights (OHCHR) led consultations on the draft guiding principles between 2006 and 2009.¹ The views of States, United Nations agencies and intergovernmental organizations, United Nations treaty bodies and special procedures, national human rights institutions, non-governmental organizations (NGOs) and other stakeholders were compiled and analysed in a report presented to the Council in 2009.²

3. In October 2009, the Human Rights Council adopted resolution 12/19 inviting the independent expert "to pursue further work on the draft guiding principles on extreme poverty and human rights" and "to submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council no later than its fifteenth session".

4. Following resolution 12/19, the independent expert reviewed contributions from all stakeholders³ that submitted comments on the Sub-Commission draft, including the conclusions of the seminar organized by OHCHR in January 2009. She consulted with, amongst others, the Administrator and the Poverty Group of the United Nations Development Programme. She also participated in two meetings with NGOs promoted by ATD-Quart Monde, and a meeting with human rights and development practitioners at Brandeis University.

5. Finally, the independent expert convened an expert meeting on 20-21 May 2010 in collaboration with the Friedrich-Ebert-Stiftung to discuss how to improve the principles. The meeting was attended by experts working on both human rights and development issues worldwide.

6. The independent expert's report first details the rationale behind her proposals for improving the guiding principles and the basic conceptual definitions that should frame these proposals. Section IV addresses the main challenges experienced by persons living in extreme poverty that must be taken into account when preparing the principles. Finally, section V presents an annotated outline of the independent expert's proposal on how to improve the draft guiding principles.

7. The independent expert gave high priority to consulting various stakeholders and welcomes the support of all those taking part in the various consultative processes, including State representatives.

¹ A/HRC/2/2 and Human Rights Council resolution 7/27.

² A/HRC/11/32.

³ *Ibid.*, annex 1 and technical review, annex 1.

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

8. It is an urgent matter to put the realization of all human rights at the centre of efforts to eradicate extreme poverty. Long-lasting advances in the eradication of extreme poverty will only be achieved once measures recognize persons living in extreme poverty as subjects with rights and as potential agents for change. The recent global food, fuel and financial crises and their disproportionate impact on persons living in extreme poverty further demonstrate the need for guiding principles on human rights and extreme poverty.

9. The independent expert agrees with all those participating in the rounds of consultations that the guiding principles should provide practical guidance on how to operationalize the obligations of States to respect, protect and fulfil the rights of persons living in extreme poverty, an often neglected and, to a certain extent, invisible segment of the general population. The guiding principles should foster effective implementation and compliance with existing human rights norms and principles. They should also help address the gap between human rights standards and the actual situation of persons in extreme poverty, bearing in mind their diversity worldwide.

10. The principles should guide all actors involved in designing, implementing and monitoring international, national and local policies to eradicate extreme poverty. They should add visibility and political momentum to the fight against extreme poverty, and address the difficulties States and the international community face in reaching those living in extreme poverty. They should also be an advocacy tool for all stakeholders working on poverty issues at the domestic and international level.

11. At their core the guiding principles must prioritize the importance of reaching out and protecting persons living in extreme poverty, as the most disadvantaged and marginalized individuals and groups in societies. The independent expert emphasizes the centrality of empowering persons living in extreme poverty through a human rights approach to alleviating poverty.

12. The guiding principles should provide common ground to assist and harmonize action, improving partnerships on the ground and building the foundations for efficient multi-stakeholder dialogues. They should bridge the often disparate debates and activities of actors working in development and in human rights, offering them a common point of departure for joint action.

13. The guiding principles should not be perceived as a humanitarian or charitable statement; they are based on internationally agreed human rights principles and standards as they apply to persons living in extreme poverty. They clarify the implications of human rights obligations for State policy decisions at national level and how human rights obligations apply to international policy decisions, in particular in regard to international assistance and cooperation.

III. Conceptual framework

14. Poverty is universally recognized as a multidimensional phenomenon, extending beyond a lack of income to a lack of the basic capabilities to live in dignity. The current draft guiding principles use the definition of poverty established by the Committee on Economic, Social and Cultural Rights in 2001, which affirms that poverty is “a human condition characterized by the sustained or chronic deprivation of the resources,

capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights".⁴ The former independent expert on the question of human rights and extreme poverty elaborated on this definition by characterizing poverty as "the combination of income poverty, human development poverty and social exclusion".⁵ The principles further benefit from the view of the Sub-Commission that "the lack of basic security leads to chronic poverty when it simultaneously affects several aspects of people's lives, when it is prolonged and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future."⁶ Other definitions underline the multidimensional aspect of poverty. In the Programme of Action of the 1995 World Summit for Social Development, absolute poverty is defined as "a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to services."⁷

15. Human rights and extreme poverty are linked in at least three ways: (a) poverty can be both a cause and a consequence of human rights violations; (b) the realization of all human rights and efforts to eliminate extreme poverty are mutually reinforcing; and (c) human rights norms and principles provide the framework for poverty reduction and/or eradication.⁸

16. The guiding principles should be framed around the existing obligations of States to respect, protect and fulfil all human rights and fundamental freedoms.⁹ The obligation to respect requires States to immediately refrain from jeopardizing the enjoyment of any rights domestically and internationally, including from acting in a way that generates or exacerbates extreme poverty. To this end, States should, for example, assess, identify and address the possible human rights impacts of their poverty reduction policies. The obligation to protect includes taking all necessary measures to protect persons living in extreme poverty from actions or omissions of third parties that might threaten or jeopardize their human rights. The obligation to fulfil requires States to take positive actions to facilitate the enjoyment of human rights, including creating institutional mechanisms to prevent human rights violations.

17. The guiding principles should also clarify and further develop the obligations regarding economic, social and cultural rights as they apply to those living in extreme poverty. They should recall that the obligations of States to progressively realize economic social and cultural rights¹⁰ require them to move as expeditiously and effectively as possible towards this goal.¹¹ As part of this obligation, "any deliberate retrogressive measures ... would require the most careful consideration and would need to be fully justified by

⁴ Statement adopted by the Committee on Economic, Social and Cultural Rights (E/C.12/2001/10), para. 8.

⁵ A/HRC/7/15, para. 13.

⁶ E/CN.4/Sub.2/1996/13, annex III.

⁷ A/CONF.166/9, para. 19.

⁸ See General Assembly resolutions 60/209 and 61/157.

⁹ While this analytical framework was first developed in regard to economic, social and cultural rights (see, e.g. H. Shue, *Basic Rights: Subsistence, Affluence and US Foreign Policy* (Princeton, New Jersey, Princeton University Press 1996); E/CN.4/Sub.2/1987/23; and Committee on Economic, Social and Cultural Rights, general comments Nos. 12, 13, 14, 15, 16, 17, 18, 19 and 21), it is widely accepted that it applies to all human rights.

¹⁰ See art. 2 of the International Covenant on Economic, Social and Cultural Rights and art. 4 of the Convention on the Rights of Persons with Disabilities.

¹¹ Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States party obligations, para. 9.

reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources".¹²

18. The guiding principles should recall that States parties to the International Covenant on Economic, Social and Cultural Rights are required to directly provide minimum essential levels of all economic, social and cultural rights when individuals or groups are unable, for reasons beyond their control, to realize these human rights by the means at their disposal.¹³ Fulfilling this minimum core obligation immediately is "incumbent on every State party".¹⁴ Should it be unable to do so, "it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, these minimum obligations".¹⁵

19. Considering that the majority of those living in extreme poverty are children and that extreme poverty in childhood is also a root cause of poverty in adulthood,¹⁶ the draft guiding principles should pay particular attention to children and address the issue of how measures to tackle extreme poverty should take into account their rights in relation to those of their parents/guardians or carers.

20. In line with the Sub-Commission draft, the guiding principles should focus on State obligations without neglecting the potential role of non-State actors, including international organizations, national human rights institutions, civil society organizations and the private sector. All have significant responsibilities in the promotion and protection of human rights of those living in poverty. The guiding principles should reaffirm States obligations to create an enabling environment that fosters and promotes the capacity of individuals, community-based organizations, social movements and other non-governmental organizations to combat poverty and empower persons living in extreme poverty to claim their rights.

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

21. Poverty is not an inevitable phenomenon. It is frequently a result of actions and omissions by those in charge of State policies and other powerful economic entities. Due to structural - often unaddressed - social, political, economic and cultural inequalities, it is transmitted from one generation to another. As noted by special procedures mandate holders, "poverty is often a cause, as well as a result, of a complex system of human rights denials in which violations of civil, cultural, economic, political and social rights interact and mutually reinforce each other with devastating effects".¹⁷

22. The deprivations faced by persons living in extreme poverty are often imperceptible and go far beyond lack of income. Social exclusion and discrimination are major causes and consequences of poverty. Due to discrimination, groups such as women, children, racial and ethnic minorities, migrants and non-citizens, refugees, indigenous peoples, persons with disabilities and older persons, encounter greater challenges accessing income, assets

¹² Ibid.

¹³ See, for example, Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 15.

¹⁴ Committee on Economic, Social and Cultural Rights, general comment No. 3, para. 10.

¹⁵ Ibid.

¹⁶ For figures in OECD countries, see *Growing Unequal? Income Distribution and Poverty in OECD Countries* (OECD, Paris, 2008), page 16.

¹⁷ Statement made by 37 special procedures mandate holders on Human Rights Day, 8 December 2006.

and services and are thus particularly vulnerable to poverty.¹⁸ Having fallen into poverty, they are exposed to systematic stigmatization and discrimination on the grounds of their poverty which perpetuates their situation. Addressing discrimination requires a range of responses, since patterns vary across regions and within countries and can be both overt and covert.

23. While everyone is entitled to all human rights, persons living in extreme poverty face considerable interrelated and mutually reinforcing deprivations that prevent them from realizing their rights and strengthen the vicious cycle that perpetuates poverty through generations. For example, in addition to being exposed to underlying causes of ill health such as dangerous work conditions, unsafe housing and limited access to nutritious food, they have limited access to preventive health care, diagnosis and treatment. Their health problems often prevent them from undertaking a productive activity, meanwhile elevated health-care costs impact already meagre budgets.

24. Moreover, the health consequences of inadequate living conditions accumulate across the course of life and can be transmitted from one generation to the next. For example, children born to mothers living in extreme poverty are more than twice as likely to be born with a low birth weight, increasing their risk of future health and developmental problems.¹⁹ The result is a vicious cycle of social and economic disadvantages leading to ill health that in turn leads to further disadvantage. Similar challenges are faced with regard to education, as malnutrition or overcrowded conditions at home can be related to bad school performance and reduced attention and learning capacities, undermining the possibility of escaping poverty.

25. While persons living in extreme poverty do not constitute a homogeneous group, each having specific vulnerabilities and challenges, they commonly face obstacles in accessing government services and institutions, including physical, economic, administrative and other obstacles. Those who face discrimination on multiple grounds face even greater obstacles in overcoming extreme poverty.²⁰

26. Physical obstacles are common challenges for persons living in extreme poverty. They are geographically remote from jobs, markets, resources, etc. They often have to travel a long way to access public services such as health care, education and sanitation facilities, and inhabit areas that have extremely limited access to transportation and roads. Government allocations for services and private investment typically vary according to the zone and the neighbourhood in which persons live: more affluent areas are usually provided with electricity, good roads, and water and sanitation infrastructures, whereas persons in deprived neighbourhoods often have little or inadequate access to similar services. To those experiencing extreme poverty time spent travelling to access services and job opportunities can represent a considerable loss of income, when they already earn little.

27. Persons living in extreme poverty face multiple economic obstacles, often paying proportionally more to access essential services such as water and electricity. Economies of scale mean that the more someone demands the less is spent per unit. Lower consumption levels by persons living in extreme poverty frequently lead to proportionally higher costs. Furthermore, user fees and the indirect costs of accessing essential services are often prohibitive for persons living in extreme poverty.

¹⁸ See Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

¹⁹ G. A. Kaplan, *The Poor Pay More, Poverty's High Cost to Health*, September 2009, page 9.

²⁰ On the notion of "intersectionality", see Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, para. 7.

28. Administrative obstacles are another relevant concern. Lack of official documentation can prevent persons living in extreme poverty accessing crucial social services and jeopardizes the realization of their rights to work, education, health and social security, amongst others.

29. Lack of education and cultural obstacles can also isolate persons living in poverty. Lack of formal education, limited knowledge of official languages, lack of access to information about public policies and programmes and the entrenched stigmatization that often labels them as lazy, criminally minded or incompetent, further exclude persons living in poverty and hamper the realization of their rights and their access to services.

30. Extreme poverty is frequently related to political isolation. Persons living in extreme poverty often lack the possibility of exerting political influence, effective political representation and power. Several factors, such as the opportunity cost for participation, lack of information and often a feeling of powerlessness prevent them from actively participating in decision-making processes that affect them.

31. The situation of persons living in extreme poverty is further diminished by discrimination and stigmatization by civil servants (including public authorities, social workers, teachers and health-care providers) and private individuals, who often fail to recognize and support the efforts that persons living in extreme poverty are making to improve their lives. Those living in poverty often develop fear and hostility towards public authorities, and have little confidence in the institutions that should assist them. By generating a sense of shame, such stigmatization also actively discourages persons living in extreme poverty from approaching officials and accessing the support they need.

32. The situation of persons living in extreme poverty can be made worse by exposure to violence and limited access to public security and justice systems. The prevalence of violence in communities living in extreme poverty significantly limits their economic development. Limited access to justice and security may increase exposure to corruption and extortion, thereby aggravating their social and economic conditions.

33. Persons living in extreme poverty are also disproportionately affected by armed conflicts, health pandemics, natural disasters and climate change. They are, in general, less able to prepare for, adapt to and recover from crises. Often, in the case of conflicts, due to lack of resources they are unable to relocate to safe areas and are disproportionately affected by fighting and forced displacement. Attending badly constructed schools, working in overcrowded conditions, occupying lower quality housing in densely populated slums or flood areas, for example, places them at greater risk of losing homes, livelihood and life in the event of a natural disaster, or extreme weather occurrences due to climate change. They are forced to rely on coping mechanisms that can jeopardize their long term stability, for instance selling assets such as livestock and removing children from school to work. This makes their living conditions worse and exacerbates their poverty.

V. Proposal for improving the draft guiding principles on extreme poverty and human rights

34. This section presents an annotated outline, divided into three sections detailing the views of the independent expert on how to improve the existing text of the draft guiding principles. It prioritizes those rights and policy guidelines that are particularly relevant in the context of extreme poverty. Rather than comprehensively describing the scope and content of each principle and right, it aims to identify the specific obstacles faced by persons living in extreme poverty and provide examples of measures that States should take to overcome those obstacles and ensure that those living in extreme poverty are able to enjoy their rights.

35. The first section describes overarching human rights principles that should frame all initiatives addressing the situation of persons living in extreme poverty. The second section, describes policy guidelines relevant for removing obstacles that perpetuate extreme poverty. Finally, the last section clarifies specific human rights-based obligations of States. All three sections list different principles separated into subsections, each presenting a justification for including that specific principle and examples of the key recommendations each principle should cover. While the examples provided were stressed during various consultation processes, they should not be regarded as an exhaustive list.

36. The principles focus on the State as the primary actor responsible for realizing the human rights of people living within its jurisdiction. This does not erode the responsibilities of non-State actors which are obliged, at the very least, to respect human rights.²¹ While State responsibilities at the domestic level are emphasized, the independent expert recognizes that international stakeholders (e.g. States, international financial institutions and transnational corporations) affect the functioning of States and their ability to adopt relevant measures to fulfil their human rights obligations. This has significant implications for international assistance and cooperation, as it calls for an adequate flow of financial and technical assistance to developing States.²² It also implies that there must be active efforts to establish equitable systems of multilateral trade, investment and finance that are consistent with human rights.

37. The content of the proposed guiding principles should not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights, refugee, criminal or humanitarian law and related standards, or rights consistent with these laws and standards as recognized under national law.²³

Section 1: Overarching human rights principles

A. Recognizing the centrality of human dignity, universality, indivisibility, interrelatedness and interdependence of all rights

38. Human dignity must be the cornerstone of the guiding principles. This concept is closely related to the recognition of the universality, indivisibility, interrelatedness and interdependence of all rights. The dignity of persons living in extreme poverty is often undermined by the severe deprivations they suffer, which increases their vulnerability and dependence on others. The inherent dignity, freedom and equality of individuals are linked to the guarantee that “basic necessities of life are accessible to all”, because “human dignity, freedom and equality ... are denied those who have no food, clothing or shelter”.²⁴

39. Poverty is a multidimensional phenomenon requiring an holistic approach. Given the interdependence of human rights, and the reinforcing nature of key deprivations, the enjoyment of all human rights is crucial to the elimination of extreme poverty.

²¹ See A/HRC/8/5, paragraph 23.

²² Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 45.

²³ Basic Principles and Guidelines on Development-based Evictions and Displacement, A/HRC/4/18, annex I.

²⁴ See South Africa Constitutional Court decisions in *Khosa v Minister of Social Development* 2004 (6) SA 505 (CC) and *Government of the Republic of South Africa and Others v Grootboom and Others* 2001 (1) SA 46 (CC).

40. A revised version of the draft guiding principles should:

- **Stress the centrality of human dignity and recommend that all measures to address poverty are framed by a comprehensive framework that embraces the principles of universality, indivisibility, interrelatedness and interdependence of all human rights.**
- **Highlight the need to ensure coordination among the various policies, both preventing persons from falling into extreme poverty and addressing the needs and vulnerabilities of persons living in extreme poverty.**

B. Recognizing the agency and autonomy of persons living in extreme poverty

41. Individual autonomy, including the freedom to make one's own choices, and the independence of persons living in extreme poverty must be respected and protected. They are too often treated in a paternalistic manner and denied the right to make their own decisions because public authorities often believe they are acting in their best interests. This reinforces the perception that persons living in extreme poverty are part of the problem rather than part of the solution. It prevents them from fulfilling their own potential and increases dependency, thereby perpetuating the cycle of poverty.

42. A revised version of the draft guiding principles should:

- **Recommend that poverty reduction initiatives recognize and protect the right of persons living in poverty to make their own decisions, respecting their capacities to fulfil their own potential, their sense of dignity and their right to participate in decisions affecting their life.**

C. Recognizing the principles of equality and non-discrimination

43. Extreme poverty is often the consequence of structural and societal discrimination, denying different groups access to resources, opportunities and assets to provide for themselves, as well as the political voice to claim their rights. Groups that are systematically discriminated against on the basis of, inter alia, their ethnicity, race, religion, gender, age, disability and migrant status are more likely to fall into and remain in a situation of extreme poverty. Extreme poverty is often an additional ground for discrimination, exclusion, and marginalization, with both public and private actors reacting to persons and communities in extreme poverty in ways that have the effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of all human rights and fundamental freedoms in the political, economic, social, cultural or any other field.²⁵ The stigmatization of persons living in extreme poverty including being regarded as “a burden on the State” can prevent them from realizing their rights and ignite violence and hostility, and sometimes even forced displacement.

44. A revised version of the draft guiding principles should:

- **Recognize the principles of equality and non-discrimination as immediate and cross-cutting obligations of States and recommend the introduction of effective legislation prohibiting individual and institutional discrimination against persons on the basis of “race, colour, sex, language, religion, political**

²⁵ Committee on Economic, Social and Cultural Rights, general comment No. 20, para. 7.

or other opinion, national or social origin, property, birth or any other status”.²⁶

- **Recommend, further to improving regulation, taking special measures to ensure de facto equality and accountability mechanisms. Such special measures include “the full span of legislative, executive, administrative, budgetary and regulatory instruments at every level in the State apparatus, as well as plans, policies, programmes and preferential regimes in areas such as employment, housing, education, culture and participation in public life for disfavoured groups, devised and implemented on the basis of such instruments.”²⁷**
- **Recommend promoting awareness-raising measures to eliminate negative stigma against persons living in extreme poverty, in particular measures to sensitize public and private service delivery professionals fostering respect for the rights and dignity of persons living in extreme poverty.**

D. Promoting the advancement of women and the elimination of gender-based discrimination

45. Gender inequality causes and perpetuates poverty. At the same time, improving the situation of women is a key element for sustainable development.²⁸ Gender-based discrimination limits women’s opportunities to access education, decent work opportunities, land, ownership, credit, inheritance and other economic resources, increasing their likelihood of living in extreme poverty.²⁹ Women face multiple and aggravated forms of discrimination due to their age, ethnicity, race, health or other status.

46. A revised version of the draft guiding principles should:

- **Emphasize that poverty amongst women is exacerbated by the multifaceted forms of discrimination they endure.**
- **Recall the obligations of States to achieve de jure and de facto equality between men and women.**
- **Recommend measures to ensure that women have full and equal legal capacity to own, control, administer and alienate economic resources such as land, credit and inheritance.**
- **Recommend measures to ensure that women have equal access to social services, including health, education, equal access to the labour market and equality between the sexes in marriage and family relations, ensuring that women’s decision-making is not subject to male authority.³⁰**
- **Recommend measures to promote the equal distribution of food and other resources within the household.**

²⁶ Committee on Economic, Social and Cultural Rights, general comment No. 20, para. 15.

²⁷ Committee on the Elimination of Racial Discrimination, general comment No. 32, para. 13.

²⁸ Overseas Development Institute, Briefing Paper, “Gender and the MDGs”, 2008.

²⁹ United Nations Development Programme, *Human Development Report — Gender and Human Development*, (New York, Oxford University Press, 1995).

³⁰ Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994) on equality in marriage and family relations.

E. Ensuring public participation

47. The exclusion of persons living in extreme poverty from public life implies that their voices are not heard in the development and implementation of legislation and policies affecting their lives. Full and effective participation is central to the right to take part in public affairs. Extreme poverty cannot be eradicated if the life experiences of persons living in extreme poverty continue to be ignored in public debates. Exercising the right to participate is clearly related to the exercise of the rights to freedom of expression, assembly and association, and the right to information.³¹ Persons living in extreme poverty must be considered part of the solution and their voices must be heard and properly considered at all stages of the design, implementation and evaluation of policies affecting them.

48. A revised version of the draft guiding principles should:

- **Recommend the creation of specific mechanisms and institutional arrangements through which persons living in extreme poverty can effectively and meaningfully participate in all stages of decision-making processes that affect them.**
- **Call for specific measures to ensure adequate representation in the decision-making processes of groups that are at higher risk of falling into extreme poverty such as children, women, indigenous peoples, racial, religious, ethnic and other minorities, older persons and persons with disabilities.**
- **Recommend measures to remove obstacles to participation, such as lack of meaningful and accessible information and opportunity costs, and create enabling conditions for the inclusion of persons living in extreme poverty in participatory processes. These measures should include enhancing the capacity of individuals, community-based organizations, social movements and other non-governmental organizations that give visibility to those in extreme poverty.**

F. Ensuring transparency and access to information

49. Corruption is less likely to persist where there are legal instruments and independent mechanisms protecting transparency and access to information. Persons living in extreme poverty often lack access to crucial information and are disproportionately affected by corruption. Not only does this reduce their net income but it also obstructs their access to social services or job opportunities. The lack of transparency creates leeway for authorities to manipulate the provision of social services on a discriminatory basis, reinforcing social exclusion.

50. A revised version of the draft guiding principles should:

- **Recall State obligations related to the right to seek, impart and receive information.**³²
- **Recommend that States make publicly available and accessible information about issues of particular concern to those living in extreme poverty, such as information relating to service provision and availability of public resources.**

³¹ Human Rights Committee, general comment No. 25 (1996) on article 25 (Participation in public affairs and the right to vote), paras. 25-26.

³² International Covenant on Civil and Political Rights, article 19 (2).

- **Recommend that States implement public information campaigns to reach persons living in poverty and inform them of their rights, as well as relevant services and programmes aimed at reducing poverty.**

G. Ensuring accountability and the right to an effective remedy

51. The principle of accountability is closely linked to the rights of victims to effective access to justice,³³ effective remedies³⁴ and the opportunity for all elements of reparation (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition).³⁵ Accountability should be viewed in a broader sense, relating to both providing redress and correcting failures to prevent future harm. Persons living in extreme poverty are frequently unable to demand and claim their human rights, seek redress and hold accountable individuals and institutions for measures that violate their human rights. Without accountability and redress mechanisms, social programmes are less likely to be understood as entitlements that are linked to human rights and are more likely to be viewed as instruments of charity that political actors can manipulate. Lack of accountability also perpetuates malpractice and ineffectiveness.
52. A revised version of the draft guiding principles should:
- **Recommend measures to ensure those responsible for actions and omissions that undermine or jeopardize the human rights of persons living in extreme poverty are held accountable through judicial, quasi-judicial, administrative and political mechanisms. This includes strengthening and making accessible both formal and informal monitoring, complaints, appeal and oversight mechanisms to which persons living in poverty can safely address their concerns and seek redress in cases of violations.**
 - **Recommend that strategies, policies, services and programmes designed to respect, protect and fulfil the human rights of persons living in extreme poverty are monitored and evaluated on a regular basis.**

Section 2: Overarching policy guidelines

H. Ensuring that persons living in extreme poverty are identified and reached by public policies, programmes and interventions

53. The principles of equality and non-discrimination require public policies to identify and prioritize disadvantaged and marginalized individuals and groups. This is particularly relevant when resources are insufficient to ensure assistance to the totality of the population. Priority must be given to persons living in extreme poverty to ensure that they enjoy their civil and political rights and at the very least a minimum core content of all economic, social and cultural rights. To adequately establish priorities and attend to the needs of these individuals and groups, States must have adequate information about who

³³ Ibid., article 14.

³⁴ Ibid., article 2 (3).

³⁵ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147.

lives in extreme poverty, why they are living in poverty, and what the consequences of living in extreme poverty are.

54. A revised version of the draft guiding principles should:

- **Recommend that States set clear and transparent criteria for public authorities/bodies to ensure that people living in extreme poverty are prioritized when implementing development, social or poverty reduction programmes.**
- **Recommend setting up comprehensive data-collection systems that provide disaggregated data, taking into account the specific attributes of extreme poverty in each country. The collection and processing of information must be in accordance with internationally accepted norms to protect human rights, ensuring confidentiality and respect for privacy.**
- **Recommend that the design and implementation of public policies, in particular social policies, take into account the information collected, and that priority on expenditure be given to initiatives reaching those living in extreme poverty.**

I. Ensuring that facilities, goods and services required for the enjoyment of human rights are accessible, available and of good quality

55. Persons living in extreme poverty face a number of physical, economic, cultural and social obstacles in accessing the facilities, goods and services required to live in dignity, in particular essential services, even when they are provided by the State. Sharp disparities between the services available in affluent and poverty-stricken areas can be related to inconsistent government spending policies and bias towards certain areas (urban zones for example), a lack of adequately trained and sensitized personnel, and a lack of incentives for the private sector.

56. Without adequate supervision, outsourcing the provision of services to private companies that are governed solely by financial motivation risks reducing quality, affordability and coverage. While States are required to ensure access to essential services, under international human rights law they do not have to be the sole providers.³⁶ The delivery of services, facilities or goods can be under the responsibility of local authorities, private companies or civil society organizations. However in all these circumstances, the integration of non-State actors does not exempt the State from its human rights obligations.

57. A revised version of the draft guiding principles should:

- **Recall State obligations relating to the provision of facilities, goods and services required for the enjoyment of economic, social and cultural rights. Note that even if the provision of these is achieved with the involvement of local governments, private sector or civil society entities, States are responsible for ensuring that these processes are carried out according to human rights principles and standards. In this sense, the following concerns should be further addressed:**
 - (a) **The need to ensure adequate access to facilities, goods and services. Services essential to the realization of human rights such as health care and education must be accessible to communities living in extreme poverty. This**

³⁶ See A/HRC/6/3, para. 53.

also implies the need to ensure that adequate transportation is available to communities living in extreme poverty, thereby reducing travel time to services;

(b) The need to ensure the affordability of facilities, goods and services. This includes measures to ensure that persons living in extreme poverty are not disproportionately charged due to low consumption rates. It may also include regulating markets to ensure affordable costs for essential goods and eliminating user fees for essential services. Affordability should not detract from the obligation to ensure free access in some cases, such as for primary education, which must be compulsory and free of direct and indirect costs;³⁷

(c) The need to ensure the acceptability and adaptability of facilities, goods and services with regard to the specific needs of persons living in extreme poverty, taking into account cultural differences, language barriers or the requirements of tailor-made assistance for groups with special needs, such as older persons, children living on the street and other homeless people, persons with disabilities, and indigenous peoples;

(d) The need to ensure adequate quality of the facilities, goods and services provided. This includes monitoring quality of service, whether provided by local governments or private companies. It also involves creating incentives for well-qualified service providers to work in areas inhabited by persons in extreme poverty.

J. Ensuring international assistance and cooperation

58. Given that extreme poverty is greatly concentrated within countries where human and financial resources are scarce, international assistance and cooperation play an essential role in improving the situation of those living in extreme poverty. Numerous legally binding obligations³⁸ and political commitments³⁹ underline the shared international responsibility for poverty reduction.

59. A revised version of the draft guiding principles should:

- **Reaffirm the obligations to provide international assistance and cooperation, as established in international human rights law, and stress the obligations of States requiring assistance to seek and manage external assistance according to human rights principles.**

³⁷ Committee on Economic, Social and Cultural Rights, general comment Nos. 11 (1999) on plans of action for primary education and 13 (1999) on the right to education.

³⁸ See Articles 55 and 56 of the Charter of the United Nations; articles 2, para.1, and 11 of the International Covenant on Economic, Social and Cultural Rights, article 4 of the Convention on the Rights of the Child; and article 32 of the Convention on the Rights of Persons with Disabilities, which impose legally binding obligations with regard to international assistance and cooperation.

³⁹ Including, for example: the Declaration on the Right to Development (General Assembly resolution 41/128), United Nations Millennium Declaration (resolution 55/2); the Doha Ministerial Declaration issued at the Fourth World Trade Organization Ministerial Conference, 2001; the Monterrey Consensus on Financing for Development; and the Johannesburg Declaration on Sustainable Development issued at the World Summit on Sustainable Development in 2002. Goal 8 of the Millennium Development Goals sets out the clear need for a global partnership to address the current inequities in the global trading system, the necessity of addressing the problem of debt and ensuring that advancements in technology and science benefit all countries.

- **Stress the importance of ensuring the long-term support, coordination and predictability of international assistance and that aid programmes should build capacity and adapt to the specific context of each recipient State.**
- **Recall the need to ensure effective participation of recipient States and affected peoples and strengthen their capacity and ownership in the context of international assistance.**
- **Stress that international assistance and cooperation must be combined with appropriate action in international trade, market and investment promotion, and labour market regulation, to ensure that they reinforce rather than undermine each other.**

K. Ensuring that third parties, including other States, international organizations and transnational corporations do not undermine the human rights of persons living in extreme poverty

60. In a global economy, other States, international financial institutions, transnational corporations and other private enterprises play a central role in creating a different social and economic environment that creates poverty or directly affects persons living in extreme poverty. For example, the capacity of indebted States to secure budget support for social services can be restricted by creditors. Persons living in extreme poverty are also vulnerable to the actions of private enterprises acting both domestically and internationally.

61. Under international human rights law States must protect human rights by ensuring and enforcing regulatory frameworks to prevent and punish abuses and provide adequate remedies for identified abuses.

62. A revised version of the draft guiding principles should:

- **Reaffirm State obligations to ensure that “binding human rights standards are integrated in their international relations, including through trade and investment, development assistance and participation in multilateral forums and organizations”⁴⁰. This includes identifying the possible human rights impact of measures agreed at international level and refraining from undertaking any activity that negatively affect a person’s human rights.**
- **Reaffirm that conditionalities should not be imposed on recipients or indebted States if these could result in, or encourage, human rights violations, or affect the ability of the State concerned to formulate and implement its own domestic social and economic policies to respect, protect and fulfil human rights.**
- **Recall that cancellation of foreign debt, climate change related transfers and similar measures should be additional and complementary to official development assistance.**
- **Recall the importance of regulating the operations of all business enterprises, including transnational corporations or companies controlled by them, both in terms of the impact of their activities and the activities of subsidiaries, and relating to the treatment of employees.⁴¹ This includes regulating corporations acting domestically and internationally to take into account and**

⁴⁰ A/HRC/4/18, annex 1, para. 27.

⁴¹ Protect, Respect and Remedy: a Framework for Business and Human Rights, A/HRC/8/5.

report on their activities that impact on human rights and to formulate, implement and report on the implementation of a code of conduct based on human rights standards.

Section 3: Specific rights-based obligations

L. Right to recognition as a person before the law

63. Recognition as a person before the law is a human right in itself and crucial for the enjoyment of other fundamental rights and freedoms. Often persons living in extreme poverty lack legal identity documents because, for example, they have no proof of birth or fixed address. Some simply live out of reach of registration processes, others cannot afford costs associated with registration. Discrimination on various grounds may further prevent persons living in extreme poverty from being registered and having a legal identity. Often the lack of documentation of the parents could result in their children also remaining undocumented. At the same time, if States lack accurate information about those under its jurisdiction they face greater challenges in policy planning.

64. A revised version of the draft guiding principles should:

- **Recommend the allocation of the necessary resources to establish registration systems that are accessible to and adequate for persons living in extreme poverty. Effective registration systems not only require adequate financial and human resources, but must be based on regulatory frameworks recognizing the human right of every person to recognition before the law. Regulatory frameworks must also protect the human right to privacy.**
- **Recommend the establishment of mechanisms to ensure monitoring and accountability as essential components of registration systems and highlight the importance of a decentralized, flexible and culturally sensitive registration system.**
- **Give particular attention to addressing the legal, economic, procedural, practical and cultural barriers that impede women, girls, indigenous peoples, persons with disabilities, minorities, and other groups from registering. Recommend that States introduce awareness-raising campaigns to inform persons living in extreme poverty about registration processes and their importance.**

M. Right to privacy and protection from intrusion in family life

65. Persons living in extreme poverty are more likely to be subject to attacks on their privacy, integrity, honour and reputation by State and non-State actors. Such intrusions may be caused by overcrowded housing conditions in slums or the deliberate intervention of law enforcement or social services. Children from families experiencing extreme poverty are at greater risk of being removed by the authorities and placed in residential care. Family contacts and the moral and psychological support families provide are then jeopardized.

66. A revised version of the draft guiding principles should:

- **Recall the obligations of guaranteeing respect for the privacy and family life of persons of living in extreme poverty, and recommend revising national legal and administrative frameworks covering family life to protect persons**

from having authorities inappropriately intrude on their privacy. This particularly applies within the context of implementing social programmes.

- **Reaffirm the notion of the family as “the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children”,⁴² and recall the obligation to respect the best interests of the child in all measures adopted. Regarding their possible removal from the family household, this includes taking the necessary measures to support families, prevent separations and ensure rapid reunification whenever conditions permit.**

N. Rights to life, personal security and physical integrity

67. Persons living in extreme poverty are often exposed to both institutional and individual risks of violence and threats to their physical integrity from both private and State officials and institutions. Continued exposure and vulnerability to violence affects a person’s physical and mental health and impairs their situation and capacity to escape poverty.

68. Inappropriate legal and administrative measures criminalizing acts such as begging and vagrancy particularly affect persons in situations of poverty. Law enforcement agents often profile and deliberately target persons living in poverty, and police violence and the arbitrary use of force under the guise of law enforcement disproportionately affect them.

69. The prevalence of violence within the home and in the community is also a major concern for persons living in extreme poverty. The lack of investment in prevention, early warning mechanisms and public security in impoverished areas exacerbates the threat of violence. Women and children are particularly vulnerable to all forms of violence within and outside the home. Moreover, those living in poverty, with little or no economic independence, have fewer possibilities of escaping violence. .

70. A revised version of the draft guiding principles should:

- **Recall State obligations to protect the physical integrity of persons living in extreme poverty, including prohibiting and preventing all forms of violence, investigating, prosecuting and punishing those responsible.**
- **Recommend investing in accessible early warning mechanisms and providing adequate assistance to victims of violence, and ensuring accountability for violent occurrences. Further recommend the adoption of measures to assist groups at greater risk of poverty, such as women, children, persons with disabilities and indigenous peoples.**
- **Recommend adopting specific measures to prevent, monitor and punish violence perpetrated by State agents against persons living in extreme poverty. Reaffirm the need to repeal inadequate legislation, for instance vagrancy laws, and establish clear accountability systems.**

O. Right to equal and effective access to justice

71. Persons living in extreme poverty are particularly vulnerable to human rights violations and abuses and they often, for economic and other reasons, lack the capability to

⁴² Convention on the Rights of the Child, preamble.

access justice and seek redress for actions and omissions that adversely affect them. They encounter a variety of obstacles, from being unable to successfully register initial complaints to having court decisions given in their favour not implemented, or only partially implemented. Even when free legal assistance is available, discrimination, linguistic barriers or fear of reprisals are powerful obstacles for persons living in poverty seeking justice and redress. Without effective access to justice, they are unable to seek and obtain a remedy for breaches of domestic law and human rights standards, exacerbating their vulnerability, insecurity and isolation, and perpetuating their impoverishment.

72. A revised version of the draft guiding principles should:

- **Recall State obligations to take all necessary measures to ensure that those living in poverty have equal access to justice, and that justice is dispensed fairly, speedily and without discrimination of any kind.**
- **Recommend that States expand justice systems and establish accessible procedures, including non-formal dispute resolution mechanisms, in accordance with human rights standards, to support persons living in extreme poverty who are seeking justice. Such measures must take into account the limited capacity of persons living in extreme poverty to pay for services, the congestion in court systems and the efficacy of informal and alternative dispute resolution mechanisms.**
- **Reaffirm that rights enshrined in international human rights instruments, including economic, social and cultural rights, must be justiciable within the domestic legal order.**
- **Recommend investment in training for judges, lawyers and law enforcement officials in the use of local languages and in addressing the specific needs of different groups living in extreme poverty.**
- **Recommend the adoption of special measures to ensure the safety and security of persons seeking the support of the justice system.**

P. Right to an adequate standard of living, including access to food

73. Inadequate standards of living are a constituent part of extreme poverty. Persons living in extreme poverty are often denied the right to adequate food and safe drinking water which are essential for human survival, physical development, maintenance, and physical activity.

74. Lack of income through employment, social security support, or the support of other social protection measures frequently results in the exposure of persons living in extreme poverty to hunger or an inadequate diet.

75. The prevalence of an inadequate standard of living is related to limited or insecure means of livelihood. Often the price of basic commodities is a major obstacle in urban areas while rural communities usually rely heavily on access to natural resources to provide for themselves and their families. However many, such as women, indigenous peoples and small agriculture producers, lack legally enforceable and sustainable control over, management of, and access to such resources.

76. A revised version of the draft guiding principles should:
- **Recall the immediate and progressive obligations of States with regard to the right to an adequate standard of living, including adequate food, and the fundamental right of everyone to be free from hunger.**⁴³
 - **Recommend ensuring access to relevant livelihood opportunities for those living in extreme poverty and reaffirm that States should “proactively engage in activities intended to strengthen people’s access to and utilization of resources”.**⁴⁴ This can include specific legislative, administrative and policy measures to promote and ensure sustainable management of productive resources by those living in extreme poverty.
 - **Recommend revising and repealing discriminatory laws and related administrative practices that impede the recognition of ownership of land and resources by groups or individuals living in extreme poverty, particularly women.**
 - **Recommend implementing effective land distribution and agrarian reform programmes in areas where land concentration threatens access to livelihoods for rural communities.**
 - **Recommend ensuring access to relevant financial resources, including bank loans, mortgages and other forms of credit, by those living in extreme poverty.**
 - **Recommend recognizing and compensating for the shortcomings of market mechanisms in ensuring access to key entitlements such as staple foodstuffs. Ensuring adequate distribution mechanisms that make such staples physically and economically accessible to persons living in extreme poverty, in a culturally acceptable way and without negatively impacting small farmers, indigenous peoples, forest dwellers, pastoralists or local subsistence fishermen.**

Q. Right to safe drinking water and sanitation

77. Persons living in extreme poverty are disproportionately affected by limited access to safe drinking water⁴⁵ with life-threatening consequence.⁴⁶ Persons living in poverty, in particular women and children, bear the brunt of lacking access to safe drinking water and adequate sanitation. Unsafe water and inadequate sanitation compromise dignity, seriously affect health status throughout the life cycle, and hold back poverty reduction, and economic growth.⁴⁷

78. A revised version of the draft guiding principles should:

- **Reaffirm State obligations with regard to ensuring access to safe drinking water and adequate sanitation.**

⁴³ International Covenant on Economic, Social and Cultural Rights, art. 11.

⁴⁴ Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 15.

⁴⁵ A/HRC/6/3, page 14.

⁴⁶ UN Millennium Project 2005, *Health, Dignity, and Development: What Will It Take?* Task Force on Water and Sanitation.

⁴⁷ United Nations Development Programme, *Human Development Report 2006. Beyond Scarcity: Power, Poverty and the Global Water Crisis* (New York, Palgrave Macmillan, 2006).

- **Recommend measures to ensure that persons living in extreme poverty have access to a sufficient amount of safe drinking water for personal and domestic use - drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene - to sustain life and health.**
- **Recall the importance of prioritizing improvements in infrastructure in areas inhabited by persons living in extreme poverty, including improved access to safe drinking water and sanitation facilities.**
- **Recommend organizing large-scale public awareness campaigns promoting and providing information on hygiene.⁴⁸**

R. Right to adequate housing, security of tenure and protection from forced evictions

79. Persons living in extreme poverty commonly lack adequate housing and security of tenure. They often inhabit land where they are vulnerable to forced eviction without adequate compensation and reparation.⁴⁹ Persons living in extreme poverty tend to inhabit unsafe areas, and are disproportionately exposed to natural disasters or environmental hazards, with life-threatening consequences. In some situations, communities are removed by urban planning efforts to areas where there is inadequate access to livelihoods and services, thus increasing their vulnerability. Some particularly vulnerable groups are homeless and live in public areas and/or urban centres.

80. A revised version of the draft guiding principles should:

- **Recall the immediate and progressive obligations of States relating to the right to adequate housing for persons living in extreme poverty, including measures regarding security of tenure; availability of services, material facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy.**
- **Recommend adopting due process safeguards against forced eviction and other forms of arbitrary or unlawful interference with people's privacy and home, including land.**
- **Recall that evictions should only occur in exceptional circumstances, and in compliance with national law and international human rights norms and standards.**
- **Recommend ensuring adequate public expenditure and encourage private sector investment in low-income housing and access to urbanized land programmes to reduce the incidence of homelessness, or unassisted and unplanned settlements.**
- **Recommend adopting specific measures to ensure a safe and healthy environment in areas inhabited by persons living in extreme poverty, in particular, protecting these areas from climatic and health hazards.**
- **Recall the importance of prioritizing overall improvements in infrastructure in areas inhabited by persons living in extreme poverty, including all-weather roads and electricity.**

⁴⁸ Human Rights Council resolution 12/8, operative paragraph 4 (f).

⁴⁹ Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing.

S. Right to the highest attainable standard of physical and mental health

81. Health is a clear example of how the deprivations of persons living in poverty can significantly reduce their ability to escape poverty: poverty engenders ill health and ill health engenders poverty. Limited access to physical and mental health care including medicine, insufficient nutrition and unsafe living environments, deeply affects the health status of persons living in extreme poverty and impairs their ability to engage in income-generating activities.

82. A revised version of the draft guiding principles should:

- **Recall State obligations to ensure the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.**
- **Recommend taking special measures to target the main health conditions affecting persons living in extreme poverty, in particular neglected diseases that are particularly prevalent in impoverished communities and countries.⁵⁰ This includes identifying diseases and medical conditions that particularly affect those living in poverty, implementing the necessary immunization, education and other programmes, and training health practitioners to identify and treat particular illnesses that especially affect those living in poverty.**
- **Call on States to provide tailor-made services for groups whose access to health services may raise particular challenges, such as women, older persons, children, indigenous peoples, minorities, slum-dwellers, labour migrants and those living in remote rural communities.**

T. Right to work and rights at work

83. Persons living in extreme poverty often lack adequate and secure work. In rural and urban areas alike they experience unemployment, underemployment, unreliable casual labour, low wages and unsafe and degrading working conditions. Women are particularly at risk, as are other groups affected by discrimination, such as migrants and persons with disabilities. Persons living in extreme poverty tend to work outside the formal economy, without any entitlement to social security benefits, such as maternity leave, sick leave, pensions, and disability and widowhood benefits. They commonly work in inappropriate or dangerous conditions for very low wages. Minimum work standards are rarely applied and they face job insecurity, with increased vulnerability to exploitation including bonded or forced labour, arbitrary dismissal and abuse, particularly female workers.

84. A revised version of the draft guiding principles should:

- **Recall State obligations to establish and enforce minimum legal standards and administrative measures to ensure that all workers, in both the formal and informal sectors, enjoy just and favourable conditions of work, including a minimum wage that enables them to secure the essential components of the right to an adequate standard of living; equal pay for work of equal value; safe and healthy working conditions; rest, leisure and reasonable limitation of working hours; and the right to organize and bargain collectively.**

⁵⁰ E/CN.4/2006/48/Add.2.

- **Recommend paying particular attention to the situation of workers in the informal economy and caregivers. Call on States to collect disaggregated data assessing the dimensions of informal and care work.**
- **Recommend adopting measures to remove impediments to integration into the formal labour market for persons living in extreme poverty, including by promoting skills development opportunities without discrimination of any kind.**
- **Recall the obligations to prohibit and eliminate all forms of forced and bonded labour, as well as harmful and hazardous forms of child labour. Recommend that measures to enforce the prohibition of these forms of labour be accompanied by measures to ensure the social and economic reintegration of those affected and to avoid reoccurrence.**
- **Recall the importance of addressing human trafficking in full compliance with human rights norms and recommend that trafficked persons be protected from further exploitation and harm regardless of their capacity or willingness to cooperate in legal proceedings.⁵¹**

U. Right to social security

85. Both as a right in itself and as a means to securing other rights, social security is crucial for the respect and protection of the dignity of persons living in extreme poverty, including their right to an adequate standard of living. Social protection can prevent people from falling into extreme poverty by helping them cope with different risks, shocks and crises beyond their control.

86. Persons living in extreme poverty often cannot enjoy their right to social security, due to inadequate and ineffective social protection programmes. Because they are more likely to work in the informal economy, or to hold insecure, low-paid jobs, they are the least likely to be included in contributory social security systems; despite this, most States lack non-contributory social security systems. Inappropriate targeting mechanisms, complicated eligibility criteria, corruption, and limited geographical outreach or coverage often generate inequalities in access to social security and social assistance.

87. A revised version of the draft guiding principles should:

- **Recall State obligations to allocate the necessary resources and develop comprehensive social security programmes to provide universal, non-contributory social assistance as part of the minimum core content of the right to social security.**
- **Recommend creating a basic set of essential social transfers, in cash and in kind, to be paid to the most vulnerable to provide minimum income security and access to essential health care.⁵²**
- **Stress the relevance of adopting measures to ensure that groups at greater risk of poverty, such as children, women, persons with disabilities and older**

⁵¹ Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1).

⁵² United Nations Chief Executives Board, "The social protection floor. A joint crisis initiative of the UN Chief Executives Board for co-ordination on the social protection floor" (2009), executive summary.

persons, are prioritized by assistance schemes. Also call for specific initiatives to guarantee that women have access to social security schemes, including social pensions, without having to depend on a "male breadwinner" through which household needs are calculated and channelled.⁵³

V. Right to education

88. Education is a crucial means by which people can escape poverty and obtain the means to participate fully in their communities. Education levels strongly and positively correlate with better employment opportunities. Students coming from families living in extreme poverty are more likely to drop out of school, or not even attend it in the first place, in favour of engaging in income-generating activities, including begging, or helping with household chores. The economic consequences of not finishing primary or secondary school are enormous and perpetuate the cycle of poverty. Girls are particularly affected: more commonly denied their right to education, they often end up in domestic work, early marriage and childbearing and rearing, which in turn increases impoverishment.

89. A revised version of the draft guiding principles should:

- **Recall the State obligation to immediately ensure free and compulsory primary education for all, within safe reach and without indirect costs. Such obligations require implementing policies on both the demand and supply sides: on the supply side, providing the necessary school infrastructure (buildings, adequate services and facilities including sanitation, water, and electricity for low-income settlements); on the demand side, ensuring that families and communities are not dependent on child labour to live in dignity.**
- **Recommend progressively ensuring the availability, accessibility, acceptability, adaptability and quality of education in all forms and at all levels. This includes allocating resources in priority towards persons living in extreme poverty, for example with proactive measures to combat school dropout and to compensate for socio-economic disadvantage.**
- **Recommend taking special measures to ensure the education of girls, children with disabilities, minorities, refugees, stateless persons, and those living in remote areas and slums, as being especially vulnerable and marginalized.⁵⁴**
- **Recommend reviewing and reforming legislation to ensure consistency between the minimum school leaving age and the minimum age of marriage and employment.⁵⁵**

W. Right to take part in cultural life

90. Poverty seriously restricts the ability of a person or a group of persons to exercise the right to take part in, gain access and contribute to all spheres of cultural life, and seriously affects their hopes for the future and their ability to effectively enjoy their own

⁵³ Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007) on the right to social security.

⁵⁴ Committee on Economic, Social and Cultural Rights, general comment No. 11 (1999) on plans of action for primary education.

⁵⁵ See ILO Convention 138 (1973) concerning Minimum Age for Admission to Employment, article 2.

culture.⁵⁶ This adds to their feelings of isolation and exclusion. Persons living in poverty must be able to engage in all activities that define the cultural life with which they identify without discrimination. This moves beyond traditional culture to include ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environment, food, clothing and shelter, the arts, and customs and traditions, through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence, and build their world view representing their encounter with the external forces affecting their lives.⁵⁷

91. A revised version of the draft guiding principles should:

- **Recall State obligations to realize the right of everyone to take part in cultural life. In particular, recommend the adoption of measures to respect and protect a person's cultural identity and the cultural diversity of countries, to promote an environment of social inclusion that recognizes the contribution of all members of society, and create opportunities to access cultural life. This should include facilitating access to public spaces where individuals and groups from all communities can gather to practice rites and ceremonies, and facilitating access to cultural goods and services.**⁵⁸
- **Recall the importance of respecting and protecting the cultural heritage of these groups living in poverty. This includes protection from illegal or unjust exploitation of the lands, territories and resources of indigenous peoples by State entities, or private or transnational enterprises and corporations.**⁵⁹

⁵⁶ Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life, para. 38.

⁵⁷ Ibid., para. 13.

⁵⁸ Ibid.

⁵⁹ Ibid., para 50 (c) and Declaration on the Rights of Indigenous Peoples.