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The right to not be poor

POVERTY AS A VIOLATION OF HUMAN RIGHTS



Coordinated by
Social Watch Research Team





SOCIAL WATCH

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TABLE OF CONTENTS

Preface	
THE RIGHT TO NOT BE POOR	5
<i>Social Watch Research Team</i>	

THE SOCIAL WATCH PERSPECTIVE

CONSIDERATIONS ON POVERTY FROM THE ESC RIGHTS	8
<i>Graciela Dede. Social Watch</i>	
THE IMPORTANCE OF THE HUMAN RIGHTS PERSPECTIVE IN DEVELOPMENT AND POVERTY ERADICATION STRATEGIES	18
<i>Areli Sandoval Terán, DECA Equipo Pueblo, A.C.</i>	
OBSERVATIONS ON POVERTY FROM A HUMAN RIGHTS PERSPECTIVE	26
<i>Mariana Cabrera. Social Watch</i>	

OTHER PERSPECTIVES

SOME COMMENTS ON COUNTRY-TO-COUNTRY POVERTY COMPARISONS	38
<i>Andrea Vigorito</i>	
HUMAN RIGHTS AND THE STRUGGLE TO END POVERTY	47
<i>Chris Grove</i>	
POVERTY AND HUMAN RIGHTS	56
<i>Aye Aye Win. Dignity International</i>	
MEGA “DEVELOPMENT” PROJECTS: THE WAY TO REDUCE OR INCREASE POVERTY?	61
<i>María Lorena Zárate, María Silvia Emanuelli, HIC-América Latina (México)</i>	
THE CHALLENGE OF LINKING POVERTY TO HUMAN RIGHTS VIOLATIONS	68
<i>Raúl Cubas. Programa Venezolano de Educación-Acción en Derechos Humanos (Provea)</i>	
SOME REFLECTIONS AND QUESTIONS ABOUT THE COMPLEX INTERSECTION OF DISCRIMINATIONS IN POVERTY	75
<i>Iliana Pereyra Sarti. Red de Educación Popular entre Mujeres (REPEM)</i>	





The right to not be poor

Poverty has become a globalized phenomenon; it features on the agendas for action of governments, multilateral bodies and civil society organizations all over the world.

From the human rights perspective, poverty constitutes a multiple violation of human beings' fundamental rights and above all a violation of the right to lead a decent life as is laid down in international human rights agreements. This right basically amounts to being able to live out one's life as a human being with dignity, and to be able to enjoy a decent life in which the individual is valued and is able to give the best of him- or herself to society. There is no doubt that many variables and dimensions are involved in this ideal.

*The Social Watch Research Team¹ is publishing this **Occasional Paper** with the aim of exploring this relation and contributing to a greater understanding of it. This involves questioning the traditional approach that regards people in general and people living in poverty in particular merely as the "beneficiaries" or the "object" of policies and programmes. We believe that in social development people and communities should be duly accorded the status of active "subjects" who fully participate in this development. In this way, poverty-related issues are viewed from the perspective of the exercise of human rights, demonstrating the inalienability of **the right to not be poor**, which goes beyond the political will of governments.*

¹ The Social Watch Research Team is made up of Karina Batthyány (coordinator), Mariana Cabrera, Graciela Dede, Daniel Macadar and Ignacio Pardo.



The various articles included here represent the opinions of individuals and networks that have been working for years to defend and promote respect for human rights. This booklet is a collection of articles by the Social Watch Research Team, Equipo Pueblo (the Social Watch focal point in Mexico), Dignity International, ESCR-Net, Proeva Venezuela, and the Red de Educación Popular entre Mujeres, which are all organizations that Social Watch has cooperated with to organize meetings, workshops and courses on the subject of human rights.

The main idea behind this booklet grew out of a discussion that took place at a workshop on “Poverty and Economic, Social and Cultural Rights”, on 27 January 2006 in Caracas, during the 2006 World Social Forum.² We would like to thank all the participants in that workshop who contributed to the ideas set out here.

Our aim is to go deeper, to analyze and debate the connection between poverty and human rights in pursuit of conceptualizations that will reinforce our day to day work of lobbying and trying to influence the policies that governments implement to eradicate poverty and promote respect for human rights. ■

Social Watch Research Team

2 This workshop was organized by Social Watch and co-hosted by REPEM. Those responsible for the presentations were Graciela Dede, a member of the Social Watch Research Team, Areli Sandoval of Equipo Pueblo in Mexico, Iara Pietricovsky of INESC in Brazil and Iliana Pereyra of REPEM. The networks and organizations that participated included the Uruguayan Section of Amnesty International, the International Habitat Coalition for Latin America, the Fórum Estadual Mulheres Negras de Brasil, ILSA from Colombia, the Inter-American Platform for Human Rights, Democracy and Development, and PROVEA Venezuela.



The Social Watch perspective



Considerations on poverty from the ESC Rights

Graciela Dede

• SOCIAL WATCH

The General Assembly of the United Nations approved the Universal Declaration of Human Rights on 10 December 1948. Since then governments have signed a series of fundamental international treaties¹ on human rights that are legally binding at the international level. These international treaties and conventions proclaim specific rights that are indivisible and inalienable. They are indivisible because human realization depends on the enjoyment of all human rights, and the deprivation of one specific right directly or indirectly affects the enjoyment of all the rights; they are inalienable because they cannot be taken away even if they are not exercised.

A long list of rights are enshrined in international agreements such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), including the right to life and physical integrity, to think and express oneself freely, to participate in the government of one's own country, to not be arrested without legal cause, to be judged with the guarantee of impartiality, and to own property, as well as the right to health, education, decent housing, freedom from discrimination, decent work for everyone and the rights of children, among others.

Upon signing and ratifying these international treaties, countries contracted certain obligations within the international systems of human rights protection. Among them are the commitment to guarantee the fulfilment of rights at the national level, by passing laws and implementing policies oriented toward their realization; to respect, promote and protect these rights; and to inform the United Nations on

1 Universal Declaration of Human Rights, 1948; International Convention on the Elimination of All Forms of Racial Discrimination, 1965; International Covenant on Economic, Social and Cultural Rights, 1966; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; United Nations Convention on the Rights of the Child (1989).





progress toward implementing these rights at the national level, presenting periodic reports before the respective watchdog organizations.²

During the 1990s the United Nations held a series of international conferences³ that dealt with the major emerging issues in social development, and the declarations and programmes for action that flowed from these conferences have been the basis for a collection of principles and international commitments that include a commitment on the part of governments around the world to eradicate poverty.

Since 1995 Social Watch has held governments, the United Nations and international organizations accountable by monitoring progress toward the achievement of the development commitments assumed at the international level for gender equity and the eradication of world poverty.

In 2000 the General Assembly of the United Nations presented the Millennium Declaration, which gave rise to new targets for 2015: the Millennium Development Goals (MDGs). These goals redefined previous targets in both quantitative and qualitative terms. While Social Watch has carried out a critical revision of the operationalization of the goals established in the Millennium Summit,⁴ the MDGs are nonetheless considered a minimum threshold and important point of reference for monitoring social development and human security in the broadest sense.

Since 2004 Social Watch has been intensively analyzing various dimensions of the MDGs and the political will that governments have demonstrated in these areas by linking social development goals with economic, social and cultural rights. Goals and rights both include dimensions like health, education, housing, access to water, work, and international cooperation. The various international agreements in these areas make up a series of values or ethical principles that society has defined as the basic elements that are needed for a human being to be able to live with dignity, and this shows that the concept of social development and what it means for a person to lead a full life spring from a common root.

-
- 2 Social Watch annual reports monitor these last categories. See in particular the table "Human Rights International Treaties: how do countries fulfill their obligations" in *Social Watch Report 2006. Impossible Architecture*.
 - 3 Second Conference on Human Settlements (Habitat II), Fourth World Conference on Women, International Conference on Population and Development, World Conference on Human Rights, Conference on Environment and Development, World Summit for Children (WSC), World Summit for Social Development.
 - 4 The redefinition of the goals has meant for many areas reduced aims, meaning fewer demands on governments, focusing primarily on the countries in the worst situation.





The fight against poverty in the world

The phenomenon of poverty is on the agenda of virtually all the social and political actors in the world today. It is on the policy agendas of governments, multilateral bodies and civil society organizations too. However, there is a wide range of focuses on this problem and alternative ways to analyse it, some with slight differences and some that are in complete contrast to each other. There is laboured discussion about just how being poor ought to be conceptualized, but behind these debates about concepts what is in play here are the different policies and different paths towards achieving a decent life for all.

From the very beginning Social Watch has conceptualized poverty as a complex, multi-dimensional phenomenon which must be tackled with a holistic approach. Poverty is regarded as “a situational syndrome that involves under-consumption, malnutrition, precarious housing, low levels of education, bad sanitation, unstable insertion into the productive structure, discouragement, anomie, little participation in social integration mechanisms, and perhaps adherence to a particular set of values that are to some extent different from those of the rest of society.”⁵ There are also qualitative dimensions to poverty that call for a wider perspective: “To feel that one is poor is a relative concept that has a lot to do with having access to the resources needed to maintain the standard of living one is accustomed to or which is considered suitable by the society one belongs to.”⁶

In the international system there are declarations in various fora and organizations, and the CDESCR declaration is just one among many. However, there is no agreed, exhaustive and comprehensive definition of poverty that involves a commitment to action.

The 1995 Declaration of the World Summit on Social Development was one of the first international declarations with a multi-dimensional approach that was signed and ratified by governments from all over the world. Paragraph 19 of the Summit's Programme of Action affirms:

Poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social

5 Altimir, O. (1979). *La dimensión de la pobreza en América Latina*. ECLAC.

6 *Ibid.*





discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life.

If poverty is defined in terms of a lack of well-being or the resources to be able to enjoy a good quality of life, we have to bear in mind dimensions like the availability of free time, personal security, protection against public and domestic violence, protection against natural disasters, and gender equity.⁷ It also involves other non-material, symbolic dimensions and having the resources to be able to avoid exclusion, like various code systems that operate in the modern world the most important of which are analytic thought, the ability to process information, and communication and management skills that enable people to participate fully in the globalized world and adapt to new modalities of work and production.

When it comes to conceptualizing and measuring poverty and taking action to combat it in the world, the human rights approach (and in particular the economic, social and cultural rights approach) is useful in that it sheds light on some dimensions of the problem that are usually overlooked.

The rights-based approach marks a shift away from an earlier development focus on meeting basic needs, which relied on charity or good will. A rights-based approach, in contrast, recognizes individuals as “rights-holders”, which implies that others are “duty-bearers”. Needs, on the other hand, have no object – there is no person or mechanism designated to meet them. Under a human rights framework, governments are the primary duty-bearers. Among their duties are the establishment of equitable laws and systems that enable individuals to exercise and enjoy their rights, and to seek judicial recourse for violations under the rule of law. As rights-holders, people can claim their legitimate entitlements. This approach emphasizes the participation of individuals and communities in decision-making processes that shape policies and programmes that affect them.⁸

In 2001 the United Nations Economic, Social and Cultural Rights Committee issued a declaration that included a definition of its position on the question of poverty.⁹

7 Economic Commission for Latin America and the Caribbean (ECLAC). (2003). *Documento sobre la pobreza para la III Conferencia Regional de Seguimiento de la Cumbre de Desarrollo Social*.

8 UNFPA (2005). *State of the World Population 2005*. Chapter 3: “The Promise of Human Rights”. Available from: <www.unfpa.org/swp/2005/english/ch3/index.htm>.

9 This Committee is one of the Human Rights Treaties Bodies, and it is made up of independent experts. It issued a declaration entitled “Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights”. Statement E/C.12/2001/10 issued by the Committee on Economic, Social and Cultural Rights on 4 May 2001. <www.unhchr.ch>



In this, poverty is regarded as a multi-dimensional phenomenon, and the different variables analyzed are treated as being inter-dependent. This declaration has turned out to be very important because it embodies the human rights perspective.

...the Committee holds the firm view that poverty constitutes a denial of human rights. [...] In the recent past, poverty was often defined as insufficient income to buy a minimum basket of goods and services. [...] poverty may be defined as a human condition characterized by 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.

States have responsibilities that go beyond specific governments and that are subject to contractual agreements in the international human rights system. These obligations are not subject to variations contingent upon what resources are available, they have to do with the right that all people have to a decent life:¹⁰

...a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, violating the Covenant. Such minimum core obligations apply irrespective of the availability of resources of the country concerned or any other factors and difficulties.

The criteria of the maximum utilization of resources and of non-regression (not to retreat from positions that have been won in the realization of rights) can be key elements in this analysis. Another important variable is the distribution within a country of wealth and resources, these being understood as the people and the material, financial and technical assets that there are. It is clear that this variable incorporates dimensions that go beyond the single consideration of monetary income – of the persons or the households – that is usually used to diagnose situations of poverty.

10 These concepts were widened by a group of experts in a document that determines what action or omissions constitute a violation of economic, social or cultural rights, and which stresses the importance of distinguishing lack of capacity from lack of will on the part of the State to fulfil its obligations under international treaties. "Maastricht Guidelines on Violations of Economic, Social and Cultural Rights", Maastricht, 22-26 January 1997.





In recent decades we have witnessed the application of global remedies in which poverty is spoken of not as a social phenomenon but as if it were an intrinsic attribute of the individual. Another factor here is that poverty is basically identified with lack or insufficiency of income, and while it is true that level of income is a major determinant factor, it is not the only factor. In a multi-dimensional focus, income is seen as relative. For one thing, poverty of income cannot identify other dimensions not connected to monetary income that are also part of the concept of a decent life. On the other hand, income alone cannot yield an accurate estimate of access to material goods and services.

To consider the satisfaction of needs only from the perspective of the consumption of goods and services that are purchased for money is to overlook access to other goods and services that are provided outside the market by the State, NGOs or even the household. In many communities there are other ways of exchanging goods and services, ways that do not involve money. The importance of monetary income is associated with specific patterns of modern life and well-being, but it can vary considerably from one community to another.

Different standards are used to quantify poverty by insufficient income, people might be classed as poor according to a country's standard but not poor according to an 'international' definition, or vice versa, while their conditions of life are still the same.

Identifying whether someone is poor or not poor 'defines' who will benefit from most poverty eradication policies. In 2000 the first MDG proposed to "eradicate extreme poverty and hunger" in the world, and to this effect poverty was defined by income: an individual is considered poor if he or she lives on less than USD 1 per day.

Although practically every government in the world is committed to the first MDG, it is almost impossible to evaluate what progress has been made in most countries. The basis for making diagnoses and for implementing measures to combat poverty is information, but unfortunately this is scarce and insufficient. Indicators are only available for a relatively small number of countries, and those that are available are not always up to date. Estimates for regions and for the world have to depend on a whole series of suppositions, and the figures they arrive at mainly have to do with the numbers of people who are poor. This means they tend to ignore other aspects of the phenomenon like how many countries are reducing or increasing the percentage of the population (not even the number, just the percentage) living in poverty.





The most common measurement systems¹¹

MAIN METHODOLOGICAL SYSTEMS FOR MEASURING POVERTY		
Main methods to identify the poor	Direct approach	Unsatisfied Basic Needs Human Development Index
	Indirect approach	Consumption of calories Cost of basic needs Relative method Subjective method
	Combined approach	Holistic poverty measurement method Two-dimensional method

Source: Rodríguez Ramírez, H. (nd), "Propuesta metodológica para la medición de la pobreza en Nuevo León", Centro de Análisis y Evaluación de la Política Pública, Tecnológico de Monterrey, Mexico.

The table shows the most frequently used measurement methodologies. Almost all of them include the income variable in some form or other. The income method considers income as a tool to satisfy the basic necessities that are essential for a minimum standard of life. According to this method, a person is classed as poor when his or her income is below the threshold considered the minimum to be able to satisfy specific necessities.

This poses the question of what the basic necessities used in the definition of poverty are. One answer is to consider basic unsatisfied necessities, that is to say a precisely-defined group of basic essentials in a household the absence of which would mean that the household is classed as poor. A person is categorized as poor if he or she lives in a poor household.

¹¹ For further information about the discussion of poverty measurement see the chapter entitled "Some comments on country-to-country poverty comparisons" by Andrea Vigorito.





DIRECT APPROACH

This methodology is an alternative to the poverty-line method and it involves a different conceptual approach. The “direct” method consists of direct observation of the conditions of life of a population, and an individual is classed as poor or not poor depending on how far his or her conditions of life fall short of certain standards in society. With this approach, a poor person is someone who has one or more basic necessities unsatisfied, these necessities being, for example, adequate nutrition, a decent place to live, basic education, and so on. Thus it can be said that the method relates well-being to the consumption of goods and services.¹²

INDIRECT APPROACH

By this method people or households are classed as poor if they do not have sufficient resources to satisfy their basic necessities, so well-being is evaluated through the capacity to consume.

RELATIVE POVERTY LINE

This is fixed in such a way that a person is considered poor if his or her income is below a certain average level of income which people in that society enjoy. This is the method used in the OECD countries. Thus poverty is essentially conceptualized as a distributive problem that is connected to criteria of social justice.

ABSOLUTE POVERTY LINE

An absolute poverty line is fixed in a way that reflects the amount of money needed to sustain a minimum level of life. It does not depend on income distribution. What is considered is the level of income needed to cover basic necessities such as food, clothing, housing, health, education, etc. This means defining a basket of food (based on nutritional requirements) and other essential goods and services considered sufficient to cover a person’s basic consumption needs.

Towards a multi-dimensional focus

... the identification of a minimum combination of basic capabilities could be a good way of tackling the problem of diagnosing and measuring poverty. It could lead to results that are very different from those obtained by concentrating on inadequate income as the criterion to identify who is poor.

12 Rodríguez Ramírez, H. (nd). “Propuesta metodológica para la medición de la pobreza en Nuevo León”, Centro de Análisis y Evaluación de la Política Pública, Tecnológico de Monterrey, Mexico. Available from: <www.mty.itesm.mx/egap/centros/caep/imagenes/PobrezaNuevoLeon.pdf>.





The transformation of income into basic capabilities could vary widely among individuals and also among different societies, and the possibility of attaining minimum levels of basic capabilities could correspond to different minimum adequate levels of income. The focus on poverty that concentrates on income and is based on specifying a poverty line income level that does not vary among people could be seriously defective when it comes to identifying and evaluating poverty.¹³

The approach to the phenomenon of poverty with the human rights focus is evidently based on considering poverty as a multi-dimensional phenomenon where each dimension is linked to a basic human right.

Under the human rights approach, all rights are indivisible and they are all to a greater or lesser extent connected to each other. It follows that vulnerability in one rights area, or the violation of a right, means the loss of capabilities to live a decent life. Living in poverty is linked to all these dimensions and includes the inability to access to different services that are needed to be able to attain a decent standard of life.

Some important elements to help understand poverty can be found in the reply an old, black African woman gave when she was asked what poverty is:

You want to know how I define what it is to be poor, and what poverty is? How can you ask me that question when you can see I am living in poverty? Look at me. The definition of poverty is right in front of you. I am alone, I haven't got enough food, I haven't got good clothes or a place to live. I haven't got clean water to drink. Look at my swollen leg. I can't go to the clinic because it is too far for me to walk. So what kind of definition of poverty do you want me to give you that would be better than what you can see with your own eyes?¹⁴

These words fuse together what efforts to measure and analyze poverty have been trying for years to separate. Considering poverty as a multi-dimensional phenomenon means considering the impact of different inter-connected dimensions. That is to say, a worsening in one dimension affects the situation in other dimensions that are connected to it. For example, a worsening in the health dimension reduces a person's freedom of movement, or lack of access to potable water has a very

13 Sen, A. (1993). "Capability and well-being", in *The Quality of Life*, (Nussbaum & Sen eds.). Oxford: Clarendon Press. Re-translated into English from the Spanish translation of the book. The original in English was not available at the time of going into print.

14 Extracted from: ACPDT (1995). "The Suffering are the Cornerstone in Building a Nation: Community views on poverty, poverty alleviation and wealth creation". Africa Community Publishing and Development Trust, Harare.





immediate and direct impact on that person's health. The concept of vulnerability is an important element in measuring poverty. We can see a community as vulnerable if its members are vulnerable, but we can also see this on a collective level and consider how vulnerable a whole society or community is to natural disasters or famine, for example. A factor to be taken into account here is vulnerable people's level of self-determination and their capacity to manage situations, both as regards positive potential and in terms of the action vulnerable individuals can take.

The definition given above includes important variables which in the human rights focus are termed "components of standards of an adequate life",¹⁵ and the main ones are clothing, care, access to water, health services, education and housing.

It is essential to widen the scope of what the nature of poverty is conceived to be. We believe that the human rights framework can make this wider perspective possible, or add new dimensions to the definition of poverty and also provide standards of life that poor people can demand, no longer as the beneficiaries of policies but as people who have the right to a decent life.

It should be borne in mind that poverty is a specific, local, circumstantial situation that some people are in. However, this does not necessarily mean that poverty is to be identified with a generalized failure to respect human rights or that a failure to respect certain human rights constitutes poverty. As Areli Sandoval¹⁶ makes clear, there are certain guidelines that determine whether or not a violation of human rights is taking place in a specific situation.¹⁷

After poverty has been characterized as a multi-dimensional phenomenon it would be contradictory, or at least very difficult, to try to measure it using just one summary indicator, as it is usually done when considering the monetary income. It is clear that the wider the definition of poverty the more difficult it is to measure, since new variables and dimensions are introduced.

The articles contained in this book consider the different characteristics of poverty with the aim of finding new ways to link this phenomenon to a lack of individual or collective basic capabilities, and so shed some light on the way poverty can be tackled with a human rights perspective. ■

15 In Article 11 of the International Covenant on Economic, Social and Cultural Rights it is recognized that every person has the right "...to an adequate level of life for himself and for his family, including adequate food, clothing and housing, and a continuing improvement in the conditions of existence..."

16 See the chapter "The importance of the human rights perspective in development and poverty eradication strategies" by Areli Sandoval.

17 See "Maastricht Guidelines on violations of economic, social and cultural rights", Maastricht, 22-26 January, 1997. See also: United Nations, OACDH (2004). "Human rights and poverty reduction: a conceptual framework". Available from: <www.ohchr.org/english/about/publications/docs/Broch_Ang.pdf>.





The importance of the human rights perspective in development and poverty eradication strategies

Areli Sandoval Terán¹

• DECA EQUIPO PUEBLO, A.C.

DECA Equipo Pueblo A.C. – Social Watch focal point in Mexico since 1996 and member of Social Watch Coordinating Committee from 2000 to 2006 – works with a conception of social development that restores people, social organizations and communities to the status of active players who have a role to play not only as regards self-determination but also in interaction with governments so as to exert an influence on public policies. In addition, we criticize the current approach for being limiting and inefficient as it regards people in general, and especially people living in poverty, merely as the “beneficiaries” or the “object” of policies and programmes. This is the approach that governments usually employ when designing their “programmes to combat poverty”, but it impedes the real “empowerment” of people and the important transition from the objective of satisfying basic needs to establishing human rights, which is the highest goal of mankind recognized in the Universal Declaration of Human Rights of 1948.

The view of the problems of economic and social development from the comprehensive perspective of human rights was to a large extent what motivated diverse civil society organizations to join the international Social Watch network, which has been monitoring governments for the last ten years and demanding the fulfilment of the commitments on development issues they made at various United Nations summit meetings and conferences, among them the World Summit on Social Development (Copenhagen, 1995).

The Copenhagen Summit and the Beijing Conference were censured in the first international Social Watch report in 1996 because in the documents issued at these conferences people living in poverty were very often regarded “...as people in need of aid, instead of as citizens universally entitled to development and civil, political, economic, social and cultural rights.”² On the other hand, it is noted in the report that

1 Coordinator of the Programa Diplomacia Ciudadana. DESCA and Social Watch of DECA Equipo Pueblo, A.C.

2 Social Watch (1996). *The Starting Point*. Montevideo: Third World Institute, p. 28.





both conferences recognized the importance of international instruments like the International Covenant on Economic, Social and Cultural Rights (ICESCR), urged countries to ratify it, and stressed how important the United Nations Economic, Social and Cultural Rights Committee (henceforth the ESCR Committee) is in monitoring certain aspects of the Declaration and the Plan for Action. In Copenhagen, heads of State and of government declared that they had “a political, economic, ethical and spiritual vision of social development based on human dignity, human rights, equality, respect, peace, democracy, mutual responsibility and cooperation, and full respect for people’s different religious and ethical values and cultural origins”,³ and they committed themselves not just to alleviating or reducing poverty but to eradicating it. Although these political commitments are not legally binding, we feel Copenhagen is very important as it involves an obligation to progressively establish human rights, and we set about designing and promoting a series of strategies to demand the economic, social, cultural and environmental rights involved in these commitments.

This has been no easy task. For some years now the language of human rights has not been welcome in work on development, and vice versa, and this was recognized by Mary Robinson (ex-High Commissioner for Human Rights of the United Nations) during the Copenhagen + 5 review in 2000. However, the human rights perspective has had an influence on governments’ and citizens’ institutions and processes not only locally but also nationally and internationally. Its importance lies in the fact that “the rights-based development approach amounts to a paradigm of participative development which is not discriminatory, which empowers people, which involves accountability, and which is based on fundamental rights and freedoms that are universal and inalienable.”⁴

As focal point of Social Watch in Mexico, we have emphasized in our initiatives the theoretical and practical connection between development and human rights. It is stated in the Declaration on the Right to Development (1986) that it “is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”⁵ We also

3 Copenhagen Declaration on Social Development. A/CONF.166/9, paragraph 25, 6 to 12 March, 1995.

4 Office of the United Nations High Commissioner for Human Rights. “Development and Rights: The Undeniable Nexus.” Declaration by Mary Robinson, OH C HR, at the Special Session of the United Nations General Assembly on the Implementation of the Results of the World Summit on Social Development, Geneva, 26 June 2000. Cited in Sandoval Terán, A. (2002). “Desarrollo social y desarrollo sostenible con perspectiva de derechos humanos. De cómo otro mundo es posible ahora y cómo puede seguir siéndolo después”. *FUTUROS Magazine*, No. 1, 2003, Vol. 1, “Desarrollo sustentable: visión holística de la realidad”. <www.revistafuturos.info>.

5 Declaration on the Right to Development. Resolution 41/128 of the United Nations General Assembly, 4 December 1986. Article 1, paragraph 1.





agree with the United Nations Development Programme (UNDP) and its Human Development Report 2000 that “human development, if combined with the human rights perspective, can indicate the duties of others in the society to enhance human development in one way or another.” Human development helps to widen the conceptual sphere of human rights and allows evaluation of the policies that affect them.

The starting point in the connection between development and human rights must be that rights are a unified whole, and this is well illustrated by the idea of the vector employed by the independent expert on the right to development in the 4th United Nations report (2002), “...the right to development involves raising levels in a vector of human rights that is made up of various elements that represent interdependent economic, social, cultural, civil and political rights.” This concept means that in order for there to be development there must be no regression in the other human rights that make up the vector, that is to say “...the requirement to put the right to development into practice is that there should be promotion or improvement in at least some other human rights, whether they are civil, political, economic, social or cultural, while no rights deteriorate or are violated.”⁶

We conceive of development as a human right not just in function of *the results* that it produces in terms of improving conditions of life until an adequate level is reached, but also in function of *the way* in which these results are achieved. That is to say, it is not just the ends that matter but also means that are employed in development policies, programmes and projects, which should be compatible with human rights principles and standards conducive to the genuine achievement and enjoyment of a decent life for all. It is very important to stress this point because many countries are promoting so-called mega-projects for development that are supposedly aimed at alleviating poverty in rural communities and very marginalized areas, but in most cases these projects are carried out with no respect for human rights. The overall effects are harmful and damaging because of governments disregard the right to information, for example, or to be consulted, to participate, to free choice for the people affected, to a clean and protected environment, to adequate food and housing, to fair labour conditions, and so on.

The connection between social development and human rights is even more evident when it comes to the problem of poverty. According to the UNDP, poverty does not just consist of “income poverty” but also “poverty that denies options and opportunities to live a tolerable life”.⁷ Therefore denying “options and opportunities”

6 Sengupta, A. (2002). “Fourth report of the independent expert on the right to development”. E/CN.4/2002/WG.18/2, 20 December, paragraph 3. Available at : <www.ohchr.org>.

7 United Nations Development Programme (1997). *Human Development Report 1997*.





to people is directly linked to granting them little or no access to the enjoyment of human rights, whether these are civil, political, economic, social, cultural and/or environmental.

In Equipo Pueblo we define economic, social, cultural and environmental rights as “those human rights that make it possible for a person and his or her family to enjoy an adequate level of life.”⁸ This adequate level of life involves “the continual improvement of the conditions of existence”,⁹ and is enshrined in Article 25 of the Universal Declaration of Human Rights:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.¹⁰

There are different definitions of poverty, and together with Social Watch, we agree with the *multidimensional* approach of the International Human Rights Charter¹¹ whereby poverty can be defined as “a human condition characterized by 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.”¹² This is the approach adopted by the ESCR Committee in its Pronouncement on Poverty and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which was adopted at its 25th period of sessions in May 2001. The Committee recognizes that there is no universally accepted definition of poverty, but in the light of many years of experience, and after examining many reports from countries subscribing to the ICESCR, it maintains that “poverty constitutes a denial of human rights.”¹³

8 Sandoval Terán, A. (2001). “Los derechos económicos, sociales y culturales. Una revisión del contenido esencial y de las obligaciones del Estado”. Equipo Pueblo / ALOP. México, p. 15. The term “adequate” involves respect for aspects of cultural, geographic and environmental diversity, etc.

9 International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11.

10 Economic, social, cultural and environmental rights are directly linked to the basic conditions for the satisfaction of our basic needs. Needs should not be confused with rights, but there is a direct relation between the two.

11 The International Human Rights Charter is made up of the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights and its facultative protocols, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

12 Committee on Economic, Social and Cultural Rights (2001). Statement on “Poverty and the International Covenant on Economic, Social and Cultural Rights”, paragraph 8. Adopted by the Committee in its 25th period of sessions. E/C.12/2001/10, 10 May. Available at : <www.ohchr.org>.

13 *Ibid*, paragraph 1.





The ESCR Committee has explained that although the term “poverty” is not explicitly used in the ICESCR, it has always been one of its main concerns. The Committee has also stated that the rights to work, to an adequate level of life, to housing, to food, to health and to education, which lie at the very core of the Covenant have a direct and immediate connection to poverty reduction.

Some of the most important considerations about poverty and human rights in the ESCR Committee’s Pronouncement are as follows:

- A common element in poor people’s experience is lack of power, but human rights bestow power on individuals and communities: and although these are not the panacea, they can help to make the distribution and exercise of power within and between societies more equal. In particular, empowering women is an essential precondition to eradicating global poverty.¹⁴
- Civil, political, economic, social and cultural human rights and the right to development provide a framework of standards or rules within which detailed poverty eradication programmes can be constructed at the global, national or community levels, and this will ensure that due attention is paid to essential elements in strategies to combat poverty like non-discrimination, equality, people’s participation and accountability. Policies to fight poverty will be more effective, sustainable, inclusive, equitable and meaningful for those who live in poverty if they are based on human rights that are recognized internationally.¹⁵
- The minimum or essential human rights obligations recognized in the ICESCR have a vital role to play in national and international development policies, including strategies to combat poverty. These obligations taken together establish a minimum threshold that all public policies have to respect. If any strategy to fight poverty, whether it is national or international, does not reflect this minimum threshold it will not be consistent with the legally constituted obligations of the Member State.¹⁶
- The ICESCR can empower people living in poverty by bringing about recognition of their rights and imposing legal obligations on the State. Rights and obligations require a system of accountability that is accessible, transparent and effective, and without this it is just a facade. The human rights approach in regard to poverty emphasizes obligations and requires all responsible parties, including States and international organizations, to account for their conduct in international human rights law.¹⁷

14 *Ibid*, paragraphs 5 and 6.

15 *Ibid*, paragraph 9.

16 *Ibid*, paragraph 17.

17 *Ibid*, paragraph 14.





The ESCR Committee, in General Comment No. 3 concerning the nature of the States parties' obligations, "is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant."¹⁸

People living in poverty are in fact suffering violations of their economic, social, cultural, civil and political human rights, so a basic precondition for the eradication of poverty is that these rights must be respected, protected, promoted and satisfied.¹⁹ This makes it important to analyze what States do and what they fail to do, so as to be able to identify measures that are affecting or hindering progress towards the full establishment of these rights. Such measures might be, for example, State policies that are discriminatory or that deny certain population sectors access to sexual and reproductive health services, food or housing programmes that are culturally unsuitable, regressive legislation or budget allocations that have a negative impact on the system of social protection, not using the maximum resources available (including assistance through international cooperation) to meet the priority needs of the population as a whole and extremely poor sectors in particular, a failure to exercise adequate regulation and control of non-State actors such as national or transnational corporations that do not respect labour rights or that damage the environment.

It is important to note that adopting the human rights approach in regard to poverty gives us a perspective on the many reasons for poverty and its many manifestations. Poverty has many causes just as it has many dimensions. While insufficient income is a determinant factor it is not the only factor, so it is not realistic to gauge the extent of poverty just by considering income. For example, very often people are prevented from accessing employment, medical services or education, or from enjoying other basic conditions for a decent life, because of discrimination based on gender, age, ethnic origin or some other criteria.

The ESCR Committee is conscious of the fact that there are structural obstacles to eradicating poverty in developing countries, and it is engaged in many activities

18 Committee on Economic, Social and Cultural Rights (1990). General Comment N° 3. "The Nature of States Parties Obligations (Article 2, Par. 1 of the ICESCR)". E/1991/23, paragraph 10.

19 The "Maastricht Guidelines on Violations of Economic, Social and Cultural Rights" (1997) point out those violations are attributable to an absence of will and not of capacity of the State to fulfil its obligations under the ICESCR.





including examining government reports and making General Comments to try to help developing countries to identify measures that could and should be taken to overcome these obstacles. However, some structural obstacles in the modern world order are beyond its reach. The Committee believes that it is imperative that urgent measures be taken to eliminate global structural obstacles like unbearable foreign debt, the widening gap between the rich and the poor, and the lack of a fair system of international trade, investment and finance. If this is not done, the strategies that some countries are implementing to combat poverty have little chance of success.²⁰

It is well known that the International Monetary Fund's stabilization programmes and the World Bank's structural adjustment measures have influenced social policy in a way that counterbalances the negative effects of structural reforms in countries' economies. The main first generation structural adjustment policies were the liberalization of trade and investment and the privatization of many public enterprises, and the main costs of these policies have been violations of the economic, social, cultural and economic rights of large swathes of the population in the countries affected. The implementation of these policies has led to a whole series of social problems including rising unemployment, the potential loss of more jobs, a worsening crisis in rural areas, increased urban and rural poverty, and a higher proportion of women becoming impoverished. The World Bank regarded this panorama of devastation as "a necessary evil", and in the 1990s a second generation of adjustment policies was introduced, which ran parallel to the economic reforms that were already under way. In that decade loans started going, in Mexico for example, more to areas like health care and poverty eradication.²¹

It is claimed that World Bank and Inter-American Development Bank (IDB) policies take account of human rights, and these constantly appear among the objectives of their policies. However, human rights are only one part of the declared goals of the multilateral banks and they are not the basis or the real objective of their policies and programmes, which are in fact geared to strengthening human capital. According to the experts, investment only in human capital (that is to say in some people's capabilities, which is what the World Bank and the IDB are promoting) is an incomplete strategy for combating poverty; "the two criteria are complementary, and since they are two sides of the same coin they have to be promoted jointly."²²

20 Committee on Economic, Social and Cultural Rights (2001), *op cit*, paragraph 21.

21 Sandoval Terán, A. (2004). "Pobreza y sociedad civil: el caso de México". Published by the Regional Network of Social Watch in: *Pobreza y sociedad civil. Análisis y desafíos desde la perspectiva de la sociedad civil en Centro América y México*. El Salvador: Asociación Intersectorial para el Desarrollo Económico y el Progreso, p. 108-129.

22 *Ibid*.





Without a radical change in political economy there can be no really effective social policies or strategies to combat poverty. We believe that strategies to combat poverty that focus on extreme poverty and are not supported by measures that are universally applied are not compatible with the spirit and obligations of States in virtue of the ICESCR. Although the Committee has stressed that special attention must be given to *disadvantaged and marginalized individuals and groups*, this does not mean that the policies and other measures States implement should be geared solely to certain population sectors since all people have economic, social, cultural and environmental rights, and these must be progressively promoted throughout society. Unfortunately many governments have confused social policy with policies to fight extreme poverty, and they also seem to have forgotten that the problem of poverty cannot be solved just through social programmes, but calls for a suitable economic policy that includes respect for human rights.

To sum up, what are needed are holistic public policies that are supported by social and economic programmes in such a way that from the very first stages of conception and design they are based on the human rights perspective. In the economically globalized modern world States give priority to the interests of transnational corporations and this rebounds to the detriment of social development objectives and to governments' obligations to respect, protect and establish human rights. Therefore it is vitally important that society should demand that its government adhere strictly to international human rights law when making economic decisions and in any international trade or financial negotiations, in line with the primacy that human rights have in the Charter of the United Nations as regards aims and principles (Articles 1 and 2) and also in situations in which the obligations that the members of the United Nations assume in virtue of the Charter may conflict with obligations contracted in virtue of any other international agreement (Article 103). ■



Observations on poverty from a human rights perspective

Mariana Cabrera

• SOCIAL WATCH

Poverty eradication is the most urgent and important commitment on the development agenda. This concern on the part of governmental, non-governmental and especially civil society actors has been reflected in international initiatives like the World Summit on Social Development in 1995 and the Millennium Declaration in 2000, and also in the widespread discussion and reflection about what poverty is and how it can be measured.

Thanks to the contributions of Amartya Sen, poverty has come to be seen as a lack or insufficiency of certain capabilities considered basic in a specific order of priority. This order may differ to some extent in different communities but there is a common nucleus which is expressed as freedom from hunger, illness and illiteracy, and other elements that are essential parts of having a decent life.

This perspective enables the conceptualization of poverty in the framework of human rights. "...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."¹

The methodological approach that stems from these multi-dimensional focuses involves a collection of indicators that identify poverty by focusing on insufficiency in basic capabilities, the non-satisfaction of fundamental rights.

In many cases the theoretical approaches and of action linked to the development perspective construct systems of indicators according to the follow-up targets of its policies. For example, before poverty reduction policies are put into practice the target population is identified, and the indicators are constructed to monitor the impact of these policies on that specific population.

1 Office of the United Nations High Commissioner for Human Rights (OHCHR) (2004). "Human Rights and Poverty Reduction. A Conceptual Framework". Available at: <www.ohchr.org/english/about/publications/docs/Broch_Ang.pdf>.





However, when the human rights perspective is adopted the starting point is different. If people are seen as entitled to rights, and there are certain minimum thresholds for the full exercise of each of these rights, poverty situations must be identified from the violation of these rights and not merely as populations that are the target of policies. In line with the human rights approach, the most suitable indicators will be those that identify population sectors that are not able to exercise their fundamental rights, and will also give an insight into the processes that hinder or facilitate the exercise of their rights.

This approach also means that poverty reduction policies must be geared to enabling all members of a society to fully enjoy these rights. One important dimension of this goal is that people themselves have to be empowered to take part in society as active citizens.

The construction of indicators related to economic, social and cultural rights

Thoughts and suggestions for new measurement systems that include the human rights perspective all agree on the vital need for tools to evaluate the extent to which rights are respected and fulfilled, and also on the difficulties found to construct suitable and holistic systems of indicators to do this.

In this search it is essential to understand and focus on real situations from the perspective of economic, social and cultural rights (ESCR). An important contribution in this area has come from Equipo Pueblo,² an organization that is working on constructing tools to monitor these rights. Equipo Pueblo has emphasized that the following elements are necessary:³

- **To understand the meaning and sense of the progressive realization clause in the International Covenant on Economic, Social and Cultural Rights (ICESCR).** The State is obliged to demonstrate quantitative and qualitative progress, that is to say it is obliged to act as fast as possible and not postpone its efforts. This clause also involves the implicit obligation not to take regressive measures.

2 DECA Equipo Pueblo, A.C. is a Mexican Social Network working for the democratic transition of the country, promoting dialogue and elaborating proposals on the main topics and agenda of social and economic development, justice and citizenship at the local, national, regional and international levels. It is the Social Watch Focal Point NGO in Mexico. Visit: <www.equipopueblo.org.mx>.

3 Summary based on Sandoval, A. (2005). "Progresividad y creación de indicadores para medir el cumplimiento de los DESC en México" in *Los derechos económicos, sociales y culturales. Memorias del seminario internacional sobre derechos económicos, sociales y culturales*. Available from: <www.pdhumanos.org/libreria/libro6/25_areli.pdf>.



- **To understand the State's general and specific obligations.** The State is under a general obligation to respect, protect and fulfil human rights, but it also has specific obligations to take measures (legislative, economic, technical, etc.) by itself and with international cooperation, using the maximum resources available, to guarantee that people can exercise their human rights with no discrimination whatsoever.
- **To know the approaches of the minimum essential content and minimum threshold of these rights.** The minimum essential content is the basic core of a right and it must not be violated. It is qualitative and universally applicable, and it helps in defining the real meaning of the right. The minimum threshold approach is geared to practical, concrete aspects to be used in formulating policy guidelines and establishing quantitative points of reference, goals or standards in each country.
- **To manage the meaning and content of each right.** In the General Comments of the United Nations Committee on Economic, Social and Cultural Rights⁴ these rights are defined and their content is clarified, and there are details about the State's obligations, guidelines as to the kind of measures that should be taken, and stipulations that make it possible to decide when a specific right has been violated.
- **To understand the circumstances whereby an ESCR violation can be said to have occurred.** The Maastricht Guidelines⁵ include is a typology of ESCR violations for each general obligation, and this helps in identifying the actors (State or non-State) responsible for the violation, and also some resources that can be used to respond to the violation.

Identifying poverty from a human rights approach

As regards poverty, the Office of the United Nations High Commissioner for Human Rights has established a conceptual framework that stipulates two elements that can serve to evaluate when a failure to satisfy human rights can be considered poverty:

- The human rights involved must correspond to capabilities that are considered to be basic in a society.

4 The General Comments of the Human Rights Treaty Bodies are interpretations of the content of the rights enshrined in the International Instruments of Human Rights that allow identifying measures for their adequate implementation.

5 The "Maastricht guidelines on violations of economic, social and cultural rights" (1997) show which violations are due to a lack of will from the part of the State and not of capacity to fulfil its obligations.





- The causal chain that leads to the failure to fulfil human rights must involve a shortfall in the provision of economic resources.⁶

These considerations give rise to some important points in the search for adequate indicators to identify poverty from the human rights perspective:

- **It is necessary to distinguish which elements constitute poverty and which, while not constituting poverty, have to be included in the analysis of poverty reduction strategies.** “The principle of the indivisibility of human rights does not demand that poverty be defined with reference to all the rights set out in the International Bill of Rights, but it does demand an inclusive strategy for addressing poverty... 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 numerous ways.”⁷
- **The definition of the content and minimum thresholds of the rights involved.** It is necessary to discuss and reach a consensus on the content and minimum thresholds of the rights that are used to define poverty; that is to say, to specify the conditions of life that can be considered violations of basic human rights.
- **Identify the obligations of the actors involved.** We can distinguish between the functions of Respecting, Protecting and Fulfilling that different actors have in relation to each basic right, and this means we can determine who has obligations and what these obligations are, which makes it possible to construct the appropriate indicators.
- **Distinguish between institutional and legal logic and social reality.** One of the challenges in constructing indicators with the human rights perspective is that the different levels involved in the exercise of a right have to be distinguished. For a right to exist there are numerous necessary conditions that are legal, institutional, socio-demographic and socio-cultural. They also operate on different levels (the individual, the family, local, the State, etc). This means there are different spheres in which rights pertain, and there have to be indicators for each of these spheres.⁸

6 OHCHR, *op cit*.

7 *Ibid*.

8 Morales, H. *et al.* (2005). “Orientaciones metodológicas para la construcción de indicadores, una propuesta para la medición del cumplimiento de los derechos de las y los jóvenes” in *Los derechos económicos, sociales y culturales. Memorias del seminario internacional sobre derechos económicos, sociales y culturales*. Available from: <www.pdhumanos.org/libreria/libro6/26_h.morales.pdf>.





- **Identify possible kinds of discrimination.** The indicators should be able to identify groups that individually or collectively are more hindered than the rest of society from fully exercising their basic rights because of economic or other kinds of factors. That is to say, because of factors that are generating discrimination in the exercise of these rights.

The Social Watch approach

Social Watch analyzes how countries perform in a group of basic social development areas that reflect international commitments made by their governments. The analysis of these different dimensions makes it possible to adopt a multi-dimensional approach to the problem of poverty and so focus on human rights. The social development and human rights approaches cover the basic dimensions of what people need to have a decent life (food, health, education, housing, access to water, etc.), so it can be said that these international agreements amount to a series of ethical values or principles that society has defined as being vitally important for a human being to live with dignity.

In the annual report of Social Watch the different areas are presented in thematic tables using basic indicators that can be compared internationally. Each table includes a heading containing the social development goals and ESCR related to each area in particular. These two kinds of tools make it possible to carry out a supplementary analysis of social development from a human rights perspective.

A first group of tools allows to link each international social commitment to a corresponding article of a specific human rights international instrument. Thus it is made clear, in terms of legal obligation, just what is involved in meeting development goals, since both instruments have been ratified by the majority of the countries in the world. This connection makes it possible to show how international commitments made at United Nations conferences have legal force that goes beyond the mere political will of any single government. It follows that food security, universal access to education, improved health services, access to reproductive health services, access to information, a clean environment, housing and gender equity are all rights that people have in virtue of the fact that they are human beings. This being so, these rights cannot be “bestowed or taken away”; they must be directly provided for and protected.



By means of example, let us take the area of Education and analyze which articles within the international human rights conventions deal with the right to education, at the same time that we review the basic social development commitments.⁹

<p>“Everyone has the right to education. Education shall be free... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding [and] tolerance...”</p> <p><i>Universal Declaration of Human Rights, Article 26, 1948.</i></p>	<p>“To ensure that [by 2015] children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.”</p> <p><i>Millennium Declaration, Paragraph 19, 2000.</i></p>
<p>HUMAN RIGHTS</p> <p>The right to universal education is enshrined in:</p> <p>Universal Declaration of Human Rights (1948): Art. 26</p> <p>International Convention on the Elimination of All Forms of Racial Discrimination (1965): Art. 5</p> <p>International Covenant on Economic, Social and Cultural Rights (1966): Art. 13 & 14</p> <p>Convention on the Elimination of All Forms of Discrimination against Women (1979): Art. 5, 10 & 14</p> <p>Convention on the Rights of the Child (1989): Art. 28 & 29</p>	<p>INTERNATIONAL COMMITMENTS</p> <p>Education is considered in:</p> <p>Millennium Development Goals - Goal 2</p> <p>World Summit for Social Development - Commitment 1</p> <p>Fourth World Conference on Women: Beijing Platform for Action - Critical Areas of Concern</p>

⁹ This does not imply disregard for commitments adopted at conferences of specific UN bodies, such as UNESCO, WHO, etc.





In the Social Watch report the quantitative indicators in each thematic table constitute a second group of tools. In the light of Article 2 of the ICESCR,¹⁰ these development statistics can be used as tools to evaluate the current situation of, and progress towards, economic, social and cultural rights. There are various elements in this ICESCR article that show how appropriate these indicators can be in monitoring, and the contribution that can be derived from the work Social Watch is doing.

The characteristic of progress and, above all, the absence of regression, generate a commitment on the part of governments. The main evaluation of this can be effected using indicators. The evolution in time of specific plans and processes implemented by governments to gradually provide for the full exercise of rights can be monitored using indicators that demonstrate the results of these initiatives.

The Social Watch tables show the countries' current situation with regard to key aspects of the rights in question, and they also show whether there has been progress or regression in each area¹¹ in terms of people's quality of life. This involves the use of a series of basic indicators (access to education, health service coverage, access to potable water, women's participation in decision-making, etc.).¹²

When a country is shown to have regressed in some or other area in which it has made a commitment to international development goals it is clear that that country is failing in its obligation to make progress in the satisfaction of a particular right. These indicators do not in themselves indicate rights violations and they have to be supplemented with other kinds of evaluations that capture the actual specific process that is involved in each case. However, regression in one of the Social Watch indicators alert to the fact that rights violations may be taking place.

In the case of Education, the indicators Social Watch uses capture some basic elements related to the right to education. The "Primary school enrolment rate" indicator reflects the results of action taken to achieve universal access to primary

10 ICESCR, Article 2: "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

11 Progress and regression are evaluated on a scale of five categories that are indicated in the tables in a column entitled "Progress and Regression". The categories are: Significant Progress, Slight Progress, Stagnation, Slight Regression and Significant Regression.

12 As a base period the information available nearest to 1990 was taken (with exceptions when more recent information was available for all the countries) and this was compared with the latest data available for each country.





education. Nevertheless, access alone does not guarantee the fulfilment of the right to education. Monitoring must include at the very least an examination of whether children have been able to complete the first cycle of education. Thus the “Children reaching 5th grade” indicator is used to evaluate the extent to which public action is enabling younger citizens to effectively exercise their right to education to the extent that they are staying in the system through at least the basic cycle of primary education. Finally, the “literacy rate” for young people between the ages of 15 and 24 indicates the results of recent steps taken to promote education. Nevertheless, as an indicator of results, these statistics are quite basic, as the classification of individuals as “literate” does not mean that they are fully exercising their right to education.

A second fundamental point that springs from the ICESCR in general and Article 2 in particular, has to do with the obligation on the part of governments to guarantee that rights are exercised by all members of a society, without any form of discrimination. Governments have committed themselves not only to the ICESCR but also to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination.

On the question of gender discrimination, Social Watch does systematic follow-up on the situation in each country using thematic gender equity tables involving three dimensions (education, economic activity and empowerment) and constructs a Gender Equity Index.

A third element in Article 2 is the obligation of governments to commit the maximum resources available to making sure people can exercise their basic rights. On this point, Social Watch has constructed a thematic table on public expenditure that shows the evolution of public spending on health and education as a percentage of GDP.

The scope and limitations of the Social Watch indicators

The tables presented by Social Watch make it possible to approach the ESCR situation using indicators that can yield comparisons between countries. This is useful as a lobbying tool that civil society organizations can employ in their own countries as the situation in a country can be put in an international context, and the progress made in the various areas in question is known to the community of nations.



However, the fact that this tool makes international comparisons possible sets a limit to the kinds of indicators that can be incorporated into it and rules out using more comprehensive information about each of the dimensions analyzed, not only as regards social development indicators but also in the sphere of human rights.

Inside each country there is far wider scope to use specific indicators to monitor performance. In the area of education, for example, the main challenge today in many countries is to provide access to primary education and to keep children in the system throughout the basic primary school cycle. However, there are some countries in which this is no longer the biggest obstacle to satisfying the right to education, and the problem is to incorporate into the system specific educational content and practices that guarantee a quality education for all students in the country. This makes it necessary to consider other indicators that capture evolution in the area of educational quality and not just access. In any case, to monitor against regression, it is necessary to continue using indicators that capture access and retention in the system.

Furthermore, within each country there may be indicators that are better able to follow up the inequities which are often translated into discrimination in the realization of rights. Again, these indicators may not be suitable for making comparisons internationally so this reduces options when it comes to monitoring different causes of discrimination. For example, when education coverage rates are analyzed it is necessary to identify how many people are being excluded from the system. It is possible to find out if these children belong to specific groups, communities or geographical areas, and this can indicate whether or not discrimination is taking place.

To sum up, development indicators (indicators that capture the modalities and degrees of progress of development policies) are key tools to evaluate the ESCR situation in different countries. They reveal the extent to which rights that are legally enforceable are effectively enjoyed by the citizens.

When it comes to indicators that allow international comparisons and that are available for a wide range of countries, there are significantly fewer options. This is partly because there is insufficient information to build up these statistics, but also because in order to analyse the specific processes in each community there must be indicators that are suitable and can be interpreted in the immediate contexts where they are used.

Lastly, the use of social indicators to evaluate human rights situations is supplementary to the use of other tools that allow a comprehensive analysis of





different legal, institutional, socio-demographic and socio-cultural processes that are taking place at the same time in the different dimensions of human rights.

A work in progress

In this article we have mentioned some of the elements involved in the task of consolidating the human rights focus as a conceptual and practical tool for evaluating social development. Part of this task is to construct indicators, and this is a challenge facing many organizations in different countries that are constructing systems to monitor the fulfilment of ESCR.

This focus is of crucial importance to the problem of poverty as it moves the whole question into the context of exercising human rights, and shows how these rights can be demanded beyond the political will of governments. However, it is clear that if poverty is to be monitored as a violation of human rights there must be a holistic system of suitable indicators that captures the extent to which governments have made progress. This system has to be able to indicate which different human rights violations are involved in poverty. The use of suitable indicators can also help to alert about human rights violations that could lead to poverty.

The work of Social Watch is an attempt to help in constructing a monitoring system that will make it possible to evaluate the performance of governments and societies in establishing human rights, in the many dimensions that each of these rights involves. The ideas in this article reflect the concern that has emerged in the ten years that Social Watch has been monitoring international commitments to eradicate poverty. Our task is to provide tools to show how far countries and the international community have progressed in closing the gap between the human rights commitments and pacts and the real situation in their countries and in the world.

The information thus compiled and expounded constitute another instrument that civil organizations can use to pressure their governments to eradicate poverty and the causes of poverty, with the ultimate aim of establishing an equitable distribution of wealth and the full exercise of human rights for all. Policies and programmes to achieve basic development objectives must be geared to the full enjoyment of human rights for the whole population.

The fact that rights can be demanded of governments may serve to reformulate the struggle for social development in new terms. If civil society can base its lobbying on legal requirements that governments are failing to comply with, it will have a more powerful tool to press for social development goals and the eradication of poverty.



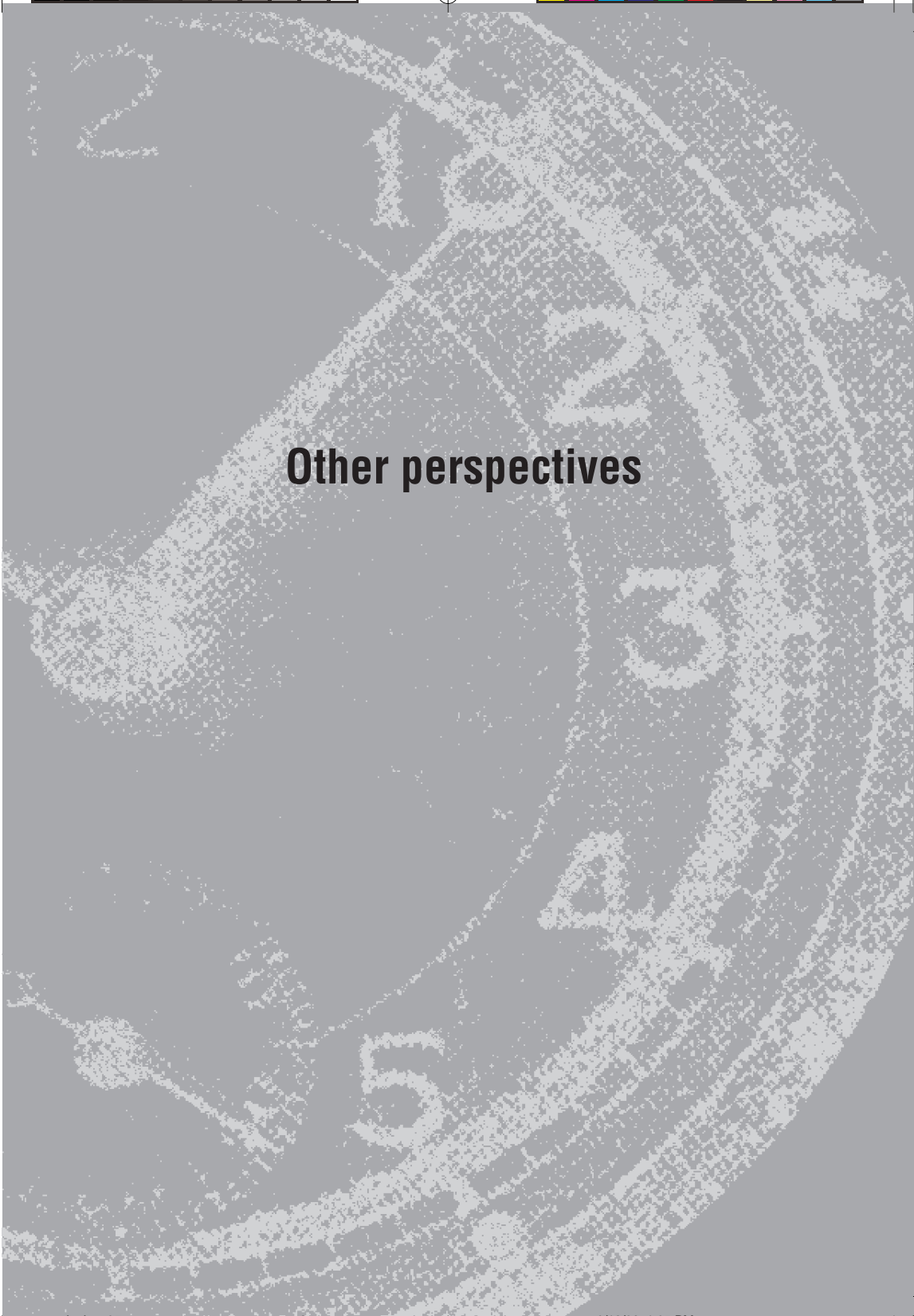
States are under an obligation to provide information that will allow their domestic situation with regard to each right to be diagnosed, and this applies in particular to situations that may involve discrimination or accentuated vulnerability. Governments also have to allow the widest possible access to this information and promote free circulation, free use, and possible criticism with respect to it.

Ownership of information by a society, and the process of learning how to use it, should be an inherent part of the construction of citizenship and should not be restricted just to the academic world or left to decision makers.

On this point, let us share in a clear explanation of the role of this conceptual and methodological work:

This is not just a matter of taking measurements for some scientific objective, but also to gauge how far legally-constituted rights fall short of being fully established in countries, communities and the lives of people. This shortfall is a field of political, cultural and ethical action that can be muster the will and the action necessary to narrow the gap. In this way the human rights gap between what is said and what the situation really is must be closed through the exercise of citizenship. Socio-cultural dynamics in the modern world call for technically solid, reliable and precise strategies which will allow building bridges of dialogue with institutions and their authorities.¹³ ■

13 Morales, *op cit.*



Other perspectives



Some comments on country-to-country poverty comparisons*

Andrea Vigorito ¹

Due to the highly controversial nature of poverty studies, some of the problems arising when establishing international measures are the same as those that are faced when countries establish national poverty lines. The World Bank has advocated making these comparisons according to consumption or income, and in particular, has established a threshold of one dollar per day per person, based on 1985 purchasing power parity. Although it might be useful to resort to income based measures, these on their own are insufficient, as concepts of poverty are becoming more complex and multidimensional. There is now a wide consensus regarding the fact that access to health and education is just as important as income and that in the future, the consensus will probably include empowerment and participation in citizen life.

The purpose of this article is to highlight some problems that appear when comparing poverty rates among countries and particularly when trying to establish a common basis on which to make these comparisons. Many of these problems have been widely addressed by experts on the subject. In particular, we will examine whether the threshold proposed by the World Bank of a purchasing power parity (PPP) of one 1985 US dollar – the most commonly disseminated international poverty line at present – is a suitable indicator of poverty in various countries.

This discussion has been arranged into four sections. Section I will discuss the pertinence of establishing an international poverty line. Section II will go on to analyse the context in which it is advisable to make comparisons of well-being among countries and the discussion around the multiple dimensions of poverty will be reviewed. Section III examines how far it is possible to address poverty incidence using a single measure and questions the limits of the income space to

* This article was originally published in the 2003 Social Watch Report: *The Poor and the Market*. Available from: <www.socialwatch.org/en/informelpreso/pdfs/somecommentoncountry2003_eng.pdf>.

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evaluate people's well-being. Since several national studies show that this is not the case, Section IV suggests that an effort should be made to choose a wide array of indicators to rank countries with respect to many different criteria and dismisses the idea of uni-dimensionality. In particular, the data-gathering efforts of Social Watch could be used to strengthen efforts in this direction.

1. Why establish an international poverty line?

Setting national poverty lines plays an important role in formulating economic and social policies. In this respect, Atkinson (1993) proposed considering the existence of poverty lines as institutions and reported on the relevant role they play in the assessment of the social performance of a country through time. But is it valid to extend this reasoning to an international scale and consequently, is the establishment of a world poverty line going to help assess efforts made to reduce poverty, as proposed for example by the Millennium Development Goals? Without entering into a discussion of the relevance of a particular goal regarding poverty reduction, problems arising when establishing a single, international poverty line will be reviewed. Due to the highly controversial nature of poverty studies, some of these problems are the same as those that are faced when countries establish national poverty lines.

Comparison of poverty among countries can serve many purposes, from assessing the living conditions of people in different regions or countries to the allocation of resources from international financial aid. However, the concentration of efforts to identify the poor often is made without much discussion about the concepts implicit in comparing individual well-being, since most studies focus either on contributing to policy controversies or on the actual design of policies.

Explicit or not, making international comparisons of deprivation among countries requires the establishment of various criteria as a starting point. In particular, it requires deciding whether it is necessary and possible to establish a common poverty line against which all countries can be compared, and determining its characteristics.

Kanbur (2001) has argued very convincingly that this idea of counting the world's poor on the basis of a common line could be seen as "the finance ministry approach", which reflects the concern of many institutions about designing policies to struggle against poverty. However, this concern is not perceived in the same way by civil society and leads to confrontations because the perspectives and time horizons for comparison vary. From the standpoint of international bodies, and particularly international financial institutions, establishing international rankings is relevant.



However, classifications made on the basis of a single poverty threshold necessarily simplify reality and disregard many factors that are important when seen from a national point of view or from a civil society perspective.

In this respect, the World Bank has advocated making these comparisons according to consumption or income, and in particular, has established a threshold of one dollar per day per person, based on 1985 purchasing power parity.² Supporting this point of view, Ravallion (2002) wrote that the use of national lines to make international comparisons leads to treating differently people or households who have similar real rates of consumption. He also recognises that this extreme line of poverty of the World Bank is conservative, as people who are considered poor by national standards are not considered so when using this poverty line. Even when the use of comparative poverty lines is agreed upon, should these be absolute or relative? In this respect, the question is if an international measure of poverty should consider absolute lack of income or should also consider inequality of income. Ravallion provides evidence that the World Bank has prepared relative poverty measures that still rely on a common international poverty line.

Furthermore, Ravallion also indicates that when analysing regions or countries, the World Bank experts do not use these international estimates, but rely on national poverty lines, something which can be noticed in the country reports prepared by this institution.

One of the criticisms of the World Bank poverty line is that it does not correspond to a capabilities or basic needs basket (see for example, Pogge and Reddy, 2002). But even setting an international basic food basket would be a very difficult task, especially considering the diversity among regions in meeting their caloric and nutritional needs. Any criteria of this sort would certainly lead to establishing baskets of different monetary values in different countries. Turning the food basket into a poverty line would also generate new problems as the relative prices of non-food goods vary significantly from one country to another.

In Latin America, the Economic Commission for Latin America and the Caribbean (ECLAC) chose a middle of the way path, as its poverty estimates are made on the basis of national basic food baskets, which are established on the basis of expenditure surveys or come from standard baskets according to the country, and are then multiplied by a common Orshansky coefficient to obtain regional poverty lines (ECLAC, 2000). This methodology attempting to harmonise national habits

2 The methodology for derivation of the World Bank's international poverty line is described in various documents, among others, World Bank (2000). Basically, it is derived from a study of national poverty lines in over thirty countries, taking those corresponding to the poorest countries.





with international comparability criteria has also been questioned regionally because of the apparently arbitrary setting of the Engel coefficient at 0.5, although this value arises from previous research by the organisation.

The World Bank threshold would probably appear low in middle-income regions where poverty and income inequality are high, as is the case in Latin America, labelled as the most unequal region in the world, particularly in regard to its per capita GDP. Although it is probable that the proportion of people living under this threshold in Latin America is smaller than in vast zones of Asia and Africa, there are nevertheless problems of severe malnutrition in the region and the cost of the basic food baskets established by many countries exceeds the World Bank threshold. Although an extremely low threshold will identify regions and countries where deprivation is extreme, it will often overlook other places with less acute, but still problematic, poverty. To recognise these less extreme cases we must use additional measures or indexes.

Furthermore, the establishment of a common threshold in terms of income or expenditure disregards the vast differences from country to country of the cost of and access to various services. Thus, if access to public health, housing and education varies from country to country, unsatisfied needs will also vary considerably. Gardiner *et al.* (1995), in their comparative study of relatively similar countries in the European Union, particularly the United Kingdom and France, show the serious problems arising in attempts to compare income and analyse the impacts of the different health and housing systems on these comparisons. Their results show that estimating these costs correctly led to different rankings among the European countries they considered. This observation must be kept in mind when performing comparisons solely according to income or expenditure.

The assessment of poverty in many countries has evolved toward a broader conception of poverty than the mere lack of income, including the comprehensive – but sometimes vague – idea of social exclusion. The efforts made by the United Nations Development Programme (UNDP), crystallised in the Human Development Index, also point to broadening the dimensions used to evaluate the performance of the different countries (see for example, UNDP, 2002). As concepts of poverty widen and become more complex, why is there still an interest in simplifying indexes and rankings? Although it is true that there is a strong link between social exclusion and poverty, the concept of social exclusion can be valid among groups whose income is not significantly different.

In order to obtain more illuminating comparisons, it might be useful to evaluate simultaneously international poverty rankings and the evolution of poverty measured by national thresholds. Criteria for measuring poverty vary from region to region.





While in all the countries of the Americas absolute poverty lines are used, in Europe poverty is measured more often through relative poverty lines that arise from the idea that after having accomplished a reasonable satisfaction of basic needs, the main concern is with gaining access to the society's resources.

Income and consumption are difficult variables to measure, particularly in developing countries and the World Bank has contributed to the development of corrective measurement instruments and methodologies. The quality of income data varies significantly from country to country as household surveys use different criteria, cover different areas, and include different sources of income. The populations of different countries also have different propensions towards under-reporting.

Furthermore, using current income alone is a very important source of error, particularly among the poor, whose income is very erratic; in many countries, all or nearly all of poor people's income is in kind. Although it is therefore recommended that consumption be used as a more reliable indicator, in practice in many countries income is still used, because the countries do not gather periodic data on consumption.

Besides, there is an ongoing debate on the accuracy of the World Bank methodology used to set the international poverty lines. Pogge and Reddy (2002) question various aspects of these estimates and, in particular, question the way purchasing power parity (PPP) indicators are used. These authors criticise the fact that in the construction of these indexes, the World Bank uses the price of all the consumer goods, not only those consumed by the poor. This is derived from the fact that relative prices vary considerably from country to country, particularly the prices of tradable and non-tradable goods. While the former do not vary significantly from country to country, the latter do. According to Pogge and Reddy (2002), PPP is estimated weighing the prices incorporated into the index by average consumption. Thus, international comparisons should be based on goods and services consumed by the poor and not on any other type of goods. As a result of this methodological option, and due to recent changes in the estimation procedure, poverty rates are significantly underestimated and poverty trends are misleading. These authors consider that it would be possible to make more accurate international comparisons of poverty by correcting the estimation of PPP. A greater effort is needed in this direction.

In his reply to Pogge and Reddy, Ravallion (2002) acknowledges that PPP estimations present serious problems and that they should try to reflect consumption in lower income households in the distribution, but he does not consider that Reddy and Pogge's methodological proposals would lead to obtaining better estimates of poverty. In particular, he considers that the PPP calculation methodology proposed by Reddy and Pogge has serious problems.





II. The multiple dimensions of poverty

Kanbur (2001) points out that, in contrast to twenty-five years ago, there is now a wide consensus regarding the fact that access to health and education is just as important as income and that in the future, the consensus will probably include empowerment and participation in citizen life.

For this reason, the income method needs to be complemented by other dimensions, addressing the quality of life of households or individuals, given that not all individuals have the same rate of converting income into what Sen (1992) has called *functionings*. This concept refers to the insufficiency of equalising opportunities alone as a mechanism to achieve equity and eradicate poverty. Thus *functionings* are individual's abilities to take advantage of opportunities in different areas (being well nourished, access to health services, housing, etc.).

From this approach, it appears that the relationship between income and capabilities is parametrically variable among communities, families and even among individuals in the same family. This is based on two elements. In the first place, it varies according to differences in ages, gender, social roles, geographical location of the household, and other variables over which the individual may or may not have control. Secondly, there may be individual difficulties in converting income into *functionings*; it is probable that people with different needs and abilities require different amounts of income to achieve the same goals, and inequality may be more intense than what is perceived by looking at the space at income alone.

These considerations point to the fact that the identification of the poor exclusively by the income method leaves out dimensions that may be very relevant when defining the individual's access to available resources, especially when attempting to make international comparisons.

If we go on to analyse poverty, the identification of a minimum combination of basic capabilities may be a good way of setting out the problem of assessing and measuring poverty. It may lead to very different results from those obtained when concentrating on the inadequacy of income as a criterion to identify the poor. The conversion of income into basic capabilities may vary greatly among individuals and also among the various societies, so that the possibility of achieving minimally acceptable levels of basic capability may be associated with different levels of minimally adequate income. The standpoint of poverty concentrated on income, based on the specification of income in a 'poverty line' that does not vary among individuals, may be very mistaken in the identification and assessment of poverty. (Sen, 1996, p. 68)





However, this does not mean discarding the idea of establishing an income threshold. In fact:

As income is not desired for itself, any notion of poverty based on income must refer directly or indirectly to those basic purposes that promote income in its function as a means [to an end]. In fact, in studies on poverty referring to developing countries, the income in the 'poverty line' is frequently derived in an explicit way from reference to nutrition standards. Once it is recognised that the relationship between income and capabilities varies among communities and individuals in the same community, it will be considered that minimally acceptable levels of capabilities are variable: they will depend on personal and social characteristics. However, while minimum capabilities can be achieved by means of strengthening the level of income (given the other personal and social characteristics on which capabilities depend) it will be possible (for the specified social and personal characteristics) to identify a minimum adequate income to achieve minimally acceptable levels of capability. Once this correspondence has been established, it will not matter whether poverty is defined in terms of a failure of basic capability or as a failure in obtaining the corresponding minimally adequate income. (Sen, 1995, p. 69)

Furthermore, in his work comparing India and China, Sen makes clear how two countries having very similar GDP have very wide differences in terms of basic capabilities for survival and education, a fact that also alerts us to the limitations of uni-dimensional comparisons.

III. Why use income?

The analysis of poverty and inequality made by economists has mainly focused on income and consumption and paid scant attention to other ideas about poverty until very late in the twentieth century. In her analysis of the origins of poverty studies, Ruggeri-Laderchi (2000) suggests that this lack of conceptualisation is typical of poverty studies prepared by economists since the birth of this field of study in Great Britain in the nineteenth century. According to her interpretation, the lack of interest in alternative definitions of poverty is related to the positivist vision predominating in the first poverty analyses, in particular in the studies by Rowntree and Booth, who were more concerned with estimating poverty and finding mechanisms to reduce it than with questioning ideas about the nature of poverty.

For many users and producers of poverty studies, income incorporates other dimensions of welfare, or at least it is considered that the lack of income is sufficiently correlated with deprivation in other dimensions to enable it to serve



as a good summary. Furthermore, in regions where poverty and inequality are at extreme levels and worsening, it may be understandable that imperfect approaches such as poverty lines based on consumption and comparisons of welfare based on income are considered by many as sufficiently good shortcuts to deal with the most acute problems.

However, empirical studies carried out by Ruggeri-Laderchi for Peru and Chile make it evident that the other dimensions of poverty are not consistent with income in all cases. The same conclusion can be drawn from the myriad of studies that map basic needs and income poverty or even from the UNDP's Human Development Index.

Consideration should also be given to the fact that economists find income a very attractive variable because it is conceptually easier to relate to a standard analysis of economic change, making it possible to link evolution of poverty and inequality with the rest of the economy, in particular with the evolution of the labour market. This possibility makes easier the derivation of policy conclusions from poverty analysis (Rius and Vigorito, 2000).

Additionally, the disciplinary imperative of quantifiability is satisfied by income, which can be treated as a continuous variable. This difference between income and other variables that can be used to quantify poverty is very important. The sophistication of techniques available to apply to basic income indicators also helps to give the impression of objectivity that seems so essential to legitimise economic analysis in many areas (Rius and Vigorito, 2000).

IV. Toward multidimensional poverty assessments

The preceding paragraphs emphasise the need to consider the multiplicity of spaces where the needs of the world's population manifest themselves when trying to assess poverty levels. Although it might be useful to resort to income based measures, these on their own are insufficient, as concepts of poverty are becoming more complex and multidimensional, as Kanbur (2001) maintains. In turn, the studies showing that the classification of countries differs according to different types of needs measured, also argue for the use of a multiplicity of indicators to assess comparative performance. Very often these results contradict the wishes of policy-makers, for whom uni-dimensional classifications are simpler and therefore more attractive.

Although the attempt at making international comparisons in the space of income should not be abandoned, classifications of countries cannot consider income



exclusively. Including other indicators gives a truer picture than using a single, universal measure of absolute poverty. The efforts made by *Social Watch* in collecting and publishing information should, in conjunction with other sources of international data, help to generate richer classifications, resulting in the systematisation and production of new, more valuable, indicators. Thus, the dimensions of access to drinking water and sanitation, malnutrition, life expectancy at birth, and distribution of income, considered together, offer a good starting point for describing the evolution and current level of living conditions in developing countries. ■

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Human rights and the struggle to end poverty

Chris Grove¹

While most of us are troubled and angered by the continuance of poverty amid plenty, of immense inequality within and between countries, there is often an accompanying sigh of resignation and frustration in the face of failed attempts to address poverty. This essay is written in the hope that the human rights framework might lead to a rethinking of poverty – who is poor and why – and to building a movement able to finally eliminate poverty. The following questions form the basis for the brief reflections in this paper: Who are the poor? What are the strengths of human rights in the struggle to end poverty? And what are the weaknesses of the current human rights system in ending poverty?

Who are the poor?

There are multiple definitions of poverty, each carrying significant political implications. Combined with related explanations of the causes of poverty, certain definitions might support a movement led by the poor to end poverty, challenging the economic and political systems under which we live. Other definitions might only justify delivery of technical support, aid and services to a narrowly defined group of the poor, perhaps assistance to the ‘extreme poor’ or targeted interventions aimed at a ‘permanent underclass’ hindered by geography, corruption, or discrimination.

Via the human rights framework, poverty is a deprivation or violation of economic human rights, together with associated violations of interdependent and interrelated social, cultural, civil and political human rights. This human rights-based definition

1 The author is an Associate with the International Network for Economic, Social and Cultural Rights (ESCR-Net) and PhD Candidate at the CUNY Graduate Center, with many thanks to Suad Elias (ESCR-Net) and Susan Grove (IIRR) for their comments and feedback. The Secretariat of ESCR-Net greatly appreciates the invitation to consider the important theme of poverty and human rights. The reflections in this paper do not reflect an official position of ESCR-Net, but hopefully serve as a contribution to discussion within and between ESCR-Net and Social Watch in the ongoing struggle to eliminate poverty and secure human rights.





of poverty would entail acknowledging the dignity and worth of every human being and the equal entitlement of all persons to enjoy their inherent and indivisible human rights. Embracing non-discrimination and equality, at the core of human rights, includes a commitment to substantive or de facto equality (equality of basic circumstances, as well as outcomes) in addition to formal or de jure equality (equality before the law, potentially despite massive structural inequalities). Human rights emerge from the question of what are the requirements for a dignified life.

In 1948, the governments of the world articulated these basic requirements as human rights in the Universal Declaration of Human Rights (UDHR), which was then codified in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). In turn, these Covenants and related human rights treaties bind States to respect, protect and fulfill human rights as a matter of international obligation. Among these human rights are the rights to education, the highest attainable standard of physical and mental health, adequate housing, adequate food, and a living wage job, as well as rights to political participation and communication. If a person does not securely enjoy the right to an adequate standard of living and interrelated human rights, they are poor.

The UN Committee on Economic, Social and Cultural Rights (CESCR), the expert body that monitors the ICESCR, stated in 2001: "...poverty may be defined as a human condition characterized by 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."² This definition finds a close parallel in the work of Amartya Sen, in which poverty is defined as the deprivation of basic interdependent 'capabilities' to lead the life that one has reason to value.³ However, while this definition has been largely adopted by a number of multilateral development agencies,⁴ the CESCR has stressed that development does not necessarily lead to the fulfillment of ESCR or the reduction of poverty and inequality,⁵ calling for the removal of global structural obstacles to the eradication of poverty, "such as unsustainable foreign debt, the widening gap

2 UN CESCR (2001). "Poverty and the ICESCR". E/C.12/2001/10, 10 May.

3 Sen, A. (1999). *Development as Freedom*, Anchor Books.

4 For example, the United Nations Development Program (UNDP), which made strong connections between human rights, poverty and development in their *Human Development Report 2000: Human Rights and Development*, and even by the World Bank in their *World Development Report 2000/2001: Attacking Poverty*, stating: "Poverty is pronounced deprivation in well-being...To be poor is to be hungry, to lack shelter and clothing, to be sick and not cared for, to be illiterate and not schooled, to be exposed to risk and be particularly vulnerable to adverse events outside one's control, to be treated badly by the institutions of state and society, and to be voiceless and powerless in those institutions."

5 UN CESCR (1990). "General Comment 2: International technical assistance measures", Article 7.





between rich and poor, and the absence of an equitable multilateral trade, investment and financial system.”⁶ Attempts to address poverty are further undermined by problematic measurements of the extent and location of poverty,⁷ which in turn shape responses that may fail to account for the specific histories of communities, the current power dynamics locally and globally, and the multiple forms of discrimination that exacerbate poverty. Assistance may be limited to certain sections of the poor or perhaps only to certain heavily indebted poor countries with so-called good governance.⁸ In contrast, a human rights-based approach refuses to leave any person or community out; everyone should be guaranteed their human rights and poverty should be eliminated from the world. Human rights have the potential to be a unifying political demand, questioning economic policies that create any form of poverty.

What are the strengths of human rights in the struggle to end poverty?

Before outlining the economic, social and cultural rights (ESCR) to which every person is entitled, the ICESCR declares in Article 2.1:⁹

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

This framing obligation is articulated together with the obligation of non-discrimination in Article 2.2.

ENTITLEMENTS OF ALL PERSONS AND STATE OBLIGATIONS

Building on human rights as the universal entitlement of every person, a human rights-based approach to challenging poverty focuses on the primary responsibility

6 UN CESCR (2001), *op cit*, Article 21. See also the UN Declaration on the Right to Development, Article 3.3, 1986.

7 For instance, the legitimacy and accuracy of the World Bank standard of USD 1 per day poverty, which has been adopted by The UN Millennium Development Goals, in committing to halve poverty by 2015, have been repeatedly questioned. See Reddy, S. and Pogge, T. (2003) “How Not to Count the Poor”, available from: <www.socialanalysis.org>; and Srinivasan, T. N. (2004). “The Unsatisfactory State of Global Poverty Estimation”, in *In Focus*, UNDP International Poverty Centre.

8 As one example, see Sachs, J. (2005). *The End of Poverty*, Penguin Books, p. 20, 269.

9 UN CESCR (1990). “General Comment 3: The nature of States parties obligations”, provides a full explanation of Article 2.1.





of the State to respect, protect and fulfill those rights. Most States have obligated themselves, via international treaty law, to progressively realize economic human rights to the maximum of their available resources and without discrimination. Any regression or reduction in the provision of public services without full justification is a clear violation of human rights.¹⁰ Similarly, trade policies that lead to unemployment or create food insecurity (perhaps due to failing to redistribute gains from trade) would seemingly violate human rights. States are required to develop a clear plan with progressive steps, including legislative measures and financial expenditures, towards the full realization of human rights.¹¹ Significantly, in addition to traditional human rights monitoring, human rights groups are beginning to utilize the tool of budget analysis to monitor the progressive realization of human rights and to challenge the resource allocations of their governments.

The ICESCR also contains a concept of the “core obligation” of these rights, such as ensuring access to minimum essential nutritional food, basic shelter and sanitation, adequate supply of potable water, essential medicines and equitable distribution of health facilities and services.¹² In addressing these core human rights obligations in relationship to poverty, the UN Committee on ESCR emphasized three clarifying points:

First, because core obligations are non-derogable, they continue to exist in situations of conflict, emergency and natural disaster. Second, because poverty is a global phenomenon, core obligations have great relevance to some individuals and communities living in the richest States. Third, after a State party has ensured the core obligations of economic, social and cultural rights, it continues to have an obligation to move as expeditiously and effectively as possible towards the full realization of all the rights in the Covenant.¹³

10 *Ibid.* Article 5: Establishing the clear obligation of the State for progressive realization, the CESCR emphasizes that any retrogressive measures “would require the most careful consideration and would need to be fully justified by 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.”

11 The ICESCR, in Article 14, is explicit that if a State Party to the Covenant is not providing free primary education, it must “[undertake] within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”

12 UN CESCR (2000). “General Comment 14: The right to the highest attainable standard of health”, Article 43.

13 UN CESCR (2001), *op cit*, Article 18.





RESPONSIBILITIES OF PRIVATE ACTORS AND INTERNATIONAL ORGANIZATIONS

While States have the primary obligation for guaranteeing economic human rights,¹⁴ private actors and international organizations also have responsibilities. The Preamble of the UDHR declares: "...every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance..." The UN Committee on ESCR has emphasized the significant responsibilities of private businesses, international organizations, and financial institutions for human rights and poverty eradication.¹⁵ Significantly, the international standards are continuing to evolve to address the new challenges posed by the global economy. Following World War II, the Nuremberg Tribunals ascertained the duties of non-state actors to refrain from assisting in violations of human rights and corporations have since been held liable under international law for labor and environmental violations.¹⁶ Building on a series of non-binding standards and the UN Norms on the Responsibilities of Business with Regard to Human Rights in 2003,¹⁷ a strong coalition of organizations has been advocating for common international standards for business to continue this development.

PARTICIPATION

The human rights framework further insists that any effort to eliminate poverty must ensure the right to participation of affected persons. This includes the equal participation of women and men, providing a basis for analyzing and challenging the gendered impacts of economic policies.¹⁸ In part, this adds moral backing to

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- 14 The 1997 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights emphasized the obligation of the State to exercise due diligence in protecting individuals from violations by private entities, including transnational corporations, and via their participation in international organizations, particularly international financial institutions, ensuring that violations do not result from their policies and programs.
 - 15 UN CESCR (2001), *op cit*, Article 20; and UN CESCR (2000), *op cit*, Article 42. At the World Conference on Human Rights in 1993, in The Vienna Declaration, the governments of the world called on international and regional finance and development institutions to assess the human rights impacts of their policies and projects. Further, the responsibilities of non-state actors have been asserted by the International Criminal Court, the Declaration on the Elimination of Violence Against Women, and specialized treaties like the World Health Organization's Framework Convention on Tobacco Control.
 - 16 Manzella, L. (2006). "The International Law Standard for Corporate Aiding and Abetting Liability". EarthRights International, p. 2-10. Available from: <www.earthrights.org/files/Legal%20Docs/UN%20Norms%20ILP/aiding_and_abetting_paper.pdf>.
 - 17 Adopted by the UN Sub-Commission on the Promotion and Protection of Human Rights in 2003.
 - 18 Article 3 of the ICESCR and ICCPR, as well as the Convention on the Elimination of All Forms of Discrimination Against Women.





the practice of progressive development organizations that have long insisted on the importance of participation, community ownership, and transparency. However, human rights also provide a basis for mobilizing political and sometimes legal challenges when governments do not respect the human rights of communities. As one example, the recent adoption of the UN Declaration on the Rights of Indigenous Peoples by the Human Rights Council affirms the importance of free, prior and informed *consent* of indigenous communities before development projects are undertaken. This, together with the rights to information, organization and participation articulated in the ICCPR and ICESCR, provides a strong basis for challenging the lesser standard of free, prior and informed *consultation*.

BUILDING A HUMAN RIGHTS MOVEMENT TO END POVERTY

If a rights-based approach to ending poverty is to become more than rhetoric, human rights must become the claim of communities, grassroots organizations, and ultimately a broad-based movement to end poverty led by the poor. Instead of narrowly defining the poor and pitting one group against another in a struggle over who is most deserving of scarce resources, a human rights framework has the possibility of uniting persons by affirming the dignity of all persons. Poverty is not a sign of personal failure but a violation of human rights, to which all persons are universally entitled. Embodying the right to participation, the leadership base for a human rights movement to end poverty should presumably emerge from those affected by the injustice.¹⁹ Human rights and development organizations can unite with poor communities in organizing to hold their government and other powerful actors accountable and can work to develop community leaders able to effectively struggle for human rights.

What are the weaknesses of the current human rights system in ending poverty?

Unfortunately, the political and economic context in which people must fight to claim their human rights constantly hinders the full realization of human rights and thus the elimination of poverty. The text and ratification of a treaty does not guarantee its implementation.

19 The Poor People's Economic Human Rights Campaign (PPEHRC), a nationwide grassroots movement in the US, "is committed to unite the poor across color lines as the leadership base for a broad base movement to abolish poverty...through advancing economic human rights as named in the Universal Declaration of Human Rights."





VAGUE AND/OR DISREGARDED LANGUAGE OF INTERNATIONAL TREATIES

As highlighted above, Article 2.1 of the ICESCR frames the human rights obligations of States ratifying the Covenant. However, the terms of this Article leave significant space for interpretation. Do “the maximum of [a State’s] available resources” include all revenues prior to expenditures for competing priorities like defense? When a State lowers tariff barriers or gives tax breaks to corporations, reducing revenue and leading to a related reduction in public services, does this amount to a violation of human rights obligations? Similarly, while States’ must adopt a plan for the progressive realization of rights, there is no clear timeframe or benchmarks. The primary obstacle to realization in many countries is not a matter of scarcity but of inequitable distribution and lack of political will.²⁰ In addition, despite ongoing calls by the UN CESCR, the responsibility of ‘international assistance and co-operation, especially economic and technical’ is far from adequately fulfilled.²¹ The overseas development assistance of most wealthy countries is less than one percent of their GNP, and many of these resources never directly benefit recipient countries or communities.²² The inability of poorer countries to fulfill ESCR is often compounded by a growing number of bilateral investment treaties and trade agreements signed on unequal terms in hopes of securing investment, market access and aid.

RELATIVE WEAKNESS OF HUMAN RIGHTS MECHANISMS

States have developed binding dispute settlement mechanisms, able to levy significant financial penalties, as demonstrated by the WTO Dispute Settlement Understanding and the World Bank-affiliated International Center for the Settlement of Investment-Related Disputes. While some environmental and human rights groups have made attempts to engage with these bodies, particularly via the submission of amicus briefs, human rights treaties are certainly not accorded primacy or even seriously considered in the majority of closed-door judgments. Unfortunately, States have not had the political will to create similarly effective mechanisms for the defense of human rights. The UN CESCR is able to periodically receive reports, monitor the progress of States, and make recommendations related

20 Amid the prosperity of the USA, core human rights obligations remain unfulfilled with people dying due to lack of healthcare for 46 million uninsured persons; many working poor living in homeless shelters due to inadequate wages; and over 40,000 residents in the city of Detroit denied access to water by the state following the privatization of the water system.

21 UN CESCR (2000), *op cit*, Article 45.

22 Aid figures often include writing off bad debts given to controversial projects by export credit agencies, and aid is commonly tied to purchasing goods and services from the donor country or linked to paying salaries of professional development workers





to the ICESCR, and there is progress in developing an Optional Protocol that would allow for an individual complaint mechanism. Similarly, the Office of the High Commissioner for Human Rights and various Special Rapporteurs may investigate and report on ongoing violations to the Human Rights Council. Yet the ability to name and shame violators remains the primary tool available to stop violations and guarantee human rights within these spaces. While inter-state diplomacy might also be effective at points, this is greatly undermined by appeals to human rights by powerful countries that are often more feared or detested for their perceived imperialism than revered for their record on human rights and democracy.

However, domestic legal remedies for the violation of ESCR exist in certain countries²³ and regional human rights systems have developed more effective mechanisms for the protection of human rights. In addition to successful cases in the European Court of Justice, NGOs have effectively utilized the collective complaints procedure under the European Social Charter to challenge violations of ESCR.

In one case before the European Committee of Social Rights, the International Commission of Jurists (ICJ) alleged that Portugal was in violation of the European Social Charter for allowing child labor, particularly in unhealthy conditions. In response to recommendations, Portugal amended its Constitution to increase the minimum employment age, strengthen sanctions and inspection visits, and adopt a plan on elimination of exploitative child labor. Both the European Committee and UN Committee on Economic, Social and Cultural Rights then questioned Portugal regarding implementation and effective benchmarks.²⁴ The Inter-American Commission on Human Rights held its first hearing on the impact of free trade agreements on human rights in October 2004, at the initiative of seven Latin American and Canadian NGOs.

FAILURE TO SERIOUSLY QUESTION UNJUST ECONOMIC AND POLITICAL STRUCTURES

This leads to a final weakness of the current human rights system in eliminating poverty, namely a significant danger that the human rights system may fail to seriously question international power structures, imposed economic models, or imperialism in multiple forms. While the human rights framework and related

23 See rulings from the Supreme Court of India, the Constitutional Court of South Africa, etc. at: <www.escr-net.org/EngGeneral/Case_law.asp>.

24 *Ibid.* See also: European Committee of Social Rights (1998). "The International Commission of Jurists v Portugal", Complaint No. 1/1998.





discourse have the potential to politicize development and to mobilize effective movements to challenge ongoing injustice, inequality and poverty, the human rights system is currently built by and primarily dependent on States, which are reluctant to allow checks on their sovereignty. Furthermore, in the current global economy, even powerful countries must remain responsive to corporate and financial interests, which are regularly consulted in the development of economic policies, as States and regions within States compete for business and investment.

However, many human rights organizations, as well as a number of development organizations, have responded with grassroots education, empowering communities and grassroots organizations to claim their human rights and to understand and challenge unjust economic policies. Other groups have created their own media to counter messages of corporate-controlled media and actively educated and organized through the internet. For example, Human Rights Tech trained members of the Coalition of Immokalee Workers in website design and maintenance, as well as the human rights framework, while working with them to develop an internet organizing strategy that led to a successful nationwide boycott of Taco Bell, a US fast food chain that was complicit in human rights violations yet is now ensuring a living wage for farm workers.

Conclusion

This paper ideally reinforces the belief that poverty, a violation of human rights, can be eliminated. Reflecting honestly on the weaknesses of the current human rights system in the face of powerful economic and political interests while celebrating the overall strengths of the human rights framework, it hopefully becomes possible to strategically redouble our collective efforts in the struggle to eliminate poverty and create an equitable world in which all persons, as members of engaged and empowered communities, fully enjoy their human rights. ■



Poverty and human rights

REVERSING THE TREND FROM TOP-DOWN TO BOTTOM-UP APPROACHES

Aye Aye Win¹

• DIGNITY INTERNATIONAL

Poverty is a multi-dimensional concept and constitutes a multiple violation of human rights. Causes of poverty are deep-rooted, multi-layered and involve different actors. As such, any attempt to tackle poverty requires a multi-track approach involving these actors and intervening at different levels starting from the family unit all the way to the international level. Project-based intervention may succeed to bring about limited poverty reduction but full eradication of poverty will require a comprehensive moral, legal and a political framework. Human rights provide such a framework. However it must be remembered that the critical area of intervention in this multi-layered, multiple-actor, and hence multi-track approach is at the level of the affected communities – the people experiencing poverty themselves – working with them, building their capacity and their leadership to know and claim their human rights.

As a starting point, when engaging in an analysis of poverty, it is important to recognise that no one knows better about poverty than those living in poverty.

At a recent learning programme entitled “Get Up Stand Up for your Human Rights” Hakijamii, the Nairobi-based Centre for Social and Economic Rights and Dignity International brought together 30 community leaders from the poorest people’s settlements of Nairobi. At the programme participants outlined the daily reality they face in the settlements. There people are living with no proper housing – very often in shacks quickly put together with rusty corrugated iron. The shacks and the settlements are grossly overcrowded with many persons squeezed in a tiny space. Even in these shacks – which can hardly be called housing – people live under constant threat of eviction. Drainage and sanitation facilities are almost non-existent. Due to lack of sanitation facilities “flying toilets” – or defecation in a polythene bag – has become common. This is also closely related to the issue of security in the settlements where in the dark hours, to

1 Co-founder / Executive Director.



avoid being attacked, women in particular have no choice but to use the bags rather than to risk their security by walking the long distance to use the public facilities.

Garbage collection is a big problem. This service is reserved for richer areas than people settlements which in any case are not recognised by the authorities. Garbage is generated but with no collection, the heap grows and the environment degenerates exposing the already vulnerable people to even more diseases.

As for water, there is a ridiculous situation of people living in the settlements having to pay more for their water than those in the richer neighbourhoods. The quality of the water in the settlements is sub-standard and sometimes contaminated resulting from burst pipes that have been hazardously placed in the muddy alley-ways of the settlements.

The HIV/AIDS epidemic is another phenomenon. There is a rapid spread of the virus and many babies being born with it. In more developed countries or for the more privileged, even when parents have HIV/AIDS, the risk of infection in the child can be significantly reduced though treatment upon birth. Such medications are a rarity for those in the settlements, as is the case with access to and administration of essential life-saving drugs. Child-headed households are also becoming a common place and it is shocking to see the number of orphans and children living with the virus.

In spite of the Government's commitment to primary education for all, access to proper education for the poorest still remains a challenge. In view of the failure of the State to provide educational facilities in the settlements, many NGOs have stepped in with community schools to bridge the gap. However school drop out rates are high as are rates of child labour.

Young people grow up in a context without opportunities for employment and livelihood and thus increasing the risk towards drug abuse and crime. Rape, prostitution, and child abuse are common.

Indeed, there is international development assistance that comes in different forms. Some of that is delivered in the form of few sanitation facilities or water points. However the funds that are intended for the poor through a variety of devolved funds tend not to reach the intended destination. Corruption, mismanagement of state and local resources and abuse of authority are rife.

From this reality picture, it is possible to identify a wide range of actors affecting the situation – the Government at its various branches ranging from the office of the President to the ministries, local authorities, members of Parliament, the





village chief, local police and law enforcement authorities, private companies, individuals including landlords, international actors including the World Bank and donor governments, NGOs, community-based organizations, and community members themselves.

With the use of a string it is possible to connect the issues that have been identified to the actors, as well as the links that exist among the issues and the actors. What a picture! Multiple dimensions of poverty, multiple actors affecting the poverty situation, and multiple levels from the household at least to the Government – the web of reality is clear for all to see.

What then is the link between all these different aspects of poverty and human rights?

Just take a look at the principal international human rights instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child – all outlining how every human being – without exception – has the right to live in dignity. The contents of these documents are beautiful and visionary. It is all the more amazing to know that our governments – even the ones we criticise – have signed and agreed to be legally bound by them. If even “some” of what has been enshrined in these documents were to become a reality, poverty certainly would be history. Moreover – what a wonderful world it would be!

However it is well known that human rights instruments are full of legal jargon, a fact that has alienated many from human rights. If no significant efforts are made to make human rights really the property of the people then it risks becoming a dead body of international law. For it to become the property of the people, the focus of human rights work should be with the poorest people, starting from their reality and then using human rights to advance the cause of humanity.

Relating back to our situation with the community leaders in Nairobi, these leaders, having outlined their own reality, took a good look at the simplified versions of the various international human rights documents and what these documents contained. The community leaders then took the next steps of relating their own reality with human rights.

Let us take as an example one reality that they have identified and how that relates to human rights. Participants outlined the reality of HIV/AIDS, lack of





medication and lack of clinics as a problem in their context. They then took the step of identifying that reality with the human right to “health and a healthy environment”. From then on they went further to identify and outline the contents of that specific human right that can be found in the Universal Declaration of Human Rights (article 25) which states that everyone has a right to a standard of living adequate for health and wellbeing, including food, clothing, housing, medical care and necessary social services. The same right can also be found in article 11 of the International Covenant on Economic, Social and Cultural Rights which states that everyone has the right to an adequate standard of living for himself and his family including social insurance, as well as in article 12 which states that everyone has the right to enjoyment of the highest attainable standard of physical and mental health. In article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, community leaders saw that women have the right to medical treatment in the same way as men and that in article 24 of the Convention on the Rights of the Child, a child has the right to the highest standard of health and medical care.

At a basic level, if people are not enjoying the highest attainable standard of physical and mental health enshrined in these documents as is the case in these settlements, then the human right to health and a healthy environment is being violated.

Another example is the reality that people in the settlements live in constant threat of eviction, in a situation where there is no security or tenure and poor quality housing, which is a manifest violation of their right to adequate housing. In the case of forced eviction where considerable violence and police brutality is involved, the link with violation of their civil and political rights is also there.

There is also a link between the realities of youth idleness, lack of employment opportunities and the violation of their human right to work. Lack of access to basic primary education and educational facilities is linked with the violation of the right to education.

The international human rights documents provide a framework of rules upon which a multi-track approach to eradicate poverty at the global, national, community and family levels can be constructed. A human rights framework gives the essential elements of anti-poverty strategies (non-discrimination, equality, participation and accountability) the attention they deserve. The human rights framework has the “potential” to deal with not only legal justice – the primary preoccupation of human rights NGOs – but also economic, social and cultural justice which is central to development work.





The people's demand for a life in dignity is then no longer a demand for charity but a demand for a basic human right, a right that governments have recognised, agreed to be legally bound by, and to progressively realise. Although a wide range of actors may be involved in the realisation of that human right, the State remains the guarantor of human rights. The State has primary obligations to protect, respect and progressively fulfil these rights.

Human rights move us away from the traditional subservient charity approach where people are seen as recipients of charity to a human rights situation where people are recognised as bearers of human rights whose basic rights have been violated. This recognition moves the poorest in our communities from a position of vulnerability to a position of strength, and therefore from a position of powerlessness to a position where they are empowered.

No one has more of an interest in ending poverty than the poor themselves. Human rights give the best framework to eradicate poverty and bring about lasting social change. Instead of risking this existing framework to become a dead body of international law, our priority task must be to work at the level where it matters most – to foster understanding, ownership and leadership for human rights to those living in the frontline of the human rights struggle. The journey is only beginning, with the people themselves getting up and standing up for their human rights. It is only through the direct involvement of the people in planning, designing and implementing laws and policies that we can truly talk about a human rights society. Any other approach that merely treats people as objects is clearly untenable.

The “Get Up Stand Up for your Human Rights” project that is starting in Nairobi is only one example. It is hoped that there will be many more “get up stand up” projects all over the world to ensure that the communities and their leaders will begin to internalise and sustain the culture of human rights. It is with the poorest communities, our front liners in the struggle for human rights, that lies the future of human rights. ■



Mega “development” projects: the way to reduce or increase poverty?

María Lorena Zárate / María Silvia Emanuelli¹

• HIC- LATIN AMERICA (MEXICO)

Habitat International Coalition (HIC) is a global network of more than 450 organizations in 80 countries that has been working for 30 years for the recognition, defence and full realization of the right of all women and men to a secure place to live in peace and dignity. This includes land, housing and urban rights but in a broader sense the realization of all human rights (civil, political, economic, social and cultural), in other words, the full realization of life. We use the approach, as a tool of human rights but from a specifically territorial perspective.

As with health, education and food, etc., we regard housing as a universal and inalienable human right rather than a mere commodity to be provided by the market (exclusively to those who can pay for it).

We mostly work with organized groups rather than isolated individuals. In Latin America we have more than 100 members in 19 countries: social, neighbourhood, community and women’s organizations and movements, NGOs, qualified technical consultants, human rights activists, in fact, a diversity of stakeholders carrying out a variety of activities (local, regional and international), based on what we have, know and can do together.

Combating poverty or exterminating the poor?

It is clear that poverty is, by definition, a violation of human rights, a violation of the right of all women and men to a decent life. Conversely we could say that the violation of human rights, their denial, is a fundamental cause of thousands of millions of people living in undignified conditions in different “degrees” of poverty.

1 This paper has been prepared especially for this publication and is based on a speech given by María Lorena Zárate during the “Poverty and Economic, Social and Cultural Rights” workshop at the 6th World Social Forum, Caracas (January 2006) and other materials already published by HIC-AL, particularly, Emanuelli, María Silvia (2005) *Hacia el V Foro Social Mundial. El Plan Pueblo Panamá desde la Perspectiva de los Derechos Económicos, Sociales y Culturales*. Mexico, HIC-AL. <www.hic-al.org>





It is not just a question of the lack of measures taken to reduce poverty. Particularly, we must highlight the negative impact of policies and programmes implemented with a great deal of money from multinational institutions, that in the name of “development” (the development, through privatization, of transnational economic and financial interests of course) not only fail to reduce poverty but in most countries, including ones of the North, increase it dramatically.

In recent decades the role of the State has been reduced to applying a few macroeconomic formulas that channel most public funds to the promotion of private business (not even domestically owned any more). Only some crumbs go to social programmes that tend to be paternalistic and inclined to patronage (which nevertheless even win international prizes), while drastically cutting social expenditure (on housing, education, health, transport, water, sewerage, electricity, etc.) and denying existing rights.

What we are seeing today is not the “combating of poverty” but the combating of the poor. According to Miloon Kothari,² the current United Nations Special Rapporteur on Adequate Housing, it is possible to ascertain in several corners of the world the existence of deliberate measures to eliminate the poor, which, due to their extent and brutality, could be characterized as extermination policies. It is well known that in recent months more than a million people have been evicted or displaced from their homes in Abuja (Nigeria), Mumbai (India) and Harare (Zimbabwe). In addition tens of thousands of people displaced by the tsunami disaster in Southeast Asia and hurricane Katrina in New Orleans have been completely ignored in the reconstruction plans (that again represent an excellent opportunity for business over the coming decades). In Latin America there are equally grave cases, though on a smaller scale, in Argentina, Brazil, Peru and the Dominican Republic, amongst other countries. Unfortunately there are many examples worldwide and the number is increasing. These policies for “combating poverty” seem to be gaining particular strength in the context of the Millennium Goals.³ The policies dealing with the poor who live in precarious settlements are

2 Miloon Kothari is an architect. As Special Rapporteur, amongst his principal tasks are to develop a regular dialogue and to discuss possible areas of collaboration with Governments, specialized agencies and United Nations bodies, international organizations in the field of housing rights such as the United Nations Centre for Human Settlements (UNCHS/Habitat), non-governmental organizations and international financial institutions, and to make recommendations on the realization of the rights (and the corresponding State obligations) relevant to the mandate and to present an annual report on his activities. For more details of the Special Rapporteur’s mandate, his reports and recent activities see: <www.ohchr.org/english/issues/housing/index.htm>.

3 In September 2000, 189 world leaders gathered in the UN General Assembly and signed the Millennium Declaration making a commitment “to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty” before 2015. To this end eight Millennium Development Goals (MDGs) were agreed including 18 targets and 48 indicators to periodically measure progress (or setbacks).





an example of this. Slum dwellers are evicted overnight, their houses and their lives are destroyed, and not many people seem to worry about their fate, or ask where they go to and how they are going to live.

The problem, although with different nuances, is similar in the entire world. As long ago as 1989 HIC launched its World Campaign for the Right to Housing, to analyze and denounce the negative consequences on human rights of regional “development” plans and mega-projects as well as urban gentrification projects promoted by governments, private initiatives, multilateral bodies and other agencies. It became clear during the course of this work that local populations, particularly rural and indigenous ones, are not consulted or informed about such projects and are very frequently the victims of evictions and forced displacements – carried out without an equitable compensation or restitution – that strip them of their resources and their way of life, in most cases resulting in greater poverty.

This also constitutes a flagrant violation of several human rights instruments and directives formulated and agreed upon by international bodies over many years.⁴

In the absence of resettlement policies and more general public policies providing access to productive rural land, urban land and housing in the cities (both home ownership and rented), displaced people and the poor in general have no alternative but to “invade” land and buildings, for which they are subsequently criminalized.

The Puebla-Panama Plan and its impact on ESCR

As it involved all the above issues our attention was caught by the official launching of the Puebla-Panama Plan (PPP)⁵ in June 2001, and we began working on a regional project with several objectives.

We are referring here specifically to MDG7 (Ensure environmental sustainability) and its Targets 10 (Halve, by 2005, the proportion of people without sustainable access to safe drinking water and basic sanitation) and 11 (By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers). To see the complete Declaration, the MDGs and other related documents and reports consult: <www.un.org/millennium/goals/>.

- 4 Other documents that can be consulted are: the UN Committee on ESCR General Comment N° 7 (1997); the earlier Directives formulated by a group of experts at the request of the UN (1997); the World Bank guidelines for “involuntary relocation” in projects that it promotes and finances; and finally, the “Basic principles and guidelines on development-based evictions and displacement” included in an Appendix to the Special Rapporteur on Adequate Housing’s Report presented during the 62nd session of the UN Commission on Human Rights (Geneva, March 2006). These and other documents are available at <www.hic-al.org/doconu.html>.
- 5 The PPP is a large-scale plan for the Mesoamerican region, including Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. It is presented as a “development” and integration project, re-launching old initiatives and introducing new ones.





Firstly, we began gathering together some of the many criticisms and concerns provoked by PPP and analyzed them from a perspective of human rights, or more precisely economic, social and cultural rights (ESCR), with particular emphasis on possible violations of land and housing rights.

Secondly, we proposed working within the framework of ESCR as a fruitful option for implementing new forms of social action – together with purely political action and as an important element of that. Finally, both the theoretical analysis and the implementation experiences can be adapted to, and find similarities with, the realities in other countries and regions of the world where large undertakings and projects with similar characteristics are taking place.

PPP aims to integrate the Meso-American region with the international market through the creation of an economic growth model geared to the external market. It comprises a group of projects aimed at articulating the development of highways, airports and telecommunications infrastructure and the regulation of the region's natural resources.

Initiated without prior consultation with the population, PPP related projects constitute a serious and concrete violation of land and housing rights for a significant number of people in various areas of the region. The construction of dams, oil pipelines, highways and the necessary infrastructure for tourist development have involved, and will continue to involve, the expropriation of lands owned by rural and indigenous peoples. The consequence is population displacement in the name of a supposed development.

The construction of dams has particularly worrying consequences. More than 45,000 dams in the world have flooded around 400,000 square km of land, displacing more than 50 million people, mostly from rural and indigenous populations. Many of them were not acknowledged or registered as displaced people and were therefore not resettled or indemnified. The resettled populations were rarely provided with the means to re-establish their livelihood as resettlement programmes usually focus on the physical move and not the economic and social development of those involved.⁶ In such cases the State's violation of the right to land and housing is clear, not to mention the violation of the right to food, health and a healthy environment, among others.

6 World Commission on Dams (2000). "Dams and Development: A New Framework for Decision-Making". Available at: <www.dams.org/report/>. For more information on this subjects see also: Castro Soto, Gustavo Enrique (2003). *Las represas ¿Desarrollo para quién?* Centro de Investigaciones Económicas y Políticas de Acción Comunitaria (CIEPAC), <www.ciepac.org>; and Aguirre, Monti and Switkes, Glenn (2000). *Guardianas de lo Ríos. Guía para activistas*. International Rivers Network.



The report of the World Commission on Dams also draws attention to the situation of zones that will subsequently be flooded, highlighting the reluctance of governments to continue or initiate investment there during the usual significant delay between an initial decision to build the dam and the actual commencement of work.

The particular importance of land rights⁷ as a component of ESCR is clear for indigenous peoples, rural populations and fishing communities for whom the land is mother and life. There is a very close relationship between the land and rights to food, housing and work as well as cultural rights and the very identity of a community. In general, where collective and communal forms of land ownership operate privatization has a particularly negative effect on rural and indigenous women.⁸

In many cases land rights are closely related to housing rights⁹ because in general rural or indigenous people's houses are built on the land that they work or nearby. When their land rights are violated, their right to housing is also violated because resettlement in a different area does not guarantee proximity to a source of work and livelihood. When rural people are forced to move they are forced to abandon their customs, sacred places, diet and way of life.

In addition, every time that the State violates the land rights of rural people it endangers their right to food. In the context of PPP, when the State allows the expansion of single crop cultivation, the manipulation of genetic heritage and the industrialization of agriculture to the detriment of the environment, when it does not regulate the importation of genetically modified products and does not provide information on possible health risks, it is severely endangering its citizens' rights to food, health and a healthy environment.¹⁰

7 Many international and regional agreements and conventions cover land rights and other related rights (particularly the ILO Convention 169).

8 For more details see: Monsalve, Sofia (n.d.) "Comentario sobre las políticas de tierra y desarrollo rural del Banco Mundial". Working paper of the "Global Campaign on Agrarian Reform" of the Food First Information and Action Network (FIAN) and Via Campesina.

9 The right to housing is recognized in article 25 of the Universal Declaration of Human Rights, in article 11 of ICESCR and in other international instruments, as part of the right to an adequate standard of living. In 1991, the Committee on ESCR stated in its General Comment N° 4 on the right to adequate housing that this should be considered as "the right to live somewhere in security, peace and dignity" rather than in only the strict sense of shelter, i.e., a roof over one's head. The essential elements of this right are specified as are the general obligations of States in this matter. Documents available at: <www.hic-al.org/doconu.html>.

10 Since 1996 Via Campesina has introduced the concept of food sovereignty as the right of each people to define its own agricultural policies and, in regard to food, to protect and regulate national agricultural production and the domestic market in order to meet sustainable development goals, to decide to what degree they want to be self sufficient, to prevent their markets being flooded with surplus products from other countries that release them on the international market through the dumping practice, and to give local fishing communities preference in the control of fishing waters usage and rights. <www.viacampesina.org>.





Trade agreements, increasing industrialization and mega-projects have caused serious damage to the environment and a subsequent negative impact on health. For example, in many countries the construction of dams has brought disease due to ecological changes such as the creation of a habitat conducive to the proliferation of insect and other forms of parasitic vectors. In a large number of countries, lake and watercourse contamination has seriously affected the capacity of fishing communities to earn a livelihood through their traditional work. There is conclusive proof of health problems caused by air and water contamination due to effluents discharged from factories. Displacement, including when caused by mega-projects, can also violate the right to health through its negative psychological effects, particularly on women and children.

The officially used concept of “development”, as in the case of PPP infrastructure construction, involves a privatization process that includes the privatization of electric energy generation and the natural resources that it uses, whether water, gas, coal or geothermic deposits. All these privatization processes favour the development of business, market growth and increased profit, and not an improvement in the people’s standard of living. Contrary to what is now being fervently advocated in the name of the Millennium Development Goals, there is more than enough proof from various sources that as the privatization implementation process deepens and accelerates on a global level the human rights of people and communities to housing, water and sanitation are being eroded.

The right to water

International instruments make it very clear that without access to drinking water, the right to housing loses its meaning. The human right to water is defined as “the right that entitles everybody to sufficient safe, acceptable, physically accessible and affordable water for personal and domestic uses”¹¹

From a human rights perspective and based on experiences in various countries we can say that in general terms water privatization has had the following consequences: a) increased tariffs, job losses and in many cases even a deterioration in the quality of service with consequent serious health risks for the population; b) reduced access to basic social services for the poor – many of whom end up paying as much as 20 times more for their water than the rich,¹² a situation that

11 UN Committee on ESCR (2002). General Comment Nº 15. Available at: <www.ohchr.org/english/bodies/cescr/comments.htm>.

12 UN-Habitat and Water Supply and Sanitation Collaborative Council (2002). “WSSCC and UN-Habitat Call for urgent Action to Address Water and Sanitation Crisis”. Press release, 29 January.





compels them to reduce their use of it; c) reduced local responsibility and control, both governmental and civil, over transnational corporations that are left more or less free to operate with impunity.¹³

Our pending tasks

Together with strengthening social stakeholder processes and organizations (capacity-building, coordination, mobilization), for many years HIC has been working at an international level with various UN bodies, particularly on housing rights conceptualization, eviction and forced displacement prevention and on a more precise definition of State obligation in this matter. We know that paperwork is not enough and that rights are not going to become a reality just by being written. But we also know that to be better able to fight for their concrete realization we first have to fight for their recognition (there are still countries in Latin America and the rest of the world that do not even recognize the right to housing in their Constitution).

We have seen, particularly since the World Trade Organization meeting at Seattle in 1999, that many civil society groups have begun to adopt the language and principles of human rights to counteract neo-liberal economic policy. Almost 30 years after the constitution of our Coalition, we now face the great challenge of how to incorporate human rights as both approach and strategy (in terms of policy and tools) in the agenda that organizations and social movements are struggling for.

Our other great challenge as globally organized civil society is to build sufficient strength to be able to demand of our governments, at all levels, that obligations they have taken on through ratified agreements, pacts and declarations on respecting, promoting and guaranteeing human rights (related with self determination, participation, absence of discrimination, an adequate standard of living, food, housing, work, education, as well as specific women's, indigenous peoples' and children's rights) are fulfilled with the same or greater attention that they currently apply to trade agreements and guidelines prescribed by multilateral institutions. By agreement of the nations, human rights instruments constitute international legislation that is binding on our governments (in terms of the State's obligations to its citizens) and should always take precedence over trade agreements that only represent – and there is abundant evidence of this – business for the few and more poverty for the many. ■

13 Kothari, Miloon (2003). "Privatizing Human Rights: the impact of globalization on adequate housing, water and sanitation". In: Social Watch (2003). *2003 Report. The poor and the market*. Montevideo, ITeM.



The challenge of linking poverty to human rights violations

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There is general agreement in the world that poverty itself constitutes a violation of human rights, and because of it millions of people are condemned to lives without human dignity.

In 1993 the United Nations World Conference on Human Rights stated that extreme poverty and social exclusion constitute a violation of human dignity. Then, at the 1995 Copenhagen World Summit on Social Development, the member States committed themselves to designing concrete policies, strategies and actions aimed at eradicating poverty. The Copenhagen Declaration reaffirmed that the right to development, which involves the eradication of poverty, is a basic human right. In addition, the connection between poverty and human rights was made explicit in the United Nations Millennium Declaration in 2000, where 189 countries made commitments to uphold the Universal Declaration of Human Rights and to promote women's rights.

But in spite of these commitments on the part of the international community, reality shows that the majority of humankind is living in poverty and is therefore hindered from acceding to or enjoying the human rights established in the Universal Declaration of Human Rights. These basic rights include the right to housing, an adequate standard of living, education, health protection, work, and to participate in the social, cultural, civil and political life of society.

To monitor the commitments made by nations and to contribute to changing this disgraceful state of affairs it is important that political, social and human rights organizations gear their activities so as to give priority to evaluating countries' responsibilities in terms of meeting poverty eradication targets. This means these organizations will have to identify and reaffirm the need to include indicators of human rights violations in the evaluations they make, with special emphasis on violations of economic, social and cultural rights.

1 Associate member of Provea.





It is vitally important to have indicators to evaluate the extent to which States have fulfilled their domestic and international obligations in the sphere of human rights. As the sociologist and human rights activist Ligia Bolívar so rightly says, “This means not only critically analyzing the indicators that are currently in use, which are generally used to valid ends but are different from those related to human rights, but also identifying or creating indicators that respond to the needs of analysis from the human rights perspective...”²

It is clear that the main limitation “...is the accuracy of the indicators to adequately reflect the extent to which a State fulfils its obligations as regards the right to health because the indicators in this area were not designed with a human rights perspective. This means that specific elements like possible discrimination against certain sectors of the population are not adequately captured. Similarly, some indicators are designed with the aim of making evaluations of the implementation of public policies, so the information they yield is irrelevant or only of marginal utility for the purposes of assessing human rights”.³ This is a problem that affects not only the poverty measurement indicators that are currently available but also indicators to measure human rights in general and economic, social and cultural rights in particular.

Another problem with indicators is that different kinds of human rights violations have to be differentiated. There are (a) violations that result from discrimination in government policies, (b) violations that occur because governments are unable to meet their obligations regarding human rights, and (c) violations that stem from indifference or negligence on the part of governments or government employees. It is necessary to have a clearer definition of State responsibilities and to de-politicize the evaluations made.

Danilo Türk, Special Rapporteur of the Economic and Social Commission, has said that “The indicators can contribute to exposing certain difficulties that efforts to satisfy these rights come up against... they can help in developing the basic content of some of the rights that are less clearly defined... they can be a means for evaluating the progress that is made over time towards applying these standards... and they can yield information about the degree to which certain rights prevail, or do not prevail, within different States.”⁴

2 Bolívar, L. (1998). “La salud como derecho humano. Marco nacional e internacional de protección del derecho humano a la salud”, “Aportes” Series No. 3. Second edition. Provea. Caracas, p. 76.

3 *Ibid.*

4 Türk, D. (1993). *El Nuevo Orden Económico Internacional y la Promoción de los Derechos Humanos*. United Nations, Economic and Social Council. Ed. Comisión Colombiana de Juristas. Santa Fé de Bogotá, p. 153.





Indicators to monitor poverty eradication and the human rights situation have to be used critically so as to avoid or neutralize the deficiencies they present. As the Venezuelan researcher Vícar Morillo said, the use of human rights indicators must "...allow not only a quantitative but also a qualitative analysis of the general performance of nations (legislative recognition, the allocation of the maximum amount of resources available, etc.), and also of specific performance with regard to each right. It is not enough to merely compile statistical data, it is also important to have criteria, principles and assessments of the economic, social and cultural rights situation (and poverty) that can be developed into indicators."⁵ What is needed is not just to develop more suitable indicators and economic, social and cultural rights criteria, principles and estimations, but also to connect these indicators with those that measure poverty.

The Provea Annual Report and the inclusion of human rights indicators

Since 1989 the Venezuelan Education-Action on Human Rights Programme (Provea) has been working on evaluating the human rights situation in Venezuela with a special focus on economic, social and cultural rights. The results of this research are presented in an annual report,⁶ which every year is launched on 10 December, the international Human Rights Day.

Although there has not yet been a systematized evaluation of this research we can still share it and describe how the indicators involved were constructed and used to analyze and evaluate public policies related to human rights, especially as regards economic, social and cultural rights, implemented by the State.

From the very beginning the design, construction and use of these indicators was focused not only on civil and political rights but also on economic, social and cultural rights. For example, the evaluation of the right to life included a description of certain "patterns of conduct" among police officers and the military that are a feature of the circumstances surrounding the deaths of people in the country. These indicators of patterns of conduct include death by execution (when security forces, either in the line of duty or not, shoot a defenceless victim with the intention of causing death); negligence (deaths resulting from lack of care, omission, inexperience or imprudence on the part of security personnel in the exercise of

5 Morillo, V. (2003). *Marco básico del derecho humano a la vivienda adecuada*. Provea. Mimeo. Caracas, p. 49 and 50.

6 The Provea Annual Report includes analyses and evaluation of nine civil and political rights (life, liberty, security of person, freedom of association, access to justice, freedom of expression, asylum, and the rights of detainees and prisoners) and nine economic, social and cultural rights (food, social security, work, health, education, housing, land, the rights of indigenous people, and the right to a clean environment).





their functions); torture, ill-treatment or cruel or degrading punishment (deaths resulting from torture carried out by security personnel during their operations or against persons in their custody); the excessive use of force (deaths caused when security personnel, in situations in which non-harmful methods of control could be used, resort to the excessive use of force); the indiscriminate use of force (deaths caused when the security officer, when confronted with a real or apparent conflict, acts indiscriminately against the population in general and not directly against the person or persons responsible).

Similar indicators were constructed and used to analyze the situation as regards other civil and political rights so that the circumstances surrounding violations of these rights by State agents could be put in context. To make a more in-depth analysis other types of indicators were employed, which focus on the circumstances of exclusion or discrimination that affect the victims of human rights violations. As regards the right to life, this meant constructing indicators that capture the different population groups affected and allow them to be identified by age, sex, socio-economic situation and ethnic origin. This immediately yielded the typical profile of the group that suffers most at the hands of the security forces, namely young poor men.

Regarding freedom of expression, the basic indicators used by Provea are as follows: (a) violations of the obligation to respect free expression (the State bodies responsible are identified in the report); (b) violations of the obligation to provide protection by types of perpetrators (sectors of perpetrators not protected by the State are identified); (c) violations of the right to free expression, by type of perpetrator (six kinds of violations are identified: censorship, threats, actual aggression or attacks, restrictions imposed by courts, restrictions imposed by the law, and administrative restrictions).

In particular, when it comes to assessing economic, social and cultural rights, it is essential and complex to construct and use indicators in the evaluation of public policies. Provea has learned from experience that, while statistics are necessary and indeed extremely useful for evaluating the implementation of public policies, they also tend to conceal information that is essential to be able to analyze the human rights situation because they operate with averages. On this point, the United Nations Special Rapporteur on the right to education, Katarina Tomasevski, said, "Statistical averages camouflage all kinds of shortcomings in areas like gender, ethnic origin, language and social class, and these areas are vitally important from the human rights perspective because these kinds of discrimination are prohibited internationally."⁷

7 Tomasevski, K. (2004). "Indicadores del derecho la educación". Presentation at the 22nd Interdisciplinary Course on Human Rights of the Inter-American Institute of Human Rights. Costa Rica, July 2004.





Provea was conscious of this pitfall and took account of it when analyzing public policies in the economic, social and cultural rights area at a deeper level. When official statistics and data from private sources are evaluated Provea has included indicators that capture violations of economic, social and cultural rights by considering geographical area and also social, ethnic and gender factors. As regards the right to health, for example, it is clear that when evaluating immunization campaigns it is not enough just to know how many people in the country have been immunized; there should also be an analysis of whether immunization was implemented in all the different regions of the country, including rural areas in particular and areas with indigenous and ethnic populations, and whether nomadic groups have been covered.

Similarly, when it comes to evaluating the distribution of resources under budgetary public health allocations, it is not enough just to know how much has been allocated but, equally important, there should be an analysis of what criteria are used in the allocations and how the resources are distributed. For example, one situation that gives cause for concern is that the Venezuelan national public health system is investing in private health services. The central government faces with an ongoing crisis in the public health sector, and is now enjoying a sizeable income from private medical insurance for public sector employees. This has led to inequity between people in formal employment and those in the informal sector.

To analyze other rights, like the right to land, Provea constructed indicators that link satisfaction of this social right to the political rights associated with it. For example, Provea has used an indicator designed to capture the degree to which United Nations standards on evictions are being respected, so as to minimize State violence in the resolution of land ownership conflicts. In addition, since 2000 Provea has been using an indicator to capture the number of peasants or agricultural producers who have been murdered in these kinds of conflicts. Information has been disaggregated and analysed by type of perpetrator (hired killers (“sicarios”) or State agents) as well as the degree of progress made in legal investigations into each reported case.

Since 2000, faced with the need to develop greater analytic capacity, Provea has been involved in a project to set up Basic Theoretical Methodological Frameworks for each of the rights covered in its annual report.⁸ In the justification for this important initiative it is stated that “In order to define and delimit content it is necessary to specify what good is being protected, what the means and guarantees

8 As of 2006, Basic Theoretical Methodological Frameworks had been established for the following human rights: social security, education, housing, shelter, persons deprived of their liberty, life, and personal freedom. These are available at: <www.derechos.org.ve>.





of this legal protection are, and what the State's obligations to the population are... Progress in human rights, which has come about thanks to various social struggles, is widening in scope and there are more guarantees of protection. This means that any manual or set of instructions must be updated continually."⁹

These Basic Theoretical Methodological Frameworks have made it possible to define and systematize the indicators used in the evaluation of each right. For example, there are 33 indicators involved in assessment of the right to social security, including adequate and timely presentation of annual reports to the International Labour Organization, the number of reported cases of gender discrimination that affect access to social security benefits, the number and ease of access to participation instances for beneficiaries of the system, the percentage of women with social security protection, or waiting time for social security benefits.

In the field of education there are 35 indicators including the relation between public expenditure on education and the situation as regards exclusion from education due to discrimination, the number of schools where the mother tongue of ethnic and racial groups is taught in relation to the number of children in these groups in each region, the percentage of population of primary school age who do not go to school, and the number of reported cases of imposed religious teaching, dogma or exclusive non-pluralistic doctrine being taught in State schools.

This project has not yet been completed, but in the near future we will have a systematized body of international and domestic regulations regarding the economic, social and cultural rights. This will enable us to expound publicly on each of the indicators we are using to evaluate the implementation of these rights by the State.

Provea has also submitted alternative reports to the United Nations Committee on Economic, Social and Cultural Rights¹⁰ in which the critical use of economic, social and cultural rights indicators, which have been employed regularly in our annual reports, have been extremely useful in countering official reports from the Venezuelan State. This is clear, since the Committee, in its concluding remarks, recommended that the Venezuelan State should "develop a better system of national statistics about the rights laid out in the Covenant", and in particular Venezuela was asked to "provide information that includes relevant statistical data about the incidence of violence, the general housing situation, forced evictions and the agrarian reform

9 Provea (2005). "Textos Jurídicos, Teóricos y Otros recursos para la protección y defensa de los DESC". "Aportes" Series, No. 12. Caracas.

10 In May 2001, Provea submitted two reports: the "Alternative report to the second report submitted by the Venezuelan State to the United Nations Committee on Economic, Social and Cultural Rights" and the "Alternative report about the right to adequate food in Venezuela".





situation in Venezuela. The Committee also recommends that the State should provide information about the measures taken in this respect.”¹¹ This recommendation is an important contribution to the work human rights organizations do in monitoring society by using suitable and reliable human rights indicators.

There is no doubt that constructing and using these economic, social and cultural rights indicators will be a long term project fraught with difficulties that human rights activists will have to face. What is important here goes beyond the evaluation or measurement methods used, since the key is to link these data to violations, by action or omission on the part of the State, of the human rights of the population excluded from society because of poverty.

We are convinced that the difficulties can be overcome with social and political measures that build on what our research has laid bare. As long ago as 1990, when the neo-liberal model was at the height of its influence, Provea warned that “The structural adjustment programmes that the Venezuelan Government is implementing violate, through their effects and consequences, the human rights of the majority of the population...” We were criticized for this at the time not only by the Government but even by some minority sectors in the human rights movement itself, who maintained that this was an irresponsible and not substantiated statement. It now emerges that the human rights indicators used to analyze the consequences of the implementation of those neo-liberal policies were sending a clear signal. Even at the time there was an unmistakable increase in violations of the civil and political rights of the population, unemployment was rising, and the number of people living in poverty was also increasing.

Time has proved us right. Today the neo-liberal model, although it is still hanging on, is mortally wounded. We hope that in the future we will see the results of the current movement in Latin America in which defenders of social justice and human rights activists are engaged in the fight against poverty and human rights violations. Poverty means exclusion and a lack of power to claim rights that people legitimately possess, and our task is to put an end to it. ■

11 United Nations (2001). “Final comments of the Committee on Economic, Social and Cultural Rights: Venezuela”. E/C.12.1/Add. 56. 21 May.





Some reflections and questions about the complex intersection of discriminations in poverty

Iliana Pereyra Sarti

• RED DE EDUCACIÓN POPULAR ENTRE MUJERES

We would like to share some reflections with the reader about our ideas, and also about our practical experience not only as a Network for Popular Education among Latin American and Caribbean Women but also as a regional and global coordinator with other women's networks and other social movements.

Our frameworks of reference for human rights and poverty have been enriched by developing gender and citizenship programmes and gender and economics programmes cross-cut with education, and we have also benefited from interaction with a very diverse range of actors on the local, domestic and global scene. The World Social Forum is just one example of this cooperation.

First of all, we believe that the situation of poverty that affects many millions of people in the world today can be seen as a prime example of the non-exercise of human rights in modern society. Human rights are being violated, and this goes beyond economic, social and cultural rights to include sexual and reproductive rights as well.

The reigning model of society – which is capitalist, patriarchal and androcentric – works against the conditions that would allow human potential to develop. There are people who do not have access to the minimum to be able to participate in society, and this is due to the personal and collective interests of others. This is what poverty is.

Second, we wish to focus on the differences that there are within the populations that are living in poverty. The figures clearly show that women are a majority among the people that are excluded from exercising their rights in Latin America and the Caribbean, and of these women the majority are indigenous, of African descent or rural immigrants.



Gender as a social construct conditions opportunities and leads to women and men in society developing unequal capabilities. Identity is also constructed through ethnicity, which has traditionally been discriminatory, and this is the situation that indigenous men and women and those of African descent find themselves in. As a consequence, many women are subjected not only to gender discrimination but also to ethnic discrimination as well.

Therefore, when we talk of the non-exercise of human rights in poverty, from the gender and ethnic perspectives we are also talking about a multiplication of discrimination and not only an added discrimination. This cross-cutting effect has been called the intersection of discriminations.

Now that we have recognized this condition as a violation of human rights, we wish to raise some points for debate:

What does a human rights focus translated into a citizenship focus mean? How are public policies oriented, and what are our actions from civil society with respect to them?

Does this mean a perspective involving a conception of what is lacking? What is lacking in terms of food, housing, work and access to education? Does it mean a perspective that gears policies to compensating for deficiencies?

Or does it mean a perspective that recognizes a specific manifestation of multiplied discrimination?

Or should we be thinking of an agenda that takes account not only of gender and ethnicity but also of residence in a rural location?

It seems to us that it is important to be able to make an agenda that caters to cases that occur where different agendas intersect. ■