



HUMAN RIGHTS and POVERTY REDUCTION

A CONCEPTUAL FRAMEWORK



UNITED NATIONS



OHCHR

Human Rights and Poverty Reduction

A Conceptual Framework



United Nations
New York and Geneva, 2004

NOTE

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HR/PUB/04/1

FOREWORD

Human rights may seem distant ideals if your family is starving, if you cannot protect yourself or them from preventable illnesses or provide your children with basic education. Yet it is in circumstances of crisis and extreme deprivation that human rights assume their greatest importance.

The recognition that the way poor people are forced to live often violates their human rights – or that promoting human rights could alleviate poverty – was a long time in coming. Now a human rights approach to poverty reduction is increasingly being recognized internationally and is gradually being implemented. This essay is intended to lay out the basic parameters of such an approach. It is my privilege to introduce it both to general readers and to those whose own work towards eliminating poverty might benefit.

What is a human rights approach to poverty reduction? It links poverty reduction to questions of obligation, rather than welfare or charity. It compels us to look behind national averages and identify the most vulnerable people – and design strategies to help them.

A human rights approach is grounded in the United Nations Charter, Universal Declaration of Human Rights, and binding provisions of human rights treaties. Moreover it sharpens the moral basis of the work carried out by economists and other policy-makers, directing their attention to the most deprived and excluded, especially those excluded by discrimination. It describes how a political voice for all people and access to information are integral to development. Informed and meaningful participation in development is a matter of right rather than privilege.

The Conceptual Framework presents a clear vision of a human rights approach to poverty reduction, a vision that explicitly encompasses accountability and empowering people as actors for their own development.

The challenge for all of us is to ensure that this vision is brought down to those who decide on law and policy, and also to the grass roots, where the realities of exclusion and discrimination are experienced most acutely. For those of us within the United Nations system, the challenge of implementation must be seen in the light of the Secretary-General's 2002 programme of reform, strengthening human rights at country level through the work of United Nations Country Teams.

I thank Professors Paul Hunt, Manfred Nowak and Siddiq Osmani for their excellent work, and share their hope that its practical effect will meet their ambitions.

A handwritten signature in black ink, appearing to read 'Bertrand Ramcharan', with a stylized, flowing script.

Bertrand Ramcharan
United Nations Acting High Commissioner for Human Rights
December 2003

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ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
MDGs	Millennium Development Goals
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRS/PRs	Poverty reduction strategy/Poverty reduction strategies
TNCs	Transnational corporations

INTRODUCTION

In 2001, the Chairperson of the United Nations Committee on Economic, Social and Cultural Rights requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to develop draft guidelines on a human rights approach to poverty reduction strategies.¹ As a first step, three experts, Professors Paul Hunt, Manfred Nowak and Siddiq Osmani, prepared a discussion paper that identifies some of the key conceptual and practical issues that arise from the integration of human rights into poverty reduction strategies. The present publication is a revised version of the discussion paper.

Following the Secretary-General's reforms of 1997, a major task for the United Nations, and in particular the OHCHR, is to integrate human rights into all of the Organization's work, including the overarching development objective of poverty eradication.

In recent years, international human rights norms have acquired a high level of global legitimacy for three interrelated reasons. First, it is commonly recognized that human rights derive from "the dignity and worth of the human person"² which lends them considerable moral authority. Second, human rights instruments are widely endorsed in each region of the world: all States affirm the Universal Declaration of Human Rights, while almost 150 States have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The Convention on the Rights of the Child (CRC) has secured almost universal ratification: only two States have yet to ratify this wide-ranging human rights treaty. Third, all States have chosen to ratify at least one human rights treaty; consequently, they all have some international legal obligations, binding under the law of treaties, in relation to human rights.³

One of the most distinctive features of a human rights approach to poverty reduction is that it is explicitly based upon the norms and values set out in the international law of human rights. All policies are imbued with norms or values, just as all institutions operate within a normative framework.

¹ See annex.

² Universal Declaration of Human Rights, preamble.

³ The global legitimacy of international human rights norms was reaffirmed by the Vienna Declaration and Programme of Action adopted unanimously by representatives of all 171 States attending the World Conference on Human Rights (14-25 June 1993).

Whether explicit or implicit, norms and values shape policies and institutions. A human rights approach is explicit about its normative framework: international human rights. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights

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provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies (PRs).

Many existing PRs already have features that reflect international human rights norms.⁴ The emphasis placed on civil society participation reflects the right of individuals to take part in the

conduct of public affairs, as well as the related rights of association, assembly and expression. The introduction of social safety nets resonates with the rights to a reasonable standard of living, food, housing, health protection, education and social security. Anti-poverty strategies that demand transparent budgetary and other governmental processes are consistent with the right to information, while the insistence that strategies be “country-owned” corresponds with the right of peoples to self-determination.

This congruence between features of many existing PRs and international human rights gives rise to two crucial points. First, the departure represented by the introduction of a human rights approach to poverty reduction should not be overstated. Second, the considered and consistent application of human rights to poverty reduction reinforces some of the existing features of anti-poverty strategies. Hence the view of the Committee on Economic, Social and Cultural Rights: “Anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights.”⁵

⁴ For an overall view of the Poverty Reduction Strategy Paper (PRSP) process, see International Monetary Fund and International Development Association, Poverty Reduction Strategy Papers – Progress in Implementation, September 2003, 67 p., available at <http://poverty.worldbank.org/files/091503.pdf>.

⁵ Poverty and the International Covenant on Economic, Social and Cultural Rights: statement adopted on 4 May 2001 by the Committee on Economic, Social and Cultural Rights (E/C.12/2001/10), para. 13.

There is a perception in some quarters that the inclusion of too many issues in PRSs will serve only to overload the process, cause priorities to become diffuse and render the exercise ineffective. This may be a problem where there is not a close nexus between a particular issue and poverty. But this is not a difficulty in the context of human rights and poverty because of the striking congruence between the concerns of the poor and key features of international human rights - an issue that is explored further in chapter 2. Indeed, one of the central themes of this paper is that poverty reduction and human rights are not two projects, but two mutually reinforcing approaches to the same project.

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Poverty is a specific, local, contextual experience. As *Voices of the Poor: Can Anyone Hear Us?*, the compelling World Bank study, puts it: “Poverty is experienced at the local level, in a specific context, in a specific place, in a specific interaction.”⁶ Mindful of this, international human rights law provides a framework within which detailed national and community-level PRSs can be constructed. The application of this normative framework helps to ensure that essential elements of PRSs, such as accountability, equality and non-discrimination, participation and empowerment, receive the sustained attention they deserve. But, for the most part, international human rights law does not – and cannot – provide detailed prescriptions for action. Building on the normative foundation established by international human rights, detailed anti-poverty programmes must be developed, through participatory processes, at the national and local levels.

After these introductory remarks, chapter 1 explores the definition of poverty and suggests that Amartya Sen’s “capability approach” to poverty provides a conceptual bridge between the discourses on poverty and human rights. Having established this conceptual common ground, chapter 2 outlines the main features of a human rights approach to poverty reduction. This includes empowerment and participation; recognition of the national and international human rights framework; accountability; non-discrimination and equality; and progressive realization.

⁶ D. Narayan with R. Patel, K. Schafft, A. Rademacher and S. Koch-Schulte, *Voices of the Poor. Volume 1 - Can Anyone Hear Us?*, New York, published for the World Bank by Oxford University Press, 2000, p. 230.

1. THE CONCEPT OF POVERTY AND HUMAN RIGHTS

The need for an appropriate concept of poverty

In trying to incorporate the human rights perspective into the strategy for poverty reduction, it is first necessary to address a basic conceptual issue: How can we think of poverty in a way that is most appropriate for a human rights approach? There is an emerging view that poverty constitutes a denial or non-fulfilment of human rights. But does this mean that poverty is the same thing as non-fulfilment of human rights in general – i.e. does the non-fulfilment of any kind of human rights constitute poverty? Or should only certain kinds of human rights matter in the context of poverty? If so, how are we to decide which ones, and can the discourse on poverty be indifferent to the rest? These are the kinds of question that need to be addressed.

The simplest approach to take would be the all-embracing one – i.e. to define poverty as non-fulfilment of any kind of human right. This approach would obliterate any conceptual distinction between poverty and non-fulfilment of human rights by definition, but it would not be appropriate to do so. For it would clearly be odd to characterize certain cases of non-fulfilment of rights as poverty, no matter how deplorable those cases may be. For instance, if a tyrant denies his political opponent the right to speak freely, that by itself would not make the latter poor in any plausible sense. Certainly a deprivation has occurred in this case, but it seems implausible to characterize this deprivation as poverty. The reason it seems implausible is that when viewed as a social problem, and in the context of practical policy-making, the concept of poverty has acquired a specific connotation that ties it closely with lack of command over economic resources.⁷

Of course, in our day-to-day life, we tend to use the word “poor” in many diverse ways. For example, we might refer to the “poor chap” who has narrowly missed a lottery jackpot, or to the “poor old man” who has no heir to whom to bequeath his vast wealth, and so on. The common element in all these cases is some kind of deprivation that evokes the

⁷ That is why Amartya Sen, who has done more than anyone else to broaden the concept of poverty, insists that “there are some clear associations that constrain the nature of the concept, and we are not entirely free to characterize poverty in any way we like.” See, A. Sen, *Inequality Re-examined*, Cambridge, Harvard University Press, 1992, p. 107.

description “poor”. However, when poverty is discussed as a social problem, the concept has a much more restricted domain because of its well-established link with deprivation caused by economic constraints. We cannot deny this link.⁸

These considerations suggest that we need a definition of poverty that refers to the non-fulfilment of human rights, but without delinking it from the constraint of economic resources. It is argued below that Amartya Sen’s “capability approach” provides a concept of poverty that satisfies these twin requirements. The capability approach has already inspired a significant broadening of the concept of poverty – replacing a narrow focus on low income with a multidimensional view of poverty. Most of the current discussions of poverty in academic circles, as well as in international organizations such as the World Bank and the United Nations agencies that deal with poverty, draw upon this approach either explicitly or implicitly. As a rule, these discussions do not use the language of rights. But a little reflection shows that there exists a natural transition from capabilities to rights. Most human rights are concerned with the human person’s rights to certain fundamental freedoms, including the freedoms from hunger, disease and illiteracy. The capability approach requires that the goodness of social arrangements be judged in terms of the flourishing of human freedoms. The focus on human freedom is thus the common element that links the two approaches. Looking at poverty from the perspective of capability should, therefore, provide a bridge for crossing over from poverty to human rights.

The capability approach to poverty

Underlying the capability approach is a specific conception of what constitutes human well-being. At a very basic level, well-being can be thought of as the quality or the “well-ness” of a person’s being or living, and living itself can be seen as consisting of a set of interrelated “functionings” – the things that a person can do or be. The level of well-being thus depends on the level of those functionings, i.e. how well a person can do or be the things she has reasons to value – for example, to what extent can she be free from hunger or take part in the life of a community, and so on. The concept of “capability” refers to a person’s freedom or opportunities to achieve well-being in this sense.

⁸ The implications of this link are explored more fully below.

To see the relevance of capability for understanding poverty, we may begin by noting that the defining feature of a poor person is that she has very restricted opportunities to pursue her well-being. Poverty can thus be seen as low levels of capability, or, as Sen puts it, “the failure of basic capabilities to reach certain minimally acceptable levels”.⁹

A couple of properties of this concept of poverty are worth noting.

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First, not all kinds of capability failure would count as poverty. Since poverty denotes an extreme form of deprivation, only those capability failures would count as poverty that are deemed to be basic in some order of priority. Different communities may of course have different orders of priority and hence a different listing of what would qualify as ‘basic’ capabilities. To that extent, there is some degree of relativity in the concept of poverty. But from empirical observation it is possible to identify certain basic capabilities that would be common to all – for example, being adequately nourished, being adequately clothed and sheltered, avoiding preventable morbidity, taking part in the life of a community, and being able to appear in public with dignity.

Second, once poverty is seen to consist in the failure of a range of basic capabilities, it immediately becomes a multidimensional concept. Poverty can no longer be defined uni-dimensionally as lack of adequate income, as has traditionally been done. In fact, in this conception inadequate income ceases to be a dimension of poverty at all because income is not a capability and hence not an aspect of well-being in itself, although it may contribute to the achievement of capabilities.

It is nonetheless important to acknowledge that the concept of income – more generally, command over economic resources – does play an important role in defining poverty. The way it does so is not by adding a dimension to poverty but by helping to distinguish the phenomenon of poverty from a low level of well-being in general. This distinction is important because while poverty implies a low level of well-being, not every case of a low level of well-being can be regarded as poverty. For example, while the absence of the capability to live a healthy life is certainly a case of a low level of well-being, the specific case of ill-health caused by a

⁹ A. Sen, op. cit., p. 109.

genetic disorder (for which no remedy currently exists) will not in itself be recognized as poverty;¹⁰ whereas ill-health caused by lack of access to basic health-care resources will be. In general, for poverty to exist, lack of command over economic resources must play a role in the causal chain leading to a low level of well-being.

Several clarifications should, however, be made at this point so as to avoid misunderstanding. First, while the concept of poverty does have an irreducible economic connotation, the relevant concept here is not low income but the broader concept of *inadequate command over economic resources*, of which inadequate personal income is only one possible source. Other sources include insufficient command over publicly provided goods and services, inadequate access to communally owned and managed resources, inadequate command over resources that are made available through formal and informal networks of mutual support, and so on. If a person's lack of command over any of these resources plays a role in precipitating basic capability failures, she would be counted as poor.

Second, the recognition that poverty has an irreducible economic connotation does not necessarily imply the primacy of economic factors in the causation of poverty. For example, when discrimination based on gender, ethnicity or any other ground denies a person access to health-care resources, the resulting ill-health is clearly a case of capability failure that should count as poverty because the lack of access to resources has played a role here. But causal primacy in this case lies in the sociocultural practices as well as the political-legal frameworks that permit discrimination against particular individuals or groups; lack of command over resources plays merely a mediating role. However, as argued before, the existence of this mediating role is crucial in distinguishing poverty from a low level of well-being in general.

Third, it is important to emphasize that even though the link with economic resources must be maintained, this does not render the capability-based concept of poverty equivalent to a uniformly low level of command over economic resources. The two would be equivalent only if everyone had the same capacity to convert resources into capabilities, but that is not the case. For instance, people with different biological characteristics may require different amounts of food and health care in order to acquire

¹⁰ Once ill-health has been caused by a genetic disorder, this may of course lead to a state of poverty, for example by preventing the afflicted person from taking up any productive activity, but the point is that ill-health in this case will have played an instrumental role in causing poverty rather than constituting a dimension of poverty in its own right.

the same degree of freedom to live a healthy life. Similarly, people living in different cultural environments might feel that they need different amounts of clothing in order to have the capability to be clothed at a minimally acceptable level. In other words, the degree of command over resources that may be adequate for one person may not be adequate for another. It would, therefore, be a mistake to define and measure poverty in terms of a uniformly low level of command over economic resources, when the fundamental concern is with a person's capabilities.

Poverty and human rights

Freedom: the common denominator

The capability approach defines poverty as the absence or inadequate realization of certain basic freedoms, such as the freedoms to avoid hunger, disease, illiteracy, and so on. Freedom here is conceived in a broad sense, to encompass both positive and negative freedoms. Thus, a person's freedom to live a healthy life is contingent both on the requirement that no one obstructs her legitimate pursuit of good health – negative freedom, and also on the society's success in creating an enabling environment in which she can actually achieve good health – positive freedom.¹¹

The reason why the conception of poverty is concerned with basic freedoms is that these are recognized as being fundamentally valuable for minimal human dignity. But the concern for human dignity also motivates the human rights approach, which postulates that people have inalienable rights to these freedoms. If

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¹¹ For more on the concept of freedom, see, among others, Isaiah Berlin, *Four Essays on Liberty*, (2nd ed.), Oxford, Oxford University Press, 1969, and Amartya Sen, *Development as Freedom*, New York, Alfred A. Knopf, 1999.

someone has failed to acquire these freedoms, then obviously her rights to these freedoms have not been realized. Therefore, poverty can be defined equivalently as either the failure of basic freedoms – from the perspective of capabilities, or the non-fulfilment of rights to those freedoms – from the perspective of human rights.

Using this conceptual equivalence between the perspectives of capabilities and rights, we can now answer the question posed at the beginning: Which cases of non-fulfilment of human rights would count as poverty, when poverty is viewed from the perspective of human rights? Recalling the features of the capability view of poverty discussed earlier, we can now stipulate that non-fulfilment of human rights would count as poverty when it meets the following two conditions:

- The human rights involved must be those that correspond to the capabilities that are considered basic by a given society.
- Inadequate command over economic resources must play a role in the causal chain leading to the non-fulfilment of human rights.

The relevance of all human rights

The idea that non-fulfilment of only certain kinds of human rights and not others will count as poverty may seem to militate against the principle of indivisibility of rights, which states that all human rights are equally important. However, it does not.

The principle of the indivisibility of human rights does not mean that all social phenomena must be defined by reference to all rights. The principle does not mean that torture, sexual stereotyping, or unfair trials must be defined by reference to all the rights enumerated in the Universal Declaration of Human Rights. On the contrary, a human rights definition of these phenomena would certainly be confined to a limited range of international human rights. However, a *strategy* to combat torture, sexual stereotyping or unfair trials would have to address a much wider range of rights than those by which these phenomena are defined. Thus, a human rights definition of unfair trials would include article 14 of the ICCPR, but it may exclude just and favourable conditions of work for judges (article 7 of the ICESCR). On the other hand, an effective *strategy* for tackling the problem of unfair trials would not only include issues relating to ICCPR, article 14, such as the presumption of innocence, but also the terms and conditions of judges' employment (ICESCR, article 7).

The same argument applies to poverty. The principle of the indivisibility of human rights does not demand that poverty be defined by reference to all the rights set out in the International Bill of Rights, but it does demand an inclusive strategy for addressing poverty. The approach adopted in this paper is perfectly consistent with this principle. While poverty may be defined by reference to a limited range of human rights – which will vary from one society to another, although empirical evidence suggests some rights will be common to all – an effective anti-poverty strategy will certainly have to address a much wider range of human rights. This is because human rights can be relevant to poverty in multiple ways.

It is useful to distinguish three different ways in which human rights can be relevant to poverty: constitutive relevance, instrumental relevance and constraint-based relevance. If the non-fulfilment of a certain human right meets the two conditions mentioned above, it can be said to have constitutive relevance to poverty. But even when a right does not have constitutive relevance in this sense, it may still be relevant to poverty for the other two reasons. Instrumental relevance refers to the ability of certain human rights to promote the cause of poverty reduction. Two different types of instrumental relevance may be distinguished, viz. causative and evaluative.

The *causative relevance* of some human rights is illustrated by the well-known example provided by Amartya Sen in his pioneering work on famines. His analysis points to the empirical regularity that famines never occur in a functioning democracy with a reasonable degree of civil-political freedom, especially with a relatively free media that is allowed to openly criticize the powers of the day. The reason for this regularity lies in the fact that democratically elected politicians cannot afford to be oblivious to the hue and cry that a free media would raise in the event of a famine, with the result that the Government tends to take appropriate preventive measures before an impending famine has the chance to strike. Civil and political rights thus play an important causative role in preventing the worst manifestation of poverty associated with famines. Obviously, however, the same causative relevance can also exist even in a situation of less extreme but persistent poverty.

The idea of evaluative relevance stems from the observation that the analysis of poverty requires social evaluation of various kinds. Recall, for instance, the point made earlier that the characterization of poverty calls for a prior judgement as to which capabilities are to count as basic. In order to be ethically defensible, this judgement must be arrived at through a process of social consultation in which people from all walks of life are able to participate fully. But such participation is only possible

when a wide range of human rights, including civil and political rights, is respected. The fulfilment of these rights is, therefore, an essential precondition for an ethically defensible evaluation of poverty. As such, all these rights have evaluative relevance to poverty, even if they do not form part of the definition of poverty.

The final way in which human rights can be relevant to poverty, even if they are not part of the definition of poverty, is to act as a constraint on the types of action that are permissible in the quest for reducing poverty.

“[Human rights] act as a constraint on the types of action that are permissible in the quest for reducing poverty.”

For instance, while it is entirely sensible that a highly populous but resource-poor country would want to adopt measures for population control as part of a strategy for poverty reduction, it would not be permissible

to adopt draconian measures such as forced sterilization that violate people's personal integrity and privacy. The general point is that the human rights whose non-fulfilment is not in itself constitutive of poverty, and whose promotion may not have instrumental value for reducing poverty either, may still have a bearing on the nature and contents of a PRS by ruling out certain types of action as impermissible.

To conclude, although only some human rights may form part of a human rights definition of poverty, a much wider range of rights will be vital in any discourse on poverty and indispensable in the formulation of PRSs. It is on the basis of this fundamental proposition that the following section delineates the main features of a rights-based approach to poverty reduction.

2. THE MAIN FEATURES OF A HUMAN RIGHTS APPROACH TO POVERTY REDUCTION STRATEGIES

In the words of the *Human Development Report 2000*, “human rights and human development are close enough in motivation and concern to be congruous and compatible, and they are different enough in strategy and design to supplement each other fruitfully”.¹² While there is now a strong consensus on the complementarities between human rights and poverty, the consequences of such recognition are less understood. Does the human rights regime bring something new to our effort to achieve the overarching goal of poverty reduction? And what is the contribution of human rights to the current worldwide endeavour to overcome the scourge of poverty?

The following paragraphs make some remarks about the main features of a human rights approach to poverty reduction.¹³ The features are identified separately; however, in practice, they are closely interrelated.

Empowering the poor

Fundamentally, a human rights approach to poverty is about the empowerment of the poor. One of the clearest and most persistent themes in the series *Voices of the Poor* is the powerlessness of the poor.¹⁴ For example, the second volume, *Crying Out for Change*, is organized around an examination of the “ten interlocking dimensions of powerlessness and ill-being [that] emerge from poor people’s experiences”.¹⁵ Strikingly, it notes: “The challenge for development professionals, and for policy and practice, is to find ways to weaken the web of powerlessness and to enhance the capabilities of poor women and men so that they can take more control

¹² UNDP, *Human Development Report 2000: Human Rights and Human Development*, p. 19.

¹³ See also UNDP, *Poverty Reduction and Human Rights. A Practice Note*, March 2003, pp. 4 and 5.

¹⁴ In this chapter, we rely upon the *Voices of the Poor* series because it is a contemporary, comprehensive and graphic study of the multidimensional nature of poverty. There are other poverty studies that support its analysis: see, for example, UNDP, *Human Development Report*, 1997, and UNDP, *Overcoming Human Poverty*, 1998 and 2000.

¹⁵ Narayan et. al., *Voices of the Poor. Vol. 2 – Crying Out for Change*, New York, published for the World Bank by Oxford University Press, 2000, p. 2.

of their lives.”¹⁶ The third volume, *From Many Lands*, concludes by raising an important question: “How can societies be transformed so poor people feel empowered to create lives of dignity, security, and well-being?”¹⁷

“A major contribution of a human rights approach to poverty reduction is the empowerment of poor people, expanding their freedom of choice and action to structure their own lives. ...[H]uman rights empower individuals and communities by granting them entitlements that give rise to legal obligations on others.”

A major contribution of a human rights approach to poverty reduction is the empowerment of poor people, expanding their freedom of choice and action to structure their own lives.

While the common theme underlying poor people’s experiences is one of powerlessness, human rights empower individuals and communities by granting them entitlements that give rise to legal

obligations on others. Provided the poor are able to access and enjoy them, human rights can help to equalize the distribution and exercise of power both within and between societies. In short, human rights can mitigate the powerlessness of the poor. To use the language from *Crying Out for Change*, human rights provide one way of weakening “the web of powerlessness” and enhancing “the capabilities of poor women and men so that they can take more control of their lives”.¹⁸

Explicit recognition of the national and international human rights normative framework

A human rights approach to poverty will include an explicit recognition of the national and international human rights normative framework. Special attention will be given to those treaties that a State has ratified for two reasons: treaty ratification represents “country ownership” of the relevant provisions and, second, a ratified treaty is legally binding on all branches of Government. Careful attention will also be given to the commitments entered into during the recent world conferences, so far as they bear

¹⁶ Ibid., p. 235. See also D. Narayan (ed.), *Empowerment and poverty reduction*. A sourcebook, World Bank, 2002. This book gives the following definition of empowerment: “Empowerment is the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives” (p. xviii).

¹⁷ Narayan et al., *Voices of the Poor*, Vol. 3 – *From Many Lands*, New York, published for the World Bank by Oxford University Press, 2002, p. 493.

¹⁸ Ibid., Vol. 2, p. 235.

upon international human rights, such as the Rome Declaration on World Food Security of 1996 and the Dakar Framework for Action adopted by the World Education Forum in 2000, as well as the development goals set out in the United Nations Millennium Declaration of 2000.

An explicit reference to the international human rights treaties that a State has ratified serves to remind all parties that, when dealing with any Government, they are required, as a minimum, to avoid policies and practices that make it more difficult for that Government to conform to treaty obligations it owes to individuals and groups within its jurisdiction. Moreover, all parties should use their best endeavours to help a Government realize its international human rights treaty obligations.

Accountability

There is a growing consensus on the centrality of accountability in poverty reduction and developmental strategies, and the need to broaden its scope.¹⁹ Referring to Poverty Reduction Strategy Papers (PRSPs), James Wolfensohn recently said: “We now need to broaden this approach further by including in it measurements of results and accountability for performance by Governments, the international and bilateral institutions, civil society, and the private sector so that we can track progress as we go forward.”²⁰ Similarly, Mark Malloch Brown recently wrote: “Accountability in the use of funds and accountability to people’s needs are also integral dimensions to pro-poor governance.”²¹ While Mary Robinson recently argued: “... [The] defining attribute of human rights in development is the idea of accountability. ... All partners in the development process – local, national, regional and international – must accept higher levels of accountability.”²²

As we have seen, the international normative framework empowers the poor by granting them human rights and imposing legal obligations on others. Critically, rights and obligations demand accountability: unless

¹⁹ S. Fukuda-Parr, C. Lopez and K. Malik (eds.), *Capacity For Development. New Solutions to Old Problems*, Earthscan Publication Ltd. and UNDP, 2002, p. 17.

²⁰ The challenges of globalization: the role of the World Bank, speech by James Wolfensohn, 2 April 2001.

²¹ UNDP, *Overcoming Human Poverty*, 2000, p. 5.

²² Bridging the gap between human rights and development: from normative principles to operational relevance, lecture by the United Nations High Commissioner for Human Rights at the World Bank, 3 December 2001. See <http://www.ohchr.org>.

supported by a system of accountability, they can become no more than window-dressing. Accordingly, the human rights approach to poverty reduction emphasizes obligations and requires that all duty-holders, including States and intergovernmental organizations, be held to account for their conduct in relation to international human rights.

“Critically, rights and obligations demand accountability: unless supported by a system of accountability, they can become no more than window-dressing.”

While duty-holders must determine for themselves which mechanisms of accountability

are most appropriate in their particular case, all mechanisms must be accessible, transparent and effective.

There is an important difference between judicial and non-judicial mechanisms of accountability. In the context of PRSs, international human rights law requires effective mechanisms of accountability, but it does not require judicial mechanisms of accountability. In other words, while there is a binding legal obligation to establish accountability mechanisms, they need not necessarily involve the courts. For example, while the World Bank Inspection Panel is a mechanism of accountability, it is not a judicial mechanism.

Broadly speaking, there are four categories of accountability mechanism: judicial (e.g. judicial review of executive acts and omissions), quasi-judicial (e.g. ombudsmen, international human rights treaty bodies), administrative (e.g. the preparation, publication and scrutiny of human rights impact assessments) and political (e.g. through parliamentary processes).

In relation to a particular jurisdiction, there will be a range of accountability mechanisms regarding its national PRS. Just as the forms of accountability mechanisms will vary from one jurisdiction to another, so will the appropriate mix of mechanisms. In most jurisdictions, however, there will be examples from each of the four categories of accountability mechanism. For example, free and fair elections are an essential - but not a sufficient - form of accountability.

In conclusion, regarding accountability and PRSs, there are three key questions. First, in relation to a particular duty-holder, are there accessible, transparent and effective mechanisms of accountability? Second, looking at the jurisdiction as a whole, are there accessible, transparent and effective mechanisms of accountability within that jurisdiction? Third, are the mechanisms of accountability accessible to the poor?

Non-discrimination and equality

It is well documented that the poor frequently experience social exclusion, isolation, alienation, discrimination and inequality.²³ This feeling of being looked down upon often arises from a combination of economic deprivation and sociocultural factors, such as ethnicity, colour, religion, social hierarchy and gender. Poverty not only arises from a lack of resources – it may also arise from a lack of access to resources, information, opportunities, power and mobility. As the United Nations Committee on Economic, Social and Cultural Rights observes: “Sometimes poverty arises when people have no access to existing resources because of who they are, what they believe or where they live. Discrimination may cause poverty, just as poverty may cause discrimination.”²⁴

The twin principles of non-discrimination and equality are among the most fundamental elements of international human rights law. They are enumerated and elaborated in numerous international instruments, not least the Universal Declaration of Human Rights, ICESCR, ICCPR, CRC, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). Recognizing the fundamental importance of these twin principles, the international community has established two treaty bodies – under ICERD and CEDAW – that are devoted exclusively to the promotion and protection of non-discrimination and equality. The principles, however, are also integral to the work of the other United Nations human rights treaty bodies.

In short, the international human rights normative framework has a particular pre-occupation with individuals and groups who are vulnerable, marginal, disadvantaged or socially excluded. Thus, the integration of human rights into PRSs helps to ensure that the relevant measures give proper attention to (a) those sectors (e.g. health) and subsectors (e.g. primary health care) that have particular relevance to pro-poor policies and (b) the particular situation of vulnerable, marginal, disadvantaged and socially excluded individuals and groups.

²³ See, for example, Narayan et al., *Voices of the Poor*, Vol. 2 – *Crying Out for Change*, chap. 7, “Social Ill-being: Left Out and Pushed Down”.

²⁴ Committee on Economic, Social and Cultural Rights, *op. cit.* at note 5, para. 11.

Because of the special attention it has devoted to these issues over many years, including the systematic consideration of hundreds of reports from States on their relevant law and practice, the international human rights

“[The] international human rights system has considerable experience regarding policy measures that impact on discrimination and inequality. This experience confirms the many forms that discrimination and inequality may take. They may arise from express legal inequalities in status and entitlements; from policies that are blind to the needs of particular people; or from social values that shape relationships within households and communities. The human rights experience also confirms the importance of looking at effects, not intentions.”

system has considerable experience regarding policy measures that impact on discrimination and inequality. This experience confirms the many forms that discrimination and inequality may take.²⁵ They may arise from express legal inequalities in status and entitlements; from policies that are blind to the needs of particular people; or from social values that shape relationships within households and communities. The human rights experience also confirms the importance of looking at effects, not intentions. For example, if the effect of a policy regime is to impoverish disproportionately women, indigenous peoples or any other group that is protected

by one of the internationally prohibited grounds of discrimination, it is prima facie discriminatory, even if the policy-makers had no intention of discriminating against the group in question.

In conclusion, the integration of human rights into anti-poverty strategies helps to ensure that vulnerable individuals and groups are treated on a non-discriminatory and equal basis and are not neglected. The human rights experience also provides numerous valuable insights regarding the efficacy of anti-discrimination and equality laws, policies and practices.

Participation

A human rights approach to poverty also requires the active and informed participation of the poor in the formulation, implementation and monitoring of PRSs. The right to participation is a crucial and complex human right that is inextricably linked to fundamental democratic principles.

²⁵ Donors' studies tend to endorse the experience and insights of the United Nations human rights system: to give just one example, see Realising Human Rights for Poor People, United Kingdom Department for International Development, 2000, available at http://www.dfid.gov.uk/Pubs/files/tsp_human.pdf.

The international human rights normative framework includes the right to take part in the conduct of public affairs.²⁶ Although free and fair elections are a crucial component of the right to participate, they are not enough to ensure that those living in poverty enjoy the right to participate in key decisions affecting their lives. Specific mechanisms and detailed arrangements for the enjoyment of the right to participate will vary greatly from one context to another: one size does not fit all. It must be recognized that some traditional elites are likely to resist the active and informed participation of the poor in decision-making. The active and informed participation of the poor in the formulation of PRSs cannot be hurried – inevitably, it will take time.

The *Voices of the Poor* project highlights the importance to the poor of the right to participate. As *Crying Out for Change* observes: “The poor want desperately to have their voices heard, to make decisions, and not to always receive the law handed down from above. They are tired of being asked to participate in government projects with low or no returns.”²⁷ The “right to participate,” it concludes, “must be enshrined in law.”²⁸

The enjoyment of the right to participate is deeply dependent on the realization of other human rights. For example, if the poor are to participate meaningfully in PRSs, they must be free to organize without restriction (right of association), to meet without impediment (right of assembly), and to say what they want without intimidation (freedom of expression); they must know the relevant facts (right to information) and they must enjoy an elementary level of economic security and well-being (right to a reasonable standard

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²⁶ See, for example, article 21 of the Universal Declaration of Human Rights, article 25 of ICCPR and article 13, paragraph 1 of ICESCR.

²⁷ Narayan et al., *Voices of the Poor*, Vol. 2 – *Crying Out for Change*, p. 281.

²⁸ *Ibid.*, p. 282.

of living and associated rights). Thus, without parallel arrangements to realize these other rights, the poor cannot participate, in an active and informed manner, in the formulation, implementation and monitoring of PRSs.²⁹

Other human rights of particular importance to poverty reduction strategies

As discussed in chapter 1, while the definition of poverty might not extend to all human rights, effective PRSs will bear upon a wider range of rights.

As its opening words remark, *Crying Out for Change* “is based on the realities of poor people”.³⁰ In the following paragraphs, a few of the key concerns of poor people are identified and reference is made to some of the international human rights that closely correspond to these concerns. Crucially, this correspondence confirms that attention to international human rights will help to ensure that the key concerns – or “realities” – of poor people become, and remain, the key concerns of PRSs.

As is well known and confirmed by numerous poverty studies, the realities of poor people include precarious and inadequate livelihoods, incapacitating hunger, unsanitary or non-existent housing, dangerous environments, unaffordable medical care and inaccessible education. As the Committee on Economic, Social and Cultural Rights remarks, the “rights to work, an adequate standard of living, housing, food, health and education... lie at the heart of the Covenant [and] have a direct and immediate bearing upon the eradication of poverty”.³¹

It is less often recognized that the poor also suffer from a lack of information: “Over and over again, poor people mention their isolation from information; information about programs of assistance, their rights, job contacts, how banks work; government plans that affect their lives directly – for example, plans to move people from an embankment; prices; NGO, village government and local government activities.”³² Thus, the right to information of the poor should constitute an important feature of any PRSs.

²⁹ This analysis also resonates with *Crying Out for Change*. As the authors put it, the right to participate “has to include rules about public disclosure of information; freedom of association, speech and the press; [and] freedom to form organisations” (p. 282).

³⁰ *Ibid.*, p. 1.

³¹ Committee on Economic, Social and Cultural Rights, *op. cit.* at note 5, para. 1.

³² Narayan et al., *Voices of the Poor*, Vol. 2 – *Crying Out for Change*, p. 274.

Poverty studies also show that: “Organizations of poor people at the local level are critical if they are to influence decision-making at the local, national or global levels.”³³ Accordingly, the right of association of the poor is essential to combat poverty.

According to *Crying Out for Change*: “Perhaps one of the most striking revelations of the study is the extent to which the police and official justice systems side with the rich, persecute poor people and make poor people more insecure, fearful and poorer. Particularly in urban areas, poor people perceive the police not as upholding justice, peace and fairness, but as threats and sources of insecurity. Women report feeling vulnerable to sexual assault by police, and young men say that they have been beaten up by the police without cause.”³⁴

Others might be given, but these brief illustrations are sufficient to show the close correspondence between “the realities of poor people” and the international human rights normative framework. Not only will attention to human rights help to ensure that the key concerns of poor people become, and remain, the key concerns of PRSs, but the integration of human rights into PRSs introduces the concepts and methods identified in this paper, such as a preoccupation with:

- specific norms and defined standards;
- accessible mechanisms of accountability;
- the informed and active participation of the poor;
- the well-being of especially vulnerable groups;
- the identification of immediate, intermediate and long-term targets;
- and
- effective monitoring methods, i.e. indicators and benchmarks.

³³ Ibid., p. 281.

³⁴ Ibid., p. 163. This raises a number of human rights issues, such as the right to equal access to justice, the right to privacy and the right to personal security.

“[The] contours and contents of international human rights have become clearer in recent years.... [The] various human rights that bear upon the key concerns and ‘realities of poor people’ are now understood with sufficient normative precision to permit them to inform, reinforce and enhance PRSs.”

In this context, it should be emphasized that the contours and contents of international human rights have become clearer in recent years. The international community now has a detailed normative understanding of many human rights. Of course, some rights are better understood than others. For instance,

the scope of the right to education is clearer than the right to social security. It is not proposed in this paper to enter into a detailed jurisprudential analysis of specific human rights. It should be understood, however, that the various human rights that bear upon the key concerns and “realities of poor people” are now understood with sufficient normative precision to permit them to inform, reinforce and enhance PRSs.

Progressive realization, indicators and benchmarks

While the human rights approach imposes an obligation on duty-holders to work towards poverty reduction, it does not make the unreasonable demand that all human rights must be realized immediately.

“The international code of human rights recognizes that many human rights will be realized progressively and are subject to the availability of resources.”

The international code of human rights recognizes that many human rights will be realized progressively and are subject to the availability of resources. Accordingly, the precise obligations

arising from some human rights vary over time in relation to the same State (progressive realization) and from one State to another (because of differing resource availability).

The idea of progressive realization has two major strategic implications. First, it allows for a time dimension in the strategy for human rights fulfilment by recognizing that full realization of human rights may have to occur in a progressive manner over a period of time. Second, it allows for setting priorities among different rights at any point in time since the constraint of resources may not permit a strategy to pursue all rights simultaneously with equal vigour.

The recognition of a time dimension and the need for prioritization are common features of all approaches to policy-making. The distinctiveness

of the human rights approach is that it imposes certain conditions on these features, so that the pursuit of human rights is not reduced to mere rhetoric in the name of progressive realization.

The recognition of a time dimension is accompanied by certain conditions aimed at ensuring that the State does not take it as a licence either to defer or to relax the efforts needed to realize human rights. In particular, the State is required to do the following.

First, the State must acknowledge that, with a serious commitment to poverty reduction, it may be possible to make rapid progress towards the realization of many

human rights even within the existing resource constraints. This will often be true of “respect” obligations with regard to most rights, which require political will more than economic resources.³⁵ Even for “protect” and “fulfil” obligations, which would typically be more dependent on resources,³⁶ it may be possible to make rapid progress by improving the efficiency of resource use – for example, by scaling down expenditure on unproductive activities and by reducing spending on activities whose benefit goes disproportionately to the rich.

Second, to the extent that the realization of human rights may be contingent on a gradual expansion in the availability of resources, the State must begin immediately to take steps to fulfil the rights as expeditiously as possible by developing and implementing a time-bound plan of action. The plan must spell out when and how the State hopes to arrive at the realization of rights.

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³⁵ For an explanation of the requirements to ‘respect, protect and fulfil’ human rights obligations, see note 47 below and accompanying text.

³⁶ Ibid.

Third, the plan must include a series of intermediate – preferably annual – targets. As the realization of human rights may take some considerable time, possibly extending well beyond the immediate term of a Government in power, it is with regard to these intermediate targets (or benchmarks), rather than the final target of full realization, that the State will have to be held accountable.

Fourth, as a prerequisite for setting targets, the State will have to identify some indicators in terms of which targets will be set. In practice, a bundle of indicators will be needed for each human right and they should be specified separately, and be as disaggregated as possible, for each subgroup of the poor population. Realistic time-bound targets will have to be set in relation to each indicator so as to serve as benchmarks.

With regard to prioritization, the human rights approach does not in itself offer any hard and fast rule, but it does impose certain conditions on the process and substance of prioritization.

The *process* of setting priorities must involve the effective participation of all stakeholders, including the poor. Value judgements will inevitably enter the process of setting priorities, but the rights-based approach demands that they should do so in an inclusive and equitable manner. This implies that the process of resource allocation must permit all segments of society, especially the poor, to express their value judgements with regard to priorities. It also implies that just institutional mechanisms must be put in place so that potentially conflicting value judgements can be reconciled in a fair and equitable manner.

The *substance* of prioritization must be guided by the following principles. First, no human right can be given precedence over others on the ground of intrinsic merit, because from the human rights perspective all rights are equally valuable. However, different rights can still be given priority at different stages of progressive realization on practical grounds. For

“[W]hile allocating more resources to the rights that have been accorded priority at any given point in time, care must be taken to ensure that the level of realization of the rest of the rights is maintained. This restriction follows from the principle of non-retrogression of rights – no right can be deliberately allowed to suffer an absolute decline in its level of realization.”

example, a country may decide to give priority to a right that has remained especially under-realized compared with others, to a right whose fulfilment is expected to act as a catalyst towards the fulfilment of other rights, or to a right which a country may feel especially well equipped to deal with first in view of its tradition, experience and so on.

Second, while allocating more resources to the rights that have been accorded priority at any given point in time, care must be taken to ensure that the level of realization of the rest of the rights is maintained. This restriction follows from the principle of non-retrogression of rights – no right can be deliberately allowed to suffer an absolute decline in its level of realization.

Third, notwithstanding the recognition of resource constraints, the international human rights system specifies some core obligations that require States to ensure, with immediate effect, certain minimum levels of enjoyment of various human rights. For example, a State has a core obligation, derived from the rights to life, adequate food and health, to ensure that all individuals within its jurisdiction are free from starvation. These core obligations must be treated as binding constraints – i.e. no trade-offs are permitted with regard to them.

In the context of international human rights, progressive realization requires the use of human rights targets, indicators and benchmarks. Briefly, a bundle of disaggregated indicators will be identified for each human right. Realistic time-bound national benchmarks (or targets) will be set in relation to each indicator; consistent with their right to participate, the poor should participate in the identification of these benchmarks. If there are 10 right-to-health indicators, then 10 right-to-health benchmarks will be set in relation to a particular State. Over time, the right to health in that State will be monitored by reference to those national benchmarks. As the benchmarks are achieved, more ambitious ones will be set. In this way, the progressive realization of the right to health is measured and monitored.

Importantly, the progressive realization of human rights *and* PRSs demands effective monitoring by way of targets, indicators and national benchmarks. Furthermore, indicators and benchmarks are an essential precondition for another vital feature of a human rights approach to poverty reduction: effective accountability (discussed above). Finally, it should be noted that the concept of progressive realization, which is an integral component of many human rights, indicates that the non-fulfilment of a human right does not necessarily mean that a State has failed to comply with its international human rights obligations. Provided a State is taking all reasonable measures towards the realization of those rights that are subject to progressive realiza-

“Provided a State is taking all reasonable measures towards the realization of those rights that are subject to progressive realization – and provided it is in conformity with its core obligations – the State will be in compliance with its obligations under international human rights law.”

tion – and provided it is in conformity with its core obligations – the State will be in compliance with its obligations under international human rights law. We briefly consider these issues further in the next paragraphs.

Core obligations and the international minimum threshold

Despite the concepts of progressive realization and resource availability, according to international human rights law, States have some obligations that are of immediate effect. For example, they are under an immediate obligation to take at least some steps towards the realization of the rights: “Such steps must be deliberate, concrete and targeted towards

the full realization” of the rights in question.³⁷ In other words, it is impermissible for a State to use progressive realization and resource availability as an excuse for doing nothing.

“Despite the concepts of progressive realization and resource availability, according to international human rights law, States have some obligations that are of immediate effect ...[and] a core obligation to ensure at least the minimum essential levels of various rights, including the rights to adequate food and housing, health protection and education.”

Further, despite the flexibility accorded by the acknowledgement of progressive realization and resource availability, States have a core obligation to ensure at least the minimum essential levels of

various rights, including the rights to adequate food and housing, health protection and education.³⁸ Although akin to the Millennium Development Goals (MDGs) adopted by the General Assembly in 2000, core obligations can be defined with greater precision. Also, while most MDGs have the distant time-frame of 2015, core obligations require more immediate targets to be set.

Core obligations have a crucial role to play in relation to anti-poverty strategies in two respects. First, as a State prepares its PRS, the core obligations provide the basic normative framework around which the strategy should be designed. If a strategy does not reflect these core obligations, it is inconsistent with the State's legally binding obligations. Second, when grouped together, the core obligations of different human rights establish an international minimum threshold that all strategies should be designed to respect. Significantly, it is incumbent on all those in a position to assist

³⁷ Committee on Economic, Social and Cultural Rights, General Comment no. 14 (right to health), para. 30.

³⁸ Committee on Economic, Social and Cultural Rights, General Comment no. 3 (nature of States parties' obligations), no. 12 (right to adequate food), no. 13 (right to education) and no. 14 (right to health).

(e.g. developed States and international organizations) to provide international assistance and cooperation to enable developing states to fulfil their core obligations and reach the international minimum threshold.³⁹

In conclusion, we observe that the integration of human rights into PRSs requires clarification of the core obligations – and therefore the international minimum threshold – arising from those rights that are subject to progressive realization.

International assistance and cooperation

The United Nations Millennium Declaration⁴⁰ repeatedly affirms the twin principles of global equity and shared responsibility. For example: “Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.” The Declaration emphasizes: “We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected.” And it adds: “We resolve therefore to create an environment – at the national and global levels alike – which is conducive to development and to the elimination of poverty.” One of the Millennium Development Goals is to “develop a global partnership for development”.

According to article 28 of the Universal Declaration of Human Rights: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” The Declaration on the Right to Development is animated by a similar conviction: “States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development”.⁴¹ Moreover, the concept of a duty of international cooperation finds expression in binding international human rights treaties, including ICESCR and CRC.⁴²

There is now universal recognition that effective poverty reduction demands international action. As the UNDP *Human Development Report 2000* puts it: “Human rights and human development cannot be realized universally

³⁹ For example, see General Comment no.14 (right to health), para. 45; also the Committee’s statement on poverty, op. cit. at note 5 above, paras. 15-18.

⁴⁰ General Assembly resolution 55/2 of 8 September 2000.

⁴¹ General Assembly resolution 14/128 of 4 December 1986, article 3, para. 3.

⁴² Articles 2, para. 1, 11, para. 2, 15, para. 4, 22 and 23 ICESCR, and articles 4, 17(b), 24, para. 4 and 28, para. 3 CRC.

without stronger international action, especially to support disadvantaged people and countries to offset growing global inequalities and marginalization.”⁴³ It continues: “Aid, debt relief, access to markets, access to private financial flows and stability in the global economy are all needed for the full realization of rights in the poorest and least developed countries.”

The World Bank’s *World Development Report 2000-2001* makes the point in similar terms: “There are many areas that require international action – especially by industrial countries – to ensure gains to poor countries and to poor people within the developing world. An increased focus on debt relief and the associated move to make development cooperation through aid more effective are part of the story. Of equal importance are actions in other areas – trade, vaccines, closing the digital and knowledge divides – that can enhance the opportunity, empowerment, and security of poor people.”⁴⁴

In these circumstances, all States should adopt an international PRS. Thus, a developed State should not only formulate a PRS in relation to poverty within its domestic jurisdiction, it should also have a strategy for poverty reduction beyond its borders. Equally, the national PRS of a developing State is incomplete without a chapter on the international measures it will take to enhance its national strategy.

“International assistance and cooperation also include the obligation to work actively towards an equitable multilateral trade, investment and financial system that is conducive to the reduction and elimination of poverty.”

Before making some preliminary observations on these issues, a key point of general application is that international cooperation is not just about technical and

financial assistance. International assistance and cooperation also include the obligation to work actively towards an equitable multilateral trade, investment and financial system that is conducive to the reduction and elimination of poverty. We observe, too, that the ideas briefly set out in the following paragraphs resonate with the idea of a “development compact”, which is currently being discussed in the context of international cooperation for development.

⁴³ UNDP, op. cit. at note 12, p. 12.

⁴⁴ World Bank, *World Development Report 2000-2001: Attacking Poverty*, p. 11.

Developed States

When formulating their international PRSs, developed States should:

- (a) Take into account their international human rights duties to engage in international assistance and cooperation, their commitments entered into during recent world conferences and the MDGs;
- (b) Take measures to ensure the coherent and consistent application of these obligations across their international policy-making processes. For example, the State's duties of international cooperation should be understood and respected by those responsible for foreign affairs, those in finance and trade who represent the State in international negotiations on those issues, and State representatives who are responsible for the policies and projects of the Bretton Woods institutions;
- (c) Ensure that, in accordance with the United Nations target, their development assistance is no less than 0.7 per cent of GDP; they should also carefully examine the quality of their development assistance, support human rights-related development projects and help developing States fulfil their core obligations and reach the international minimum threshold;
- (d) Ensure that the commercial activities for which a State has direct responsibility, such as Export Credit Agencies (government agencies that give financial guarantees to companies operating abroad), conform to international human rights standards;
- (e) Take reasonable measures to ensure that the overseas operations of companies headquartered in their jurisdiction are respectful of the international human rights obligations of both the home and host State.

Developing States

As the World Bank's World Development Report 2000-2001 observes: "Poor people and poor countries should have greater voice in international forums, to ensure that international priorities, agreements and standards – such as in trade and intellectual property rights – reflect their needs and interests."⁴⁵ UNDP agrees: "The capacity of developing countries to negotiate global and regional trade agreements needs to be strengthened – another important area for development assistance."⁴⁶

⁴⁵ Ibid., p. 12.

⁴⁶ UNDP, *Overcoming Human Poverty*, 2000, p. 10.

The need for assistance includes, but is not confined to, the negotiation of trade and intellectual property agreements. It encompasses all those areas of multilateral and bilateral negotiation that impact upon the needs and interests of poor people and poor countries. It also extends to the capacity of developing States to negotiate, on an equitable basis, with transnational corporations (TNCs), the resources of which sometimes far exceed the resources available to a State. Technical assistance should also be available to help States establish appropriate regulatory frameworks for the private sector, including TNCs, without compromising their comparative advantage.

Thus, the international action chapter in a developing State's PRS should highlight the need for an enhanced capacity to enable it:

- (a) To participate more effectively in bilateral, multilateral and corporate negotiations that might bear upon the incidence of poverty in its jurisdiction;
- (b) To regulate the private sector, including TNCs, with a view to ensuring conformity with the State's international human rights obligations, especially those impacting upon poverty reduction.

Other conceptual developments

Briefly, the integration of human rights into PRSs is facilitated by recent conceptual developments that have deepened our understanding of human rights and the obligations that flow from them. Here, we need to signal two of these conceptual developments.

First, it is now understood that the obligations deriving from specific rights may be analysed by reference to the duties to respect, protect and fulfil. Thus, in relation to the right-to-health guarantee, the duty to respect requires the State not to interfere directly or indirectly with the enjoyment of the right to health; the duty to protect requires the State to take measures that prevent third parties from interfering with the right to health; and the duty to fulfil requires the State to adopt appropriate legislative, administrative and other measures towards the full realization of the right to health.⁴⁷

Second, human rights contain obligations of conduct and result. The obligation of conduct requires action reasonably calculated to realize the enjoyment of a particular right. In the case of the right to health, for

⁴⁷ See, for example, Committee on Economic, Social and Cultural Rights, General Comment no.14 (right to health), paras. 33-37.

example, the obligation of conduct could involve the adoption and implementation of a plan of action to reduce maternal mortality. The obligation of result requires States to achieve specific targets to satisfy a particular standard. With respect to the right to health, for example, the obligation of result requires the reduction of maternal mortality to levels agreed at the Fourth World Conference on Women of 1995 and in the United Nations Millennium Declaration of 2000.⁴⁸

Conceptual tools such as these – the duties to respect, protect and fulfil, and obligations of conduct and result – promote the effective integration of human rights into PRSs by clarifying the nature and scope of human rights obligations. Greater clarity about human rights obligations helps duty-holders identify measures that implement their obligations; it also permits the enhanced accountability of duty-holders.

⁴⁸ See, for example, Committee on Economic, Social and Cultural Rights, General Comment no.3 (the nature of States parties' obligations), para. 1.

CONCLUSION

There is a close correspondence between “the realities of poor people”, as identified by *Voices of the Poor* and other poverty studies, and the international human rights normative framework. Thus, attention to human rights will help to ensure that the key concerns of poor people become, and remain, the key concerns of PRSs. The integration of human rights into PRSs ensures that the concepts and methods identified in this paper are available to anti-poverty policies.

The essential idea underlying the adoption of a human rights approach to poverty reduction is that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in the international law of human rights. Whether explicit or implicit, norms and values shape policies and institutions. The human rights approach offers an explicit normative framework – that of international human rights. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.

One reason why this framework is compelling in the context of poverty reduction is that the norms and values enshrined in it have the potential to empower the poor. It is now widely recognized that effective poverty reduction is not possible without *empowerment* of the poor. The human rights approach to poverty reduction is essentially about such empowerment.

The most fundamental way in which empowerment occurs is through the introduction of the concept of rights itself. Once this concept is introduced into the context of policy-making, the rationale of poverty reduction no longer derives merely from the fact that the poor have needs but also from the fact that they have rights – entitlements that give rise to legal obligations on the part of others. Poverty reduction then becomes more than charity, more than a moral obligation – it becomes a legal obligation. This recognition of the existence of legal entitlements of the poor and legal obligations of others towards them is the first step towards empowerment.

ANNEX

PROJECT FOR THE DEVELOPMENT OF DRAFT GUIDELINES ON THE INTEGRATION OF HUMAN RIGHTS INTO POVERTY REDUCTION STRATEGIES

I. Background

Following a request made to the High Commissioner by the United Nations Committee on Economic Social and Cultural Rights in August 2001, OHCHR developed draft guidelines on integrating human rights into poverty reduction strategies. The short-term objective is to provide Governments, development agencies and other practitioners involved in the design, implementation and monitoring of poverty reduction strategies with operational guidelines. The long-term objective is to enhance the effectiveness and sustainability of poverty reduction strategies. To carry out this work, OHCHR engaged three consultants, Professors Paul Hunt, Manfred Nowak and Siddiq Osmani, with specialized knowledge in economic, social and cultural rights, civil and political rights, and development economics, respectively.

II. Process

The project has two phases. The **first phase** has now been implemented.

- Following the elaboration of a conceptual framework, extensive consultations have been conducted with poverty specialists from the United Nations system, the Bretton Woods institutions, development agencies (UNDP, UNICEF), Governments and civil society.
- A first draft of the guidelines was considered by a closed expert seminar organized in June 2002. A second draft was then finalized by the consultants (available at www.ohchr.org).

The objective of the **second phase** will be to pilot the draft guidelines. An important outcome of the piloting phase will be to revise the guidelines. The piloting phase will include four components:

- Awareness-building about the existence of the draft guidelines;
- Substantive consultations with human rights experts, including treaty bodies, special rapporteurs, field offices and development practitioners;
- Field testing;
- Revision of the draft guidelines.

III. Substance

The draft guidelines are divided into three sections. Section I sets out the basic principles of a human rights approach that should inform the process of formulating a poverty reduction strategy (e.g., identification of the poor, participation, empowerment, non-discrimination, national and international human rights framework). Section II sets out the human rights approach to determining the content of a poverty reduction strategy. It identifies, for each right relevant to poverty reduction (food, health, education, housing, work, personal security, privacy, political rights and freedoms), the major elements of a strategy for realizing that right. Here the rights are classified under two broad headings, “national” and “international” depending on the level at which action will have to be taken. Section III explains how the human rights approach can guide the monitoring and accountability aspects of poverty reduction strategies. Like the principles discussed in section I, accountability is also one of the basic principles of a human rights approach to poverty reduction.

