UNITED NATIONS

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Draft Guiding Principles on Extreme Poverty and Human Rights: the rights of the poor

A Technical Review [*]

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[*] This technical review was commissioned by OHCHR to an independent consultant, Dr. Margot Salomon of the London School of Economics and Political Science.

Summary

In 2001, the Commission on Human Rights stressed the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty. In response, the Sub-Commission on the Promotion and Protection of Human Rights entrusted an ad hoc group of experts with the task of preparing Draft Guiding Principles on extreme poverty and human rights (DGPs), which were submitted to the Human Rights Council (HRC) at its second session in 2007.[1] As called for in HRC resolution 2/2, the UN Office of the High Commissioner for Human Rights (OHCHR) circulated the DGPs to obtain the views of States, relevant United Nations agencies, intergovernmental organisations, United Nations treaty bodies and special procedures mandate-holders including the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organisations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders. In order to obtain comments from civil society and people living in poverty and extreme poverty, two parallel consultations were undertaken, one by the United Nations Non-Governmental Liaison Service (UN-NGLS), and the other by the International Movement ATD Fourth World. In implementing HRC resolution 7/27, a second round of consultations provided an opportunity to seek further the views of all relevant stakeholders on the DGPs and on the report of the first round. In this context, a consultation among a group of 11 NGOs in Geneva was convened, and a consultation with people living in extreme poverty was organised by the Bahá'í International Community. The consultation process concluded with a seminar held on 27 and 28 January 2009 in Geneva with States, civil society organisations and international experts, including the independent expert on human rights and extreme poverty, and other relevant stakeholders.

A Background Paper on views and comments of States and other relevant stakeholders was prepared in order to inform discussions at the Seminar on Draft Guiding Principles on Extreme Poverty and Human Rights. That paper draws from, and summarises, the submissions by States, relevant United Nations Agencies, intergovernmental organisations, United Nations Treaty Bodies, the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organisations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders collected during the two rounds of consultation from 2007-08.[2] A report of the High Commissioner for Human Rights on the draft guiding principles (A/HRC/11/32) summarising the Background Paper and seminar findings has been submitted to the 11th session of the Human Right Council, with a fuller account of all views and comments provided in

[1] The DGPs are available as an annex to A/HRC/2/2 - A/HRC/Sub.1/58/36 (11 September 2006).
[2] Available at: http://www2.ohchr.org/english/issues/poverty/consultation/

this Technical Review, including the latest submissions. An independent consultant, Dr. Margot Salomon of the London School of Economics and Political Science, was commissioned by OHCHR to draft the Background Paper and Technical Review.[3]

As this Technical Review bears out, there is widespread support for the preparation of Guiding Principles on Extreme Poverty and Human Rights. The Guiding Principles should serve the objectives of fleshing out international human rights law so as to facilitate and inform its meaningful application to persons living in extreme poverty. The Guiding Principles will thus serve a dual function, as both an interpretive as well as practical tool, clearly aiming to offer operational guidance to States and other relevant actors. The Principles will apply in particular to people living in extreme poverty; they will address the full range of relevant principles and rights; and should be drafted in order to be relevant to States and non-state actors alike. It is hoped that they will also serve to empower people living in extreme poverty, through the reaffirmation of their rights and the provision of concrete means and methods aimed at securing their realisation.

As noted in the recent report of the United Nations High Commissioner for Human Rights on the draft guiding principles: "At the end of the seminar, the Government of France made a proposal on the way forward, recommending to the Human Rights Council that it mandate the independent expert on human rights and extreme poverty to carry out a revision of the draft guiding principles. This proposal received the unanimous support of all participants and the independent expert expressed her readiness to undertake such a task, should the Council so decide".[4] Revision of the DGPs would take into consideration the results of the consultations undertaken so far, as well as the conclusions of the seminar and any subsequent consultations.

[3] These papers, which are intended to serve as main reference documents in a future review of the Draft Guiding Principles, do not necessarily reflect the views of OHCHR, the United Nations or the consultant.
[4] A/HRC/11/32, summary at p.2.

INTRODUCTION

1. In his opening remarks at the seminar, Jean-Baptiste Mattei, the Ambassador of France, remarked that this event offered an opportunity to deepen the consideration of the Draft Guiding Principles which would be relevant to the people of poor and rich countries alike,[5] to render them practical, and share views on the way forward. While the seminar would allow for a careful review of the DGPs section by section, he highlighted that it was not meant to be a redrafting exercise. In her introductory remarks, the Deputy High Commissioner for Human Rights Kyung-wha Kang emphasised that the human rights approach challenges the assumption that poverty is natural or inevitable drawing attention to the fact that its existence is a question of policy. Alberto J. Dumont, Ambassador of Argentina and Vice-President of the Human Rights Council, recalled Council resolutions 2/2 and 7/27, which underscore that the application of international human rights law in fighting extreme poverty is a priority for the Council.

2. In her opening remarks, Magdalena Sepúlveda Carmona, the Independent Expert on the question of human rights and extreme poverty, declared that the DGPs lie at the heart of her mandate, and noted that guiding principles in this area could provide much needed information and guidance on the links between human rights and poverty. These guiding principles should assist States, and other actors, to confront the obstacles they face in addressing poverty; should serve to focus public policy on the poorest and to guide policymakers; and as per the recently adopted Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), reaffirm through practice the justiciability of all human rights. Its greatest benefit, she suggested, lies in bringing together in a single document those standards most related to poverty and to interpret and apply them to the specific context of poverty.

I. OVERVIEW OF INPUT AND CONCLUSIONS TO DATE

Consolidated views of all states and other stakeholders from two rounds of consultations[6] and the Seminar on the draft guiding principles on Extreme Poverty and Human Rights: The Rights of the Poor[7]

[5] The Government of Egypt remarked though, that while there is poverty in both North and South, the institutions and economic resources available to industrialised States suggests the phenomenon need be dealt with differently in the South. The Government of Yemen suggested that the Guiding Principles would need to clarify the ways and means States at various levels of economic development should best address extreme poverty. During the consultation process, the Government of Georgia highlighted potential obstacles to the implementation of certain DGPs in weak or transition economies (Background Paper, para. 161).

[6] See the Background Paper on views and comments of States and other relevant stakeholders and Annex I for the list of respondents. The Background Paper incorporates the consultation summary found in the Report of the UN High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the right of the poor, UN Doc. A/HRC/7/32 (Jan. 2008).

3. In the coverage below, the section "agreement" reflects matters that received support from among a wide range of respondents, as well as seminar participants, with no views to the contrary submitted or tabled. "Issues to consider" highlight matters raised by a number of respondents and thus subsequently tabled at the seminar. The term "respondent" indicates that the views were drawn from the consultation process and can be found in the Background Paper prepared for the seminar. The Background Paper provides full references.

Agreement:

4. The consultation process disclosed unanimity among respondents on the importance of preparing guiding principles on extreme poverty and human rights. A widely held view among respondents was that guiding principles have the potential to strengthen the implementation of existing international human rights law, rendering international human rights law and policy directly relevant to people living in extreme poverty. The collective input derived from the consultations and brought together in the Background Paper reveals a widespread commitment to advancing this project. As noted by the Independent Expert on human rights and extreme poverty, the DGPs are particularly relevant because there is no single document in the human rights law corpus that addresses specifically the rights or needs of persons living in extreme poverty.

5. Applying a human rights analysis to extreme poverty should also help right-holders understand and claim their rights and help duty-bearers perform their obligations within a system of greater accountable to people living in extreme poverty. Their adoption may not only provide international as well as local actors with a useful tool to guide them in the fight against poverty, but can serve to raise awareness among persons living in extreme poverty, and the population at large, as to their rights and entitlements. A number of respondents saw the implementation of Guiding Principles as the birth of a new advocacy tool for the achievement of the Millennium Development Goals (MDGs) and Poverty Reduction Strategy Papers, based on a new common legal framework.[8] It was mentioned that this framework could help harmonise actions and partnerships on the ground and build foundations for efficient multi-stakeholder dialogues.

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[7] Held 27-28 January, 2009, OHCHR. This section also incorporates the seminar coverage provided in the Report of the UN High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the right of the poor, UN Doc. A/C/HRC/11/32 (2009). Also included herein are recent submissions by: the Governments of France, Mexico, Morocco, and Thailand; Comité Supérieur des droits de l'homme et des libertés fondamentales Tunisien; and a joint submission from Paul Hunt, Manfred Nowak, and Siddiq Osmani.

[8] Government of Ireland, Comité Supérieur des droits de l'homme et des libertés fondamentales Tunisien, Joseph Ingram.

6. As the Government of Switzerland, the Independent Expert on human rights and extreme poverty and Professor Wouter Vandenhole remarked during the consultation process, the objective should not be to create new human rights standards, but rather to apply existing human rights norms to the situation of people living in extreme poverty. This position was widely endorsed at the seminar,[9] with the Government of France remarking that the aim of the Guiding Principles is to translate the pertinent rights into concrete recommendations for action by engaged actors in particular states. Cephas Lumina, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights (hereinafter the Independent Expert on effects of foreign debt on human rights), emphasised that Guiding Principles should not seek to modify or replace existing human rights standards particular to the situation of persons living in extreme poverty, but rather "to assist all relevant actors, national and international, in addressing the situation of persons living in extreme poverty".[10]

7. Respondents emphasised the need to ensure that the Guiding Principles be written in a manner that conforms with the agreed language, terms and principles found in international human rights instruments and developed through jurisprudence (e.g. General Comments), a point unanimously endorsed by seminar participants.[11] As noted by a number of respondents, this should also apply to Section 3 of the current DGPs on international cooperation which does not reflect the current understanding in the political realm nor in mainstream human rights scholarship of the notion of international assistance and cooperation and the obligations incumbent on a variety of actors.[12] It was noted that conceptual developments in emerging scholarship on the issue of extraterritorial and transnational obligations do not seem to be reflected in the DGPs. The Independent Expert on the effects of foreign debt on human rights suggested that explicit references to binding international treaty provisions should be included throughout the Guiding Principles.

8. The content of the DGPs would need to reflect far more carefully and comprehensively the range of marginalised groups affected by extreme poverty and could draw on existing research in this

[9] As such, there was agreement to delete the reference to "the rights of the poor" in the current DGP title.
[10] The Government of the United Kingdom of Great Britain and Northern Ireland suggested a reference to the non-binding status of the Guiding Principles.
[11] If current sections are retained, it was agreed that subheadings would be amended essentially as follows: equality and non-discrimination; access to justice, administration of justice and equality before the law; right to adequate food; right to the enjoyment of the highest attainable standard of physical and mental health; right to water and sanitation; right to adequate housing; right to education; right to take part in cultural life; right to work; obligations of international assistance and cooperation; duties of non-state actors.
[12] Respondents Professor Camilo Pérez Bustillo, Wouter Vandenhole and Sarah Zaidi

area.[13] It would also need to focus on the variety of rights, issues and actors necessarily part of any effort to confront extreme poverty today.

Issues to consider:

9. The consultations highlighted the need for further discussion as to the level of detail guiding principles should have and whether they would move beyond serving a normative function to provide operational guidance to States and others. The general view among respondents on this issue was that a balance could be struck between these two largely complementary objectives. Some respondents suggested that to limit Guiding Principles on Extreme Poverty and Human Rights to a visionary rather than a technical document would be to undermine their potential in advancing the human rights of people living in extreme poverty.

10. This central issue was considered at the seminar with the agreement reached on the importance of having a document that is also operational and can serve as guidance to States, as well as other actors. As remarked by the Government of Canada, the Principles should draw on legal instruments as relevant and be a practical tool for a right-based approach to addressing extreme poverty. Anand Grover, the Special Rapporteur on the right to health sees the Guiding Principles as fleshing out the normative contribution in this area, along with typologies of best practice. Dr. Arne Tostensen and Wouter Vandenhole both highlighted that an added value of Guiding Principles would come from pointing out where international human rights law and policy fall short in addressing extreme poverty. The latter respondent remarked that there is a clear need for translating existing human rights standards so that they apply to specific target groups, in particular those living in extreme poverty, all the more so given the lived experiences of poor people that human rights are failing them all too often. In order to best achieve this objective, he suggested that a clear analytical account of how and when human rights are deficient in addressing extreme poverty be provided for in the Guiding Principles. This could allow for a more focused and operationally relevant document.

11. The Government of France highlighted the importance of having the Guiding Principles serve a number of operational functions and actors: for States they should guide the design, implementation and evaluation of policies and programmes directed at people living in extreme poverty; they should

[13] See the Background Paper, including at paras. 214-222 (Section 3: Issues not covered in the current DGPs - marginalised and excluded groups). To these ends, a statement delivered at the seminar on behalf of the Independent Expert on minority issues highlighted that: "the mandate of the Independent Expert has conducted dedicated research on minorities and poverty-reduction strategies presented to the Human Rights Council in March 2007. She has received information from and consulted with a wide variety of expert sources, including States, development agencies, international financial institutions, United Nations agencies, and minorities themselves. She commissioned a survey and review of 50 MDG Country Reports and selected PRSPs which revealed lack of attention to the situation of minorities within such reports".

inform the work of civil society and be useful to them as a lobbying instrument; and for persons living in extreme poverty the Guiding Principles should facilitate the claiming of their rights. Joseph K. Ingram, the former World Bank Special Representative to the UN and the WTO and Expert Member of the Task Force on the Right to Development remarked that the Guiding Principles could be helpful in drawing the attention of donor institutions to the fact that a number of specific economic and social services are also human rights, embodied in treaties which States have signed and/or ratified.[14]

12. In that extreme poverty is both a personal experience of individuals or groups, but also integrally linked to the global environment, a number of respondents highlighted the need for the Guiding Principles to ensure that an analytical distinction is made between extreme poverty as an individual or collective *lived experience* on the one hand, and as a *structural phenomenon* of the global political economy on the other hand.[15] As noted by a number of respondents, the Guiding Principles will also have an important contribution to make in addressing the human rights responsibilities of companies and international organisations as applied in the context of extreme poverty. Those views are provided below in the coverage on international assistance and cooperation and on duties of non-state actors.

13. While there was no consensus among respondents on whether the Guiding Principles should apply only to people living in *extreme* poverty, the majority seemed to have favoured this delineation, with some suggesting a need to include a definition of extreme poverty.[16] The collective view among seminar participants was also to have the Guiding Principles address the rights of people living in extreme poverty, rather than the rights of those living in poverty more generally, with the inclusion of a working definition something to consider seriously in any redrafting exercise. The Independent Expert on the effects of foreign debt on human rights suggested that a definition of extreme poverty could serve, not only to specify the document's scope of application, but might help to avert problems of interpretation in future.[17] While the concept of poverty was defined in the DGPs, although perhaps

[14] He explained that many donors and their operational staff tend to equate human rights with only civil and political rights, neglecting to reflect on how they might exploit the often obligatory nature of economic and social rights (a characteristic which conventional development tools don't possess) in the fight against extreme poverty.

[15] Wouter Vandenhole, Arne Tostensen and Camilo Pérez Bustillo. ATD Fourth World raised the concern that a focus on the structural dimension would render the Guiding Principles less directly operational, although they support the maintenance of sections on international cooperation as well as on non-state actors.

[16] The Background Report, paras. 35-39 provides the various views as to whether a definition is felt necessary, and if so the elements that might be included. The Comité superieur des droits de l'homme et des libertés fondamentales Tunisien subsequently suggested factors that might supplement the existing definition at paragraph 1 of the DGPs in addition to the deprivation of resources and power, notably, not being able to respond to essential needs, deprivation of human development and social exclusion.

[17] Peter Towsnend remarked: We happen to have two measures which separate North and South (i.e. the measure of a dollar a day and the measure of 50-60% median household income that is prevalent in Europe). To bring them together we have the UDHR which, together with demographic health surveys and the UNICEF survey, allows us to declare what percentage of the population is deprived of food, water, sanitation,

incompletely, it was pointed out by a number of respondents that the concepts of extreme poverty, basic poverty, as well as social exclusion referred to in the current DGPs were not defined, and that these omissions needed to be addressed if the terms are retained.

II. CENTRAL CONSIDERATIONS FOR A REDRAFTING EXERCISE

14. The DGP text would benefit from harmonisation as to the use of terms. This applies in particular to the variety of terms used to refer to the subject of the DGPs i.e. persons living in extreme poverty.[18] The seminar participants took no final position on the matter with the terms "persons" and "people" being used interchangeably until a decision is taken during the redrafting exercise.

15. The DGPs need to be carefully reviewed to identify all inconsistencies with existing human rights standards. They should be rephrased so as to tie into the authoritative interpretation already given to each human right. Both the wording and content given to human rights in the context of extreme poverty should echo authoritative interpretations and refer to them explicitly. The Guiding Principles must not undermine existing legal norms by introducing restrictions, limitations or distinctions that are incompatible with existing international standards. While the Guiding Principles should not merely reiterate existing standards, care should be taken to ensure that they don't

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housing/shelter and information in all countries. This provides a multiple succession of measures or indices to establish the extent of multiple deprivations and therefore justify the emphasis on extreme poverty.
He suggested that we need to move towards an international measure or definition of poverty and the international human rights framework offers the means to do so. The World Bank definition adopts two elements of poverty (i.e. the cost of meeting a subsistence minimum and the participation in society). He explained that the latter has not been investigated sufficiently by international organisations until recently by UNICEF that has developed a measure of multiple deprivation which can be correlated with income or resources – showing that the dollar a day definition was underestimating the extent of severe multiple deprivation in the world.
ATD Fourth World drew attention to the Despouy report on poverty and its focus on "precariousness", emphasising the importance of understanding the dynamic links between poverty and extreme poverty. E/CN.4/Sub.2/1996/13, Annex III.
Joseph Ingram suggested that the distinction should be made between the extreme poor and the poor noting that the MDGs do not necessarily deal with the extreme poor – they deal with an average target (which will leave 50% of the poor still poor by 2015). The MDGs also do not deal with the margins. An instrument that focuses on helping the extreme poor is therefore required.
The Government of Peru suggested that the definition should be flexible enough to allow for the inclusion of circumstantial, temporary, transitory, or seasonal poverty in the same way that we consider the specific plight of women, children, the elderly, the sick, indigenous peoples and other vulnerable populations.

[18] The Independent Expert on human rights and extreme poverty and the 2008 NGO Consultation findings recommend the following amendments: The expression "persons living in extreme poverty" could replace "poorest people" (para. 8), "poor people" (para. 23), "persons living in hardship" (para. 25), "highly underprivileged individuals" (para. 25), "poor people living in areas of extreme poverty" (para. 26), "all who live in extreme poverty" (para. 32). The Government of Mexico recommended the use of the term "persons in situations of poverty". One NGO suggested substituting the notion of "the poor" (or comparable language) with that of poor men and women, to emphasize the diversity of people living in poverty.

inadvertently set out a lower standard than is established elsewhere,[19] or restrict unnecessarily the policy space of national governments.

16. Greater care is required when clarifying States' obligations. Provisions in the DGPs currently employ a variety of terms quite arbitrarily: "Governments have a duty" (para.17), "the State must" (para.18), "States will" (para.19), "the State is duty-bound" (paras. 20; 21; 29), "the State is under the obligation" (para. 26). It was noted that the text should be carefully drafted to indicate where different levels of obligations are intended which will serve to avoid subsequent problems of interpretation, though the Government of Brazil recommended maintaining "action-oriented" language. Respondents also recommended that greater rigour be applied to the language used when referring to the duties of non-state actors and of "the international community".

17. While recommendations related to gender are included below in the coverage of particular rights, each right addressed in the Guiding Principles could be formulated in a gender-sensitive manner. Civil society organisations from the South highlighted that the Guiding Principles should also be drafted in a manner that is sensitive to contextual features, such as, problems and effects of corruption, conflict and its impact on discrimination, socio-cultural values and demoralisation and lack of confidence of people living in conflict-torn societies.

18. Professors Paul Hunt, Manfred Nowak and Siddiq Osmani drew attention to the OHCHR's *Guidelines and Principles on a Human Rights Approach to Poverty Reduction Strategies* (2006), a thematically related document that they had drafted after considerable consultation. They recommended that the Guidelines and Principles, along with *Human Rights and Poverty Reduction: A Conceptual Framework* (2004), be referred to in the Guiding Principles. Manfred Nowak, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, suggested that there are a number ways in which the Guiding Principles could benefit from the work that has come before, for example on the issue of the identification of the poor, accountability and monitoring, as well as with regard to the development of any indicators. The latter point was emphasised by the Special Rapporteur on the right to health who proposed that indicators be included in the Guiding Principles as a mandatory requirement for use by States in order better to monitor and determine accountability. A similar observation was made by Zdzislaw Kedzia, Member of the Committee on Economic, Social and Cultural Rights, when he suggested that the Guiding Principles should benefit from the human rights analysis related to the implementation of the MDGs. The importance of

[19] The Independent Expert on the effects of foreign debt and human rights recommended a section on interpretation along the lines of the following: "The Guiding Principles are not to be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights law, or with rights consistent with such laws as are recognized under national law".

collecting and analysing poverty data that shows household composition by age, sex, disability and socio-economic status was also raised.

19. Joseph Ingram recommended incorporating into the Guiding Principles the requirement that country economic and sector analyses, conducted by the government and/or donor institutions (e.g. the international financial institutions), explicitly identify the poorest and the most marginalised, and that national development or poverty reduction strategies and programmes address the needs of the poorest as a priority, with an appropriate level of budget resources allocated over time ("progressive realisation"). Gay McDougall, the Independent Expert on minority issues, highlighted in this regard that that conventional poverty analysis often misses trends for minorities because the focus is on individual or household levels rather than groups, and on material measurements of poverty rather than the social dimensions. She also drew attention to the implications of living in remote regions, lower levels of human development, and psychosocial barriers (e.g., language barriers, low self-esteem) and its affects on the "chronic" poverty faced by many minorities, which is often structurally and causally distinct from poverty experienced by other groups. This demands recognition and considered responses which take into account the structures and causes that are unique or prominent in minorities' experiences.

20. It was noted that Guiding Principles in this area constitute a unique opportunity to recognise unequivocally poverty as a ground of **discrimination**, thereby enriching the international law *acquis* in this area. Drawing on the relevant conventions, the Independent Expert on human rights and extreme poverty proposed the following working definition:[20]

> *Discrimination of persons living in extreme poverty shall mean any distinction, exclusion, restriction, or preference based on individual's sustained or chronic deprivation of and lack of access to, resources, capabilities, choices, security and power, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of all human rights and fundamental freedoms in the political, economic, social, cultural or any other field. It can be combined with other forms of discrimination, including on grounds of race and colour,*

[20] See the Background Paper, para. 42, and paras. 69-79 for the range of recommendations and inclusions on any coverage of discrimination, e.g.: multiple discrimination, direct and indirect discrimination, and affirmative action. Paul Hunt, Manfred Nowak and Siddiq Osmani highlighted the importance of having the Guiding Principles recognise the duty of States to put in place special measures to help those living in poverty enjoy the right to education, health etc. Special measures should not be confined to protection against violations as per DGP paragraph 19, but should encompass special measures to enable those living in poverty to enjoy human rights.
The Special Rapporteur on the right to health noted that under ICESCR there is no explicit ground for making poverty a basis for discrimination; it is covered under the notion of "other status". Making poverty a ground for discrimination would thus require explicit reference in the Guiding Principles (and also requires that poverty is clearly defined). The notion of people perceived to be poor should also be accommodated, he suggested.

age and gender, religion, political or other opinion, national or social origin, property, birth, nationality and residential status, disability, physical appearance or any other consideration stemming from extreme poverty or causing de jure or de facto stigmatisation and discrimination.

21. James Anaya, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, remarked that the interests of indigenous peoples as distinct *groups*, and not just the interests of the individual persons living in poverty, should be taken into account, as prescribed by the UN Declaration on the Rights of Indigenous Peoples at Article 23. As is clear from the views assembled in the Background Paper, there are a number of affected groups generally that would need to be considered in these Guiding Principles.[21] However, the text should avoid approaching the inclusion of the various groups in a manner that provokes controversy (e.g. by seeking to identify *prima facie* those worst affected), or divides the non-discrimination *acquis* arbitrarily. Several seminar participants also sought to highlight that non-discrimination is a legal concept, whereas stigmatisation (as currently provided for in the DGPs) is a social construct and that the two should not be conflated.

22. Joseph Ingram suggested that with respect to addressing discrimination, it should be recommended that Poverty and Social Impact Assessments forming the basis of national development and poverty reduction strategies explicitly identify distinct groups that are part of the extreme poor as a result of discrimination or stigmatisation. This would imply that such assessments, where possible, be systematically conducted *ex-ante* so that the potential winners and losers of a particular programme or reform could be identified ahead of time. It would help ensure that the government and donors "do no harm" to the poorest during the reform process. It was also suggested by Joseph Ingram that perhaps donors should direct resources to the extreme poor, but that would require determining what it would cost to provide economic and social rights to them: the Guiding Principles might recommend that governments establish a notional figure for what it would cost, and where the figures are not available NGOs and academics would get involved.

23. Guiding Principles could stress that the **participation** of persons living in extreme poverty must be understood not only as a means to an end but also as a fundamental human right.[22] In order to

[21] See the Background Paper, paras. 97-98; para.117 prisoners and asylum-seekers; paras. 214-221 foreigners in regular or irregular situations, migrants, widows, people with disabilities, children living in poverty, ethnic-minorities, indigenous peoples, the elderly, "economic refugees", victims of leprosy, displaced persons and victims of armed conflict.

[22] In a testimony delivered at the seminar by Silvia Velasco Quispe a street vendor from Cusco Peru, she emphasised the importance of participation to people living in extreme poverty remarking that: "There are times when people don't understand us and what we live through. Without participation we are forgotten, the authorities don't know if we exist or not. When we participate things can change, even if those changes are small. The DGPs have given us an opportunity to make known our experience. We've felt that we've been heard and this gives us strength to move on". (translation from Spanish intervention).

be effective and meaningful, participation goes hand in hand with the **freedoms of expression, assembly and association**. It also goes together with **access to information**, which States must guarantee. The Government of Finland highlighted that the poorest have the right to be informed and that the corresponding obligations of their governments to implement those rights should be included. Thus, the Guiding Principles could stipulate that governments and donors must ensure that people living in poverty know what their rights are (especially economic and social rights) and that relevant government officials (for example, those in the ministry of finance) are aware of, and understand fully, the human rights obligations of the State.[23] The Special Rapporteur on the right to health suggested that the freedom and financial support necessary to organise is essential to participation if it is to result in having any influence.

24. The Independent Expert on minority issues noted that poverty in this context involves more than just a lack of income or the daily struggle for basic sustenance. Poor minority communities are generally less able to participate effectively in political decision-making (or to access mechanisms of justice when their rights are violated). Many respondents and seminar participants stressed generally that the Guiding Principles should make more explicit references to the participation of specific groups, including indigenous and tribal peoples, minority groups, persons with disabilities, older persons, migrants, and women and girls. The Government of Finland and Care International called for the inclusion of a text along the lines that the ability of the poorest to take part in decisions concerning themselves can be undertaken either directly or via representation by non-governmental organisations.

25. Drawing on the work of the Human Rights Committee, the right to participate in political life should be addressed with operational guidance provided on its implementation for people living in extreme poverty. As regards indigenous peoples, where appropriate, references to "free, prior and informed consent" should be included. This speaks to a wider issue as raised by the Independent Expert on the effects of foreign debt on human rights as well as others at the seminar, that is, the usefulness of having the Guiding Principles elaborate some civil and political rights, such as those noted above, which would facilitate the meaningful participation of persons living in extreme poverty in the formulation and implementation of policies that aim to address their situation. In his testimony delivered at the seminar, Bernand Mourgeon of Lyon, France emphasised that poor people need

[23] Joseph Ingram remarked that the key agencies in advising governments on their poverty reduction programmes are the World Bank and the UNDP and that through their requirement that the poor participate in the formulation and implementation process of poverty reduction strategies they feel they have provided a mechanism for engaging the poor. The problem is that the process puts the onus for knowing and claiming their rights squarely on the poorest people themselves, who are unfortunately in very weak positions to do either. It is therefore necessary that the Guiding Principles stipulate that either the government or the donor involved make it known to the poorest people what their rights are, especially in terms of economic and social rights which normally don't get the same attention publicly as political and civil rights.

training in order to participate, and that decision-makers need to be made aware of this basic fact. Joseph Ingram, highlighted further that to be involved in monitoring or follow up the poor need to know what their rights are, and government officials need to be aware of their human rights obligations – which is not the case with socio-economic rights.[24] During the seminar, ATD Fourth World and CIVICUS reiterated the need to describe the conditions necessary for meaningful participation to avoid token participation or the manipulation of participation. In the consultation on the DGPs undertaken with people living in extreme poverty, respondents emphasised the importance of being afforded recognition by authorities.[25] They stressed that those in positions of responsibility must meet and talk with poor women and men in order to gain their trust and involve them in finding solutions. They highlighted that building genuine relationships takes time since all too often people living in poverty are ignored or exploited.

26. The Government of Thailand highlighted the importance of encouraging community networks in order to empower poor people in terms of management and development. This includes: the promotion of knowledge management and learning processes to increase their potential of becoming a self-reliant and sustainable community; the strengthening of community economic networks such as savings groups; the creation of business organisations based on local wisdom and culture; and the right of poor people to participate in conservation, preservation and the sustainable exploitation of natural resources in their community.

27. In the consultation with people living in extreme poverty on the DGPs, among the rights deemed of particular importance is the "right to possess official citizenship documents".[26] Given the high percentage of undocumented persons throughout the world recognition of the right of persons living in extreme poverty to be registered at birth, entitling them to an identification document or other document constituting evidence of their legal status would be important to include in Guiding Principles. Some NGOs[27] and the World Health Organization (WHO) emphasised the importance of a **right to identity** with the recommendation tabled to add a distinct provision in the Guiding Principles on this right, given the links between access to identification documentation and access to other entitlements including health care, education and employment.[28] Full consideration should be given

[24] The speaker points out that this is an inherent weakness in the PRSP process.
[25] This consultation was organised by the International Movement ATD Fourth World. Its report as submitted provides that the views were solicited of people living in extreme poverty in France, Peru, Poland, Senegal, Switzerland and Thailand.
[26] See generally, UDHR, Art. 15; the International Covenant on Civil and Political Rights, Art. 24; and the Convention on the Rights of the Child, Arts.7 and 8. Emphasis was also placed on the right to food, the right to health, and the right to education so that their children will not have to endure the same hardships that they have experienced.
[27] HelpAge International and Sightsavers International.
[28] CRC, Art. 8.

to addressing the rights of women and children to their own documents, of particular importance in cases of female headed households or abandoned or unaccompanied children.

28. In the consultation with people living in extreme poverty on the DGPs, the participants asked that the "right to live as a family" receive a stronger emphasis in the Guiding Principles.[29] Similarly, the Government of Belgium suggested more detail is given to the right to **respect for family and private life** than is currently the case.[30] It was felt that the feminisation of poverty should be mainstreamed throughout the document, and as Professor Peter Townsend remarked with regard to the issues above, there should be a reference providing that years raising a family be added to years paying towards social security to establish the right of women equally with men to benefits.

29. Far greater consideration would need to be given to the means by which people living in poverty can **access justice** for the vindication of their rights, including the rights of women to have full access to justice. Recommendations include: (1) addressing not only individual judicial recourse but also collective access for trade unions and associations as indispensable to the effective guarantee of the rights of the poorest; (2) that educational and public information programmes on rights and judicial proceedings be made available in the relevant languages, including indigenous or minority languages; (3) a reference that the State shall provide the possibility for people living in extreme poverty to be accompanied by a person of their choice during all legal procedures; (4) that training programmes for judges and others should include intercultural training so that legal officers are well-versed in the customs and ways of life of minorities and indigenous peoples who come before the courts, many of whom are living in extreme poverty;[31] (5) that judges be required to explain in a clear and comprehensible manner any procedures and accusations etc; (6) and, that the Principles include a reference to the provision of free legal assistance including court fees in civil proceedings. The Guiding Principles should also include (7) a provision addressing effective pro-poor justice at the grass-roots level by reforming and improving the existing adjudication process already in place at that level (since the formal justice system tends to be too costly for the poor to afford); and (8) stipulate that traditional/customary legal systems developed and utilised by indigenous peoples and other minority groups should be recognised and respected by the State justice system, along with a focus on the need to ensure that women and men are treated equally before all legal systems whether customary or modern systems of justice.

[29] CRC, Art. 9; ICCPR Arts. 17, 23 and 24.
[30] See, DGP para. 16.
[31] The Special Rapporteur on indigenous people highlighted that this is vital for indigenous peoples, who often make up a disproportionate number of those in the court system, and who also may have different customs and practices as well as different conceptions of dispute resolution from those of the dominant society.

30. The Guiding Principles should not imply that access to justice is limited to citizens. The Government of Belgium proposed an explicit reference to the obligation of the State and the judicial administration to provide the possibility of legal redress, with the collective views of the 2008 NGO Consultation recommending a reference to the possibility of legal redress at the national and international levels for people living in extreme poverty.[32] The Government of Finland, the group of 11 NGOs and others suggested placing further emphasis in the Guiding Principles on the justiciability of economic, social and cultural rights. The Independent Expert on the effects of foreign debt on human rights suggested that just administrative action be included and not exclusively judicial justice.

31. Building on the DGPs, and following on from the agreed recommendation generally that the formulation and content of the Guiding Principles draw from existing standards, central suggestions pertaining to **the right to adequate food** of people living in extreme poverty were: (1) the introduction of regulations designed to ensure the minimum amount of calories required for the functioning of the human body, not least so as not to limit measurements to $1 a day; (2) address the rights of the chronically malnourished; (3) tackle hunger and domestic policies that undermine the exercise of this right by asylum-seekers; (4) address issues of food security for the rural poor as well as the urban poor; (5) address the sexual violence, and discrimination against women and girls who work or live on farms and other gender-specific aspects of the right to food, such as basic needs during pregnancy. [33] (5) There should be comprehensive coverage of land "ownership", including, for example, secure tenure and usufruct rights over land and natural resources.[34] (6) It was recommended that the Guiding Principles address the rights of indigenous peoples to "lands traditionally owned, occupied or otherwise used or acquired"[35] and grazing rights as relevant.[36] (7) Irrespective of the ownership status, the extremely poor should not be evicted from the land of which they are in possession without adequate compensation/alternative arrangements. A number of respondents remarked that while some attention in the current DGPs is devoted to **land rights**, particularly in the sub-section on the right to food, there is a need to dedicate a separate section in the Guiding Principles to this issue, in particular as regards the rights of indigenous peoples but also with regard to women.[37]

[32] The Government of Switzerland suggested that the report of the Commission for Legal Empowerment of the Poor, which dealt with access to justice for the poor, would be a useful resource during any redrafting exercise.
[33] The South African Human Rights Commission pointed out that women and girls who work or live on farms are acutely vulnerable to violence, including sexual violence.
[34] But cf. para.38 on reconciling rights over natural resources and climate change imperatives.
[35] The UN Declaration on the Rights of Indigenous Peoples states at Article 26(1): "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied otherwise used or acquired."
[36] Measures to ensure the rights of particular groups to an adequate standard of living, including adequate food might include the protection of fishing zones, securing the particular land rights of semi-nomadic and nomadic peoples; and, hunting rights of groups that survive on the resource.
[37] The representative of the Secretariat of the Pacific Community noted: "The disproportionate suffering by women of extreme poverty is often directly linked to their exclusion from ownership, control and access to land and other productive resources and discriminatory practices relating to credit and other facilities to support land acquisition, management and productive use. All efforts to eliminate extreme poverty should seek to identify

32. It was suggested that the Guiding Principles should deal with the relationship between the exercise of the right to adequate food of people living in extreme poverty and structural issues, such as, market access, the regulation of market prices for basic commodities, and seed patenting. The Independent Expert on the effects of foreign debt on human rights recommended addressing the obligations of States to create and maintain national food reserves (which would be consistent with ICESCR Article 11(2)); with the Special Rapporteur on the right to health suggesting that the Guiding Principles address the role of the international community in putting in place appropriate mechanisms to ensure that nobody starves to death. Others suggested that the Principles should speak to the prevention of discriminatory distribution of food in humanitarian responses and address the strengthening of the role of the poorest in humanitarian programmes. With regard to the sections on the right to food and on the right to water, the Government of Finland suggested clearly defining the most vulnerable people: the sick, pregnant women and children.

33. Building on the DGPs, and following on from the agreed recommendation generally that the formulation and content of the Guiding Principles draw from existing standards, central suggestions pertaining to **the right to enjoyment of the highest attainable standard of physical and mental health** were: (1) in order to render the Guiding Principles operational and facilitate their use by governments, the Government of Finland suggested the possibility of including a minimum level of gross domestic product that States should direct to health care;[38] (2) that a reference to affordable (or free) healthcare is incorporated into the Principles; (3) the inclusion of explicit provisions for the protection of reproductive health rights for women living in extreme poverty; (4) healthcare personnel/providers must be sensitised to the particular needs of the poor so they can appropriately serve and provide them with the treatment needed; (5) the absence of health services in remote locations should be addressed; (6) people living in hardship should be provided with assistance (financial and logistical) for curative healthcare, especially in cases where preventive healthcare programmes are absent or ineffective. (7) The WHO suggested that the Guiding Principles identify a minimum package that is free of charge to people living in poverty, which includes free family planning, maternal health, child care etc.; with the International Labour Organization (ILO) remarking that (8) in fulfilment of its action-oriented objective, the Guiding Principles should refer to mechanisms that facilitate access to healthcare, for example, employment as a means for securing medical insurance, including through the private sector. The ILO noted that the right to social security can be given effect not just through State action but through private bodies, for example, a contractual

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and rectify any laws, customs, policies or practices which deny women their right to land, resources, credit and other related facilities on a basis of equality with men".

[38] Joseph Ingram agreed with the general objective that the Government of Finland sought to advance but questioned the suitability of whether there should be a minimum percentage of GDP spent on health care remarking that, for example, the US spends 17% of GDP on healthcare, while Europe spends between 7-8% yet most people consider healthcare in Europe to be better than in the US. A measure may be useful, he concluded, but perhaps not a percentage of GDP.

right to healthcare for people living in extreme poverty provided by employers. The Special Rapporteur on the right to health highlighted (9) the importance of clear guidance on human rights consistent processes and outcomes regarding controversial policies, for example privatisation, with the Government of Venezuela suggesting scope for considering any negative impacts of neoliberal policies generally on people living in extreme poverty.

34. It was suggested that (10) people living in extreme poverty be encouraged to form associations so that they can demand their right to the highest attainable standard of health and eliminate the stigma and discrimination they face; (11) people living in areas of extreme poverty where pandemics, epidemics and widespread illness occur have a right to active involvement in the design and monitoring of eradication programmes. (12) Outsourcing/ the (semi)privatisation of public services does not release the State of its relevant human rights obligations and requires that the State ensure providers uphold human rights principles and standards, as well.[39] It was suggested (13) that a reference to the need for international cooperation initiatives to combat stigma, discrimination and inequality be included and that retrogressive measures which impede or indeed block the exercise of the right to health, such as the imposition of user fees, should not be pursued (with the WHO and the Special Rapporteur on the right to health highlighting that the minimum essential levels of rights should be free of charge). (14) The practice of multinational corporations to earn large profits from life-saving drugs (for example, relating to HIV/AIDS) should be identified as incompatible with the objectives of the Guiding Principles, with the Special Rapporteur on the right to health remarking that anti-retrovirals should be free to people living in extreme poverty who need them (and not merely "affordable", as per CESCR General Comment No 14). (15) The Government of Thailand recommended that "cooperation" includes that of the international community "in the exploitation of existing international agreements, particularly international trade agreements, to ensure that the poor can have access to medicines and treatments". (16) The importance of addressing diseases specifically known as "poverty-related" or "neglected" or "tropical" which mainly afflict the poorest people in the poorest countries, for example, sleeping sickness, river blindness and lymphatic filariasis, should form an explicit part of the Guiding Principles (and not exclusively diseases that already attract global attention such as HIV, TB and malaria).[40] (17) The Guiding Principles should also address the theft, black-marketeering and counterfeiting of heath supplies, and related criminal activity, as well as the issue of trading in human organs and the exploitation of people living in extreme poverty in this trade. Importantly, the right to health extends to the underlying determinants of health, such as adequate sanitation, and its coverage in the Guiding Principles should not be limited to healthcare, as is largely the case in the current DGPs.[41]

[39] This suggestion could apply equally to other human rights impacted by the means of key service delivery.
[40] For further information, see Paul Hunt et al., *Neglected Diseases: A Human Rights Analysis* (WHO, 2007).
[41] See, CRC Art. 24 and ICESCR Art. 12.

35. Catarina de Albuquerque, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation and the Centre on Housing Rights and Evictions (COHRE) submitted that the Guiding Principles should describe the norm as "**the right to water and sanitation**" and be harmonised with CESCR's General Comment No 15 and the Sub-Commission Draft guidelines for the realisation of the right to drinking water and sanitation (E/CN.4/Sub.2/2005/25). In General Comment No 15 CESCR enumerates acts and omissions which would constitute a violation of this right and these should be carefully applied within the Guiding Principles, as should the factors that apply in all circumstances (availability, quality, accessibility) and the elements that constitute the minimum essential levels of the right to water. A full consideration of the right to water and sanitation of people living in extreme poverty is required in the Guiding Principles. Building on the DGPs, suggestions were: (1) that the amount of safe water each individual requires daily as calculated by the WHO should form an explicit part of the Guiding Principle requirements (see footnote 1, CESCR General Comment No 15); (2) that the equitable distribution of water be addressed; (3) drawing on CESCR General Comment No 15, water must be affordable;[42] (4) the rights of poor children need to be explicitly addressed as they constitute the vast majority of those dying from dehydration and contaminated water; (5) a reference to the accessibility of water resources for older and disabled people should be inserted; and (6) in areas of widespread rural poverty floods and other natural disasters should be noted as conditions under which States would be required to provide drinking water. (7) It was proposed that this section should also address broader environmental rights. (8) It was also recommended that the character of water as a global public good be mentioned; and (9) that the Guiding Principles address the commoditisation of water and contamination of natural resources due to actions of States and private enterprises (e.g. the dumping of toxic waste in areas where poor people live). (10) The Special Rapporteur on the right to health remarked on the importance of not treating the solutions that the poor come up with to address the denial of their basic rights as criminal activities.

36. Building on the DGPs, and following on from the agreed recommendation generally that the formulation and content of the Guiding Principles draw from existing standards, central suggestions pertaining to **the right to adequate housing** were: (1) the need for the Guiding Principles to address, inter alia, forced evictions (e.g. forced evictions or demolitions should never be allowed unless the people are provided with an adequate alternative), destruction of informal settlements, security of tenure (avoiding a focus merely on "ownership"); (2) that the State should guarantee access to public housing for the poor,[43] including the provision of care facilities for elderly persons who cannot be

[42] The Governments of Georgia and the Philippines proposed that States also be allowed the option of providing subsidies to people living in extreme poverty rather than providing water directly and/or free of charge, as called for in DGP paragraph 29. Dr Edward Anderson similarly pointed out that the Guiding Principles should be careful not to restrict unnecessarily the policy space of national governments.
[43] Developing further DGP para. 33.

cared for by their families; (3) that there be recognition in the Principles of not only private, but cooperative or communitarian property, including land, housing, furniture, tools and utensils etc;[44] (4) the need to combat the extreme isolation of the poor people; (5) and, that they address the duties of the State to undertake legislative and administrative reforms to ensure women's rights to inheritance and to ownership of land as key prerequisites to the eradication of poverty.

37. As noted above in the context of the right to water, the Special Rapporteur on the right to health emphasised the importance of having the Guiding Principles take a constructive approach by indicating methods for supporting poor people who come up with solutions to their predicaments (rather than, for example, criminalising their activities). With regard to the right to adequate housing, this might take the form of encouraging them to improve their homes rather than evicting them or tearing them down. As the group of 11 NGOs remarked, the Principles should avoid promoting the idea that poor people are passive.

38. Considerable emphasis was placed on having a section in the Guiding Principles on **the right to a healthy environment**, including addressing the implications of climate change on the exercise of the rights of people living in extreme poverty. Operational guidance might seek to address any right to exploit natural resources (found in the section of the DGPs on the right to food which currently addresses ownership of land), and newly emerging constraints on individual and group rights in light of climate change imperatives and the range of environmental threats. Given the impact of climate change, and of mitigation and adaptation strategies on the realisation of human rights then, the Guiding Principles might usefully flesh out the prior rights of poor people, including their right to development.

39. Building on the DGPs, and following on from the agreed recommendation generally that the formulation and content of the Guiding Principles draw from existing standards, central suggestions pertaining to **the right to education** were: (1) address fully the equal treatment of girls living in extreme poverty in the exercise of their right to education,[45] and (2) that education policy takes into account the different situation of women and men living in extreme poverty. The Guiding Principles should address (3) unequal access to quality education which perpetuates the cycle of extreme poverty often experienced most acutely by minority communities facing discrimination and exclusion; and (4) access to education for children of migrant background and persons with disabilities who are among the extreme poor. In addition to addressing access to basic education without discrimination, (5) confronting key obstacles to education faced by poor people should inform the Guiding Principles,

[44] Government of Mexico.
[45] As highlighted by Joseph Ingram, in addition to it having intrinsic value, the single most important investment in the fight against poverty is the education of girls. The economic and social rates of return on such an investment vastly exceed any others and the Guiding Principles should adequately reflect this.

such as the issue of school fees and costs for books and uniforms. The Special Rapporteur on the right to health urged that the Guiding Principles provide operational solutions that would increase the likelihood of poor children attending schools, such as night schools for poor children, school feeding programmes, and measures to provide school children with basic training materials in order to compensate for the loss of income or the additional expenses for a family that enrols its children in school.

40. The Government of Switzerland stressed that people living in poverty have not only the right to access culture but also have the right to protect their culture and identities, with the Government of Mexico similarly remarking on the importance of a right of people living in poverty to access culture and fine arts, but also to develop a culture of their own. It noted also the importance of protecting moral and material interests of authors, including notably, the traditional knowledge of indigenous people(s) living in poverty. Building on the DGPs, and following on from the agreed recommendation generally that the formulation and content of the Guiding Principles draw from existing standards, a central suggestions pertaining **the right to take part in cultural life** recommended by the Governments of Belgium, Greece, Switzerland, and the Philippines, Hatem Kotrane, Committee on the Rights of the Child, and the Comité superieur des droits de l'homme et des libertés fondamentales Tunisien was the inclusion of specific provisions on youth and sport/recreational activities. The Government of Morocco recommended that the Guiding Principles address credit for young people for activities such as studies or the creation of new businesses.[46]

41. The Independent Expert on human rights and extreme poverty and the ILO suggested the reference be to "**the right to work**" so as to be consistent with ICESCR, and not to the right to employment as currently appears in the DGPs, with the views of the 2008 NGO Consultation reflecting a preference for "the right to employment, decent work and social security".[47] The Government of the Philippines recommended that the right to work be complemented by a reference to the right to livelihood, commenting that not all of the labour force can be accommodated in the labour market.

[46] Kamal Siddiqui, Member of the Committee on the Rights of the Child, advocated for the inclusion of a "right to credit" more generally. He argued that access to credit on easy terms should constitute a basic right of extremely poor people. At the same time, the State should take appropriate measures to curb credit to the extremely poor with usurious interest rates and based on collateral. Similarly, Hatem Kotrane, Committee on the Rights of the Child, and the Comité superieur des droits de l'homme et des libertés fondamentales Tunisien, remarked that the Guiding Principles should include a reference to the fact that the State should put in place a financial system that gives access to microcredit.

[47] The Government of Mexico suggested avoiding the term "decent work" and using instead the term "dignified work".

42. The ILO and others highlighted the importance of fully integrating fundamentals regarding the right to work in the Guiding Principles (freedom from discrimination, freedom of association, freedom from forced labour and freedom from child labour) along with rights provided for in Articles 6-9 ICESCR (e.g.: fair wages and equal remuneration for work of equal value; safe and healthy working conditions; right to form and join a trade union). People living in extreme poverty recommended that a "right to time off" be included in the Guiding Principles,[48] and emphasised the harshness of their working conditions and that the low pay they receive make it impossible to escape from poverty. The Government of Greece suggested a reference to health and security at work and further recommended the inclusion of a reference that "the State should implement policies to make work pay, so that wage earners, both permanent, and especially temporary, and their families, do not have to live in poverty despite going to work". The Government of Morocco recommended the inclusion of a reference to enacting laws establishing appropriate conditions of employment for domestic workers.

43. In the consultation with people living in extreme poverty concern was raised about the focus on the elimination of child labour in the current DGPs (para. 38), which it was felt should be addressed within the context of an overall policy to raise families' incomes, with the Guiding Principles focusing on protecting children against harmful work rather than seeking a blanket ban.[49] The ILO asserted that the way to address extreme poverty is through the abolition of child soldiers, child prostitution and hazardous work conditions; with the trafficking of children also highlighted as an issue of grave concern affecting poor people.[50] The Government of Morocco highlighted the importance generally of having the Guiding Principles address the protection of children living in poverty against all forms of exploitation.

44. Building on the DGPs, it was repeatedly suggested that the Guiding Principles include a reference to and elaboration of, the **right to social security**,[51] as well as to safety nets for those in the informal sector or living in extreme poverty; and since it is a sector dominated by women particular forms of protection are required in this regard. There was considerable support for far more systematic coverage of the right to social security, or a separate section introduced into the Guiding Principles, given its crucial importance in the fight against poverty. In explaining that average social security in OECD countries is 13% GDP versus 1.5% GDP in the South, Peter Townsend emphasised the importance of bridging that gap and the urgency of advancing a right to international minimum

[48] ICESCR, Art. 7(d).
[49] See further the Background Paper, paras. 187-189.
[50] The Special Rapporteur on torture, and the consultation with people living in extreme poverty.
[51] See, ILO Social Security (Minimum Standards) Convention No 102.

social security.[52] The Government of Mexico remarked that social expenditure focussed on persons living in poverty should be retained as a priority during times of economic crisis.

45. As for other sections of the DGPs, the ILO highlighted that gender analysis needs to be improved in the section on the right to work. Other suggestions were that the right to work included the need to give particular importance to female access to employment and participation in community development given the high economic and social rates of return on investing in girls, and the violations of women's rights historically in most societies. The consultation highlighted that a full list of forms of discrimination in employment which States and society must strive to abolish should be inserted into the Guiding Principles, including a reference to discrimination based on gender, age, and disability. The Guiding Principles should also stress the importance of the removal of physical barriers to work for people with disabilities. The Government of Greece suggested the inclusion of a reference to proper vocational training for everyone.

46. For reasons of clarity and agreement that the formulation and content of the Guiding Principles draw from existing standards, the section on international cooperation should be amended to refer to **obligations of international assistance and cooperation** and solidly grounded in the authoritative interpretation provided by the UN human rights treaty bodies while drawing on the body of scholarly work built up in this area.[53] In relation to fulfilling the rights of people living in extreme poverty, this section would consider, inter alia, central elements of separate and collective

[52] He suggested that the Guiding Principles might include, for example, that States should provide regular and predictable income in the form of non-contributory cash transfers to poor persons unable to make regular payments into national insurance or contributory pension schemes that would guarantee them an adequate standard of living (and that States unable to make such payments on their own be required to seek the assistance of the international community, which would be required to provide such assistance). Recommendations that transnational corporations should share with States responsibility for social insurance contributions and taxes towards the establishment of social insurance and other social security benefits for those outside, as well as inside, the formal and informal labour markets was also recommended. On cash-transfer programmes see further, *The Report of the Independent Expert on the question of human rights and extreme poverty*, UN Doc. A/HRC/11/9 (2009).
Peter Townsend provided the following background information: Public social security systems (excluding education and health) in the OECD countries cost an average of GDP 13.5% annually, and in low-income countries (including India) cost GDP 1.5%. The predominant part of social security is social insurance (formally included with social security in ICESCR and the CRC). The right to universal social security does not form part of any staged plan by the international financial institutions to encourage States to raise the numbers of children, and the elderly, sick and disabled people acquiring entitlement to social security in the low-income countries to levels which would dramatically reduce the scale of poverty in those countries. As measured by the Member States of the European Union, poverty is reduced by an average of three-quarters as a result of their social security systems. He concludes that the development of social security systems in low-income countries will reduce poverty, as historically demonstrated in the OECD countries.

[53] This could include a proper fleshing out of accepted language such as the responsibilities of "States in a position to assist" (CESCR, Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (25th session, 2001) UN Doc. E/C12/2001/10, para. 16; CESCR, General Comment No 19 on the right to social security (Art. 9), (39th session, 2007) UN Doc. E/C.12/GC/19, para. 61; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) Art. 10(4).

international assistance and international cooperation, including regarding decisions and action taken by intergovernmental organisations,[54] in relation to foreign direct investment, in areas of international trade, pertaining to globalization and the labour market, aid, and in the area of disaster relief and humanitarian assistance,[55] as well as in relation to the arms trade. The Government of Mexico recommended the inclusion of a reference to having the international community support the rights of all migrant workers and their families. As far as economic, social and cultural rights are concerned, it was suggested that the tripartite typology of obligations (respect, protect, fulfil) could be introduced in this section, including to make clear that international assistance and cooperation cannot be reduced to the provision of development assistance.

47. The Government of Belgium recommended that the relevant principles by the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD/DAC) regarding international cooperation might helpfully be considered here too.[56] Key elements of the right to development might also be addressed in this section in order to draw out the practical methods and benefits provided by rights being applied interdependently and the duties the right to development require of States domestically and internationally when it comes to people living in extreme poverty. The Governments of Brazil and Finland noted that responsibilities of the State concerned notwithstanding, the international community has a responsibility to create circumstances where the poorest States are able to discharge their obligations; the Government of Thailand suggested that national ownership of, and consent to, international assistance programmes be reflected in the Guiding Principles;[57] the United Nations Department of Economic and Social Affairs (DESA) suggested that the Guiding Principles could refer to the need for policy space at the national level for poverty reduction; and, the European Commission delegation drew attention to the digital gap and the importance of technology sharing between and within countries.

48. The Guiding Principles should not neglect any meaningful consideration of structural factors implicated in the production and reproduction of extreme poverty and the need for improved policy coherence at the international level. The persistence of extreme poverty in the face of extreme wealth in parts of the world suggests that the problem must be addressed far more systemically and with

[54] Including UN specialised agencies.
[55] On rapid response to natural disasters see the Background Paper, para. 195.
[56] The Government of the United Kingdom of Great Britain and Northern Ireland mentioned the importance of mutual evaluation programmes.
Others principles might include relevant commitments assumed by States under the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed in the Millennium Declaration.
[57] The central issue voiced by Thailand in this regard is that international assistance programmes take into account local specificities, including socio-cultural, economic and political dimensions, in order to best tackle the root causes of extreme poverty in each individual country.

regard to a greater range of actors than the current DGPs have so far done.[58] The financial crisis and its impact on poor people and poor countries highlight the urgency of developing and advancing these Principles. Guiding Principles are now potentially more critical and useful than ever as multidimensional, intertwined economic, financial, environmental, food, and energy crises deepen on a global scale – crises that further exacerbate longstanding structural patterns of poverty, inequality and exclusion. One speaker remarked that the Guiding Principles should not – as has so far been the case generally – treat poor people merely as consumers of goods and services and not also as producers. The Principles should think about their rights as businesspeople and the implications for the exercise of their rights that come from access to international markets for coffee, tea, cotton and other goods.

49. The Guiding Principles could also consider issues of **enforcement and accountability** more fully.[59] Paragraph 10 of the current DGPs addresses implementation and monitoring, however the point was made that a range of accountability processes exist, including: judicial determination domestically and via treaty body mechanisms internationally, through ombudspersons, national human rights commissions, administrative procedures, social auditing, public scrutiny and other forms of non-judicial or quasi-judicial accountability.[60] Accountability is usually understood also to entail redress, which can take many forms, including for example, apology, policy reform, law reform and the provision of new services.[61] Access to an effective remedy is an important element of international human rights law.

50. It was further suggested that the Guiding Principles need to be monitored and their application by duty-bearers, donors and individuals measured both in relation to resources available, and comparatively in relation to other countries with similar resource levels. Any monitoring system could also determine whether the State and public and private agencies (as referred to in the current DGPs) actually encourage the use of fora for evaluation and monitoring and the extent to which the extreme poor actually participate in these events. Partnerships between different stakeholders, adequate resources and capacity-building to facilitate the contribution among people living in extreme poverty to the implementation of the Guiding Principles, along with specific timelines and a framework, were seen as essential. As mentioned earlier, greater focus in the Guiding Principles on

[58] Examples provided include, bilateral and multilateral trade policy, as well as migration.
[59] One suggestion was that the Principles should call for the establishment of a claims mechanism at the international level by which a State is able to seek legal recourse in order to assert rights or obtain reparations. A range of suggestions advanced by human rights experts might be considered during the redrafting process.
[60] For a concise, illustrative discussion of this wider understanding of accountability in the context of a particular right, see, Helen Potts, *Accountability and the Right to the Highest Attainable Standard of Health,* Human Rights Centre, University of Essex (2008).
[61] There were also several comments to the effect that excessive reference is made in the current DGPs to "punishment" and in any event criminal sanction would represent only one form of redress. See also, the Background Paper, para. 16.

the justiciability of economic, social and cultural rights was considered by many to be extremely important, with the Special Rapporteur on the right to health pointing out that in order to determine whether policies actually violate the rights of the poor there needs to be accountability. Duty-bearers are not only accountable for *monitoring* the situation of the poor, but are responsible for policies that increase poverty.

51. Advancing accountability might also include detailed requirements of public disclosure for all actors that work on reducing poverty and impact on the rights of people living in extreme poverty,[62] as well as requirements to undertake impact assessments of their programmes and policies with regard to persons living in extreme poverty. Issues of cooperation among the various specialised agencies could be addressed in this regard. A number of participants had concerns about the role of the Bretton Woods Institutions and the human rights of people living in extreme poverty (e.g.: how to fund health that is not subject to donor's fiscal requirements and in light of "sustainability";[63] lack of focus on the extreme poor), with Joseph Ingram remarking that human rights as a development tool has not been employed by the World Bank with claims by the Bank that it advances human rights in some areas "merely rhetorical repacking and a fig leaf." This, he added, is despite the fact that the Bank endorsed the UN Common Understanding on a Human Rights Based Approach to Development,[64] and that its operational manual requires commitment to instruments signed. External debt servicing and its impact on fulfilling the rights of people living in extreme poverty need also be addressed, as pointed out by the Government of Ecuador.

52. The Independent Expert on human rights and extreme poverty suggested that a section be entitled "**duties of non-state actors**." She highlighted that the DGPs currently overlook the issue of responsibilities of national and transnational business enterprises, and as per a considerable number of seminar participants, including the Special Rapporteur on the right to health, Arne Tostensen and Peter Townsend, emphasised the need to have Guiding Principles adequately address the role and responsibilities of TNCs (transnational corporations). She recommended that the Principles take conceptual developments on the responsibility of companies and international organisations into account, while extending them to the issue of extreme poverty. The Guiding Principles also have a role to play in indicating how States can and should regulate activities by business enterprises. As noted by the Government of Finland, the focus of the Guiding Principles should be not merely on

[62] The Government of the Philippines suggested that types of public and private bodies "working to reduce extreme poverty and subject to public disclosure etc" as addressed in DGPs paragraph 45 should be enumerated in greater detail, including with regard to the private sector and corporate foundations.
[63] See Gorik Ooms, *Health Development versus Medical Relief: The Illusion versus the Irrelevance of Sustainability*, PLoS Medicine, Vol. 3. Issue 8 (2006) 1202. www.plosmedicine.org
[64] *The Second UN Interagency Workshop on Implementing a Human Rights-Based Approach in the Context of UN Reform*, 5-7 May 2003, Stamford, USA. Attachment 1: The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies.

eliminating poverty, but also on actions that could improve the respect, protection and implementation of human rights of people living in extreme poverty. The ILO drew attention to several public and private initiatives that the Principles could draw on in the area of corporate social responsibility, notably, the International Organization for Standardization's forthcoming guidance on social responsibility which includes a section on human rights and is due out in 2010. The on-going work of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises would also be a very important resource.

53. Key grounds for ensuring that the Principles address the role and responsibilities of TNCs referred to: their vast resources (against what are often insufficient domestic resources);[65] certain identifiable failures of bilateral and multilateral aid; and the negative impact the global financial crisis is likely to have on aid flows. The Guiding Principles could look afresh at where resources come from, and think radically and creatively. Peter Townsend recommended an international tax, which at merely 0.1% would raise 500 billion dollars a year, he explained.

54. The Government of Luxembourg suggested the inclusion of a section on **follow-up** in order to emphasis that States are responsible for the (gradual) implementation of the Principles. The options and details of a follow-up mechanism should be fully considered during a redrafting process. Important issues such as translating the Guiding Principles into minority languages and, as necessary, into language accessible to persons living in poverty were also highlighted.

III. PROPOSALS ON A NEW STRUCTURE FOR THE GUIDING PRINCIPLES

55. The structure of the Guiding Principles should reflect the need to pay greater attention to some well-established principles in international human rights law of central relevance to the issue of extreme poverty – perhaps in a preliminary section, such as: the principles of progressive realisation, and immediate realisation in relation to the principle of minimum essential levels of rights and corresponding core obligations; the prioritisation of the most vulnerable groups; the principles of maximum available resources, non-retrogression and of non-derogability; the interrelatedness of rights, as well as those already reflected in the DGPs, such as their indivisibility, interdependence and inalienability;[66] equality and non-discrimination, participation, transparency (e.g.: with regard to

[65] With domestic mismanagement and corruption not overlooked.

[66] Reiteration of these principles notwithstanding, the issue of trade-offs might helpfully be addressed**.** Arne Tostensen suggested that while recognising the coherence of the human rights regime, it should not be overlooked that in real-life situations difficult trade-offs have to be made. This is a difficulty of operationalisation on which the current DGPs offer little guidance. It was remarked that Guiding Principles could acknowledge that trade-offs are sometimes unavoidable, the counter-argument that such a concession may

corruption); and accountability. The Government of Mexico suggested incorporating the principle of equity.[67] The UN Development Programme (UNDP) remarked that it may be useful to explain the rationale for addressing selected principles and standards (e.g. by stating that based on research it is these rights that are most often affected when people live in extreme poverty). It might then be helpful to highlight in greater detail why each of the principles and standards is particularly relevant for persons in extreme poverty (rather than repeatedly stating that they have the same rights as other people). Several respondents noted that the Guiding Principles might benefit from a focus on the typology of respect, protect and fulfil already widely in use by human rights bodies.

56. It was remarked that these various elements are important also from an operational perspective, so that a government's political will in meeting its human rights obligations can be monitored and ascertained, since States are supposed to strive to protect, promote and fulfil the economic and social rights to the maximum extent of their available resources despite economic and other resource constraints. By systematic monitoring available through the measurement of the fulfilment of obligations, the attention of governments and donors are drawn to where additional resources need to be deployed.

57. The Independent Expert on human rights and extreme poverty suggested that the enunciation of standards is followed by recommendations to States and non-state actors on their implementation. In querying whether it is useful to continue to highlight the distinction between the two sets of rights, COHRE and the UNDP endorsed the idea of a modified structure that seeks a genuine reconciliation with the original vision of the Universal Declaration of Human Rights (UDHR) thus giving real meaning to the principle of indivisibility and interdependence of rights.

58. Walter Kälin the Representative of the Secretary-General on the human rights of internally displaced persons remarked that the Guiding Principles will have an added value if they do not just restate existing guarantees but spell out specific aspects of rights that are particularly important for persons living in extreme poverty and address obstacles that, in practice, limit the enjoyment of human rights. To these ends, it was suggested by COHRE that a real benefit might come from setting out, either in the text of the Guiding Principles or in an appended set of Explanatory Notes, the

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undermine the principle of indivisibility and interdependence aside. When implementers encounter situations where trade-offs have to be made, it could cause frustration and, in turn, also undermine the authority of the Guiding Principles. ATD Fourth World remarked that the concept of trade-offs derived from economics is static and defensive and that the Guiding Principles should require a comparison among countries at the same level of economic development, and should be evaluating the societies as a whole before relying on arguments of trade-offs.

[67] Mexico linked the notion of equity to a number of factors, including the importance of access to human rights by people living in extreme poverty (see, the Background Paper, para. 14). The principle of "growth with equity" has been considered in the context of the right to development.

particular obstacles persons and communities living in extreme poverty face, so that States might be provided with direction on eliminating these hindrances.[68]

59. Although details and preferences will best be worked out in the redrafting process, some **key elements** of a **general structure** have emerged from the considerable consultations and seminar and can be **summed up** as follows. The Guiding Principles on Extreme Poverty and Human Rights should have an initial section that comprehensively presents the relevant international human rights principles in this area. These principles will underpin the rest of the document. The two sets of rights might be integrated, whereby the interdependence of rights is given systematic and practical resonance, for example, the requirement of giving effect to the participation rights of people living in extreme poverty in the context of the right to adequate food, or health etc. This does not preclude the possibility of a discrete elaboration of the content of a particular civil and political right that demands fuller consideration, for example, participation or access to justice, but the holistic approach may invite a more meaningful and operationally relevant document. In an effort to have the Guiding Principles guide the actions of a variety of actors each right might specifically address the responsibilities of the domestic State, external States acting separately or collectively (international assistance and cooperation), and non-state actors, including (transnational) business.[69] Employing the tripartite typology may prove helpful in this regard. The relationship between these actors might be usefully fleshed out, providing, for example, a clear consideration of what situations should trigger responses by actors beyond the State.[70] In an effort to assist in the fulfilment of these respective responsibilities, the Principles will offer operational guidance and where possible examples of best practice with regard to each actor, and indeed with regard to particular groups. Methods of follow-up and the inclusion of useful information in an annex would also be important to consider fully when reworking the DGPs.

60. Consistent with the view to emerge from the seminar, the Independent Expert on the effects of foreign debt on human rights highlighted that the content, form and structure of the Guiding Principles should reflect their overarching aim of providing a reaffirmation of existing international human rights law designed to guide State's decision-making in the implementation of their obligations under this body of law, as applied to people living in extreme poverty. A redrafting exercise would

[68] Peter Townsend remarked that there are standardised methods of measuring a range of the needs or rights unfulfilled in terms of the severity of deprivation. For example, there are anthropomorphic measures to determine severe food deprivation, such as measuring the arm band of children to ascertain if they are malnourished (UNICEF measured children across 130 countries). Similar tests can be done in relation to deprivations regarding water and shelter. These measures might also form an appendix to the Guiding Principles.

[69] A suggestion made by the Government of Brazil and that emerged generally from the consideration of the DGPs at the seminar.

[70] Failure to meet core obligations would be one indication.

consider carefully the views and suggestions provided during the consultation process and the seminar reflected herein, as well as review existing guiding principles in relevant areas of human rights in order to determine the optimal structure for the Guiding Principles on Extreme Poverty and Human Rights.

ANNEX 1

List of respondents to consultations

Member States:

- Algeria	1st consultation
- Argentina	1st consultation
- Austria	2nd consultation
- Belgium	1st consultation
- Chile	2nd consultation
- Colombia	1st consultation
- Costa Rica	1st consultation
- Croatia	1st consultation
- Dominican Republic	1st consultation
- Finland	2nd consultation
- France	1st consultation and post seminar
- Georgia	1st consultation
- Greece	2nd consultation
- Iraq	1st consultation
- Ireland	2nd consultation
- Italy	1st consultation
- Libyan Arab Jamahiriya	1st consultation
- Mexico	2nd consultation
- Morocco	2nd consultation and post
- Philippines	seminar
- Romania	1st consultation
- Rwanda	1st consultation
- Switzerland	1st consultation
- Thailand	1st and 2nd consultation
- Trinidad and Tobago	post seminar
- Yemen	1st consultation
	1st consultation

United Nations agencies and intergovernmental organisations:

- European Committee for Social Cohesion	2nd consultation
- Food and Agriculture Organization (FAO)	1st consultation
- Secretariat of the Pacific Community, Adviser on gender equality	2nd consultation
- United Nations Department of Economic and Social Affairs (DESA)	1st consultation
- United Nations Development Programme (UNDP)	1st consultation
- World Trade Organization (WTO)	2nd consultation

United Nations treaty body experts:

- Kamal Siddiqui, Committee on the Right of the Child	2nd consultation
- Zdzislaw Kedzia, Committee on Economic, Social and Cultural Rights	2nd consultation

United Nations special procedures mandate-holders:

- Anand Grover, Special Rapporteur on the right to health	2nd consultation
- Arjun Sengupta, former Independent Expert on human rights and extreme poverty	1st consultation
- Asma Jahangir, Special Rapporteur on freedom of religion or belief	2nd consultation
- Catarina de Albuquerque, Special Rapporteur on the right to water	2nd consultation
- James Anaya, Special Rapporteur on indigenous peoples	2nd consultation
- Magdalena Sepúlveda Carmona, Independent Expert on human rights and extreme poverty	2nd consultation
- Manfred Nowak, Special Rapporteur on torture	2nd consultation
- Walter Kälin, Special Representative of the Secretary-General on the human rights of internally displaced persons	2nd consultation

National human rights institutions and other national bodies:

- Canadian Human Rights Commission	1st consultation
- Comité Supérieur des Droits de l'Hommes et des Libertés Fondamentales Tunisien	2nd consultation
- Commission Nationale Consultative des Droits de l'Homme, France	2nd consultation 2nd consultation
- Cour de Cassation de France	2nd consultation
- Human Rights Commission of Malaysia	1st consultation
- National Center for Human Rights, Jordan	2nd consultation
- National Human Rights Commission of Mexico	1st consultation
- Office of the Ombudsman of Croatia	1st consultation
- Ukrainian Parliament Commissioner for Human Right	2nd consultation

Non-governmental organisations:

- Associazione ONG Italiane	1st consultation
- Bahá'í International Community	2nd consultation
- Care International	1st consultation
- Caritas Internationals	2nd consultation
- Centre Europe-Tiers Monde	1st consultation
- Centre on Housing Rights and Evictions (COHRE)	2nd consultation
- Comité Quart Monde Européen	1st consultation
- Equal Opportunities Commission	1st consultation
- Franciscan International	2nd consultation
- Friedrich-Ebert-Stiftung	2nd consultation
- HelpAge International	1st consultation
- International Catholic Child Bureau	2nd consultation
- International Council of Women	2nd consultation
- International Federation of Social Workers	1st and 2nd consultation
- International Movement ATD Fourth World	1st and 2nd consultation
- Light for the World	1st consultation
- Lutheran World Federation	2nd consultation
- Marangopoulos Foundation for Human Rights	1st consultation
- Mouvement contre le Racisme et pour l'Amitié entre les Peuples	1st consultation
- NGO Committee for Social Development	1st consultation

- Pax Romana — 2nd consultation
- Romania Avocatul Paporului — 2nd consultation
- Sightsavers International — 1st consultation
- Volontari nel mondo – FOCSIV — 1st consultation
- World Alliance for Citizen Participation — 2nd consultation
- World Organisation Against Torture — 2nd consultation

Other relevant stakeholders:

- Dr. Arne Tostensen, Chr. Michelsen Institute, Bergen — 2nd consultation
- Professor Camilo Pérez Bustillo, Universidad Autónoma de la Ciudad de México — 2nd consultation
- Dr. Christophe Golay, Graduate Institute of Development Studies, Geneva — 2nd consultation
- Professor David Gordon,Townsend Centre for International Poverty Research, University of Bristol, UK — 2nd consultation
- Dr. Edward Anderson, University of East Anglia, UK — 2nd consultation
- Joseph K. Ingram, former World Bank Special Representative to the UN and the WTO — 2nd consultation
- Professor Paul Hunt, University of Essex, UK, Professor Manfred Nowak, University of Vienna and Professor Siddiq Osmani , University of Ulster — 2nd consultation
- Paula Silva Robledo, Expert in housing and urbanism — 2nd consultation
- Professor Peter Townsend, London School of Economics — 2nd consultation
- Rajat Khosla, Human rights lawyer, former senior research officer to the UN Special Rapporteur on the right to health — 2nd consultation
- Sarah Zaidi Sc.D, Expert in health and human rights — 2nd consultation
- Professor Wouter Vandenhole, University of Antwerp — 2nd consultation

ANNEX 2

List of participants at the seminar held on 27-28 January 2009, Geneva

A. Participants

Member States:

Albania -	H.E. Mr. Sejdi Qerimaj Mr. Erwin Nina	Laos -	Mr. Phay Phanthavone
Andorra -	Ms. Gesse Mas Montserrat	Luxemburg -	Mr. Jean Feyder Ms. Christine Goy
Argentina -	Mr. Gonzalo Jordan	Morocco -	Ms. Hassane Boukili
Austria -	Ms. Vannessa De Bock	Netherlands -	Mr. Marjanke Jager
Azerbaijan -	Ms. Samira Sajarova	Norway -	Ms. Anne Viken
Bahrain -	Mr. Ahmed Budoor	Panama -	Mr. Jorge Corrales
Belgium -	Mr. Hugo Brauwers	Peru -	Mr. Carlow Sibille
Brazil -	Mr. João Ernesto Christófolo Mr. Murilo Kominsky	Philippines -	Mr. Jesus Enrique Garcia
Chile -	Mr. Alejandro Rogers Mr. Carlos Portales Mr. Luciano Parodi	Portugal -	Mr. Pedro Rodrigues
Egypt -	Mr. Ahmed Ihab Gamaleldin Ms. Heba Mostafa	Romania -	Mr. Nicolae Blindu
France -	Ms. Véronique Basso Ms. Cecile Vigneau	Singapore -	Mr. York Chor Tan
Germany -	Mr. Kajetan Pradetto	Switzerland -	Ms. Natalie Erard Mr. Nicolas Chamorel
Ghana -	Mr. Kwabena Baah-Duodu	Syrian Arab Republic -	Mr. Abdulmonem Annan
Greece -	Mr. Mario Lyberopoulous	Turkey -	Mr. Ali Onaner
Haiti -	Mr. Frantz Dorsainville	United Kingdom -	Mrs. Rebecca Sagar Ms. Melanie Hopkins
India -	Mr. Mozua Mopoliteno	Venezuela (Bolivarian Republic of) -	Mr. Felix Peña
Ireland -	Ms. Amy Mcardle	Yemen -	Mr. Nagib Hamim Mr. Walid Alethary
Japan -	Mr. Akira Matsumoto		

United Nations agencies and inter-governmental organisations:

International Labour Office (ILO), Représentation permanente de l'organisation internationale de la Francophonie, United Nations Non-Governmental Liaison Service (NGLS), United Nations Relief

and Works Agency for Palestine Refugees in the Near East (UNRWA), World Health Organization (WHO), World Trade Organization (WTO).

Observers: European Commission, Holy See.

United Nations treaty bodies experts:
Kamal Siddiqui, Committee on the Right of the Child,
Hatem Kotrane, Committee on the Right of the Child.

United Nations special procedures mandate-holders:
Magdalena Sepúlveda Carmona, Independent Expert on the question of human rights and extreme poverty
Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Cephas Lumina, Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
(Nota: statement read on behalf of Gay MacDougall, Independent Expert on minority issues)

National human rights institutions and other national bodies:
Comité supérieur des droits de l'homme et des libertés fondamentales Tunisien
Consultative Council of Human Rights of Morocco
Egyptian Council for Human Rights
Iranian Islamic Human Rights Commission

Non-governmental organisations:
Bahà'i International Community, Basque indigenous people, Caritas internationalis, Centre de Formation et d'Appui aux Initiatives locales, Centre on Housing Rights and Evictions (COHRE), Centro Educativo social intetral nico Indigena (CESIDEI) , CIVICUS, Forum Asia, Franciscans International, Geneva Institute for Human Rights, International Council of Women, International Federation of Social Workers, International Movement ATD Fourth World, Lutheran World Federation, Massai Experience, Nurses Across the Borders, Organización Nación Aymara, Oxfam International, Pax Romana, World Alliance for Citizen Participation, World Organization against Torture

Other relevant stakeholder:

Arne Tostensen, Chr. Michelson Institute; Christophe Golay, Graduate Institute for Development Studies, Geneva; Joseph Ingram, Advisory Board of NCSG; Mary Lou Ingram, former World Bank; Peter Townsend, London School of Economics

B. Chairs and speakers

Chairs (by order of intervention):

Jean-Baptise Mattei, Ambassador of France

Marcia V.J. Kran, Director, Research and Right to Development Division, OHCHR

Mac Darrow, Coordinator, Millennium Development Goals Unit, OHCHR

Magdalena Sepúlveda Carmona, Independent Expert on the question of human rights and extreme poverty

Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Maarit Kohonen, Coordinator, Human Rights and Economic Issues Unit, OHCHR

Sejdi Qerimaj, Ambassador of Albania

Hugo Brauwers, Deputy Permanent Representative, Permanent Mission of Belgium, Geneva

Speakers (by order of intervention):

Kyung-wha Kang, Deputy United Nations High Commissioner for Human Rights

Alberto J. Dumont, Ambassador of Argentina and Vice-President of Human Rights Council

José Bengoa, member of the Advisory Committee of the Human Rights Council

Magdalena Sepúlveda Carmona, Independent Expert on the question of human rights and extreme poverty

Alfonso Barragués, Millennium Development Goals Unit, OHCHR

Thomas E. McCarthy, Special Adviser, World Organization against Torture

Silvia Velasco Quispe, street vendor, Cusco, Perú

Bernard Mourgeon, Lyon, France

Margot E. Salomon, seminar rapporteur and OHCHR Consultant, London School of Economics and Political Science