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**APPROACHES TO POVERTY
A NOTE FROM THE HUMAN RIGHTS PERSPECTIVE**

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(written in her private capacity)

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INTRODUCTION

1. This paper aims at presenting the emergence and development of a human rights approach to poverty and poverty reduction. It will first briefly examine the manifestations of poverty through international human rights norms and standards before describing initiatives conducted since the late 1980's to explore the linkages between human rights and poverty. Finally, the paper will expose the most recent conceptual work towards an operational human rights approach to poverty reduction.
2. The exploration of a human rights approach to poverty is a relatively recent undertaking which has been generating animated debates and still requires significant scrutiny. While different approaches transpire from these debates, it can be said overall that the human rights approach to poverty is in no way revolutionary but it is presumed by its advocates that, if implemented, it could radically enhance poverty reduction outcomes. The human rights approach does not pretend to be the miracle solution to poverty reduction or an alternative to the development approach but it rather foresees mutual strengthening, with a view to more comprehensive, precise, efficient, sustainable and legitimate processes, policies and practices. The human rights approach actually demonstrates the indivisibility, interrelatedness and interdependence between human rights and development.¹
3. While morally indisputable and representing a valuable conceptual contribution, the human rights approach to poverty and poverty reduction needs to be tested and its value-added demonstrated. This appears as an Herculean challenge given the interdisciplinary intricacies entailed by poverty eradication efforts.

¹ It could be argued that one major difference would be the scope of application, the human rights approach to poverty being relevant to both industrialised as well as developing countries.

THE STATUS OF POVERTY IN INTERNATIONAL HUMAN RIGHTS NORMS AND STANDARDS

4. While the term “poverty” is not literally mentioned in international human rights norms and standards, the creation of an environment conducive to poverty alleviation or elimination has been inscribed, under various phrases (e.g. social progress, development, social justice, better standards of life, higher standard of living), as an overarching goal of the United Nations, indivisible from the other purposes of the organisation, namely peace and security as well as respect for human rights and fundamental freedoms. The struggle against poverty indeed emerges as a leitmotiv and centrepiece of a myriad of United Nations core documents and commitments, from the United Nations Charter (1945) to the Millennium Development Declaration and Goals (2000). It can be argued that lifting people out of poverty is also an underlying aim of some international human rights treaties, inherent in the realisation of human rights.

The elimination of poverty as an overarching purpose of the United Nations

5. The struggle against poverty is an overarching purpose of the United Nations, as articulated in the founding Charter, and appears as the nucleus of the plethora of commitments and instruments elaborated within the United Nations system. Leandro Despouy, the former Special Rapporteur of the Sub-Commission² on human rights and extreme poverty (1993-1996) wrote in his first report that “in the humanist thinking and the ideals underlying the establishment of international bodies and the elaboration of international instruments relating to human rights there was already a specific desire to combat poverty”.³ Despouy refers to the Preamble of the United Nations Charter, the Universal Declaration and the *travaux préparatoires*, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, the 1969 Declaration on Social Progress and Development, the Convention of the Rights of the Child and to the International Labour Organisation Constitution. The latter actually anchored the struggle against poverty in the most vehement terms, as the “war against want”.⁴
6. It is much later, however, that the fight against poverty reached the forefront of the United Nations’ agenda. In the late 1980’s and 1990’s, the organisation became more forceful, proclaiming the eradication of poverty as a high priority. A succession of resolutions and reports by the Sub-Commission, the Commission on Human Rights, the General Assembly and the Secretary General, focused on extreme poverty. In 1993, 17 October was stamped as the International Day for the Eradication of Poverty and 1996 was consecrated as the International Year for the Eradication of Poverty by the General Assembly. In 1995, the latter proclaimed the First United Nations Decade on the Eradication of Poverty (1997-2006), in the context of the Copenhagen Plan of Action. While these initiatives could be perceived as mainly symbolic, they did reflect an awareness, a strong concern as well as a will to act. This culminated in a stronger commitment with the Millennium Declaration which describes poverty and the will to come to terms with it in a powerful style, quite unusual in the “UN Speak”:

“We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want”.⁵

² The Sub-Commission refers to the Sub-Commission on the Promotion and Protection of Human Rights which, before 1997, was known as the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

³ E/CN.4/Sub.2/1993/16.

⁴ See Philadelphia Declaration, 10 May 1944, Chapters I and II.

⁵ Chapter III: Development and poverty eradication, Article 11.

7. Most interestingly, these various documents articulate or imply the linkages between the struggle against poverty and the realisation of human rights. Social progress and development – which encompass poverty alleviation – together with peace, democracy and human rights constitute the interconnected and overarching purposes of the United Nations and of its predecessor, the League of Nations. This indivisibility and interdependence of the objectives of the Organisation is omnipresent in major documents of the United Nations. In 1969, the Declaration on Social Progress and Development stressed the interdependence of peace and security with social progress and economic development. The 1993 Vienna Declaration and Programme of Action emanating from the World Conference on Human Rights consecrated this principle, stating that “Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing”.⁶

The international human rights instruments and poverty

8. While the international human rights instruments do not refer to the term “poverty” nor explicitly provide for a right to be free from poverty, the convergence between the realisation of human rights and the alleviation or eradication of poverty emerges in some of the treaties. Thus, the common Preamble of the International Covenant on Economic, Social and Cultural Rights and of the Covenant on Civil and Political rights (1966) recognises that, “in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights”.⁷ This provision unambiguously poses the realisation of all human rights as a prerequisite to achieve peace, security and development.

9. Article 11(1) of the Covenant on Economic, Social and Cultural Rights inscribes the right of everyone to an adequate standard of living, which is the narrowest yet most commonly mentioned ground to establish the linkage between the international human rights framework and poverty:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

10. One of the United Nations treaty bodies, the Committee on Economic, Social and Cultural Rights, has examined compliance with the Covenant on Economic, Social and Cultural rights in the context of poverty (or the issue of poverty through the lens of the Covenant). Given its role of guarantor and interpreter of the Covenant, the position of the Committee on the issue is of particular value. In a statement formulated in 2001, the Committee established the relevance of poverty as a human rights issue within the United Nations but also within the Covenant on Economic, Social and Cultural Rights:

“In 1948, the Universal Declaration of Human Rights established that poverty is a human rights issue. This view has been reaffirmed on numerous occasions by various United Nations bodies, including the general assembly and Commission on Human Rights. Although the term is not explicitly used in the International Covenant on Economic, Social and Cultural Rights, poverty is one of the recurring

⁶ Article I-8.

⁷ The Covenant on Civil and Political Rights is slightly differently formulated: “Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights”.

themes in the Covenant and has always been one of the central concerns of the Committee. The rights to work, an adequate standard of living, housing, food, health and education, which lie at the heart of the Covenant, have a direct and immediate bearing upon the eradication of poverty”.⁸

11. In the same statement, the Committee concluded that “[i]n the light of experience gained over many years, including the examination of numerous States parties’ reports, the Committee holds the firm view that poverty constitutes a denial of human rights”. Through its reference to “human rights”, the latter sentence seems to take us beyond the scope of economic, social and cultural rights and to englobe civil and political rights as well. The approach of the Committee also suggests that poverty is related to all rights under the Covenant, being regarded as “one of the recurring themes in the Covenant”.
12. It is interesting to note that the Committee has not concluded that poverty constitutes a violation of human rights and that its definition of poverty as “a denial of human rights” is grounded on empirical criteria rather than on a strictly legal interpretation of the Covenant on Economic, Social and Cultural Rights.
13. The question of interpreting poverty (or extreme poverty) as a human rights violation bears the fundamental question of justiciability which, still much debated in the case of economic, social and cultural rights, would inevitably be the object of strong resistance in the context of poverty⁹ - hence the necessity to further study the topic.

The European Social Charter: the right to protection against poverty and social exclusion

14. On the normative front, one regional instrument, the revised European Social Charter seems to go further than any other human rights treaty, introducing the “right to protection against poverty and social exclusion” (Article L30), thus encompassing extreme poverty.¹⁰ Besides bringing in the right to protection against poverty and social exclusion, an interesting value of this article is its preventive dimension:

“The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised:

[...]

Everyone has the right to protection against poverty and social exclusion”.

15. This provision seems to bring us closer to the controversial notion of justiciability mentioned in the previous section - in this case, of economic and social rights - within the context of both poverty and extreme poverty Article 30 also creates a reporting obligation for States parties. Among the member States of the Council of Europe and the ratifiers of the Charter, ten countries¹¹ have declared themselves bound by this article and have been submitting reports to

⁸ See E/C.12/2001/10, United Nations Committee on Economic, Social and Cultural Rights, Poverty and the International Covenant on Economic, Social and Cultural Rights, Statement, 10 May 2001.

⁹ See section 2.4 on a possible instrument on human rights and poverty or extreme poverty as well as section 3.1. and 3.2 on tentative approaches and definitions.

¹⁰ Social exclusion could be seen as distinguishing the degree of the two conditions. There is much debate over the need or not to establish a distinction between poverty and extreme poverty. As described further in the paper, the United Nations Charter-based bodies have been considering human rights in the context of extreme poverty while the Committee on Economic, Social and Cultural Rights has been looking into poverty, as including extreme poverty. Those favouring an examination of extreme poverty argue that it is the condition when one reaches a point of no return and where there is urgency. It is claimed that, looking into poverty in general from a human rights perspective could lead to too broad criteria to define poverty (See Franciscans. Clarify).

¹¹ Belgium, Denmark, Finland, France, Ireland, Italy, Norway, Portugal, Slovenia, Sweden.

the European Committee of Social Rights overseeing progress in implementation of this regional instrument. It should be noted that the original Charter (1961) did not include such a provision.

16. The last right under the Charter, the right to protection against poverty and social exclusion stands out as an aggregate or synthetic - and even overarching - right, encompassing all other rights and obligations under this European instrument.¹² Article 30 thus seems to consecrate the elimination of poverty and social exclusion as the ultimate goal of the Charter. While this provision appears as a step forward compared to other human rights instruments, it remains restricted to the realisation of economic and social rights and is limited by the fact that it is not an obligatory clause and can be the object of reservations.

The question of a possible international instrument on human rights and poverty within the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights

17. The human rights approach developed under Commission and Sub-Commission mandates tend to conclude that extreme poverty is a denial or a violation of all human rights due to their indivisibility, interdependence and interrelatedness. It could therefore be assumed that there is no need for a specific instrument on human rights and poverty. Yet, the absence of an explicit reference to poverty in international human rights law has motivated the idea of an international text – a much controversial matter. At the request of the Commission on Human Rights, consideration of the possibility of an international instrument on human rights and extreme poverty is undergoing.
18. As it will be described in more details in section 3.1, the consideration of poverty or, more specifically, of extreme poverty, as a human rights matter, emerged within the Commission on Human Rights and Sub-Commission fora in the late 1980's-early 1990's, mainly under the impulse of NGOs. After several years of pioneer work on the topic within the Sub-Commission, in 1998, the Commission on Human Rights created the mandate of the Independent Expert on Human Rights and Extreme Poverty, requesting suggestions “on the main points of a possible draft declaration on human rights and extreme poverty”. It is important to note that the Commission pointed out that existing studies, declarations and instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, should be taken into consideration.
19. At the request of the Commission, two events were organised with the support of OHCHR to explore the possibility of a draft declaration. In August 1999, a workshop on human rights and extreme poverty was organised to discuss the need for a possible draft declaration on human rights and extreme poverty. At that time, most participants favoured a declaration.¹³ Two years later, in February 2001, an expert seminar on human rights and extreme poverty was held, again with the specific purpose of considering the need to develop a draft declaration on extreme poverty and to identify main elements, following the request of the Commission. This time, the elaboration of “new guiding principles” was favoured but it was stressed that they would “build on existing norms and standards in a manner that explicitly addressed the phenomenon of extreme poverty, that clarified definitional issues within the framework of human rights and that set forth relevant operational and policy guidelines”. It proposed “addressing the clear links

¹² Part II, Article 30 provides that “[w]ith a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake: (a) to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance; (b) to review these measures with a view to their adaptation if necessary”.

¹³ E/CN.4/2000/52/Add.1.

between human rights and extreme poverty” to “highlight the multidimensional nature of poverty, its causes and consequences, and encapsulate existing norms interlinking human rights and poverty/extreme poverty”, thus not creating new State obligations but re-emphasising existing ones through a comprehensive, articulated approach in the context of poverty and extreme poverty.¹⁴ Thus, in 2001, the Commission submitted a request to the Sub-Commission, shifting from the idea of a possible declaration to considering “the need to develop, on the basis of the various existing international texts, guiding principles of human rights norms and standards in the context of the fight against extreme poverty”.

20. A main question concerns the actual relevance of such a text as it has been recognised that the international human rights framework is appropriate in the context of extreme poverty. The mandates of the Commission and Sub-Commission themselves clearly focus on “the implementation of existing human rights norms and standards in the context of the fight against extreme poverty”. This implies that they do not aim at establishing new rights and norms but aspire at a text which would enable or reinforce the exercise of human rights in the specific context of extreme poverty.
21. The idea of such a text is actively supported by the Sub-Commission and a number of NGOs.¹⁵ The most active NGOs in the field of poverty eradication before the United Nations bodies consider that “[a]n international normative instrument might help to bring the necessary accountability and justiciability for the full realisation of all human rights in a context of extreme poverty”.¹⁶ It is thus due to the awareness of a gap, both in recognition and in implementation of rights, that a text which would clearly articulate the indivisibility and interdependence of all human rights in the context of extreme poverty appears as necessary, most acutely from the point of view of organisations working with people living in poverty.
22. Another question relates to the nature of such a document. As described, the initial mandates of the Commission and Sub-Commission referred to a possible declaration while since 2001, they shifted to the concept of guiding principles. Politically, this seems less preoccupying to states than a declaration as the logical vocation of the latter is a convention - with binding effects – even though the process is usually long and winding. At the same time, the risk is to obtain a text which might be conceptually valuable but limited to an advocacy function.

THE EMERGENCE AND ELABORATION OF A HUMAN RIGHTS APPROACH TO POVERTY AND POVERTY REDUCTION

23. As briefly described in the previous section (2.1 and 2.2.), it can be argued that the connection between human rights and poverty was implicitly made in the International Bill of Rights and other human rights declarations. However, the idea to examine the impact of poverty on the enjoyment of human rights only emerged in the late 1980’s-early 1990’s, within the Sub-Commission and Commission fora. This initiative arose from growing concerns over the persistence, scope and depth of poverty - and extreme poverty - in developing as well as

¹⁴ It should be mentioned that the idea of a participatory process, involving people living in poverty in the elaboration of the guiding principles, was supported, in line with Leandro Despouy’s work and with the wishes of some NGOs such as ATD. It was indeed considered that as a potential advocacy tool for people living in poverty, the development of such a text required their participation.

¹⁵ Franciscans International, the International Federation of Human Rights Leagues, the World Organisation against Torture (OMCT), the International Council of Women, the Lutheran World Federation and Dominicans for Justice and Peace.

¹⁶ Statement made by Franciscans International, on behalf of the above-mentioned NGOs (footnote 15) at the Sub-Commission session, August 2004. See:

<http://www.franciscansinternational.org/docs/statement.php?id=280>

industrialised countries and a consequent questioning of the approach to poverty alleviation. The then predominant monetary, income-based definition of poverty was denounced as insufficient and inappropriate to comprehend the multi-dimensional nature of the phenomenon, in its causes, manifestations and consequences, and, to address it accordingly. The human rights approach considers that poverty can be a cause and a consequence of human rights violations, and even a denial – if not a violation - of human rights.

24. Through the description of the emergence of poverty as a human rights issue within the United Nations this section will reveal a prevailing lack of coherence in the approach. It will thereby show the difficulty to analyse and define poverty from a human rights perspective despite the somehow intimate conviction that it constitutes a human rights violation. This may be due to the fact that the understanding and tackling of poverty implies a pluri-disciplinary approach, which is not accessible to most stakeholders. It also derives from the complexity to grasp the legal content one needs to delineate in order to give all its sense and strength to the human rights approach. And of course, it also reflects a certain apprehension at confronting political sensitivity.

Poverty/Extreme poverty: an obstacle to the realisation of human rights to poverty, a violation of human dignity and a denial of human rights, or a violation of human rights?

25. The study of poverty and, more precisely, extreme poverty, from a human rights perspective, was initially undertaken within mandates of the Sub-Commission and Commission.
26. In 1987, Father Joseph Wresinski, the founder of the ATD Fourth-World movement,¹⁷ called upon the Commission on Human Rights to study the issue of extreme poverty. That same year, the Sub-Commission formulated a request to explore the links between extreme poverty and human rights within the mandate of the Special Rapporteur on economic, social and cultural rights. The latter, Danilo Turk, was requested to develop the concept of indivisibility and interdependence of all human rights “in the light of the problems and needs of people living in extreme poverty in industrialised and developing countries”.¹⁸ The Special Rapporteur reiterated in his various reports to the Sub-Commission the need to undertake a specific study on the issue of extreme poverty and its linkages with all human rights.
27. It is in 1989 that the Commission considered for the first time extreme poverty as an independent issue to be considered in the context of all human rights.¹⁹ The General Assembly took up the theme in 1991 and 1992 resolutions entitled “Human rights and extreme poverty”, highlighting that **extreme poverty constitutes an obstacle to the exercise of all human rights**. As mentioned earlier (section 2.1), In December 1992, a General Assembly resolution proclaimed 17 October as the International Day for the Eradication of Poverty.²⁰ In 1993, the General Assembly proclaimed 1996 International Year for the Eradication of Poverty”, described as a pillar to reinforce peace and achieve sustainable development.²¹

¹⁷ A non governmental organisation, ATD Fourth World originated in France in the 1950's works with people living in extreme poverty with the ultimate objective of contributing to eradicating extreme poverty. A core principle of ATD is the participation and empowerment of people affected by extreme poverty.

¹⁸ Sub-Commission Resolution 1987/29.

¹⁹ Sub-Commission Resolution 1989/10.

²⁰ General Assembly Resolution 41/496. This date was chosen in memory of the initiative of Father Joseph Wresinski when, on 17 October 1987, a stone for the victims of poverty was laid in Paris, on the Parvis des Droits de l'Homme where the Universal Declaration of Human Rights had been signed in 1948. The inscription establishes a direct linkage between poverty and human rights violations: “Wherever people are condemned to live in poverty, human rights are violated. It is our sacred duty to unite in order to ensure that they are observed”.

²¹ General Assembly Resolution 48/183

28. In 1992, the Sub-Commission created the mandate of Special Rapporteur on human rights and extreme poverty. Mr. Leandro Despouy was appointed to study the effects of extreme poverty on the enjoyment of all human rights and fundamental freedoms. The novelty was to study extreme poverty as an independent topic, under the light of the enjoyment of all human rights, emphasising the exercise beyond the strict recognition of rights - while it had merely been considered under the angle of economic, social and cultural rights.
29. One main concern stressed by Leandro Despouy, which is also at the heart of movements such as ATD Fourth World, is the fact that there is little knowledge about the empirical realities of extreme poverty and its impact on the enjoyment of human rights, hence the need to reach out to the poorest and include them.²² This principle of participation is a human rights entry point.
30. Upon Commission resolutions, a few seminars were organised on the issue of extreme poverty and human rights: in 1994, a seminar on “Extreme poverty and the denial of human rights” concluded, *inter alia*, that extreme poverty is an affront to human dignity and affects all human rights, which are interdependent and indivisible.²³ It was stated that “it is clear that situations of extreme poverty affect all human rights: civil, cultural, economic, political and social, as well as the right to development, of which the human persons is the central subject”. Two experts seminars on extreme poverty and human rights were organised by OHCHR in 1999 and 2001, subsequently to Commission resolutions (See section 2.4).
31. In 1993, the Vienna World Conference on Human Rights established the link between human rights and poverty (not merely extreme poverty), describing poverty as “one of the major obstacles hindering the full enjoyment of human rights”. The Vienna Declaration and Programme of Action went further, stating that “the existence of widespread extreme poverty inhibits the full and active enjoyment of human rights”,²⁴ inscribing its alleviation and ultimate eradication as a high priority of the international community. It proclaimed that “extreme poverty and social exclusion constitute a violation of human dignity” and added that “urgent steps are necessary to achieve better knowledge of poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruit of social progress”.²⁵ The Vienna Declaration and Programme of Action strongly emphasised the need for participation of the poorest in decision-making processes. In Article I-30, the World Conference on Human Rights expressed “its dismay and condemnation that gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, **poverty**, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law”. In this mixed list of scourges, despite the confusing formulation, poverty is most probably not seen as “a gross and systematic violation” but figures in “such situations that constitute serious obstacles to the full enjoyment of all human rights”.
32. Throughout the 1990’s and as of today, the consecrated phrases consistently used by Commission and Sub-Commission resolutions describe extreme poverty as **“a violation of**

²² This theme appeared in a 1992 General Assembly resolution and a 1993 Commission Resolution and was proclaimed in the 1993 Vienna Declaration and Programme of Action. It has remained a priority in all subsequent resolutions.

²³ See E/CN.4/1995/101.

²⁴ Article I-14.

²⁵ Article I-25.

human dignity and a denial of human rights”. Interestingly, one Sub-Commission resolution, in 2003, requested to address extreme poverty as “a violation of human dignity and all human rights, civil and political as well as economic, social and cultural”.²⁶ This could have constituted a major step ahead, yet, as it was not resumed the following year, it can be assumed that this was a mistake rather than a deliberate statement, which escaped from the attention of the Commission - unless ulterior resolutions intentionally chose to ignore this formulation.

33. In 1998, two years after the expiration of Leandro Despouy’s mandate under the Sub-Commission, the Commission on Human Rights created the mandate of the Independent Expert on the question of human rights and extreme poverty (E/CN.4/1998/25). The mandate requested, inter alia, “to evaluate the relationship between the promotion and protection of human rights and extreme poverty”.

The United Nations Treaty Bodies

34. The UN treaty bodies, the Committee on Economic, Social and Cultural Rights at the forefront, as well as the Committee for the Rights of the Child, have been looking into poverty in the context of the reporting process but not systematically or consistently.
35. The Committee on Economic, Social and Cultural rights has played a major role in putting forward the links between poverty (beyond extreme poverty) and human rights high on the agenda of the Committee, of the High Commissioner for Human Rights and even calling upon the international financial institutions to integrate the human rights perspective in poverty alleviation programme (See section 3.3).

Beyond the human rights fora: towards a multidimensional approach to poverty

36. While the strictly monetary approach to poverty had been prevailing, one could witness a shift in the early 1990’s, even within institutions such as the World Bank and UNDP.
37. In 1990, the World Bank World Development Report on Poverty defined poverty as “the inability to attain a minimal standard of living” which, although still much anchored in economic criteria, bore the seeds of a multidimensional approach.
38. In 1997, UNDP adopted the concept of human development in a Human Development Report specifically devoted to poverty. The latter was depicted as a condition where “opportunities and choices most basic to human development are denied - to lead a long, healthy, creative life and enjoy a decent standard of living, freedom, dignity, self-respect and the respect of others”. The language was getting closer to the Bill of Rights, including freedom, dignity and a decent standard of living. During recent years, especially under the impetus of the UN reform, UNDP has been endeavouring to apply a rights-based approach. In 2003, a Practice Note on Human Rights and Poverty Reduction was issued by the Programme and a pilot project on human rights and poverty reduction is underway, grounded on this note as well as on OHCHR Draft Guidelines on a Human Rights Approach to Poverty Reduction.
39. In March 1995, as a result of the World Summit for Social Development, the Copenhagen Declaration and Programme of Action described poverty as “an offence to human dignity” (Part A, para. 23). Commitment 1 of Copenhagen inscribes the realisation of all human rights as essential for people to achieve social development and to assist people living in poverty.

²⁶ E/CN.4/Sub.2/2003/13.

Eradication of poverty is the second of the 10 Copenhagen commitments, and poverty and social exclusion were identified among the biggest problems affecting mankind.

DEFINITIONS OF POVERTY FROM A HUMAN RIGHTS ANGLE

40. The exploration of linkages between human rights and poverty led to attempts at formulating a definition of poverty and extreme poverty under the human rights angle, grounded on the idea that the way this condition will be described will be quintessential to the way it is addressed. Yet, to date, no consensus has been reached on a possible definition. Attempts at a human rights definition of poverty denounce the classical economic perspective and depart from the multidimensional nature of the condition. They look at quantitative as well as qualitative criteria, at objectively measurable as well as subjective dimensions of poverty, whether pertaining to its causes, manifestations and effects.
41. As the human rights approach to poverty in general has given rise to debates on the need to distinguish or not between poverty and extreme poverty, this section will present tentative definitions emanating from both schools.

Extreme poverty

42. In 1987, in a report to the Economic and Social Council of France on poverty (known as the Wresinski report), Father Joseph Wresinski proposed what is considered as the very first attempt at defining extreme poverty from a human rights angle:

“The lack of basic security connotes the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences. The lack of basic security leads to chronic poverty when it simultaneously affects several aspects of peoples’ lives, when it is prolonged, and when it severely compromises people’s chances of regaining their rights and reassuming their responsibilities in the foreseeable future”.²⁷

43. Thus, extreme poverty was represented as a situation whereby not only rights are denied but, more seriously, lost. This definition underlined the non-monetary causes, effects and dimensions of extreme poverty, linking the condition of extreme poverty with the enjoyment of rights and freedoms. It puts insecurities at the heart of the matter and stresses the indivisibility, interrelatedness and interdependence of all rights. This definition is used as a reference not only for its content but also because it seems to draw a certain legitimacy from the fact that it results from a collective consultation, including people living in poverty.
44. The Wresinski definition was resumed by Danilo Turk in his preliminary report on the realisation of economic, social and cultural rights²⁸ and later adopted by Leandro Despouy in his final report on human rights and extreme poverty. Leandro Despouy intended to further explore the elaboration of a human rights definition of poverty and determined several criteria towards this aim: (1) considering the historical dimension of extreme poverty, (2) showing that extreme poverty concerns developing and industrialised countries alike although in different proportions and degrees, (3) showing the link between poverty and exclusion, mainly that poverty inevitably leads to exclusion, (4) distinguishing between poverty and extreme poverty, which is appreciable

²⁷ Report of the French Economic and Social Council, “Grande pauvreté et précarité économique et sociale”, Journal Officiel de la République Française, Avis du Rapport du Conseil économique et social, 1987, No. 6, 28 February 1987.

²⁸ E/CN.4/Sub.2/1989/19.

not only in terms of economic parameters but above all in relation to the impact on the enjoyment of human rights. Extreme poverty is the denial not only of economic, social and cultural rights, but of all human rights and fundamental freedoms”, (5) showing the harmful consequences for human rights of the persistence of the situation of insecurity in which persons living in extreme poverty find themselves for years and sometimes for generations.” Despouy referred to “the vicious circle of poverty”, pointing out that 1) extreme poverty involves “the denial of all human rights”, 2) a “horizontal vicious circle” – with a cumulative, domino effect of deprivations or misfortunes, 3) has an intergenerational dimension which he described as the “vertical vicious circle”, 4) has an effect of stigmatisation and exclusion.

Poverty

45. On 4 May 2001, the UN Committee on Economic, Social and Cultural Rights adopted a major statement on poverty which proposes a human rights definition of poverty:

“In the light of the International Bill of rights, poverty may be defined as a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. While accepting that there is no universally accepted definition, the Committee endorses this multi-dimensional understanding of poverty, which reflects the indivisible and interdependent nature of all human rights”.²⁹

46. The capability approach integrated in this definition is interesting as it incorporates the definition of poverty developed in 1999 by economist Amartya Sen. In *Development as Freedom*, he offered a definition of poverty as “a deprivation of basic capabilities”, that is to freedoms. Sen’s definition inspired both development and human rights fora. In particular, it was the point of departure for the elaboration of Draft Guidelines on a Human Rights Approach to Poverty Reduction issued by OHCHR at the request of the UN Committee on Economic, Social and Cultural Rights (See section 3.3). It seems to reconcile the development and human rights perspective.
47. However, no consensus has been reached as to a most appropriate definition, and the need to elaborate one is still a subject of interest and discussion, as revealed at the 2004 session of the Social Forum.³⁰

Poverty and/or extreme poverty: a violation of human dignity or a violation of human rights?

48. If there appears to be agreement that poverty/extreme poverty can constitute a violation of certain human rights, mainly economic and social, the main question seems to be whether poverty/extreme poverty is a violation of all human rights. This brings us to the principles of indivisibility, interdependence and interrelatedness of all human rights which necessarily exclude hierarchy, prioritisation, distinction. This also leads to the question of a minimum threshold which, once more, automatically challenges the above-mentioned principles. In 1995, in a report to the Sub-Commission, Leandro Despouy interestingly described extreme poverty as “a violation of the right to human rights”.
49. Economic and social rights are often quoted as the most obvious objects of violations in a context of poverty but there is recurrent failure to establish or articulate the indivisible linkage with civil and political rights. Concerning the latter, the right to life is often evoked as imperilled

²⁹ See E/C.12/2001/10.

³⁰ E/CN.4/Sub.2/SF/2004/2.

by poverty and extreme poverty, mainly through violations of economic and social rights such as the rights to food or health.

50. One interesting angle which has not really been explored, although brought forward by the former Independent Expert of the Commission on Human Rights and Extreme Poverty, is the issue of the legal personality of all human beings. This is inscribed in Article 16 of the International Covenant of Civil and Political Rights: “Everyone shall have the right to recognition everywhere as a person before the law”. Yet it can be argued that persons living in extreme poverty are denied this right of recognition before the law. This approach will be all the more interesting as 1) it pertains to the Covenant on Economic, Social and Cultural Rights, 2) to a right from which many others, including economic and social rights, would derive. The same can be said about Article 24 which provides for the right to registration and to a name and nationality – a recognition of one’s existence and, therefore, one could say to the implementation of all other rights.
51. While there is hesitation to qualify poverty as a human rights violation, most references mentioned throughout this paper do consistently acknowledge that it constitutes a violation of dignity. The notion of dignity, far too vaguely invoked, might actually be a key point to anchor the human rights approach to poverty reduction and even to demonstrate that poverty/extreme poverty does constitute a violation of human rights. It is regrettable that none of the studies undertaken on human rights and extreme poverty have attempted to define the somehow intangible concept of dignity. The reason why UN documents freely refer to poverty as a violation of human dignity is probably due to the fact that it is interpreted as a philosophical notion, not as a legal principle. However, it could be argued that the axiomatic value of dignity, from which originate the principles of equality of all human beings and the inherent inalienability of all human rights, could constitute a sufficient argument to recognise poverty as a violation of human rights.
52. The conception of poverty as a violation of human dignity has been put forward by UNESCO which, in the most provocative approach, has defined poverty as a violation of human rights. UNESCO has advocated for the abolition of poverty, making a comparison between this state and slavery or apartheid. This would imply that poverty, as slavery and apartheid, results from an actual intention to establish a social order based on inequalities and, worse, on the violation of human dignity and human rights.
53. While there is consensus that poverty is morally unacceptable, there is still strong hesitation to consider it as legally reprehensible, i.e. to recognise direct obligations and to create justiciability in this context. The work mandated by the Commission and Sub-Commission, if thoroughly pursued, should be an opportunity to lift and, hopefully solve, a number of issues and questions which the debate over human rights and poverty or extreme poverty raises.

Towards an operational human rights approach to poverty reduction

54. It is the Committee for Economic, Social and Cultural Rights which, based on concerns over the lack of consideration to poverty throughout its examination of states parties’ reports, advocated the idea of poverty reduction or anti-poverty strategies and policies based on human rights (See Statement). In its Statement (above-mentioned) made in 2001, the Committee tries “[to identify] concisely the distinctive contribution of international human rights to poverty eradication” (para. 3). The preoccupation of the Committee was that despite the obvious linkages between human rights and poverty reduction, the PRSPs did not take into account human rights. It therefore called upon the World Bank and IMF to pay attention to human rights which triggered a

dialogue between the High Commissioner – then Ms Mary Robinson – and the Bretton Wood Institutions.

55. The approach, not distinct from a development approach, aims at the empowerment of people living in poverty through human rights, based on the postulate that the common point between people living in poverty is powerlessness (the Committee does not mention income). The Committee does not present human rights as “the panacea” but insists on the instrumental role they can play towards more equity. The Committee argues that the existing international human rights normative framework provides principles which should be pillars of anti-poverty strategies: non-discrimination and equality, participation and accountability – not different from the human rights approach to development. It concludes that “anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights.” This statement might be considered a bit curt and needs to be elaborated as it presumes that theory will be translated into practice.
56. The idea is that by granting people – including those living in poverty – rights, the Covenant imposes obligations, which must be solidly supported by a system of accountability, which is accessible, transparent and effective to ensure enforcement. These obligations fall on States and international organisations.
57. The Committee encouraged the High Commissioner for human rights to work on the integration of human rights into poverty reduction strategies. Proactivism of the High Commissioner, Ms. Mary Robinson. Development of the Draft Guidelines on a human rights approach to poverty reduction strategies which aimed at providing a framework for the operational integration of human rights in poverty reduction policies in general, to assist governments but also donors, development organisations, civil society organisations engaged in anti-poverty programmes. As it primarily aimed at targeting PRSPs, deals with poverty – including extreme poverty (which has been denounced). Resuming the definition of poverty proposed by the UN Committee on Economic, Social and Cultural rights in 2001 (see above), the draft guidelines try to reconcile the development and human rights approach and the articulation of the guidelines departs from Amartya Sen’s capability approach (denounced by those who consider that the poverty debate should be separated from the development one, while the authors argue that they purposefully distanced themselves from the right to development approach, non obligatory, and relied on the applicable, enforceable international human rights law). However, the pillars of the human rights approach to poverty reduction are similar to those used for development. One criticism which can be formulated is that while the documents insist on the indivisibility, interdependence and interrelatedness of all human rights, they focus on rights considered more relevant to the condition of poverty, and mainly deal with economic and social rights, somehow leaving aside civil and political rights. While they have the ambition of being operational, the guidelines fail in this regard and do not articulate what the human rights approach would concretely imply. They also fail to go into policies, sticking to the framework of the human rights standards, i.e. the UN treaty bodies.
58. This said, it seems that none of these approaches dive into the actual substance of what can maintain, increase or engender poverty: namely economic and social policies usually advocated in reform strategies, including poverty reduction strategies. The human rights analysis of such policies, focusing on their potential or actual impact on the enjoyment of all human rights, and the proposal of policies actually contributing to promote and protect all human rights should be at the heart of the human rights approach to poverty reduction. Beyond conceptual debates on distinguishing between poverty, extreme poverty and absolute poverty to the interpretation of human rights and standards which could apply to the issue of poverty, it is obvious and agreed upon by the international community at large (as reiterated in successive international events and documents during the past decade) that there is a dire need to alleviate and, more ambitiously,

eradicate poverty. This is certainly the biggest challenge and the linkages with human rights are irrefutable. Rethinking existing policies to concretely reduce poverty and at the same time ensure the enjoyment of all human rights should be a twin objective. This actually joins the development approach as enounced in the Declaration on the right to development.

CONCLUSION

59. The difficulties met in developing a human rights approach to poverty and poverty reduction reveal all the philosophical, legal and political stakes. While there is certainly further thinking to be undertaken on the conceptual front, the priority and main challenge is to move towards operationalisation.
60. It can be said that the conceptual human rights approach to poverty does not pretend to offer a substitute to any other approach. Nor does it drastically differ from the latest development approaches to poverty. Being holistic, the human rights approach rather aims at the mutual reinforcement and improvement of existing approaches, presuming to achieve more comprehensive, precise, efficient, sustainable and legitimate means and ends of poverty reduction. It thus draws attention to both processes and outcomes which are deemed interdependent. In fact, the human rights approach to poverty essentially resumes the principles of a rights based approach to development. The main common feature being empowerment, whereby people living in poverty, as rights-holders, are to be the centre of poverty reduction initiatives as well as active subjects in the process.
61. While the human rights world tends to blame the development world for not implementing a human rights approach to development in general and to poverty in particular, they have not been able to deliver concrete advice on how to achieve this paramount objective.