



# UNESCO Small Grants Programme on Poverty Eradication

Building national capacities for  
research and policy analysis

Summary of the findings and  
recommendations of the selected research projects

February 2008

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Finally, we would like to thank the Members of the International Advisory Committee, as well as the members of the regional juries.

# Foreword

**Pierre Sané**

*Assistant Director-General for Social and Human Sciences at UNESCO*

**A**fter six years experience of the inter-sectoral programme on the cross-cutting theme (CCT), the eradication of poverty, especially extreme poverty, UNESCO is today taking stock of the results of more than 30 projects implemented in more than 40 countries.

UNESCO's ethical and intellectual mandate places it in a key position to contribute to the achievement of the first of the United Nations' Millennium Development Goals: to eradicate poverty, especially extreme poverty. In line with this, the organization has invested in research and policy analysis on poverty eradication aimed at strengthening the national capacities of selected Member States, thus advancing policy formulation and assisting in the development of action plans and strategies based on a human rights approach.

UNESCO, which is engaged in the difficult task of promoting international cooperation, solidarity and global justice, has

associated itself with international calls for combating extreme poverty, urging respect for the Universal Declaration of Human Rights. The issue is to bring poverty into the domain of rights, to change the political and social context so that a pro-poor paradigm can be effective. This is where the Small Grants programme, one of the 30 CCT projects implemented, is vital to the promotion of poverty eradication issues at a country level in order to develop national capacities for policy analysis.

The role of the Small Grants programme is therefore key to UNESCO's task of promoting global justice and disseminating the message that poverty is a denial of basic human rights. The organization has, and will continue to take, a leadership role in this process, setting standards and promoting pro-poor policy formulation.

Today, the advance and affirmation of civil and political rights are a reality. The world is going in the right direction towards winning rights and freedom of expression and establishing democracies. Yet, with regard to social rights, which call for a spirit of solidarity, we see a real regression because these rights have, for a long time, been relegated to a position of secondary importance. If we genuinely wish to call poverty into question and to make our contribution as an ethical and intellectual organization, we need to see poverty as a question of human rights and ensure the advance of this new approach. Poverty will only cease when it is recognized as a violation of human rights.

A handwritten signature in black ink, appearing to read 'Pierre Sané', with a stylized flourish at the end.

# Preface

**Chifa Tekaya**

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In response to a call by its Member States, UNESCO launched intersectoral projects under the cross-cutting theme (CCT) "The eradication of poverty, especially extreme poverty" involving teams from the five UNESCO programme sectors. The CCT projects were approved as part of the organization's Medium-Term Strategy 2002-2007. Since the inception of the intersectoral projects, 21 pilot projects were implemented in 2002-2003, 19 in 2004-2005 and 13 in 2006-2007, among which 4 research projects explore the linkage between poverty and human rights. The Sector for Social and Human Sciences was entrusted with the coordination and the intellectual and conceptual leadership of these pilot projects. It has provided continuous guidance to the teams in the implementation of the project activities, based on the following three pillars: inter-sectorality, considering that freedom from poverty is a human right, and conducting policy-oriented research and activities.

The Small Grants programme is a key action under the CCT. Its objectives include broadening the focus of international and national poverty reduction strategies through the mainstreaming of education, culture, the sciences and education, as well as supporting linkages between national poverty reduction strategies and sustainable development frameworks and mobilization of social capital by building capacities and institutions and helping to empower the poor to enjoy their rights. The Small Grants programme also aims to contribute to an enabling national policy framework and environment for empowerment, participatory approaches and livelihood generation.

The major achievements of the Small Grants programme are the policy recommendations deriving from the selected research pieces, which have been formulated to provide help and support to countries concerning the implementation of national poverty reduction strategies. Key issues and concepts emerging from the current round of research include recommendations concerning policy issues relating to access to justice for the poor and acknowledgment of the multi-dimensional and varying gradations of vulnerability which must be addressed concurrently with aspects specifically relating to poverty.

In addition to the above, the research has highlighted a number of other issues which may be of interest to policy makers. Research conducted in Burkina Faso and Nicaragua raised the issue of the need to consolidate the rights of the poor with disabilities, whereas in Chile, Mexico and Peru, research projects emphasized the need to recognize the poverty and human rights of indigenous populations and their vulnerability to poverty. Other key concepts raised, both within the research and during the international meeting in Lisbon in February 2007, concern empowerment and the concept of good governance, which should be given centre stage in the process. Several common problems were identified by the researchers, including



discrimination, which remains a key concern and functions as a major factor in poverty entrenchment. Another commonly recognized problem was the linkage between the poverty prevalent in marginalized groups and a lack of education, as well as the cultural perpetuation of poverty which was highlighted as a fundamental factor in the reproduction of poverty cycles.

Specific recommendations were made to UNESCO's Small Grants programme in terms of its future development which include the training of decision-makers in a human rights-based approach. Recommendations were also made pertaining to issues such as the promotion of a multidisciplinary approach involving healthcare, education, access to information, access to justice and the acknowledgment of cultural constraints, as well as the development and maintenance of a network of researchers to share research experience regionally through thematic seminars and virtual dialogues. Further development of the programme should involve the development of universal indicators on the impact of policies on human rights and projects for poverty eradication, which will facilitate dialogue between civil society and decision-makers in order to raise awareness of the international, regional and national approach to work in the field of poverty.

Through empirical research, the Small Grants programme has contributed to a better understanding of the linkage between poverty and human rights for improved livelihoods and increased pro-poor participation, promoting analysis on the impact of public policies on the poor and ultimately striving to define poverty as a human rights issue. The elimination of poverty is a responsibility for all, correlative with the obligation to fulfill, protect and respect the rights of the most vulnerable and to preserve their human dignity. UNESCO's strategy stresses that freedom from poverty is a human right and a global ethical imperative that should be a top priority for governments and the international community.

The Small Grants programme has gone some way towards promoting poverty eradication, disseminating the idea that poverty is not simply a matter of lack of resources or access, but a complex, multi-dimensional issue. Ultimately it comes down to a matter of respect for human dignity and, as such, for human beings. Advancing this concept was the thrust of the "Small Grants programme for poverty eradication: building national capacities for research and policy analysis". It was therefore important for UNESCO to help build national capacities for research and policy analysis in order to make the right choice concerning policies that respect the human rights of the most vulnerable.

Chifa Tekaya

# List of Acronyms

<b>AAY:</b>	Antyodaya Anna Yojana
<b>ABN:</b>	Sistema de Altas, Bajas y Novedades
<b>ACs:</b>	Advisory Councils
<b>ACRWC:</b>	African Charter on the Rights and Welfare of the Child
<b>ADB:</b>	African Development Bank
<b>AFREPREN:</b>	African Energy Policy Research Network
<b>ALF:</b>	Africa Leadership Forum
<b>ANDDH:</b>	Association Nigerienne des Droits de l'Homme: Nigerien Association of Human Rights
<b>ANSTI:</b>	African Network of Scientific and Technological Institutions
<b>ART:</b>	Antiretroviral Treatment
<b>ARV:</b>	Antiretroviral
<b>ATUW:</b>	Association of Tongan University Women
<b>BDRA:</b>	Births and Deaths Registration Acts
<b>BRAC:</b>	Bangladesh Rural Advancement Committee
<b>CARE:</b>	Cooperative for Assistance and Relief Everywhere
<b>CBOs:</b>	Community-based Organizations
<b>CDF:</b>	Constituency Development Funds
<b>CELS:</b>	Centro de Estudios Legales y Sociales: Centre for Legal and Social Studies
<b>CESIS:</b>	Centro de Estudos para a Intervenção Social: Portuguese Research Institute on Social Exclusion
<b>CHRAJ:</b>	Commission for Human Rights and Administrative Justice

<b>CILC:</b>	Centre for International Legal Cooperation
<b>CODEM:</b>	Labour Programs' Complaint Commission
<b>CODDHD:</b>	Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie: Collective Organizations for the Defence of Human Rights and Democracy
<b>COMCYT:</b>	Comisión Interamericana de Ciencia y Tecnología: Commission on Science and Technology
<b>CRIN:</b>	Child Rights Information Network
<b>CROP:</b>	Comparative Research Programme on Poverty
<b>CRRID:</b>	Centre for Research in Rural and Industrial Development
<b>CSOs:</b>	Civil Society Organizations
<b>DFID:</b>	Department for International Development
<b>DHS:</b>	Demographic and Health Survey
<b>DRPI:</b>	Disability Rights Promotion International
<b>ECSR:</b>	European Committee of Social Rights
<b>EES:</b>	Empreendimentos Econômicos Solidários: Solidarity-based Economic Enterprises
<b>EGPAF:</b>	Elizabeth Glaser Pediatric AIDS Foundation
<b>EWC:</b>	East-West Centre
<b>FBOs:</b>	Faith-based Organizations
<b>FDI:</b>	Foreign Direct Investment
<b>FGD:</b>	Focus Group Discussions
<b>FHI:</b>	Family Health International
<b>FIDH:</b>	Fédération Internationale des Droits de l'Homme: International Federation of Human Rights
<b>FLACSO:</b>	Facultad Latinoamericana de Ciencias Sociales: Latin-American School of Social Sciences

<b>FOCO:</b>	Foro de Consulta Ciudadana: Forum of Civil Society Consultancy
<b>FONFEBOSQUE:</b>	Technical Administrations of Forest Control and Wild Fauna Programme
<b>FPE:</b>	Free Primary Education
<b>GDP:</b>	Gross Domestic Product
<b>GNP:</b>	Gross National Product
<b>HBC:</b>	Home-based Care
<b>HC:</b>	Human Capital
<b>HIV/AF:</b>	HIV/AIDS Fund
<b>IAC:</b>	International Advisory Committee
<b>IAY:</b>	Indira Awaas Yojana
<b>IBASE:</b>	Instituto Brasileiro de Análises Sociais e Econômicas: Brazilian Institute for Social and Economic Analysis
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>ICESCR:</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICRC:</b>	International Committee of the Red Cross
<b>ICRW:</b>	International Centre for Research on Women
<b>ICSLS:</b>	International Conference on Sri Lanka Studies (8th)
<b>IDAES-UNSAM:</b>	Institute of Advanced Studies on Social Sciences, University of San Martin
<b>IDEA:</b>	International Institute for Democracy and Electoral Assistance
<b>IDEMI:</b>	Instituto para el Desarrollo de la Micro y Pequeña Empresa: Institute for the Development of Micro and Small Enterprises

<b>IDI:</b>	In-depth Interviews
<b>IEC:</b>	Information, Education and Communication
<b>IFCS:</b>	Instituto de Filosofia e Ciências Sociais: Institute of Philosophy and Social Sciences
<b>IHD:</b>	Income for Human Development
<b>IICO:</b>	Kuwait-based International Islamic Charitable Organization
<b>IIRO:</b>	International Islamic Rehabilitation Organization
<b>ILO:</b>	International Labour Organization
<b>INDEPA:</b>	Instituto Nacional de Desarrollo de los Pueblos Andinos, Amazónicos y Afroperuano: National Institute for Development of the Andean, Amazonian and Afro-Peruvian Peoples
<b>INRENA:</b>	Instituto Nacional de Recursos Naturales: The National Institute of Natural Resources
<b>INS:</b>	Institute of National Studies
<b>IOM:</b>	International Organization for Migration
<b>ISDIBER:</b>	Instituto de Sociología y Desarrollo del Area Ibérica: Institute of Sociology and Development for the Iberic Region
<b>IUCN:</b>	World Conservation Union
<b>IUPERJ:</b>	Instituto Universitário de Pesquisas do Rio de Janeiro: Institute for University Research of Rio de Janeiro
<b>IVP-PHIL:</b>	International Visitor Program - Philippine Alumni Foundation, Inc.
<b>KGCR:</b>	Knight of the Grand Cross of Rizal
<b>LAC:</b>	Latin America and the Caribbean






<b>LASDEL:</b>	Laboratoire d'Etudes et de Recherches sur les Dynamiques Sociales et le Développement Local
<b>LATF:</b>	Local Authority Transfer Funds
<b>LHRC:</b>	Tanzania Legal and Human Rights Centre
<b>LSE:</b>	London School of Economics
<b>LUA:</b>	Land Use Act, 1978
<b>MDGs:</b>	Millennium Development Goals
<b>MDSyMA:</b>	Ministerio de Desarrollo Social y Medio Ambiente: Ministry of Social Development and the Environment
<b>M&amp;E:</b>	Monitoring and Evaluation
<b>NACP:</b>	National AIDS Control Programme
<b>NDI:</b>	National Democratic Institute
<b>NEEDS:</b>	National Economic Empowerment and Development Strategies
<b>NGO:</b>	Non-Governmental Organization
<b>NISER:</b>	Nigerian Institute of Social and Economic Research
<b>NOLA:</b>	The National Organization for Legal Assistance
<b>NORAD:</b>	Norwegian Agency for Development and Cooperation
<b>OHCHR:</b>	Office of the High Commissioner for Human Rights
<b>OI:</b>	Opportunistic Infections
<b>OLS:</b>	Ordinary Least Square
<b>OSSREA:</b>	Organization for Social Science Research in Eastern and Southern Africa
<b>PAs:</b>	Protected Areas
<b>PAMM:</b>	Programa Adulto Mayor Más
<b>PCB:</b>	Prevention of Corruption Bureau, Tanzania

<b>PDS:</b>	Public Distribution System
<b>PEPFAR:</b>	President's Emergency Plan for AIDS Relief
<b>PHM:</b>	Peoples Health Movement
<b>PJJ:</b>	Plan Jefes y Jefas: Programme for Heads of Households
<b>PjyJHD:</b>	Plan Jefes y Jefas de Hogar Desocupados: Unemployed Heads of Household Plan
<b>PLA:</b>	Participatory Learning and Action
<b>PLHIV:</b>	People Living with HIV
<b>PROCEDE:</b>	Programa de Certificación de Derechos Ejidales y Titulación de Solares Urbanos: Programme for Certification of Ejidal Rights and Titling of Urban Patios.
<b>PRSD:</b>	Poverty Reduction Strategy Document
<b>PRSP:</b>	Poverty Reduction Strategy Paper
<b>PRS:</b>	Poverty Reduction Strategy
<b>RECS:</b>	Rural Electrification Collective Scheme
<b>REPLF:</b>	Rural Electrification Programme Levy Fund
<b>REPOA:</b>	Research on Poverty Alleviation
<b>RLEK:</b>	Rural Litigation and Entitlement Kendra
<b>RMLF:</b>	Road Maintenance Levy Fund
<b>SAPRIN:</b>	Structural Adjustment Participatory Review International Network
<b>SEBF:</b>	Secondary School Education Bursary Fund
<b>SENAES:</b>	Secretaría Nacional de Economía Solidaria: National Department for Solidarity-based Economy.
<b>SGRY:</b>	Sampoorna Grameen Rozgar Yojana



<b>SGSY:</b>	Swarnjayanti Gram Swarozgar Yojana
<b>SHS:</b>	Social and Human Science
<b>SIS:</b>	Sistema Integral de Salud: Holistic Health System
<b>SSA:</b>	Sub-Saharan Africa
<b>TACAIDS:</b>	Tanzanian Commission for AIDS
<b>TOR:</b>	Terms of Reference
<b>TRIPS:</b>	Trade-Related Aspects of Intellectual Property Rights
<b>UCAM:</b>	Universidade Candido Mendes
<b>UFISES:</b>	Unidad Fiscal de Investigación de Delitos de la Seguridad Social: Security Fiscal Investigations Unit
<b>UFRJ:</b>	Universidade Federal do Rio de Janeiro
<b>UNCRC:</b>	United Nations Convention on the Rights of the Child
<b>UNCSTD:</b>	United Nations Commission on Science and Technology for Development
<b>UNCTAD:</b>	United Nations Conference on Trade and Development
<b>UNDP:</b>	United Nations Development Programme
<b>UNECA:</b>	United Nations Economic Commission for Africa
<b>UNESCO:</b>	United Nations Educational, Social and Cultural Organization
<b>UNHCR:</b>	United Nations High Commissioner for Refugees
<b>UNICEF:</b>	United Nations Children's Fund (formerly United Nations International Children's Emergency Fund)
<b>WB:</b>	World Bank
<b>WHO:</b>	World Health Organization
<b>WTO:</b>	World Trade Organization

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## Background

**U**NESCO - the United Nations Educational, Scientific and Cultural Organization - promotes international co-operation among its Member States in the fields of education, the sciences, culture and communication. The Sector of Social and Human Sciences (SHS) - one of the five specialized sectors of UNESCO - has the mission of advancing knowledge, standards and intellectual cooperation in order to facilitate social transformations through which the values of justice, freedom and human dignity can be fully realized. UNESCO carries out this mission in several ways, one of which is through various poverty eradication projects, coordinated by SHS. The Small Grants programme is one of these.

The Small Grants programme was launched in 2004 and provides small grants of up to US\$10,000 for empirical research in countries in sub-Saharan Africa, South Asia, and Latin America and the Caribbean. A call for proposals was issued, inviting researchers and scholars to channel their proposals through UNESCO field offices (Dar-es-Salaam, Bamako, San José, and New Delhi). More than 400 researchers submitted proposals for small grants. To evaluate them, UNESCO formed an independent Regional Jury in each sub-region and an International Advisory Committee,<sup>1</sup> which ensured two-stage

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<sup>1</sup> Members of IAC: Mr. Adama Dieng, Prof. Jose David Lapuz, Prof. Else Oyen, Mr. Arnaldo Ventura, Prof. Alfredo Bruto da Costa, Dr. Atindra Sen.

assessment. The results of the first round of research projects were discussed during an international meeting held in Lisbon, Portugal, from 27 February to 2 March 2007 at the invitation of the Portuguese Government and the Calouste Gulbenkian Foundation, and in cooperation with the Portuguese National Commission for UNESCO. This meeting coincided with the third meeting of UNESCO's International Advisory Committee (IAC) on Poverty and Human Rights.

### **1.a Objectives the of Small Grants programme**

The overall goal of the programme is to encourage mid-career professionals and their institutions to contribute to poverty eradication strategies and national action plans that are based on a human rights framework.<sup>2</sup>

UNESCO's contribution under the programme is aimed at strengthening national capacities for research and policy analysis on poverty eradication, thus assisting selected Member States in developing anti-poverty strategies and action plans based on human rights and in monitoring their implementation. The Small Grants programme targeted researchers in selected Member States in sub-Saharan Africa, South Asia and parts of Latin America and the Caribbean - the regions or sub-regions, according to prevailing trends, least likely to achieve the United Nations Millennium Development Goal of halving extreme poverty by 2015.

UNESCO wishes to encourage research and policy analysis focusing on the relationship between poverty and human rights. The organization also wishes to promote analysis on the impact of public policies on the rights of the poor, especially on the extent to which "pro-poor" policies and related national actions in development

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<sup>2</sup> For detailed discussion on human rights in development see "Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies", at <http://www.unhchr.ch/development/povertyfinal.html/>.

programming are actually contributing to improved livelihoods and participation of the poor. In cooperation with partners through this first round of Small Grants, UNESCO has supported work that moves toward a view of poverty as a human rights issue. In doing so, the organization has contributed to a heightened awareness of the injustice of poverty, in accordance with the UN Committee on Economic, Social, and Cultural Rights, 2001, which describes poverty as "a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights."

### **1.b Funding and eligibility**

In its first stage, the UNESCO Small Grants programme provided individual grants of up to US\$10,000 to competitively selected projects. Beneficiaries were institutionally-based mid-career professionals at universities; specialized research centres; relevant government departments; and NGOs in the targeted regions of the world. This funding covered the direct costs of the research, including the local travel and subsistence of the principal researcher(s) and research assistants, acquisition of relevant literature and supplies, data collection, analysis, and report preparation.

### **1.c Final selection**

The second meeting of the International Advisory Committee on Poverty and Human Rights made final recommendations for 42 research proposals to be supported as follows: 11 from East and South Africa, 6 from West and Central Africa, 12 from Latin America and the Caribbean, 10 from South Asia. Three additional grants were earmarked for state-of-the-art reviews of the literature on poverty and human rights - one in each region - conducted by the CROP network.



### 1.d Capacity building

The proposals showed a number of common problems including methodological and conceptual weaknesses that need capacity building and continuous guidance. It was decided that award winners would benefit from the capacity building effort planned under the programme.

To this effect, training workshops took place in each of the regions as follows:

- South Asia: New Delhi, India, 2 to 5 August 2005;
- Latin America: San José, Costa Rica, 10 to 13 August 2005;
- Africa: Zanzibar, Tanzania, 19 to 22 September 2005.

These workshops focused on:

1. Methodology and project design
2. Conceptual framework of human rights
3. Conceptual foundation for a human rights-based approach to poverty eradication
4. How to reconcile human rights language with development language
5. Policy implications and formulation deriving from the research projects
6. Review of all proposals and guidance for reformulation.

After the training workshop all award winners submitted their final revised proposals for approval by the members of the regional juries. The researchers then had almost a year and a half to undertake their research (September 2005 - October 2006, with the submission date of the final report extended to December 2006). In the meantime, members of the regional juries mentored award winners as part of the capacity building exercise.

## 1.e Final reports

The researchers submitted interim and draft final reports for comments from UNESCO and the regional experts. They submitted their final reports revised in accordance with the comments of the regional experts.

All reports submitted were satisfactory except the report of the Association of Tongan University Women (ATUW) "Attitudinal behaviour that hinders the empowerment of women in Tonga", which was rejected. As a result, the grant was stopped. One grant was also cancelled in East Africa, "Poverty and human rights violations among the mentally ill: a sociological perspective" from Kenya, because of failure to submit the first draft of the final report.

The work of two teams from Latin America (Centro de Derechos Humanos y Ambiente, Argentina, "Poverty, human rights and environment" and Universidad de Concepción, Chile, "Reproduction of life and culture around poverty in the communities of Malla Malla") was unsatisfactory due to divergence from the research guidelines and approach specified by UNESCO. The research failed to adequately exemplify the link between poverty and human rights, and consequently the researchers were not invited to the international meeting.

One study from West Africa (Burkina Faso, "The rights of handicapped persons and poverty in Burkina Faso") was unsatisfactory owing to failure to submit the report. The grant was allocated to allow the researchers to continue the research beyond the deadline. However, the team was not invited to the international meeting.

The final report from South Africa of the Department of Criminal Justice of the University of Cape Town, "The reality of the right to housing for women living in the Western Cape province of South Africa", was submitted late for evaluation on 1st February 2007.

The state-of-the-art review for South Asia, "Review of the state-of-the-art literature on poverty and human rights in Asia", written by Karori Singh will not be included in this publication as the researcher failed to submit a satisfactory final report.

## Executive summary of the Small Grants international meeting

1. The international meeting was held under the auspices of the President of the Portuguese Republic and organized jointly with the National Commission, the Economic and Social Council, the CESIS (Centro de Estudos para a Intervenção Social: Portuguese Research Institute on Social Exclusion) and the Calouste Gulbenkian Foundation. Mr Pierre Sané, Assistant Director-General for Social and Human Sciences at UNESCO, delivered a message during the opening session of the meeting, which was followed by a message from the President of the Portuguese Republic supporting the Small Grants programme in particular, and UNESCO's action towards poverty eradication in general. The meeting brought together almost 60 international participants, as well as national participants from research institutes.
2. The first day was devoted to the presentation of the results of the research projects. The presentations were made by the regional experts who had been involved in the selection process, as well as in the review of mid-term and final reports. The experts presented

the main results, in terms of policy recommendations, as well as illustrating how poverty has been addressed as a human rights issue in the projects.

3. On the second day, a public debate was organized with Mr Pierre Sané and Prof. Alfredo Bruto Da Costa, President of the Economic and Social Council and former Minister of Social Affairs in Portugal, on the theme: "Is poverty a human rights issue?". A well-known Portuguese journalist moderated the debate. This debate was followed by the thematic working groups, which started during the afternoon session.
4. During the afternoon of day two, the meeting separated into four working groups each focusing on a common theme:

**Group 1:** *Policy review*

**Group 2:** *Vulnerable groups (children, youth, disabled)*

**Group 3:** *Indigenous and specific ethnic groups and gender issues*

**Group 4:** *Case studies.*

This exercise facilitated an exchange of experience through a dialogue, which highlighted common challenges in different contexts.

5. On the final day, after the presentations on the state-of-the-art literature reviews on poverty and human rights from each of the three regions targeted by the project (Latin America, Africa and South Asia) the last session was devoted to the reports of the four working groups and their final recommendations (see the following section: General Recommendations from the Small Grants Programme International Seminar on Poverty Eradication).

6. The meeting of the International Advisory Committee made recommendations for the future of the programme and made a final selection of the best research projects to be published. They are as follows:

## **SOUTH ASIA**

Analysis of the existing laws and policies at the National level in addressing poverty eradication within the human rights framework, *Pallavi Bahuguna*, Rural Litigation & Entitlement Kendra (RLEK), India

Poverty and human rights issues in urban slums: analyzing the dimensions and mainsprings through case studies of Chandigarh, *Bindu Duggal*, Centre for Research in Rural and Industrial Development (CRRID), India

Impact of collective group action in reducing poverty by advancing the "right to development" as a human right, *Kultar Singh*, Parivartan, India

Social exclusion of Bihari camp dwellers leads and increases poverty, *Ahmed Ilias*, Al-Falah, Bangladesh

## **LATIN AMERICA**

Poverty reduction policies implemented in Argentina (2002-2005). An analysis of their design, implementation and eligibility from a human rights perspective, *Eleonor Faur*, Argentina

A critical evaluation of the programme: heads of households in Argentina as an instrument for the eradication of poverty based on human rights, *Jorge Colina*, Argentina

## AFRICA

Pro-poor policies for rural electrification in Botswana: a rights-based perspective, *Edward Marandu*, Botswana

Non-registration of children and poverty in Zimbabwe: an integrative analysis, *Reuben Musarandenga*, Zimbabwe

The economic vulnerability of the elderly in poor HIV/AIDS-affected households and their affinity for micro-lending, *Pinky Lalthapersad-Pillay*, South Africa

Finding sustainable policy options for informal street traders in Nairobi, Kenya: a human rights-based approach, *Philomena Wairimu Muiruri*, Kenya

Efficiency of the legal framework and existing policies in Niger in terms of the fight against poverty from the human rights point of view, *Badié Hima*, Niger

7. At the closing session, Mr João Gomes Cravinho, Secretary of State for Foreign Affairs and Cooperation, made a speech on behalf of the President of the Portuguese Republic, and then announced the award of three grants within the framework of the Portuguese trust fund for researchers from Portuguese speaking countries, this is in addition to the three grants offered by the Calouste Gulbenkian Foundation. Ms Chifa Tekaya, Coordinator of the Poverty and Human Rights Programme at UNESCO, then delivered a speech on behalf of UNESCO.

## Working Groups: summary of results

The discussions of the four thematic working groups led to the following key issues and concepts which came out as relevant. The recommendations are compiled in the following section, General Recommendations.

### KEY CONCEPTS

The following concepts came out in group discussions as particularly important:

1. The issue of empowerment came out as a very important factor in the discussions.
2. This issue of empowerment was developed to incorporate the idea that women and gender are at the core of poverty. There were various points raised concerning the role assigned to men in anti-poverty strategies.
3. The concept of good governance was raised as a factor which should be given centre stage in the eradication of poverty.
4. The discussions also highlighted the importance of legal documents and policies being translated into local languages in order to facilitate both wide and equitable dissemination.



5. The research and discussion stressed the need for methodological systemization that would help to operationalize the concepts of poverty and human rights into indicators, methods and techniques which are adequate for this approach. Several questions were raised in relation to this point: Can this be used to develop a new kind of index, a human rights-based index? Can the human development index be used as a starting point for the construction of such an index?
6. It was agreed by the groups that a universal approach is the best way to combat poverty.

## **KEY ISSUES**

The following aspects were raised by the researchers as being key issues in their investigation:

1. The research has helped make the existence of issues such as vulnerable groups more visible.
2. It also highlighted how poverty and vulnerability constantly perpetuate one another in a negative way.
3. There is potential conflict between the preservation of the environment policies and the rights of the population living in a given environment, more specifically: the means and methods of establishing a balance between the rights which are in conflict with each other remains a key issue. An example of this can be found in the protection laws which can violate the human rights of the population.
4. Discrimination remains a key issue and functions as a major argument to maintain poverty.
5. A very small percentage of vulnerable groups, and society in general, have an understanding and knowledge of their rights which remains problematic.

6. Human rights education must become a commitment for the State. This education must be both formal and informal and, in this area, UNESCO has a very important role to play.
7. There is a need to establish mechanisms to monitor the impact of reforms (for instance, macro-economic reforms) on the poor and the most vulnerable groups in society.
8. The researchers also felt that, in terms of stigma, many policies and programmes require the poor to declare themselves poor before they are able to receive benefits and, because of this, some programmes are seen as programmes for the lazy.
9. Many policies have a charity or a beneficiary-based approach to poverty reduction, rather than focusing on poverty eradication as a universal right. This is relevant, for example, in the continued drafting of policies from an economic point of view as opposed to a human rights-based perspective.
10. Cultural practices often act as a hindrance in the implementation of various human rights-based policies.
11. The poverty prevalent in marginalized groups seems to be linked to a lack of education, which prevents the groups from organizing themselves as citizens.

Following on from the above point, several other issues were raised:

12. It was agreed that cultural elements perpetuate poverty, an example of this can be seen in the issue of gender inequity, for example: chauvinistic behaviour displayed by men in society often renders women without access to formal education.
13. Following on from this, it is necessary to develop enhanced mechanisms for the control and evaluation of the implementation of law and the legal framework. The establishment of a human rights observatory could be used in this respect.

**Main policy issues raised**

The following issues were raised as the most important during the groups' discussions:

1. The issue of access to justice by the poor remains a fundamental problem.
2. There must be increased emphasis placed on the right and access to information.
3. The role of the state in the eradication of poverty must be clarified when there are numerous NGOs involved and must be integrated into policies.
4. Thematic issues of poverty and vulnerable groups within society.
5. It was considered an important conclusion of the research that the different gradations of vulnerability be addressed besides those that are specifically related to poverty.
6. There must be international dialogue established, for example South-South exchanges in Africa and Latin America and the Caribbean.

## General Recommendations from the Small Grants Programme International Seminar on Poverty Eradication

### FOR UNESCO:

These recommendations were made to UNESCO for activities within the framework of its medium term strategy: 2008-2013.

1. The training of decision-makers in a human rights-based approach.
2. The need to highlight the gender problematic and link it to the relevant UNESCO programmes.
3. The promotion of a multidisciplinary approach, which involves health, education, access to information, access to justice and which takes cultural constraints into account.

### MORE SPECIFICALLY:

In terms of research activities:

1. To develop universal indicators on the impact of policies on human rights and projects for poverty alleviation. These indicators could be viewed as decision-making supports, which would allow

decision-makers to prioritize public policies according to their impact on the effectiveness and enjoyment of human rights (e.g. legal control of commodity price). These indicators should also evaluate social progress.

2. To introduce the concept of a human rights-based approach to poverty within the academic curricula (e.g. A UNESCO chair in Argentina and a new Masters programme on social policies and human rights).
3. To hold workshops and thematic seminars on these issues (e.g. the environment, the linkage between poverty and human rights) addressed to planners; decision-makers; NGOs; academics and so forth, in order to improve research documents.

In terms of advocacy and dissemination of results:

1. To facilitate dialogues between civil society and decision-makers.
2. To disseminate the message by raising awareness in the media (papers, encyclopaedia, TV).
3. To support NGOs which could take over the diffusion of this paradigm.
4. To disseminate results through scientific papers and forums of debate.
5. To call upon UNESCO to support the diffusion of results at an intergovernmental level.
6. To create a network of the programme researchers, providing them with institutional support and partnering them with a mentor in order to continue reflection (this links up with the follow-up committees and the establishment of an electronic forum).
7. To involve national commissions of human rights and to raise awareness on the international, regional and national institutions/foundations that work in the field of poverty.

## PUBLICATIONS

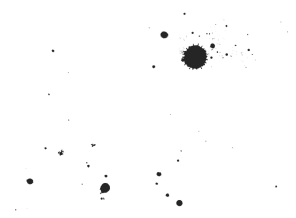
Given the unequal quality of the reports, most of them need some editing before publication. Subsequently, the members of the International Advisory Committee and of the Regional Jury recommended:

1. The need to make thematic publications.
2. The need to select some papers to be published in the International Social Sciences Journal (published by UNESCO).

# POVERTY

**Article 25:** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. "Universal Declaration of Human Rights"

## Contributions on legal, social and philosophical dimensions of poverty tackled through the human rights framework





## Public Debate

# Is poverty a human rights issue?

A public debate took place on the second day of the International Meeting in Lisbon (28 February) which centred on the discussion of poverty as a human rights issue. This debate featured the ADG for Social and Human Sciences at UNESCO, Mr Pierre Sané and Prof. Alfredo Bruto Da Costa, who is a member of the UNESCO International Advisory Committee on Poverty and Human Rights. The debate was moderated by a well-known Portuguese journalist, Mr Antonio Peres Metello, who has extensive experience writing in the area of economic affairs. The following is an edited transcript of their discussion.

### **Pierre Sané**

To expand briefly on my presentation this morning, I would like to make six points to try to answer the question: is poverty a human rights issue? You have heard my answer already. For me, poverty is not just a human rights issue; it's a violation of human rights. Now I will try, in this opening remark, to substantiate my position. To do so, I must first of course define human rights; then specify the correlative duties and obligations of governments; then offer a definition of poverty from a human rights perspective; then qualify what violation means, and



what a violation is; and finally what is the value added by this approach compared to other approaches in the struggle against poverty and what are the implications for poverty strategies as a whole.

Now, of course, it would take a whole book just to go through this so bear with me, maybe you will not be satisfied with the answers but in the course of the discussion we can explore them further.

## 6

Let us start with human rights. For some, human rights are natural rights with which we are endowed by our creator. If you look at the American Declaration of Independence which I have here with me, it says: we hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

For other philosophers, like Kant, human rights are based on the equality of all men and women because all men and women are endowed with reason and conscience, which is what makes them human. You can be born Portuguese, it is by accident; you can be born black, it is by accident; you can be born a Jew, it is by accident. But you are not human by accident, you are human because you are endowed with reason and conscience, and that is the basis for human rights.

For others, human rights are derived from the moral basis for action. In order to act, human beings need liberty and well-being, and because they interact in society they have to acknowledge that other actors also need liberty and well-being. So, rights are a mutual guarantee that we offer to each other in order to be able to interact in society. Further, as human rights lawyers will tell you, human rights are rights enshrined in constitutions, in international treaties, and in the law. When a government ratifies an international treaty, that treaty is then integrated into the constitution and the government commits itself to the obligations contained within that treaty: to respect, to protect, to fulfill and to promote human rights. But for many of us, human rights are a conquest, that is, they are a result of struggles: the

struggles of humanity for centuries, the struggle of workers, the struggle of women, the struggle of colonized people, the struggle of the slaves and, today, the struggle of the poor. Human rights are, therefore, conditions that are imposed on those who are in power and derive from historical confrontations between different groups.

Today, universal human rights are enshrined in the founding document, the Universal Declaration of Human Rights, and in all the subsequent treaties: the Convention against Torture, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and so forth. All these are treaties which, when ratified by governments, impose on them duties and obligations to respect the specified rights, to protect those rights against encroachment from any other actor, to fulfill those rights and to promote them mainly through education. It follows that the primary duty, the primary obligation, of any government is actually to respect and fulfill human rights.

Again I take you back to the American Declaration of Independence, when they stated what those rights were and where it says that: to secure these rights, governments are instituted among men, deriving their just powers from the consent of the common. So governments are established in order to protect, respect and fulfill human rights. That is the legitimacy of a government. Governments are formed, primarily, in order to respect, protect and promote human rights. You will find this same concept in the UN Charter, and all other relevant treaties. This mission is the primary reason why governments are instituted and the basis from which they derive all kinds of obligations and all kinds of duties in respect of human rights. And I remind you that as shown by the list of legal instruments I referred to earlier, human rights include the whole set of economic, social and cultural rights.

Let us come back to poverty now. Poverty, as I said earlier this morning, is not a fate, even though some will argue that poverty

has always existed and is something that will continue to exist forever because that is how things are. We know that this is wrong. We also know that poverty cannot be blamed on the poor: we cannot blame the victims for the fate that they are suffering. And we know that poverty is not just the consequence of incompetent or corrupt governments. We also know that poverty does not exist only in poor countries and that you may have some poor countries with a level of poverty that may be even lower than the percentages that you would find in very rich countries.

The UN has come up with definitions of poverty, different from the US\$1 or US\$2 that define the criteria imposed by the World Bank. The UN Committee on Economic, Social and Cultural Rights defined poverty, in 2001, as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power that are necessary for the enjoyment of an adequate standard of living and other civil, political, economic, social and cultural rights. So, poverty is deprivation: it means somebody is acting to deprive you of such rights, resources, capabilities, choices, security, and power.

Poverty is powerlessness. It is, therefore, because you are deprived of all those attributes that you cannot enjoy the human rights that have been proclaimed in all the universal instruments. The UN, actually, through its various agencies, is taking on board this new definition of poverty by defining its programmes as it does: education for all in UNESCO, which starts from the assumption that education is a fundamental human right; health for all, which is now what WHO is pushing; food for all which is promoted by FAO; work for all which is ILO's core agenda; and housing for all which is the focus of UN-HABITAT. Some organs of the UN go even further than this. The sub-commission stated in May 2004 that poverty and extreme poverty lead to violations of the right to life in numerous ways as they violate the

right to a decent standard of living, the right to housing, the right to education, the right to work, the right to health, the right to the protection of the family, the right to privacy, the right to recognition as a person before the law, the right to justice, the right to take part in political affairs, and the right to participate in social and cultural life.

UNDP, in its development report in 2000, said that poverty limits freedoms and deprives a person of dignity. UNDP calls for a framework for development, trade and investment that protects and promotes human rights and suggests that debt policies and structural adjustment programmes should be assessed in terms of their impact on human rights. The government can pay its debt only after it has fulfilled the obligations contained in the international treaties that it has ratified and whoever is forcing a government to pay the debt, instead of guaranteeing and securing the right to school to all children, is committing a human rights violation by insisting that the debt should be paid at the expense of investment in education, healthcare, housing, and access to food.

Thus, violation can take the form of policy, law, action that contravenes international treaties, or failure to act. When the government does not take action to prevent or repress domestic violence, the government itself is failing in its international obligations and it is, therefore, committing a human rights violation. When a government does not realize, progressively, the economic, social and cultural rights contained in the International Covenant on Economic, Social, and Cultural Rights, it is committing a human rights violation. When a government is presiding over a regression of the satisfaction of those basic economic, social and cultural rights, it is committing a human rights violation. So, the violations derive from the obligations contained in the treaties that the government has ratified. It is equally a violation to take action, or to enact a law, or to put in place a policy that contravenes the obligation, or to fail to fulfill the obligations contained in that treaty.

For certain rights, action is immediate. For example, torture has been abolished. It is therefore imperative that all governments stop torturing people, and they must stop today. When it comes to economic, social and cultural rights, unfortunately, the international community agreed on progressive realization of the rights contained in the Covenant of 1966. Progressive realization means that, year after year, we must see progress in the realization of those economic, social and cultural rights. It is not just the government of the country that has the responsibility to implement those rights; it is the collective responsibility of the international community because those rights belong to individuals irrespective of race, religion, nationality, or culture. A child born in Nigeria has the same rights as a child born in France and is entitled to free education, healthcare, and all the rights contained in the international treaties. It is the obligation not just of one government but of all the governments who have committed themselves to make sure, collectively, that these rights will, indeed, be universally enjoyed. Therefore, the responsibility is not incumbent on just one government: it is a collective responsibility that is also implemented through the organizations of the international community such as the United Nations, the World Bank, the IMF, and the WTO, which are all accountable to each and every one of us for the respect, protection and fulfillment of all these rights.

What, then, is the added value of approaching this issue from a violation perspective, above and beyond a human rights perspective? Human rights are something you promote through education etc; a violation, however, is something you combat. It is easier to combat an injustice than to promote justice. Justice is abstract, theoretical; but people react to injustice, and you can be mobilized through injustice. We were able to mobilize millions of people against apartheid because it was clearly seen as an injustice; it was actually defined by the United Nations as a crime against

humanity. You can mobilize millions of people against wars of aggression, you can mobilize millions of people against violence against women, and you can mobilize millions of people in the streets against the use of child soldiers. It is, however, more difficult to mobilize people for an abstract notion of justice.

In light of this, therefore, poverty should be presented and argued as an injustice, in the sense that poverty could be eradicated immediately: the resources are there, the know-how is there, it is only the political will which has not been harnessed to eradicate it immediately. Because strong action is not undertaken, because poverty contravenes not just standards of decency but the rights and obligations contained within the various treaties, poverty can be presented as an injustice. When you are dealing with human rights violations, especially when they are massive, systematic violations, you are talking about violations that kill: poverty causes more deaths than anything else on the planet today. Every fifteen minutes the equivalent of a jumbo jet full of children crashes: that is what poverty does.

Imagine if every fifteen minutes a jumbo jet crashed. There would immediately be an investigation, the causes would be found and the problem would be corrected. By the time I've finished this presentation another jumbo jet full of kids will have crashed, killed by poverty. We know it, we know how to stop it, we have the resources to stop it, if we wanted to stop it we could stop it and if we do not then this is a major injustice. When you are talking about injustice, when you are talking about violations, you should not be talking about alleviation. You do not say I am going to reduce torture by half in fifteen years time; you do not say, well the death penalty is a violation of human rights, so let us reduce the number of people executed by half in fifteen years. We know that arbitrary arrests and detentions are a violation of freedom of speech, you don't say, well, let us reduce them by half in fifteen years time. In the same way that you do not say let us

alleviate torture, you should not say let us alleviate poverty. We say we have to abolish poverty, just as we have to abolish torture, the death penalty, apartheid, and domestic violence.

How do you abolish poverty? You abolish it in law, you make it illegal. If we wanted to get rid of poverty, we have the resources, we know what the causes are. We know how poverty is produced and reproduced in our respective societies, we know how the economic system today works to produce and reproduce poverty. So if we were to declare poverty illegal, all those people who are contributing to the production and maintenance of poverty would have to face a court of law.

This, therefore, is the added value of the violation approach. It presents poverty as an injustice, which makes it possible to mobilize public opinion against that injustice. What does this mean for strategies? It means that any strategy to combat poverty has to start with the concrete reality of those people you have an obligation to. You do not start with macro-economics, the balance of payments etc; you start with the positions of the people on the ground. What are the factors that are keeping them in poverty? And, from there, you go back up to the economy and to whatever political system and social transformation are necessary in order to address this priority at the beginning of the 21st century. If we do not do this, the other option, which is the only other option that has so far worked to impose human rights, is rebellion, which is indeed contained in the Universal Declaration of Human Rights. It is agreed by the international community that when the rights of men and women are violated, they have the right to rebel. This means that, tomorrow, we may face three billion poor people who will say: "those rights contained in all these treaties, we haven't been able to democratically secure them, so we are going to take them by force". There is no moral reason to oppose that approach, to object to their taking their rights by force, because we have been denying them those rights that we ourselves enjoy.

This is why I think that, in terms of strategy and in terms of

mobilization, the violation approach brings added value to the struggle against poverty. Now, of course, many people will say this is utopian. Indeed it is, but the reality is a dire reality. I don't think that three billion people in the world will criticize utopianism. They will see the aspiration as a very realistic call to action, as something that needs to be done precisely because current efforts against poverty are not serious or sufficient. Poverty is not now at the top of our list of priorities. It should be.

Thank you very much.

### **Alfredo Bruto Da Costa replies**

I would like to begin by stating that, within the discussion of poverty as a human rights issue, no new paradigm can be effective if the contextual political and social situation remains unchanged. There has been progress in terms of the political, ethical and philosophical discourse, but societies are not organized enough to absorb the new discourse. If the context does not change then we will keep on changing the paradigm because the new paradigm fails to have an impact in the society.

For example, the principle of "participation" and other such principles did not work because the context in which they were being implemented did not accept them. The context may block a shift of paradigm, e.g. when the latter requires a change in the distribution of power not accepted by the powerful.<sup>3</sup>

When we bring poverty to the field of rights, the notion of rights must be clarified. For example, the realization of the right to employment in a context of global competition and delocalization is something that is beyond the control of governments, and, therefore, it cannot have the same meaning as the right to food.

What type of right is the right to employment?

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<sup>3</sup> I do not suggest that we should wait for the context to change, but that when we try to introduce a new paradigm, we should consider the need of, at the same time, trying to change the context, so that the paradigm may be acceptable and feasible.



There are *individual/subjective* rights (*claim rights*) and there are *freedom* or *negative rights*. An example of the latter is the right to property, which is a negative right or a freedom right. It is the right to hold a property that one has. It is not the right to property for those who do not have it. There are some rights that, given a certain legal and institutional setting, in fact cannot go beyond freedom rights.

Let us come back to the definition of poverty endorsed by the United Nations Commission on Economic, Social and Cultural Rights. It defines poverty as "a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights".

The Commission's definition of poverty requires a careful analysis. It says: *A human condition characterized by sustained or chronic deprivation of the resources*. What about recent poverty? The words "sustained or chronic" do not take this into account. And there is no ground to exclude it from our concern.

"Resources" is a word that may have a very wide meaning, conceptually and in terms of quantity. In order to operationalize the definition, we need to be more precise, otherwise, the above definition risks remaining impractical in terms of implementation.

What about *capabilities*? Capabilities are also unlimited unless we delimit them. The same applies to *choices, security and power*.

The notion of *an* "adequate" standard of living is relative.

Therefore, it is practically impossible to assess if any country complies with this definition, unless the definition is worked out in order to make it more precise.



# Poverty and Human Rights

**Alfredo Bruto da Costa**

*Member of the UNESCO International  
Advisory Committee on Poverty and Human Rights*

## FULL CONTRIBUTION

This contribution was written for the New Delhi and Zanzibar orientation workshops. The author updated the contribution for the public debate which took place during the Lisbon meeting.

The relationship between poverty and human rights depends upon several factors. I would like to address only some of them here. My general aim is to take stock of the state-of-the-art (from a conceptual point of view), and point out some steps that could lead us to achieve progress in the field.

As a social scientist, I wish to stress from the outset that, beyond all the other relevant aspects of our problem, the relationship between poverty and human rights is basically, a cultural and political problem.

This means that all that we might develop in terms of knowledge, in the various fields of thought, is important. However, the practicability of the findings depends, *inter alia*, on the political will to implement them. And may I add that political will is not only a question of the will of the governments, but also of the cultural framework and the will of societies.

Having made this point, I will limit what follows to an audience of researchers.

### 1. Definitions of poverty

Before looking at the bridge between the two ends (poverty and human rights), we should have a look at each of the two notions.

What is the meaning that we attach to the word poverty? When do we say that someone is poor and that someone else is not poor? Are we merely concerned with material needs? Do we also take account of social, cultural and spiritual needs? Do we approach poverty from the point of view of the existential situation of the person, or from that of social exclusion? Do we, following Amartya Sen, understand poverty in terms of entitlement, capabilities or freedom? The broader the definition of poverty we adopt, the more difficult it is to accept it as denial of human rights.

As you know, the Small Grants Research Programme has adopted the definition put forward by the UN Committee on Economic, Social and Cultural Rights, 2001:

*"...poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights."*<sup>4</sup>

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<sup>4</sup> United Nations Committee on Economic, Social and Cultural Rights, 2001.

Except for the limitation imposed in the requirement of being "sustained or chronic" - for which I see no scientific or other ground - this is, no doubt, one of the most comprehensive definitions of poverty that we can find in the literature. In order for such a definition to be operationalized, it must be broken down into items that must be prioritised. Underlying the notion of prioritization is the understanding that not all the items encompassed by that definition are equally important and urgent.

This may imply in practice that the implementation of such a broad definition may require steps or stages going from the most urgent to the least pressing.

Looking at that definition, another aspect comes to mind. No anti-poverty programme is capable of including all those aspects of poverty unless it coincides with a development programme. In other words, a programme designed to substantially reduce poverty cannot remain on the margins of development policy. It must be an integral part of that policy. This is what is normally termed as mainstreaming.

Finally, in spite of being favourable to broad definitions, I should also point out the risk that comprehensive definitions have, of de-characterising the problem we wish to define, so that it becomes extremely difficult to distinguish between poverty and other human and social problems.<sup>5</sup>

Not all social problems are poverty related. Not all forms of denial of human rights are poverty related. Not all forms of social exclusion are poverty related. Not all situations of deprivation relate to poverty.

I have been rather persistent in defining poverty as a situation of deprivation caused by lack of resources. I leave it to the researcher to establish the scope and the components of deprivation

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<sup>5</sup> See OHCHR (2004), *Human Rights and Poverty Reduction - A Conceptual Framework*, United Nations, New York and Geneva, p. 5.

(understood as a situation of unmet human needs). Likewise, I also leave it to each researcher to define the meaning of resources (which often include more than monetary income).

In previous work, I have developed the policy implications of this definition of poverty. Let me just underscore some of them below:

Firstly, deprivation is a problem in itself. It demands a solution irrespective of whether or not the solution also addresses the problem of lack of resources. A hungry person needs immediate help. Immediate emergency action is needed to help the poor meet their most urgent basic needs.

The point is that this, while necessary from the point of view of deprivation, is not sufficient from the point of view of a lack of resources. We addressed the first part of the problem - deprivation - but we did not solve the other part - lack of resources. Until we solve this second part of the problem, the poor will depend on extraordinary means to face basic human needs. In other words, the poor will remain in a state of dependency. It is only when the poor become self-sufficient with regard to resources, that is, when they are capable of earning their living like any other citizen, that we may say that they have overcome poverty.

May I underscore one point? Transfers only solve the problem of lack of resources when they correspond to a "normal" source of income in the particular society under analysis. Otherwise, they may help to solve deprivation (and this is extremely important), but do not lead to self-sufficiency.

## **2. Concepts of poverty**

Once poverty is defined, the road towards relating it to human rights is still long and broad. The next step consists in adopting the adequate concepts of deprivation and of resources.

Are human needs (and, therefore the criteria for assessing deprivation) universal, relative or subjective?

On the other hand, what should be included under the term resources? Only monetary income, or also income in kind, goods and services that are provided free of charge by the welfare state, property ownership, signs of power or capacity to influence decisions, and so on?

Thus, we see that even an apparently simple definition of poverty - deprivation due to lack of resources - raises many complex questions that may be answered in many different ways.

Still, another step has to be taken, relating to the establishment of the thresholds for each of the components of basic human needs, and eventually of sufficient resources.

The answers to all those questions have a direct incidence on the operational dimensions of the relationship between poverty and human rights. To give an example: the broader the meaning and the concept of deprivation and resources, and the higher the thresholds, the broader and more demanding the notion of the corresponding basic human rights will be. On the contrary, the narrower the concepts and the lower the thresholds, the lower the standard of the corresponding human rights will be. Poverty research based on the human rights approach should be very cautious when choosing the scope of the notion of poverty or establishing a poverty line.

### **3. Understanding poverty**

A third factor that influences the way in which we establish a relationship between poverty and human rights is how we understand poverty, in terms of what it consists of, in its causes, and in what is needed to combat or eradicate it.

There was a time when the poor were blamed, and punished, for their poverty. Laziness, mismanagement, alcoholism,

and more recently other forms of addiction, are some of the individual "defects" or "vices" that are attached to the poor and that were and are used to explain poverty. In this understanding there is no way of establishing any link between poverty and human rights. At most, we could talk about the duties of the poor.

It seems true that, to some extent, the origin of poverty also has, or may have, individual causes. But we need to understand three important aspects of the problem: firstly, what is the relative weight of individual factors and of societal factors in explaining poverty; secondly, whether those individual factors are effective causes or mere consequences of deeper causes of a different nature; thirdly, whether such factors are in fact mere consequences of poverty itself (mainly when we deal with long-term poverty).

This understanding demands the contribution of the human and social sciences. However, it seems inadequate to reject the hypothesis that the individual poor person's behaviour may contribute to poverty. It should be clear, however, that such behaviour can never explain poverty on a large scale, or the greater part of poverty in the more advanced societies. What is at stake is the extent to which the degree of freedom that the person had, or has, may have led to inadequate behaviour conducive to poverty.

Another way of understanding poverty is to consider it as a matter of chance, bad luck or inevitable events. This approach may not be incompatible with the notion of rights, but the pessimism underlying such a posture removes the motivation to act.

For others, poverty is the result of the very way in which societies are organized and function, i.e. as intrinsically exclusive for a greater or smaller proportion of their members. Due to their economic system, power structure (economic power, social power, political power, cultural power, and so forth), the dominant set of values and institutions, etc., such societies do not allow a part of their members -

often the great majority of their citizens - to participate in the habits and customs that are current, approved or consented to by the majority. These factors may function both as causes of poverty and/or as obstacles to the solution (e.g. resistance to change).

This is how some authors define the "social problem" - a problem that has its causes in the society. One may add that, if the causes are in society, the solution requires social change.

When we understand poverty as a social problem in this sense, we may speak of the rights of the poor, of poverty and human rights.

However, human rights have two sources. The first source, human dignity, is rooted in the human being, as subject of rights. The other source is in the nature of human society, understood not only as a set of individuals, but as a collection of individuals plus the relationships between them, which translate into social links, institutions, common norms and values. Social justice and solidarity are embedded in the nature of the society, as is the notion of the common good. This "social setting" is the second source of rights and duties of individuals, families, groups and nations.

In order to refine the meaning of those terms, some basic concepts must be re-examined.

The first is the concept of freedom.

It should be stressed that it would be wrong, and have disastrous consequences, to consider that poverty is merely a question of lack of material resources. Ultimately, the poor are denied their human fulfilment. They are denied the freedom to fulfil themselves, as human beings and as citizens; they are blocked in their access to options and in their freedom of choice.

Responsibility demands freedom<sup>6</sup>, and vice versa. Following from this, freedom is meaningless without ensuring the

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<sup>6</sup> Sen, Amartya (2000), *Development as Freedom*, Anchor Books, New York.



conditions necessary for the exercise of freedom. Freedom of choice, as any other form of freedom, is effective only when we are able to ensure the conditions necessary to exercise it. These conditions are not met in the case of poverty.

"Economic poverty - says Amartya Sen - prevents people from the freedom to meet hunger or meeting nutritional sufficiency, or to get medicine for curable diseases, or the opportunity to be adequately dressed or sheltered, or to enjoy clean water or sanitary facilities."<sup>7</sup>

These are some forms of lack of freedom to meet basic needs. However, poverty also means lack of freedom in a much broader sense, viz. in its consequences. In practice, the poor person is, because of poverty, denied the actual possibility of exercising other rights, be they civic, political, economic, social or cultural. The concept of "social citizenship" was deployed in France, in 1993, precisely because it was realized that people who lacked employment or minimum living conditions lost interest in the exercise of their political citizenship. Hence the conclusion that the guarantee of the conditions necessary to exercise social citizenship - at least for meeting basic human needs - is a necessary condition for the exercise of political citizenship.<sup>8</sup>

We thus see that poverty corresponds to a situation of non-freedom, both in itself as well as in its consequences with regard to other forms of freedom. Therefore, the fight against poverty is a dimension of the fight for freedom. Consequently, and since we consider freedom as a fundamental right, we are bound to consider the fight against poverty also as the defence of a fundamental right, and poverty itself as a violation of that right.

Fundamental human rights stem from human nature and human dignity. This provides another path that also leads to the conclusion that poverty is a violation of fundamental human rights. Another avenue

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<sup>7</sup> Ibidem, p. 4.

<sup>8</sup> Reberieux, Madeleine (1998), *Pour une Histoire des Droits de l'Homme*, in ANAS, 1998: 21-29.

takes the approach based on capabilities as defined by Amartya Sen.<sup>9</sup> I just mention these approaches but will not elaborate on them here.

The possibility that the right to freedom might be guaranteed formally or legally without being ensured in practice results from the fact that, in our democratic societies, freedom is considered as a negative right, i.e. a right that no one can prevent others from exercising, but without the guarantee that everyone meet the conditions necessary to exercise it (namely the basic human needs). Thus, an apparently universal right is, in fact, a right that can only be exercised effectively by some. The same may be said about the right to property, which is a right for those who have property, not for those who do not.

Freedom, in the current sense of the term - which includes freedom of expression, of property, of thought, and so on -, belongs to what T.H. Marshall<sup>10</sup> classified as civil rights. These rights were recognised mainly in the 18th century. Then, in the 19th century, political rights emerged - the right to vote and the right to be elected. And, finally, in the 20th century, came economic and social rights, which clearly directly bear on poverty.

#### 4. Poverty and human rights

Before going deeper into the subject, I would like to highlight an important point regarding the scientific areas within which the conceptual treatment of social rights developed.

Social rights developed mainly within the areas of law and political philosophy. Law was more specifically concerned with labour law, and philosophy with the concepts of citizenship *and* democracy. What I wish to stress is that the social sciences were rather marginal in the process of developing the concept of social rights. Their conceptual

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<sup>9</sup> Osmani, Siddiur Rahman (2005), *Poverty and Human Rights: Building on the Capability Approach*, *Journal of Human Development*, Vol. 6, N 2, July 2005.

<sup>10</sup> Marshall, T. H. (1992), "Citizenship and Social Class", in Marshall, T.M. and Bottomore, Tom (1992), *Citizenship and Social Class*, Pluto Press, London.

interest in human rights is rather recent, although they have long been engaged in social policy issues. We should, therefore, recognize that the theoretical treatment of the relationship between social rights and social policies is at an initial stage. Hence the fact that a seminar held in the 21st century still finds it useful to address "the relationship between poverty and human rights". In this regard, political thinking is progressing too slowly in relation to the demands of world poverty. We must speed up before it is too late.

Poverty has been analyzed and treated mainly as a problem that needs to be understood in its nature and causes, with a view to defining policies and measures to combat it. Only recently have we had grounds to look at it as a violation of human rights.

It should be underscored, once again, that the relationship between poverty and rights is not limited to social rights, although it is in this domain that the problem arises in a more direct way. Today, we have the notion of the indivisibility of rights. It does not make much sense to restrict our concern with this or that right, although this may be necessary in some contexts. Rights are interlinked and should be addressed comprehensively.

Marshall's statement that social rights appeared in the 20th century has to be taken with some caution. Indeed, the social history of Europe identifies moments of acknowledgement of social rights much earlier than that. An example is the second declaration of human rights (in 1793) that followed the French Revolution (of 1789). In its Article 21, the declaration stated the following: "(...) Society owes subsistence to the unfortunate citizens, be it by searching for a job for them or ensuring the means of subsistence to those who are not able to work".<sup>11</sup>

The question that this statement raises is the following: to what extent is it a subjective right that may be claimed by the poor that the society has the obligation to satisfy? This seems to be the main question that should be raised with respect to the many international declarations, conventions and charters that include similar statements.

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<sup>11</sup> Cf. Reberioux, Madeleine (1998), *Pour une Histoire des Droits de l'Homme*, in ANAS, 1998: 21-29.

I wish to draw on my experience in the Committee of Social Rights of the Council of Europe (based in Strasbourg, France) to continue to analyze the problem. The Committee has the responsibility of assessing the situation in the countries that ratified the European Social Charter, with respect to each of its articles. One of the most difficult and controversial tasks is to decide which of the articles correspond to subjective claim-rights and which define rights that must be assessed from a more general and approximative approach. Let me give some examples. The Charter has specific articles on health, education, employment, social and medical assistance, housing, social services, and so on. It also has more comprehensive articles, one of which is Article 30, precisely on the right to protection against poverty and social exclusion. When we compare Article 13, on the right to social and medical assistance with Article 30 we have a better understanding of the different ways of dealing with the subject.

Article 13 states, inter alia, that the parties undertake to *"ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, (...) be granted adequate assistance, and, in case of sickness, the care necessitated by his condition"*.<sup>12</sup> I am not going to go into the details of the case-law of the European Committee of Social Rights, but rather just stress that the Committee considers that this article defines a subjective claim-right. Hence, compliance with the Charter in this respect demands four conditions:

1. This right should be guaranteed by law. It is not enough that it be guaranteed by the Constitution, in general terms. The citizen must know the eligibility criteria, the content of the right, under what conditions the right may be lost, etc. These aspects cannot be dependent upon the discretionary power of the administrative or political authority.

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<sup>12</sup> Council of Europe, *Revised European Social Charter*, Strasbourg.

2. The right must be ensured in practice. This means that every person who satisfies the eligibility criteria established by law should receive the benefits defined in the law. For example, use of the right cannot be denied by such arguments as "there are no resources" or "the resources are exhausted".
3. Anyone who considers that the right has been refused on illegal grounds must have the possibility of appeal to an independent body, preferably a court.
4. If necessary, the claimant has the right to judicial assistance, free of charge.

Let us now have a look at Article 30. This article states that, with 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 coordinated 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"*.

The first point that I would like to stress is that while in Article 13 governments undertake to *"ensure that any person"* who satisfies the eligibility criteria *"be granted"* adequate assistance and care, under Article 30, the parties undertake to *"take measures (...) to promote the effective access"* to a certain number of goods and services.

The second point to mention is that one of the basic aspects of Article 30 is the *approach* it adopts. The measures should be taken *"within the framework of an overall and coordinated approach"*, which is fundamental for a correct strategy for combating poverty and exclusion, since it emphasizes the multidimensional nature of poverty and exclusion. It should be noted that Article 13, concerning social

and medical assistance, also demands a multidimensional material coverage of the basic needs. However, Article 30 broadens the scope of the needs. It underscores the importance of an *"overall and coordinated approach"*, and includes not only poverty but all forms of social exclusion. Finally, support should lead the beneficiary to self-sufficiency.

The third point to be highlighted is that Article 30 also includes *"social and medical assistance"*, which are the precise words of Article 13. The same can be said of employment, housing, training, education, and culture, which are all areas in which the Charter contains specific articles. In this sense, Article 30 encompasses all these articles and places them in a multidimensional framework, requiring an overall and coordinated approach. This is the real added value of Article 30, when compared to the other articles that deal with specific or sectoral rights.

Going back to the definition of poverty given earlier, we may say that Article 13 and some of the other articles on specific areas may be understood as pointing to responses to deprivation (meeting basic human needs), but do not necessarily lead to self-sufficiency with regard to resources. Article 30, on the other hand, deals with deprivation but also goes further, towards helping the poor to (re) conquer their autonomy and self-sufficiency with regard to resources. However, in this second part of the task, Article 30 does not establish a subjective claim-right, beyond what could be considered as the hard core of goods and services that it demands.

To what extent may this approach of the European Social Charter be useful in non-European contexts?

I confess that I do not have an answer for this question. The United Nations have a set of extremely important declarations, conventions and charters that establish fundamental human rights, including economic, social and cultural rights. We must realize that the

violation of human rights in our world, including those related to poverty, is not due to lack of formal statements. In my opinion, the problem lies in the type of rights, i.e., the extent to which the rights that are stated in those documents are binding, may be claimed, and imply responsibilities and accountability.

Those texts should be our point of departure, and what seems necessary is the establishment of a strategy towards making substantial progress in a set of aspects.

1. Firstly, ethical and political statements on rights (such as charters, declarations, covenants, etc.) must be converted into legal rights.
2. Secondly, there must be a strategy to make sure of those rights (the "hard core" subjective claim-rights). I have no doubt that hunger and other severe forms of poverty (for example, living with less than one dollar per day) should give rights to subjective claim-rights.
3. The third step forward concerns supervision. Supervision requires an independent supervisory body (preferably a Court) to assess national situations and the global aspects of poverty.
4. The fourth condition is accountability. Accountability raises the question of sanctions, which in this case, it seems, could only be political. I should mention that, at least in Europe, governments seem to be sensitive to this type of sanction.
5. Fifth, the assessment of the situations cannot ignore the role of unregulated globalization and other international factors as causes of poverty. This may require the existence of an UN body to foster the necessary changes.
6. Finally, the possibility should be entertained of collective complaints by recognised international institutions against governments that do not ensure the effective fulfilment of rights.

The reform of the UN seems to be a favourable time for introducing the necessary changes in the functions, competences and structures of the UN system, setting up new international bodies or attaching those functions to existing UN agencies.

We cannot ignore that most of the countries that face massive hunger and severe poverty are not able to face the problem by themselves. In such cases, responsibility for the poor must be supranational, which again calls for a UN agency responsible for promoting and ensuring the fulfilment of the rights of poor persons and families. In this respect, it seems necessary to adapt the concept of security to the situation of the present-day world. Situations of hunger or other severe types of poverty that lead to death are undoubtedly forms of insecurity. Hence the need to extend the concept of "security" adopted by the Security Council, so that it may have a direct role in combating poverty, at least in its severe forms. There is no reason to consider that death caused by a bomb is a matter of security and that death due to hunger is not. The concepts must be adapted to the needs and features of the day.

This may ultimately lead us to develop the concept of global citizenship and the corresponding rights, which would have to be protected by both national and international bodies. In the era of globalization, poverty and the corresponding rights and duties cannot be treated only within the boundaries of each State. Much can be done within those boundaries, but much has also to be done at the international and world level. The causes of world poverty are a mixture: national, regional and global. The same applies to the solutions.

I close by quoting the former Secretary-General of the United Nations, Kofi Annan: "If we act boldly - and if we act together - we can make people everywhere more secure, more prosperous and better able to enjoy their fundamental human rights."<sup>13</sup>

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<sup>13</sup> United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All - Report of the Secretary General* (to the 59th session of the General Assembly), 21 March 2005.





# The relationship between poverty and human rights: foundation and ethical imperative

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The following article is the contribution made by Adama Dieng at the Zanzibar orientation workshop in September 2005, organized as part of the project's capacity-building activities.

## **INTRODUCTION**

There has been some development in the relationship between poverty and human rights. Indeed, the time has long since passed when the supporters of first-generation rights were at loggerheads with the champions of second-generation rights. Today, everyone agrees that the schism between economic and social rights on the one hand, and civil and political rights - which some see as less fundamental - on the other, should be a thing of the past. It was once thought that to guarantee the former would obscure or delay achievement of the latter. History has shown that the outcome of doing

so is to compromise all of the rights of the individual. Conversely, it has also been observed that denying vital economic rights has wholly impeded the enjoyment of civil and political rights. It is therefore fortunate that an approach that combines the rights of the individual has now gained sway. Although, not without some paradox. Economic and social rights, which were expected to hold pride of place once enshrined, won their real insignia of universal nobility much later than civil and political rights and they are still, to a very large extent, subsidiary to the latter. There is no reason, however, to look askance. Rather, there is now an urgent need to reinforce economic rights, in particular by guaranteeing a minimum subsistence to every citizen.

I am asked to touch upon a number of sub-themes. On analysis, it appears that these different sub-themes can be grouped into two major ideas. The first revolves around conceptual clarifications in the relationship between poverty and human rights (1). The second idea will relate to ensuring the effectiveness of rights to development (2). In the conclusion, a few approaches will be suggested.

### **1. Conceptual clarifications in the relationship between poverty and human rights**

Questions of poverty, and of economic development in general, have long been considered peripheral to human rights. True, noble ideas of developing the citizens' well-being feature vaguely in many countries' constitutions and other legal instruments, but these have been viewed as no more than mere professions of faith that entail no real legal obligation to implement them. Now that we seek to build real rights, it becomes completely clear that we must define the content of individuals' right to development and an end to poverty precisely. At this point, the entire conceptual complexity of the matter is laid bare. From the abundant literature available, including UNESCO and UNDP working documents, there emerges an increasingly widespread

acceptance of the concept of the right to development. Some see it as a natural right inherent in the human being. Others see poverty as the consequence of discrimination. They consider the fight to eradicate poverty to be quite simply a fight against the discrimination that engendered poverty or prevented its eradication. Some are of the view that the emergence of the right to development implies that the citizen should be the subject and not the object of that right. For the supporters of this thesis, the grass-roots citizens should recover the initiative and so acquire a voice in the guidelines that will shape their destiny. That thesis seems to draw a line between right and participation. The idea of participation is sometimes taken beyond the concept of right by those who advocate a real obligation on the part of the citizen. Seen in that light, this right would also call for action from persons or institutions other than solely the putative holders of the right. The NGOs and other institutions involved in development, which are the heralds of this right, would also become its guarantors. Through their role as adviser, goad and guard dog, they watch over respect for the right to development.

There are also, of course, those who deny the right to development, thinking that development issues are basically a matter for the public authorities who have received a mandate to that end and who can be sanctioned politically should their economic and social policies fail. That sanction would include the non-renewal of their mandate at an election. A variation on that thesis reduces the right to development to the need for transparency and good governance. It is nevertheless true that good governance requires citizens to have a voice in the conduct of the nation's affairs, and this leads us back to the idea of participation. A quite singular thesis, with numerous supporters, which posits that sound development decisions are more important than any consideration of democracy or even of participation that might accompany the process. The advocates of what

should be called enlightened dictatorship proudly point to the examples of General Pinochet's Chile, two decades ago, or of some Asian Dragons, which succeeded in recording the highest indicators of economic performance, while trampling human rights underfoot. The advocates of this approach believe that economic development will itself lead to democracy by promoting the emergence of a middle class, whose welfare claims invariably include respect for individual rights.

Lastly, there are the advocates of what I would call a real subjective right to development. For those who support this approach, it involves a right whose effective guarantee would reside in its holder's ability to enforce it as law. The working documents supplied to us contain a few examples. For instance, the right to housing is guaranteed by the Covenant on Economic, Social and Cultural Rights, and the holder of the right might assert it by opposing arbitrary eviction. Examples of a more direct exercise of this right have emerged from legal cases in Colombia and South Africa. In these two cases respectively, the right to education was upheld by ordering that the plaintiffs be enrolled in a school, and that the right to family housing be realized by instructing a mayor to make appropriate provision.

It can be seen, therefore, that the right to development incorporates a conceptual reality of some diversity. While it may create some confusion conceptually, that diversity nonetheless reveals a degree of richness that testifies to the vitality of the right. That is, however, only useful if it promotes the effectiveness of the right, which remains the greatest challenge.

## **2. Problems relating to the effectiveness of the right to development**

There is an increasingly exhaustive framework of standards that raises the eradication of poverty to the status of a true right of the individual, and aspires to go beyond mere declarations of principle

that lack any force. Thus the right to a decent life, to food, housing, health, education and social security are firmly enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights. Articles 15 et seq of the African Charter on Human and Peoples' Rights and a series of resolutions of the United Nations General Assembly and of specialized agencies have the same effect. Even the Bretton Woods institutions, traditionally so reluctant to make any reference that might resemble political interference in the countries in which they are active, are beginning to revise their approach. For instance, the World Bank has established a human rights unit as an integral part of social development programmes.

There is, therefore, a whole arsenal of texts on which the eradication of poverty may be based. It is obvious, however, that the eradication of poverty requires more than texts and declarations of intent. Furthermore, even where the texts are in place, the interesting question arises as to whether the procedural machinery exists to make them effective. Lawyers generally agree that a right exists when its holder can bring legal proceedings to enforce it. If that yardstick is applied to the right to development, the distance yet to be covered to go beyond the statements of principle is quite clear. To return to the two examples mentioned above, one may wonder how the Colombian or South African judge might react if everyone who lacked education or housing in their district came forward to demand enforcement of their right to education or to housing. In a best case scenario, the judge might indeed rule in the plaintiffs' favour, but the ruling would remain a dead letter since the appropriate local authorities lack adequate resources to apply such a ruling. It should also be pointed out that in some legal systems - particularly the continental ones - the internal juridical structure frequently contains no provision for a judicial court of law, which is the guardian of individual freedoms, to give such orders to the administration. This is one corollary of the principle of

the separation of powers. The young French judge who ordered the Prime Minister to appear before him to set out the government's employment policy learned that lesson to his cost. His decision was overturned as *ultra vivres* and, after being heard by the Supreme Law Council, he was struck off the roll of judges.

Apart from these extreme examples, it is important to note that the right to development, the struggle against poverty or any other term that applies to the same reality implies taking responsibility for billions of people round the world. That phenomenon even transcends the divide between rich and poor countries, since islands of poverty exist everywhere. Unemployment is universal. In most developed countries the pressing need is not even to abolish it completely, since full employment appears to be a mirage, but rather to keep unemployment within reasonable limits and to ensure that it stays below 10% of the active population. Besides, the tools available to States are more limited in that the doctrine of liberalism has completely triumphed in most of the sectors that create wealth and employment. The State sets the institutional framework and leaves the market free to act, and we know how the market acts. It demands ever more profit. Shareholders only see exponential profit growth curves. To avoid seeing them turn downwards, enterprise managers cut swathes through the fixed costs, which results in large-scale dismissals even if the enterprise is profitable. This brings to mind the distress of the French socialist Prime Minister, Lionel Jospin, when he could do no more than proclaim his impotence over the closure of the Villevorde factory and call on the trade unions to take action to resist it. That was a striking contrast with an earlier socialist government whose Minister for Urban Affairs, Bernard Tapie, wanted to introduce a law outlawing unemployment. An American multinational company, which announced record profits in Europe and, at the same time, the loss of thousands of jobs, was also in the news in 2005.

This small digression illustrates the difficulty of ensuring that economic and social rights, including the right to work, are guaranteed effectively, at least by the conventional legal mechanisms of implementing the individuals' agreed rights. The global legal framework that guarantees free enterprise (which implies freedom to close even a healthy enterprise) is an important factor to take into account. Another constraint is that some States have very small or no resources at all and, as the adage has it, no one is compelled to do the impossible. Moreover, even if resources did exist, how could an acceptable judgement be made between the opposing wishes of various partners? How far can participative democracy go? What if rulers refuse to lend a receptive ear to the wise advice of citizens or of other development institutions and are obeyed by parliamentarians who vote in their budget proposals? Would it be thinkable to sanction them other than by refusing to vote for them at subsequent elections? An affirmative answer to this question would inevitably lead to a host of legal possibilities that would quickly become impracticable. This proposal would also be liable to sacrifice everything to economic rights, although one of the lessons of the history of humanity is that human beings have never sacrificed everything to the economy. In their search for balance, their spiritual needs have always featured as prominently as their biological and material needs. The former have even taken precedence over the latter, sometimes even at the cost of human sacrifice, the justification for which may rightly be questioned, even after the event.

From these questions, it emerges that to guarantee the right to an essential minimum for the billions of currently deprived citizens will require a long, drawn-out effort. Even the Millennium Declaration, which is generous in its intention, gives itself until 2015 to reduce poverty by half. In that context it may be presumptuous to venture to envisage guaranteeing a subjective right for all citizens deprived of fundamental economic rights, and to make the option of seeking

immediate legal redress against failure to respect that right readily available to them. It is not realistic to seek to immediately enshrine enforceable rights when it is known that the resources needed to make them a tangible reality are not immediately available.

Does this mean that the fight for the triumph of human rights must be no more than a list of pious wishes, or at least a series of statements of intention that are programmatic in value rather than immediately applicable?

The solution is certainly between the two. We can obtain more than simple statements of principle while avoiding the excess of demanding everything, and demanding it immediately.

## **CONCLUSION: SOME SUGGESTIONS FOR APPROACHING SOLUTIONS**

It is a straightforward requirement of humanity that the eradication of poverty should become an inalienable right. The problem is to agree on ways and means of claiming and enforcing that right.

The possible variations in the places where that right is expressed make this a difficult exercise. According to whether or not the State that owes the obligation has the resources to fund it, applying the citizen's right to be free from poverty cannot be the same thing. In the case of a poor State, which essentially relies on external generosity to fund the nation's vital functions, respect for its various obligations towards its citizens should be assessed by the wisdom of its macroeconomic policies and the transparency with which it conducts its day-to-day affairs. Key sectors such as education and health should receive the lion's share of the budget: expenditure on luxuries should be banned and corruption should be vigorously opposed. Citizens' rights should essentially be assured by counter-balancing bodies, whether institutional or not. In a word, in such a context the eradication of poverty is less a problem of individual rights than a



problem of objective or collective rights. There would be little point, in that context, to encourage the use of legal proceedings to assert, case by case, a right which for the majority can in fact only be effectively guaranteed in the long and medium term.

Conversely, where the lack of resources is not the reason for failure to respect the citizen's elementary rights, the law should play a larger part. However, the difficulties of approach inherent in continental law are deplorable. The latter sometimes prevents the judiciary from taking part in the debate on the distribution of the nation's resources, which remains the exclusive prerogative of the executive, although it can be challenged periodically by the legislature. Consequently, the role of the judiciary should be strengthened in this system, together with the trend that is growing for the voluntary sector and civil society in general to be given the floor to advance the views of vulnerable groups in matters of public interest.

In all cases, legal supervision should be backed up by other kinds of quasi-legal or administrative supervision, such as those stipulated in treaty documents. The Covenant on Economic, Social and Cultural Rights provides for a procedure of periodic reports on action taken and progress made towards enforcing the rights laid down in the Covenant. Monitoring operations on the ground and checks on the transparency of statements submitted under the Covenant will certainly be some of the instruments that the various development partners can use to verify progress towards the States' guarantee of development rights.

The struggle to eradicate poverty is too important to be reduced to a mere list of wishes, which may never be implemented. Consequently, the quest for enshrinement of economic and social rights must have an eminently specific content that enables progress to be measured according to precise and acceptable criteria and at intervals that are sufficiently long enough to allow decision-makers to undertake large-scale actions, but also short enough to prevent development

imperatives from being shelved. On the other hand, an exaggerated tendency to bring law into development issues must be curbed, as it could ultimately damage the cause of development itself. The NGOs and human rights movements could in fact, through their unbridled activism, compromise the tool of justice - an example of which was the Belgians' legal initiative to proclaim universal competence in the prosecution of crimes against international law. A wave of complaints against Heads of State, including and especially those of the world's most powerful countries, regardless of the requirements of diplomacy, eventually forced the Belgians to withdraw. In the end everyone loses, including the victims whom it was intended to protect. It is likely that, if economic rights are in future recognized as an integral part of individual rights, NGOs will mount a flurry of lawsuits under national or international jurisdiction against powerful States whose political or economic decisions (such as the subsidizing of American cotton) could be held directly or indirectly responsible for impoverishing the population of some developing countries. The hardening of positions that would follow could be damaging to the cause of the disadvantaged themselves. It is, however, not a question of being timorous in defence of the legitimate rights of the most disadvantaged. This warning applies simply to the temptation to excess, not to the legitimate use of appropriate forums to make the voice of the poor heard.

There is, therefore, a balance to be struck between a programmatic approach to economic rights, which would guide macroeconomic policies, and a more or less individualistic approach targeting particular actions and situations. The latter would not only enable the relevance of global options to be measured, but would also permit the blindness necessarily entailed in global initiatives to be corrected as necessary. It is fortunate that the international institutions and other development actors have understood the need for synergy between these two approaches. The available legal, quasi-legal, administrative and political checks do seem to stem from this multi-dimensional approach which should be adopted.



# Poverty eradication - a matter of dignity and human rights

**Arnoldo Ventura**

*Member of the UNESCO International Advisory Committee on  
Poverty and Human Rights*

This paper was written by Arnoldo Ventura for the Small Grants workshop held in Costa Rica in 2005. This workshop was held to discuss capacity building measures concerning the linkage between poverty and human rights.

## **POVERTY REDUCTION - A FORLORN HOPE**

There is no question that attempts at poverty reduction over the last four decades have been largely unsuccessful. This remains the case despite the fact that the world presently possesses the necessary resources, skills, technologies, institutional arrangements and capital to end this bane of humanity.

Even after billions of dollars have been spent, almost half of the world's population still lives in abject poverty with unfulfilled promises and dashed hopes. What is clearly lacking is the mindset,

foresight and will to accept that food, primary health care and education are the basis of the right to life, which is the most basic of all human rights.

Despite all the resources thrown at poverty, there is little progress registered because there is insufficient accountability, almost no signposts of success, little learning, and no recourse for the poor and suffering to question profligate waste. These occurrences should not be unexpected because the right to socio-economic development for all is not uniformly accepted by the rich and influential nations.

Furthermore, the ethical and moral foundations for poverty reduction have received insufficient support to ensure significant progress, as proponents are sidelined by the lack of wisdom and compassion by those who see poverty as merely a growing distraction and an irritant to well-ordered and affluent societies.

Additionally, the true and pernicious cost of poverty at the psychological, social, political, economic, scientific and environmental levels remains unknown and unappreciated. Needless to say, there can be no global peace and harmony without justice as evidenced in the conscientious containment of poverty and the reduction of the gulf between rich and poor. In many ways the poor have become too expensive to the rich. This is reflected in the new-found interest in involving the poor more closely in economic growth, instead of being welfare dependents or dangers to world stability.

### **Poverty and participatory democracy cannot mix**

Although the United Nations was founded on the principle that individual freedom cannot exist without economic security and independence, this body still struggles to persuade many

nations that human rights and fundamental freedoms are the birthrights of all human beings, and that their promotion is the responsibility of governments. Even in the USA, where over 60 years ago President F.D. Roosevelt clearly stated that, "necessitous men are not free men", there is still a reluctance to accept that economic, social and cultural rights are as important and pivotal as civil and political rights.

Roosevelt emphasized that economic rights, including food, clothing, housing, health, education and employment, are fundamental to human dignity and must be accepted without equivocation. Today, with instantaneous communication, it is even more manifest that poverty is antithetical to freedom, that without freedom there can be no real democracy, and that without democracy, individuals become estranged from their societies, leading to a host of social indiscretions, disorder and violence, as well as loss of the creative energies of millions.

Presently, freedom from poverty is the most sought after freedom. No small wonder then that many decry democratic institutions even in the strong and long-standing democracies where poverty still abounds. This is the case in the USA, India and many of the democracies in the Caribbean and Latin America. Clearly, without the eradication of poverty, deeper, more uplifting and meaningful democracies are impossible. If democracy has no more than elections to offer the poor, they will recoil from it as just another ploy for maintaining the hegemonic power and privilege of the ruling elite.

Extensive inequalities cause social unease and blighted hopes, preventing a sense of common purpose from emerging in societies. Evidence of this has already come to the fore in Latin America, where there has been a popular call to dump democracy if

autocratic rule can bring the poor a better life. It should be remembered that, in the final analysis, human rights are those rights given by the people to themselves and that in most countries the poor are in the majority. These rights, which are unified by the right to development, are not derived from laws but from the inalienable concept of human dignity. If development is denied, people will find ways to improve their lot outside legal systems with much disdain for their uncaring rulers.

### **Needed: a new world view and order**

The extant world order does not have sufficient equity, wisdom or courage to correct chronic global imbalances and to allow the wealth and knowledge of the world to bring poverty to an end. To eliminate poverty, this tragedy must be seen as the consequence of the ill-conceived behaviour of men in their quest for unlimited wealth and power, in which many become the victims of greed and arrogance. Socio-political power must, therefore, be shifted closer to the points of grievous need, in order to benefit those who pine for recognition and inclusion to gain a better quality of life. Actions to pave direct paths leading to the eradication of poverty must become the accepted norm and the measure against which the humanity of countries are judged. A good reflection of this can be seen in how societies deal with the informal sector, where the poor eke out a living.

Reliance on goodwill and philanthropy is not enough to eradicate poverty. Poverty, therefore, must not just be regarded as a marginal issue; rather its demise is central to alleviate unfulfilled development needs and much suffering. For sufficient and well-distributed economic development to take hold, there is need for justice and social security, buttressed by technological upliftment

and innovation, in areas of flagrant need. Greater ranges, levels and numbers of skills, relevant information, research and communication - all of which increase production, jobs, and entrepreneurial outlets, in a spirit of creativity and commitment - are required to allow those at the bottom of the social strata to better control their lives, and willingly participate in the affairs of their societies.

For this to happen, the poor must be placed in positions of confidence in order to help themselves. The best way to achieve this goal is to establish global mechanisms to foster partnerships to transfer capital, technology and knowledge, starting where poverty seriously restrains progress. In this regard, the realization of civil, political, economic, social, and cultural rights must be expressed in the rights to freedom and development. In this effort, peer pressure, democratic persuasion and the commitment of civil society must be rallied to ensure the honouring of international agreements and responsibilities by the reluctant rich and powerful.

One of the benefits of such a human rights-based approach to socio-economic development is that there will be a focus on those left behind in the reckless development paradigms of today. Rights to development, targeted at the poor by better distribution of benefits through special employment and improved capabilities, must be put in place through appropriate policies, which speak to proper phasing of activities, provision of funds and better use of facilities, at both the national and international levels. Concomitantly, measures must be adopted to prevent the worsening of income distribution, and the quality of life of the poor, as these new ideals are implemented.

## **Poverty - a violation of human rights - the platform**

The responsibility of the state is to create the conditions for the poor to realize human rights and development. However, the state cannot actualize development. This is the responsibility of individuals and groups, who must seize the opportunities provided by the state. Such opportunities must therefore be made accessible, and must be fashioned with the involvement of the poor.

The responsibility of the state will not materialize under the present system where a powerful few arrogate inordinate and selfish power and privilege to themselves. Accordingly, I submit that the eradication of poverty must be built on the foundation of human rights as prescribed by the power of law, as were slavery, colonialism and apartheid. Past failures to alleviate poverty have shown that alleviation requires radical changes, and that these will not spontaneously emerge from existing dominant structures without additional pressures. The most influential of such pressures is the potency of the law.

To argue that economic, social, and cultural rights are not actionable rights belies the fact that the existence of rights should not be contingent on the methods of realizing them. Such methods can constrain the extent and pace of the fulfillment of these rights, but they should not alter their inalienable nature. Also, to argue that these rights cannot be enshrined in law mistakenly views rights as being derived from laws, when they are instead the products of the concept of human dignity, which separates men from beasts. Accordingly, laws must be framed to ensure these rights, and not rights realized only within the limits of law.

The logic is clear: effective and sustainable economies cannot be built without first creating stable societies, which poverty prevents from emerging. So all should be done to ensure that



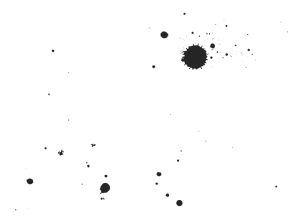
poverty is eradicated as quickly as possible and in the most efficient and sustainable ways possible. Mere reduction of poverty as a goal is a capitulation to a diminished vision of human potential. Only with the eradication of poverty can the world realize peace and entertain real hopes of maintaining a healthy livable environment for future generations.

# POVERTY

**Article 25:** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. "Universal Declaration of Human Rights"



## Summary of the Small Grants Research Results and Recommendations





- Title:** Review of the state-of-the-art literature on poverty and human rights in sub-Saharan Africa, *Fatima Adamu*.
- Institution:** Department of Sociology, Usmanu Dan Fodiyo University Sokoto.
- Team Members:** Fatima Adamu.
- Country:** Nigeria.

### EXECUTIVE SUMMARY

The history of world poverty has greatly influenced the conception of poverty and the policy approach to its eradication. The move from a world of universal poverty where every region of the world was poor to the current world of different degrees of economic prosperity was made possible by modern economic growth. Different regions of the world experienced uneven economic growth, which culminated in great inequality between the different regions of the world. Consequently, poverty comes to be conceived as the absence of growth or decline in growth. As world poverty increases both in terms of severity and prevalence, the conception of poverty in only economic terms is increasingly being challenged. Other issues such as social, moral, ethical and political conditions have become important in explaining and analyzing poverty. The change in the conceptualization of poverty and the policy approach to poverty has led to a change in our understanding of poverty as the failure of the individual poor. According to Øyen, "the strong emphasis on individual failures as causes of poverty is part of an image building that frees the non-poor from guilt and responsibility". As a result, poverty reduction becomes a charity issue where the poor are dependent on the benevolence of the non-poor to survive and to live a dignified life. The role of the non-poor in creating and sustaining poverty was less of an issue of concern and investigation.

Quite recently, however, the conception of poverty as a social and moral issue in which the non-poor must share blame is gaining ground. De Swaan (1988) in Øyen (1997) relates the continued existence of poverty in the midst of global prosperity to the lack of social consciousness among the non-poor. Thus, "social consciousness exists when the non-poor develop an awareness of the interdependence of all social groups, realizes that they bear some of the responsibility for the fate of the poor, and believes that means are available to overcome poverty". Understanding poverty as the product not of the individual action of the poor, but of the culpable actions and inactions of others in a relational context, brings us closer to understanding poverty as a human rights issue. For over a decade now, this understanding of poverty has been gaining popularity. International organizations and donors, particularly within the United Nations system, have adopted the principle that poverty is a human rights issue, and by implication regard poverty as a human rights violation, an abuse of the rights of the poor to a minimal, acceptable standard of living. This principle also implies adopting a rights-based approach to poverty eradication, thereby holding governments, private companies, individuals, and other actors deemed as contributing to poverty creation, legally accountable for their actions.

In line with this paradigm shift, it becomes necessary to take stock of what has already been done by review of the literature on poverty and human rights in sub-Saharan Africa (SSA). This paper is therefore intended to review and document the existing literature on poverty and human rights in SSA and to contribute to informed political debates and decisions on the use of the human rights framework in the development and implementation of national Poverty Reduction Strategy Papers (PRSPs) in the region. The paper tried to provide answers to certain questions: who are the SSA poor? What are the factors responsible for or contributing to the extreme

poverty situation in the region? Who are the actors in creating such poverty? What protection is available to the poor to stop recreating poverty? What policy options are available to reduce poverty? The paper ended with some policy recommendations.

### **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

Despite the gloomy picture painted above, recent publications on Africa are depicting positive images. The sub-continent is experiencing an increase in economic growth and there is optimism as a result of the various regional and global initiatives that have sprung up to put the continent on the right track. However, the increase in overall prosperity and fortune of the continent has not translated into improved living conditions for the African poor. This problem takes us to the last section of this study, which is the policy dimension. Increased prevalence and worsening of poverty in sub-Saharan Africa, reviewed herein, attests to the continued failure of the poverty eradication and reduction policies and strategies adopted by the various sub-Saharan African states. Such failure, coupled with current global economic prosperity and the political will to reduce poverty worldwide, may provide the sub-Saharan African countries with the best opportunity to adopt a human rights approach to poverty reduction. Such an approach implies a notion of rights where the poor people claim help from others to realize those rights. Claiming rights confers obligations on others, who in the case of SSA are the citizens, private entrepreneurs, the State and the international community. Being responsible for the production of poverty in Africa, each of them has an important role to play in making the initiative a reality.

Primarily, it is recommended that African States and their citizens should be at the heart of the human rights approach to poverty reduction. This is because it is the State that has the obligation to make

the best possible effort to promote progress. The State should be judged not only by whether a right has been realized, but by whether effective policies have been designed and implemented and whether progress is being made. In this context, therefore, financial, institutional and social reasons are not an excuse for poor people's rights to food, medicine etc, to be violated; rather the State needs policies that would make it possible for the poor to access food and medicine. What are such policies? This study recommended what UNDP calls "Policy Clusters for Escaping from the Poverty Trap". This multifaceted approach goes beyond the usual recommendation of good economic and political governance, and calls for a complete change in policy direction for the benefit of the poor. Adopting a policy that is pro-poor is daunting and challenging because of its political ramifications. Yet that is the most efficient and effective means of reducing poverty. It is therefore recommended that African countries:

1. Maintain **fast and sustained economic growth**. Economic growth is generated by the creativity and hard work of entrepreneurs and workers, but as the Commission for Africa notes, it is the government that is in a position to create a conducive environment for creativity and hard work. Some sub-Saharan African countries are not growing at all, while a few are reversing: this is largely because the government is not managing the economy well. Growth is faster when political and economic leaders create the right environment for trade and investment.
2. Promote **investment and capital accumulation through public resource mobilization**. One of the major contradictions in current development strategies is that although public investment has to play a central role in stimulating growth and capital accumulation, it has been allowed to decline since the 1970s in most African countries. Investment in the public sector was the first victim of

fiscal retrenchment and austerity in sub-Saharan Africa. As a replacement, African countries have had to rely on "private sector led" development. However, the experience of African countries so far has indicated that the private sector cannot "lead" development. The public sector is clearly responsible for leadership, but how can it generate growth? The usual response has been for the public sector to create a more "pro-business" environment in order to boost "business confidence". But African experience has shown that changing the "climatic" conditions for the private sector seems to yield little impact. Businesses are not investing because growth is too slow or uncertain and profit expectations are not promising.

3. In order to help break this logjam, argues McKinley (2005), African States have to deploy public investment, not only to stimulate aggregate demand but also to lay the groundwork for long-term economic growth. This is necessary in Africa in order to provide support to the private economy through adequate economic and social infrastructure. Achieving such an objective will require, for most countries, a dramatic scaling up of public investment. If well designed, this investment will raise the productivity of labour and private capital. By increasing productivity and stimulating economic growth, public investment will attract private investment, rather than crowding it out, as is often feared.
4. **Invest in the people and infrastructure.** All human beings have a right to food, clothing, shelter, education, health and social security, as set out in the Universal Declaration of Human Rights and the Millennium Declaration. Respecting these rights is essential for poverty reduction in Africa. The current economic policy in the majority of African countries is unacceptable as it produces and creates more African poor. As DFID notes, "essential public services are linked to each other. When there is access to

water, children can go to school rather than spend time fetching it. Going to school leads to better health. A girl who has been educated is much more likely to get her own children immunized, and healthy children are much less likely to drop out of school. Social protection helps children attend school or get to a health clinic. Investing in people - their skills, health and security - boosts economic growth and increases incomes".<sup>14</sup>

5. DFID (2006) argues that investing in people requires four basic policy decisions. The first is to increase spending on health and education in infrastructure, and on equipment and employment of staff. The second is to strengthen and reform the service delivery organizations of education, health, and water. Third, governments and partners must address the problems that prevent poor people, especially women and children, from using services. This means doing something about user fees and gender discrimination. Lastly, poor people need to be more involved in decisions about services, whether through local councils, non-governmental organizations (NGOs), trade unions or faith-based organizations. At the same time as investing in people, infrastructure needs improvement. Africa suffers in particular from deficiencies in energy, communications and irrigation. Reaching an adequate threshold of roads, power, ports and communications to support economic diversification in traditional sectors will be relatively easy in some areas, such as coastal port cities. But it will be much harder elsewhere, as in landlocked or mountainous countries suffering from high transport costs.
6. The second challenge is **enabling poor men and women to benefit from growth**, by providing better access to economic opportunities. Inequality defined as the gap in incomes and opportunities between rich and poor is a major problem that is confronting African countries. In countries where there is rapid economic growth the poor are still being left behind. Achieving

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<sup>14</sup> Department for International Development, 2006: 73



economic growth and waiting for its benefit to trickle down to the poor is no longer acceptable. Both the rich and the poor are entitled to economic opportunities. Central to providing economic opportunities to the poor is employment. The United Nations Economic Commission for Africa argues that, while employment-creating growth is the best way out of poverty, the recovery in economic growth in several African countries has not translated into higher income and employment for poor people. For growth to generate enough employment to reduce poverty, Africa would have to focus on agriculture, which is the main source of income for 90% of the rural population in Africa and is also vital to ensuring food security for the urban population.

7. Negotiate for a fairer regional and international trade system. As previously reviewed, the international economic system is not favourable to Africa, yet international trade and investment are vital for growth. Sub-Saharan Africa's share of world trade actually declined from 6% in 1980 to 2% in 2002. In this context, building trade among African countries is especially important for Africa where intra-regional trade is only 5% of GDP, in contrast to East Asia and the Pacific where it is 27%. To achieve this, African countries need to tackle the growing problem of non-tariff barriers among regional blocks. Improving African access to world markets is also vital, although insufficient by itself. Other negotiations in the areas of foreign direct investment, aid and other forms of overseas development assistance, and debt cancellation are all needed.
8. Finally, African States should develop a legal framework for pro-poor policy that protects rights against poverty. While most of the SSA countries have recognized the rights of citizens to basic services, such declarations are not judiciable.

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15 UNECA, 2005

16 DFID, 2006

17 Ibid

Other recommendations relate to research, intellectual leadership and advocacy.

There is an abundant literature on the nature, causes and consequences of poverty and the strategies adopted to eradicate it. However, little exists on poverty as a violation or denial of human rights, especially in Africa, where more research on poverty as a violation of human rights is urgently needed. In particular, emphasis is required on best practice in the human rights approach to poverty and on in-depth studies of inequality.

With respect to intellectual leadership, UNESCO should support the development of knowledge in the area of poverty and human rights, particularly the analytical capacity to assess the theoretical, legal and policy implications of defining poverty as a human rights issue, notably in terms of poverty eradication. For instance, theoretical justifications for regarding poverty as a violation of human rights should be further researched and relevant knowledge provided to enable States and the international community to construct the legal instruments and new policy approaches needed to achieve the ultimate goal of poverty eradication.

Advocacy is called for in response to the lack of enthusiasm shown by the international community working in poverty reduction within the principles of human rights. It is in line with this that UNESCO is recommended to launch a global campaign to influence the UN system, the political will of governments and NGOs to internalize the notion that poverty is a violation of human rights, and to raise national and international awareness of the political implications of this fundamental paradigmatic shift. As the CROP/UNESCO consultation notes, knowledge building and information dissemination are the most important factors in the success of the campaign.



- Title:** Efficiency of the legal framework and existing policies in Niger in terms of fight against poverty from the human rights point of view, *Badié Hima*.
- Institution:** National Pedagogical Inspection (Ministry of Secondary and Higher Education, of Research and Technology).
- Team Members:** Badié Hima, Mounkaila Oumarou Sanda, Yacouba Moumouni, Alassane Dadji.
- Country:** Niger.

## EXECUTIVE SUMMARY

This research was carried out within the framework of the UNESCO Small Grants programme for research on the eradication of poverty. It is a contribution to a rereading of the Niger PRSP.

Like other countries, Niger has embarked, since 2000, on an ambitious poverty reduction programme. Given the failure to improve the quality of life through the satisfaction of the basic human rights of the populations in this time, it is necessary to go back to the origin of the formulation of poverty reduction policies, and to the conditions of their implementation, in order to find out the true causes of failures. It is from this perspective that the poverty reduction strategy of Niger is analyzed. The PRSP is the only framework of intervention for all development and poverty reduction actions. It diagnoses poverty, and defines a vision of development for Niger, (objectives and national priorities), along with priority strategies and actions and monitoring and evaluation mechanisms.

The methodology consisted first in a long documentary research that facilitated the development of a reading and analysis grid, and analysis and development of a poverty reduction strategy from the angle of human rights. This grid was used to carry out a field survey of

two poverty reduction projects in the framework of the PRS. Its aim was to assess, in terms of the analytical grid, the behaviour of the PRS in the field. In view of the findings of the field survey, the 13 components of the PRSP were reviewed. This approach produced general recommendations and specific recommendations for adequate integration of rights in the new revised version of the PRSP.

The findings show that the 18 identified guiding principles and the different categories of human rights retained in the analytical grid are poorly taken into account. This corroborates the first hypothesis: the failure to take account of human rights in the formulation of the PRS explains poor performances. The thematic studies over all the components, both in reality and in the 2002 version of the PRSP, establish the fact that human rights, established by relevant national and international texts are currently violated.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

General recommendations for adequate integration of human rights in the PRSP:

1. Adequate integration of human rights in the formulation of the ToR (Terms of Reference) of the rereading of the PRSP;
2. Explicit reference to the international commitments made by the State of Niger with respect to human rights;
3. Refocusing the vision of the PRSP on human rights;
4. Taking into account the definition of poverty adopted by the UN Committee on Economic, Social, and Cultural Rights;
5. Taking account of all constitutive elements of the reading grid, of categories of human rights and of the principles of universality, indivisibility and interdependence at all the levels of the PRSP (diagnostic analysis of poverty, the vision, strategies, priority actions and follow-up evaluation);

6. Harmonization of the interventions of all partners and stakeholders in the field;
7. Ending of the practice of hiring public-sector employees on temporary contracts, in view of the rights to work, to decent remuneration, to satisfactory living standards, to security, to non-discrimination and to equality, and with regard to the importance of the quality of human resources in the effectiveness of governance;
8. Revision of legislation relating to the retirement of civil servants;
9. Recruitment of necessary human resources;
10. Increasing budget shares for basic social sectors;
11. Enforcement of the decree relating to nomination criteria;
12. Appropriate allocation of resources for the achievement of the objectives of the PRSP in an approach based on the fulfilment of human rights.



- Title:** Human rights abuse and the incidence of poverty in Nigeria: a case study of women operating in the informal sector of Kwara State, Nigeria, *Sidikat Adeyemi, Gafar Ijaiya and Basheer Ijaiya*.
- Institution:** University of Ilorin, Ilorin.
- Team Members:** Sidikat Adeyemi, Gafar Ijaiya, Bashir Ijaiya.
- Country:** Nigeria.

### EXECUTIVE SUMMARY

Human rights abuse has only recently been seen as detrimental to the well being of people. This study on human rights abuse and the incidence of poverty among women operating in the informal sector is a contribution to this area with a view to achieving the following objectives:

1. To examine the poverty situation among women operating in the informal sector of Kwara State, Nigeria;
2. To examine the extent of human rights abuse against such women;
3. To determine the extent to which human rights abuse has aggravated poverty among such women;
4. To propose measures to address the problems of human rights abuse and their welfare implications.

The analysis of poverty in this study consists of the following: a profile of the incidence, depth and severity of poverty among the women, derived from the popular P-alpha class of poverty indexes, and a participatory assessment of poverty designed to identify women's perceptions of poverty and the impact of human rights abuse on poverty.

In determining the influence of human rights abuse on the incidence of poverty among women, an econometric model was

specified, and tested by multiple regression analysis. Another method used in this study is percentage rating analysis in determining the socio-demographic characteristics of the women and the extent of human rights abuse against them.

## FINDINGS

1. The result of the study on the socio-demographic characteristics of the women shows that 62% of them reside in urban centres, with 33% of them aged between 31 and 40 years, 75% of them married, 35% of them are heads of their households and 55 and 14%, respectively, are engaged in trading and manufacturing activities in the informal sector.
2. The rate of poverty among the women operating in the informal sector of Kwara as of June 2006 was relatively low (53%) when compared with the percentage in Nigeria. Available data from the African Development Bank indicates that in 2003, 70.2% of the people in Nigeria were poor<sup>18</sup>.
3. From the perception of some of the women, the causes and consequences of poverty in the informal sector of Kwara State include among other factors; the lack of or limited supply of some basic needs of life, such as food, health care services, safe water and sanitation facilities. It was observed that the issue of health care services is not about accessibility alone, but about affordability and utilization. Though hospitals and clinics exist, due to the women's meager income, most of them find it difficult to get treatment when they are sick. With respect to safe water, Kwara State has experienced an acute water shortage for a long time and even when water is available, its quality is always in doubt. This shortage has caused a lot of hardship, for most of the women have to spend a lot of time daily looking for alternatives, which are of bad quality, thus resulting in one health problem or another. The consequence

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<sup>18</sup> ADB 2003

of all this has been a reduction in their productive time and the diseases that comes with it, thus adversely affecting their income generating efforts and welfare.

4. According to some of the women, the consequences of poverty include the mental stress, breakdown and depression they have to go through because they lack a voice, power, and independence, which leaves them more vulnerable to discrimination, humiliation, intimidation and shame within the society they live. Poverty has brought shame to some of them given their appearances and clothes, the environment they live in and their dwelling pattern, which is a source of discomfort and distress given the size and over congestion experienced in their homes.
5. The extent of human rights abuse against the women operating in the informal sector of Kwara State is also based on their accessibility, affordability and utilization of some of the basic needs of life, like food, health care services, safe water, education, personal security, equal justice and participation in decision-making that affects their lives. This study thus reveals that the rights of the women to adequate food, health care services, safe water, sanitation facilities, decent housing, education, personal security, justice and participation in development activities that affect their lives and businesses, and information are infringed at the households and community levels, and by the government. For instance, women's rights to health care services are infringed despite the response of most of them that they still visited the modern health care centres when they are ill. What is noted is that the quality of the services provided by the centres is in doubt because most of the health centres are without adequate health personnel and drugs. These reasons alone have forced some of the women to continue to rely on traditional healers and self-medication. The situation with respect to safe water and sanitation



facilities is similar. As the study also revealed, most of the women get their water from sources like the wells, rivers, streams and rain water (during the rainy seasons), because they are not connected to the public water network. Even those that are connected complained of constant interruption by the water delivery agency and the travel and waiting time from the point of collection. For sanitation facilities, some of them said they have access to flush and pit toilets, with very few having no access to toilets in their homes; they thus have to make use of bush paths and river/stream banks as their best alternatives.

6. From the regression analysis, this study also confirmed the influence of human rights abuse on the incidence of poverty among the women operating in the informal sector of Kwara State. While holding the vectors of the household characteristics constant, the coefficient and the associated t-values of the components of human rights abuse used in the study indicate that the lack of rights to adequate food, health care services, education, safe drinking water, sanitation facilities, decent work and sustainable wage, justice, information on government activities, the lack of participation in decision and policy making and the lack of rights to assistance from international organizations have the expected signs. When viewed statistically, only the lack of rights to adequate food, health care services, education, sanitation facilities, decent work and sustainable wage, justice, participation in decision and policy making have a significant effect on the incidence of poverty among the women, while the lack of rights to information on government activities and lack of rights to assistance from international organizations have little or no effect, since they are statistically insignificant at the 5% level. The negative signs of these variables are indications that, the fewer rights enjoyed by the women in the informal sector of Kwara State, the more they find themselves in poverty.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

Based on the findings of this study, the following policy recommendations are offered:

1. The government should endeavour to respect, protect and fulfill the rights of every individual woman in the informal sector of Kwara State. These rights should be a matter of legal obligation on the government. The duty to fulfill such rights (especially those of food, health care services, education, sanitation facilities, decent work and sustainable wage, justice, participation in decision and policy making) should include facilitating and making provisions for the basic life needs for every woman that would, in the long run, help reduce their poverty.
2. Remedies for human rights violations on access to food, health care services, education, sanitation facilities, decent work and sustainable wages, justice and participation in decision and policy making should also be provided because every woman in the informal sector has not only a right to enjoy these rights, which their governments have accepted, but also a procedural right to an effective remedy before a domestic body in case her rights have been violated. A remedy is only effective if the relevant domestic authority has the competence to grant reparation to the victim of a human rights violation. There are various types of possible reparations depending on the seriousness of the violation and the particular circumstances of the case. Examples of these include, full restitution, compensation, rehabilitation, apologies and other forms of reparation, general guarantees of non-repetition and, in exceptional cases, punishment of the individual perpetrators.
3. To complement the above forms of reparation and to achieve an effective and efficient domestic remedy, there must be a judicial procedure for the attainment of all forms of rights. The government has an obligation to ensure that any woman in the informal sector

claiming a remedy shall have her right determined by a competent judicial, administrative or legislative authority or any other competent authority provided for by the legal system of the State. In addition, the government must also ensure that the competent authorities enforced such remedies when granted.

4. In addition, the government must create a legal framework within which civil society organizations can perform an independent monitoring role on the rights of the women in the sector. Specifically, the government must take immediate steps to realize a set of interrelated rights, such as the right to information, free speech and association of the women, without which independent monitoring will not be possible.
5. To achieve effective and efficient economic policy-making for poverty reduction in the informal sector, the rights of participation and freedom of expression of the women should be preserved and protected. Coupled with this is the accountability of the duty-bearer, which is judged by whether effective policies have been implemented and whether progress is being made. Therefore, improvements in the rights of the women in terms of their access to food, health care services, education, sanitation facilities, decent work and sustainable wages, justice, participation in decision and policy making, require the partnership of government and families, corporations, communities and international agencies. The role of the media is also paramount, since with it public opinion could be mobilized to spread awareness of human rights policies and to highlight violations.
6. Of equal importance is that the system of governance should be decentralized and democratized. With decentralization, the women in the informal sector will be able to monitor government activities that have an immediate and direct effect on the realization of their rights to social services and the reduction of their poverty;

and with democracy, the participation of the women in development activities that affect their lives would be enhanced, especially as this is the only form of political regime compatible with respecting all five categories of rights: economic, social, cultural, civil and political.

7. Related to the above is the fight against corruption which has inhibited development in Nigeria in general and the Kwara State in particular, as resources meant for the public are often diverted for personal use by some government officials, thus further leading to the violation of women's rights to enjoy access to basic social services that would have impacted on their well-being.



- Title:** Tackling inter-generational poverty crisis through effective human rights strategies: case study of children's rights in Nigeria, *Demola Adeagbo*.
- Institution:** Nigerian Institute of Social and Economic Research (NISER), Ibadan.
- Team Members:** Demola Adeagbo, Akin Opatola, Bola Awotide.
- Country:** Nigeria.

## EXECUTIVE SUMMARY

The study, which was conducted in three major cities in Nigeria (Enugu from the East, Kano from the North and Ibadan from the South West), examined some key reforms put in place by the Nigerian Government and the impact on the poverty situation of the people. It made use of primary and secondary data. The study identified key reforms implemented by the government, the impact of the reforms on the poverty situation of the people, their coping strategies and the impact on the poverty situation of children. Furthermore, parents' perception of the impact of the reforms on their ability to take care of their children as well as their perception of the future state of their children was also assessed. The study found that the implementation of the reforms has had an adverse impact on the poverty situation of the people and negatively affects the ability of duty-bearers to meet their responsibilities, especially the responsibilities parents have to their children. It is also shown that the coping strategies of the parents deprive children of their rights and are more likely to aggravate the intergenerational poverty crisis. Based on the findings of the study, recommendations in the form of policy implications and measures are made to mainstream human rights principles in the design, implementation and monitoring of poverty reduction policies, especially the National Economic Empowerment

and Development Strategies (NEEDS) and the country's version of the Poverty Reduction Strategy Paper (PRSP).

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Concrete recommendations**

From the review of the poverty policies and programmes, it is obvious that the Nigerian Government is making efforts to eradicate poverty. From all the policies and programmes reviewed it is clear that the basic needs approach has been the prominent choice. However, while the mention of recognition and respect for people's rights to basic needs is positive, adopting the human rights framework goes further. Concrete recommendations are hereby made under reforms and human rights violations. Please see the full research report for further concrete recommendations concerning poverty reduction and human rights principles.

### **Reforms and human rights violations**

Reforms are necessary to bring about changes in the way we do things in order to improve institutional performance, general development and the overall welfare of the people. However, implementation of reforms could be painful as the findings of this study have shown. The case of forceful eviction and demolition of buildings in order to improve settlement development may yield positive results in the long run but the right of victims to shelter is denied. Considering the importance of shelter to healthy living and sustainable livelihood, deprivation of a right to shelter could induce poverty for a victim who is not in poverty or worsen the poverty situation of a victim who is already poor. If cases like this are many, the eventual gains of reform may be eroded. Thus, in carrying out reforms that will initially impact negatively on the socio-economic lives of the people, the following is suggested:

## Recognition of human rights

At the design stage of reforms, the various rights of the people, as they are likely to be affected by the reform contents, direction and implementation should be recognized. A step towards this is to first recognize the right to participate in decision-making. Giving people the right to participate will give them the opportunity to express and reveal how and to what extent the proposed reforms will affect their lives. From this, the various rights that are likely to be denied by the proposed study could be drawn out with linkage to local, national and international human rights norms and standards. This again brings up the issue of identification of the victims. More often than not, laudable poverty reduction strategies have failed because they failed to identify the poor, who are thus excluded either at the design stage or at the implementation stage. With respect to reforms, resources should be devoted to identifying the likely victims.

## Respect for rights

Having identified the likely victims and recognized their rights, the next step is to plan towards respecting those rights. In this regard, the reforms should be designed in such a way that the rights of identified victims of reforms will not be violated in any way. In the case of shelter, reforms that will lead to forceful eviction or housing demolition should be avoided as much as possible. Again, reforms that will lead to an increase in user charges that will make services unaffordable to the poor, as is the case of increase in prices of cooking fuel, food items and water in Nigeria should be avoided. Where these reforms are inevitable and the benefits will accrue in the medium or long term, alternative provisions should be provided in the immediate term to cushion the effects of reforms.

## Protection of rights

Reforms to be put in place must have components that will ensure non-violation of people's rights. For instance, reforms that lead to privatization of services must put institutional or legal frameworks in place that will protect people's rights, especially in the areas of access to affordable services, and protection of the environment, among others. In the case of Nigeria, encouraging private sector participation in the provision of education services has led to an increase in educational facilities but there are the problems of high cost and poor quality of services. Efforts should be made to protect people's right to affordable and qualitative education. There should be regulatory mechanisms to ensure that the interests of people are protected.

## Fulfillment of rights

In carrying out reforms, the rights of the people must be fulfilled. For instance, in the case of reforms that will lead to housing demolition or forceful eviction, alternative accommodation that will be accessible and affordable to the victims must be provided. There must be secure tenure before demolition is carried out. In the case of demolition and eviction in the Federal Capital City in Nigeria, victims are given alternative plots of land, which they have to pay for and start developing after their buildings have been demolished. This is not doing it the "rights-based way". This is because the right to shelter has been violated and adequate provision is not made to fulfill that right in an alternative way. Many victims could not afford to pay for the land and rebuilding costs. With respect to retrenched workers, though provisions are made for gratuities and pensions, experience shows that many retrenched workers do not get paid months and even years after leaving service. Steps are being taken by the Federal government to redress this, but actual implementation should be effected as victims still experience delays. Adequate provision should be provided for their life after retrenchment such that their right to live a dignified life is not eroded. This is also essential in order for victims of retrenchment to meet their obligations as duty-bearers to their children.





- Title:** Impact of Nigeria's land tenure policy on peasant farmers: A case of human rights violation? *Kalu Odim Oji*.
- Institution:** Department of Agricultural Economics, University of Nigeria, Nsukka.
- Team Members:** Kalu Odim Oji, Omenma Tochukwu.
- Country:** Nigeria.

## EXECUTIVE SUMMARY

This study was conducted under the UNESCO Small Grants programme to determine whether the Nigerian Land Policy, the Land Use Act (LUA) of 1978, violated the rights of peasant cultivators. It also hoped that the research would promote a heightened awareness of the Nigerian Land Use policy as an anti-poor and anti-development piece of legislation that would continually exacerbate the misery, impoverishment, landlessness, destitution, and loss of human dignity of the poor.

Primary data on land tenure, land use and associated socio-economic issues were collected from one hundred and eighty randomly selected peasant farmers in three States of Nigeria in addition to community-level focus group discussions in one of the States. These were complemented with secondary data from relevant institutions.

The findings indicate that the land use act violated some basic rights of peasants. The per capita agricultural production declined following the implementation of the LUA from 1978. These declines were because farmers were finding it increasingly difficult to acquire more land to expand crop production. The increasing frustration in accessing economically reasonable amounts of cultivatable land, led to the out-migration of a substantial proportion of the agricultural population. Over 93% of the peasants estimated that

between 10% and over 70% of their members had been impoverished over the years due to their inability to access arable land for subsistence, implying that landlessness is the leading cause of poverty in the area. There was very little reliance on the market for obtaining land as only 13% of the farmers claimed that they "purchased" their land. By not putting in place a system for easy establishment of Certificates of Occupancy or recognition of land titles, the LUA inadvertently undermined the development of a reliable property rights system to facilitate the transfer of tradable rights in land and market development. Without clear land titles or ownership, farmers found it difficult to use their lands as collateral for micro-credit, thereby constraining their capacity to obtain resources for cultivation expansion.

The focus group discussions revealed that the peasants were largely unaware of the Land Use Act, which entrusted ownership and administration of all the land on the State governor. It was the coming of the Zimbabwean white farmers, which made them aware of the policy, as it was applied to dispossess them of their lands. The compensation paid per farmer was paltry, ranging from ₦1,000 (US\$ 8), to ₦20,000 (US\$160), as neither the farmers nor their representatives were involved or consulted during the negotiations.

Our recommendation is an outright repeal of the Land Use Act, to be replaced by a land policy arrived at through national stakeholder workshops and consultations with traditional land-owning groups and representatives of the governments, farmers, the human rights community and other relevant bodies.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

We recommend an outright repeal of the Land Use Act of 1978, to be replaced by a land tenure policy that is based on the principles of land ownership, land transfer, and participatory

management of land rights between the government and the people. To start with, the Federal Government should send a bill to the National Assembly repealing the LUA of 1978. Thereafter, a national stakeholder workshop involving representatives of traditional land-owning communities, religious bodies, farmers, academics, the various levels of government, reputable legal experts, and the human rights community should be convened to determine the basic framework of a sustainable rights-based land policy for the country. This basic framework will then be crafted into a new land law to be sent to the parliament for enactment.

In any future land law, participatory processes should be adopted in determining the basic pillars of land policy and the definition of key terms. For instance the definition of "overriding public interest" should be clearly outlined and its exercise domiciled with an Independent Land Commission appointed by the respective State's assemblies or parliament. The procedure for land administration, determination of land titles, issuance of certificates of ownership (as opposed to occupancy), and compensation policy, should be clearly elaborated to remove the present discretionary exercise by the Governor and politicians. The Land Act should be de-linked from the constitution so that its application can be challenged in any court of competent jurisdiction in the country. Finally, the crafting of future land laws should ensure respect for all international human rights conventions and treaties entered into by the country.



- Title:** Children's involvement in labour: poverty reduction approach via a human rights perspective, *Samuel Kobina Annim*.
- Institution:** Faculty of Social Sciences, University of Cape Coast, Ghana & Institute of Social Studies, The Hague, The Netherlands.
- Team Members:** Samuel Kobina Annim, Harrison Kwame Golo.
- Country:** Ghana.

## EXECUTIVE SUMMARY

Pursuant to the fight against poverty, many developing nations have adopted wide and diverse approaches towards poverty reduction. Heightened interest in this direction is how the marginalized or the vulnerable group (women, people living with disabilities and children) have received their portion of the global cake (in terms of freedom and access to resources) in this world of global competition and in light of the scramble for territorial property. The literature on globalization highlights wide per capita income variations among nations, disguised coercion and force and deepened inequity among the populace of nations. Hard hit by this menace are children who are not part of research, policy design, advocacy and implementation.

This discourse sets the platform to view poverty from a human rights perspective and presents concerns as to whether poverty is a denial or a violation of human rights. The response to the above concern suggests the level of acceptance, awareness and the degree to which it can be enforced. In Ghana, as in other developing nations, the responses to these questions can be found in the extent to which such issues are reflected in their Poverty Reduction Strategy Papers (PRSPs) and other development policy documents. A human rights approach is then brought to the fore as a requisite for all poverty and development strategies.

In this context, the objective of this paper is to explore the extent to which the existing framework of human rights has reached all agents on the spectrum of child labour and to recommend the need to promote issues concerning child labour alongside the abolition of poverty. This categorically fits under the second objective of UNESCO's research agenda.

### **Policies and programmes**

In the past two decades some international and national policies and laws have addressed the rights of children in detail, including Article 19 of the United Nations Convention on the Rights of the Child (1989), which calls for legislative, administrative, social and educational action to protect children from all forms of violence and abuse. Other instruments, including the optional protocols to the Convention on the Rights of the Child and the ILO Convention 182 on prohibition and immediate action for the elimination of the worst forms of child labour, single out particular types of violence and exploitation for action. At the national level, Article 28 of the 1992 constitution and the Children's Act of 1998 underscore the need for wide publicity on the welfare principle, parental responsibility, the right to education, social activity and freedom from exploitative labour and non-discrimination in dealing with children.

Poverty, which is perceived as both a sequel to and perpetrator of child labour, has received equal attention at the country level. In Ghana, three pillars have been anchored to achieve the target of halving the proportion of people who live below the poverty line by 2015. Private sector competitiveness, human resource development and good governance are the main policy directions underpinning the Ghana Growth and Poverty Reduction Strategy. Human resource development is ranked high among these policy directions and this was reflected in the high proportion of government budgetary allocation

stated for the 2007 financial year. Through the empowerment and strengthening of human capacity and skills, this projection seems consistent with tackling poverty from a human rights perspective.

The country in the past couple of decades has experienced the intervention of both local and international non-governmental organizations in the struggle towards the eradication of child labour. These interventions have focused on the re-integration of children with their families, microfinance and community level interventions. Among the numerous interventions by local and national NGOs are the following organizations: International Organization for Migration, The Ghanaian-Danish Community Programme and the Catholic Action for Street Children.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

To remedy the problems, interventions have been identified in three tiers. The initial tier, which is fundamental, is re-orientation of the community on the role of the government, the community and the individual. The need to break the cultural jinx in terms of parenthood is at the core of any successful intervention. The traditional Ghanaian community perceives the government as a distant and distinct entity by the local name "*Aban*" which is a walling between two groups. This conceptualization emerged during the colonial period and has remained with Ghanaians ever since. There is a need for deeper and more concentrated informal education at the community level to help demystify the cultural perception of parenthood between the household, family, community and government.

The second tier is identifying a remedy for poverty in terms of immediate consumption. The role of some non-governmental organizations to offer microfinance services to the parents of child labourers should be re-packaged. One possible way is to use that as a

pre-condition for potential beneficiaries. Potential beneficiaries should satisfy the pre-requisite of sending their children to school. This will be perceived as compliance with government initiatives such as the capitation grant and the school feeding programme. The sustainability of education as a remedy to child involvement in labour requires medium-term intervention to ensure that parents are not forced to choose between family survival and their children's education. International and local NGOs should complement government efforts in this direction through workshops and wider public disclosure of all interventions.

The third tier focuses on the institutions and the structures that ensure adherence to human rights principles. The structures and institutions at the governmental level are well known and established but fail to trickle down to the community level. Institutions such as the Commission for Human Rights and Administrative Justice (CHRAJ) have offices up to the district level only and little is known about their existence at the community level. The presence of these institutions will yield optimum benefits if community members, especially children, identify with them in terms of their role to seek redress. This will provide a forum for children to overcome the hegemony of their parents and elders. Structures, however, will have to be built in to tap the benefits of the cultural system. For instance, these structures will help draw a line of distinction between respect, expression of other opinions, and fear.

At all the tiers, issues of human rights with their associated responsibilities, will be taken on board by all the stakeholders including government, international and local NGOs, the community (traditional rulers) and parents. The need to perceive and accept that non-adherence to these issues constitutes a violation and denial of human rights runs through all the tiers.



- Title:** Non-registration of children and poverty in Zimbabwe: an integrative analysis, *Reuben Musarandenga*.
- Institution:** Human Geography and Development Studies, Child Protection Society.
- Team Members:** Reuben Musarandenga.
- Country:** Zimbabwe.

## EXECUTIVE SUMMARY

Poverty is a social ill that robs people of livelihood and dignity. The affected people experience some kind of deprivation that makes them lose their aspirations for human fundamentals such as freedom, well being, and dignity. Fundamentally, humans ought to enjoy a range of freedoms,<sup>19</sup> which include freedom from discrimination, freedom from want, freedom to participate and make decisions in matters that affect their lives and freedom to develop and realize their potential.

Despite the world moving towards agreement in terms of the definition of poverty as involving some kind of deprivation and denial of basic human rights, poverty is still a specific, local, and contextual experience. It maintains variant dimensions across the world's regions, within nations and within communities. In some areas it is chronic (mass poverty), while in other areas it is recent. These variations are the result of a range of factors, almost all of which have a policy basis; local, national or international policy.

Different participants in the poverty debate cite different factors as the causes of poverty. The developed world cites unchecked demographic factors, poor governance, and economic and

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<sup>19</sup> Shivar Kumar (2004). *MDGs and the right to Development: Issues, Constraints and Challenges*.



environmental mismanagement as the causes of poverty in developing countries.<sup>20</sup> Governments of developing countries, on the other hand, attribute poverty to adverse environmental conditions, historical economic inequalities, the present international economic injustices (including world trade imbalances) and the debt burden.<sup>21</sup> In addition to these factors, countries in sub-Saharan Africa would contend that the human catastrophe of HIV and AIDS has played the greatest part in the widening, deepening, and in some cases the incidence of poverty. Notwithstanding these debates, as poverty continues to evolve; expanding and deepening in some regions, nations and communities, the need for its eradication is increasingly realized globally. Equally, the intricate issues of what causes and drives it are continuously visited. The view that poverty is driven by a failure to centre development on rights has thus emerged.

As mentioned earlier, the policy roots of poverty are unquestionable. The world has thus come to understand that poverty is manufactured by society. The world has also come to understand the inhumane nature of poverty, as a denial of human rights. This policy paper recommends a strategy to eradicate poverty in Zimbabwe, as well as other countries in Southern Africa, which share the same demographic history. The region experienced extensive labour migrations in the colonial era, which resulted in most countries acquiring significant proportions of alien populations for whom citizenship change and civil registration has been difficult. For these people and others who do not have civil identity documents, access to social and economic services and resources, as well as survival means, is limited. Hence non-registration is a contributor to mass poverty. Non-registration systematically disenfranchises those who do not have civil identity documents socially and economically, thus causing structural and chronic poverty.

This paper is based on a study carried out in Zimbabwe to examine the possible relationship between non-registration and

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<sup>20</sup> International Conference on Population and Development, Cairo, 1994.

<sup>21</sup> Please refer to the following for further information: United Nations Conference on Trade and Development, (UNCTAD), 2002; World Trade Net, 2006.

poverty. The study was inspired by civil registration advocates' claims that non-registration caused numerous social and economic outcomes which disproportionately affected those without civil identity documents. The study assessed the causes of non-registration and explored its relationship with socio-economic indicators. Quantitative and qualitative data was collected, in a survey conducted on the quality of life of unregistered persons, with samples drawn from four characteristic geographic areas of the country: farming, communal, mining and urban areas. The study revealed that non-registration contributes significantly to the incidence of poverty.

1. The civil registration system was observed to be full of policy-related inhibitions to people of various backgrounds which include the following:
  - The requirement of the parents' presence for registration of children complicates situations in the case of orphans; people born to migrant parents; or children of estranged or divorced parents;
  - The requirement of birth records that are only issuable, when children are born in health institutions, whereas in most areas children are born at home;
  - The requirement of parents' registration documents, which prohibits registration of children if parents' documents are unavailable or when lost, were never collected or if the parents are unregistered;
  - The requirement of paternal or maternal relatives, which complicates registration of people when families have disputes.
2. It was realized that civil registration has two facets relating to a person's freedoms or capabilities. First, it culminates in the acquisition of documents used for positive self-identification.

Second, one acquires civil identity, a subjective phenomenon, which is reflected in the form of social and legal association with a particular family, community and nation (citizenship). The perceptive aspect gives a sense of belonging, while the legal aspect grants legitimacy as a family, community or citizen. In the case of the latter, civil identity is an authenticator entitling one to the rights of upbringing and inheritance. These forms of identity play the role of preventing the alienation of individuals and facilitating social inclusion, without which a person may not have consciousness about or capacity to claim certain social entitlements. This limits access and capacity to grab opportunities, services and resources vital for one's well-being.

3. A strong link was found between poverty and non-registration in the areas of education, employment, income and shelter where over 85% of the sample experienced deprivation; while in abuse, rights violation, access to food, access to assistance, access to information and civic participation 35-50% were deprived. However, because of the peculiar policy behind service provision in the sector, there was only marginal deprivation linked to the healthcare, with only 12.3% of people deprived.
4. The contributory effect of non-registration to poverty was observed in how the affected people were deprived in access to economic facets of well-being as follows:
  - Access to economic resources such as land on which to produce food;
  - Access to economic opportunities such as employment;
  - Access to services such as public and vulnerability mitigation assistance, which complements the livelihoods of people who are already poor.

On the basis of this study, the researchers recommend the following actions towards the eradication of poverty in some sections of the affected populations:

1. the improvement of civil registration;
2. the creation of anti-poverty policies.

In pursuit of the first point, the following is recommended:

- amendment of constitutions to include civil registration as a fundamental right and the placement of obligations on States to fulfill it for every person;
- amendment of legislation to explicitly articulate States' obligations in civil registration of the people and to provide mechanisms for ensuring fulfillment of this obligation, which may be establishment of institutional structures and mechanisms, funding, and monitoring and evaluation;
- resolution of civil registration of aliens (migrant populations).

Further recommendations relating to the second point are:

- inclusion of non-poverty as a fundamental right in State constitutions;
- establishment of anti-poverty ministries in governments. To go along with this, legislative provisions are required, which would create the institutional structures, mandates and operational mechanisms and modalities for such ministries.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

The proposed change initiatives to the civil registration system for enhancement of people's access to resources, opportunities and services that will improve their socio-economic lives are as follows:

1. Declaration of a right to civil registration in the constitution. Zimbabwe should amend its constitution to be in line with international conventions such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) which explicitly pronounce the respective forms of civil registration as fundamental rights for every person entitled by birth, descent or other legal means. The constitutional amendment should also explicitly obligate the State to fulfill the civil registration rights of the people and to put in place legislation and implementation mechanisms that promote registration of the people.
2. Amendment of the legislation governing civil registration. Following the proposed amendment of the constitution, the BDRA should also be amended to explicitly state all the respective forms of civil registration to those who are entitled to a right under the constitution. The legislation should also explicitly pronounce the State's obligation to ensure civil registration of the people, expand the system to involve other players in the process, embrace a monitoring and evaluation system that would include collection of civil registration data in national surveys and census and stipulate legal recourse by the public where disputes arise with authorities.
3. Decentralization of elementary registration functions to other government authorities. The authority of commissioner of oaths and the mandate of civil registration, particularly birth registration, can be granted to other authorities appointed by the Minister after amendment of the Act recommended above. Authorities recommended include: chiefs, headmen, kraal heads, ward councillors, school heads, and health administrators. Upon identification, these people would require training and certification before engagement in the prescribed role.

4. Creation of a Monitoring and Evaluation (M&E) system for civil registration. Currently, there is no M&E system for civil registration in many Southern African countries, Zimbabwe included. There is no proper information concerning people who are not registered, as well as the reasons for this, yet this information is vital for policy making and programming. Following the respective legislative amendment, the country would need to establish an independent M&E system that would utilize national surveys and censuses to collect civil registration data. These are surveys the country is already carrying out, such as the five yearly PASS and DHS and the decadal national census.
5. Registration of aliens. Zimbabwe continues to turn its back on them. These are people that have no other country from which to claim nationality, having been born in the country without prospects of returning to their forefathers' countries of origin. As the country has benefited economically from the labour of their generations, the denial of citizenship to these people is unacceptable exploitation. A programme must be put in place for one-off unconditional registration of these people and regularization of their citizenship.

While civil registration has been targeted as a strategy, direct poverty eradication still needs to be undertaken in order to fortify strategies such as this. The following change initiatives are proposed to strengthen the country's poverty eradication efforts.

1. Inclusion of the right to live free from poverty in the constitution of Zimbabwe, in line with the International Covenant on Economic, Social and Cultural Rights. The constitutional provision would need to accurately define contextual poverty, identify operational indicators and obligations of the State as well as all

citizens who are in a position to provide vulnerability alleviation services or assistance to the poor. This constitutional provision would make any actions or omissions by the state or individuals that condemn people to poverty unjustifiable. It would also obligate the state to legislate for and create sufficient institutional mechanisms for the eradication of poverty within its local context.

2. Promulgation of anti-poverty legislation that will harmonize all existing policies on poverty eradication and all existing government structures for poverty eradication. Legislation should provide for the establishment of an anti-poverty government ministry, and monitoring and evaluation mechanisms for poverty and eradication efforts.
3. Creation of a government anti-poverty ministry. Following formulation of the proposed legislation, and drawing from relevant arms of the existing ministries, the government should establish an anti-poverty ministry. The ministry would be mandated to execute anti-poverty programmes, coordinate other ministries' contributions to poverty eradication, monitor and direct the country's efforts towards the eradication of poverty.



- Title:** Pro-poor policies for rural electrification in Botswana: a rights-based perspective, *Edward Marandu*.
- Institution:** Faculty of Business, University of Botswana.
- Team Members:** Edward Marandu.
- Country:** Botswana.

### EXECUTIVE SUMMARY

This study investigates pro-poor provisions in the Electricity Law and the Draft Energy policy of Botswana from a rights-based perspective. The methodology employed is triangulation: analysis of the legal and policy texts, actual practice and survey of perceptions of key stakeholders.

The textual analysis results show that the existing legal and policy documents do not have clear pro-poor provisions with regard to access to and affordability of electricity by the rural poor and there is absolutely nothing in the law or policy that implies that basic electricity service is a right.

With regard to actual practice, there is evidence to suggest that significantly reducing the initial costs of connection through a financing mechanism significantly increases the affordability of electricity. This partly explains the dramatic increase in the use of electricity after the year 2000 and, if all goes as planned, Botswana will have 100% rural access by the end of 2009. There is some evidence to suggest that electricity is provided to the rural poor on ethical or moral grounds rather than as a right. All this can change, for these remarkable achievements have been made without any specific or clear supporting legal or policy frameworks.

The survey of policy-makers and experts produced three interesting findings. First, these key stakeholders agree on the



obligation to provide rural access to electricity to fulfill the following basic services: household use, community services and production or income generating activities. Second, despite consensus on the obligation to provide access to electricity, stakeholders were neutral with regard to the need to relax the regulatory regime of the power sector. Third, stakeholders agreed on most policies for improving affordability and there was consensus within each group on each policy statement. Fourth, the policy-makers and experts, on average, perceived rural electrification as having a significant positive impact on education, the economy and health, but only a moderate impact on the environment and empowerment of women. These results reflected a consensus of opinion among group members on all statements except on the empowerment of women. All in all, there is strong evidence to suggest that public policy-makers and experts agree on most of the proposed pro-poor rights-based rural electrification policy and impact statements. A few of the statements were viewed in a neutral way but none were seen unfavourably. Again this may partly explain the remarkably good performance of the rural electrification programme, despite the lack of a specific and clear legal and policy framework to that effect.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

On the basis of the conclusions, the following public policy recommendations emerge:

1. The government is advised to maintain and intensify the Rural Electrification Collective Scheme (RECS) as it improves affordability by reducing the upfront costs of connection.
2. There is a need to reinforce the existing moral values of the policy-makers in Botswana who see rural electrification as a social obligation.

3. There is a need to give legal and policy backing to the existing moral/ethical basis for rural electrification. Amending the existing general and unclear provisions in the Electricity Law and Energy Policy can do this by replacing them with clauses intended to increase access to and affordability of electricity by the rural poor on a rights basis.
4. The government and people in civil societies who are concerned with rural electrification need to consider launching an educational campaign on pro-poor rights-based rural electrification policies that contain two levels of emphasis. The first priority should be placed on those statements in which the public policy-makers or experts showed neutrality on the pro-poor rights-based policy statements. The educational programme should contain arguments intended to attack areas of neutrality and convert them into positive ones. The second priority should be placed on those statements in which the public policy-makers or experts displayed favourable opinions towards the statements. These constitute the majority of the statements. These require reminder campaigns to preempt a slide into neutrality or even disagreement.
5. The government is advised to concentrate its efforts on maintaining and improving the observed consensus displayed by public policy-makers and experts on most of the proposed pro-poor rights-based rural electrification policy and impact statements. Consensus by itself is not necessarily desirable. It is consensus on the mean favourable statements that is desirable.
6. This study was conducted in the context of reforming the power sector. The current excellent performance in the Botswana power sector is government-led. It is unlikely that a private power sector operator would continue to maintain rural electrification let alone extend it to the remaining unprofitable rural population. It is important that if the utility goes private, the selection of the new

owners or concessionaires should be linked to the ability to increase access to and affordability of electricity for the rural poor. There should be clauses to compel the private actor to electrify rural areas; otherwise the existing gains might be lost.

### **Operational aspects**

Consideration of implementation issues is critical to the success of recommendations. The feasibility of these policy recommendations is scrutinized below using four criteria: institutional, legal, financial and human resource capabilities.

Recommendations 1, 2, 4 and 5 are not radical and can be carried out within the existing institutional framework, namely the Energy Affairs Division (Ministry of Minerals, Energy and Water Resources). For example, the Division is currently handling the RECS and seems to be doing well and can therefore easily maintain or intensify it. The Division can easily put in place an educational campaign through its current bulletin aimed at the following tasks: reinforcing the existing moral values of the policy-makers who see rural electrification as an obligation; converting neutral opinions into positive; and maintaining, if not improving, consensus between policy-makers and experts and within each group. This should be possible because this set of recommendations does not require a new law or additional financial or human resource capabilities.

Recommendations 3 and 6, however, are more radical. They involve making access to and affordability of basic electricity a right, and amending the Electricity Law to introduce clauses and licensing rules for running the utilities that are linked to the obligation to increase electricity access and affordability for the rural poor. These concepts are novel and require political support and consensus. This aspect may be handled better within the institutional framework of the Privatization and Reform Committee. Making electricity a human right

would most likely be a costly long-term project requiring step-by-step sensitization starting with the international community and filtering down to the national level. Perhaps the international community, through the United Nations, and NGOs are better placed to champion the change. At the national level, the Director of the Legal Services of the Ministry of Minerals, Energy and Water Resources can manage this process. A consultant with international experience may be needed.



- Title:** The capacity of non-governmental organizations (NGOs) to promote a human rights-based approach to poverty alleviation in Tanzania, *Prosper Ngowi*.
- Institution:** Department of Economics, Mzumbe University, Tanzania.
- Team Members:** Epaphrah Kusiriel Mushi, Prosper Ngowi.
- Country:** Tanzania.

## EXECUTIVE SUMMARY

This is a research report on the capacity of non-governmental organizations (NGOs) to promote the recognition of human rights as a component of poverty alleviation strategies in Tanzania. The authors document the kind of capacities that NGOs have and the kind that they do not have in the context of promoting a rights-based approach to poverty alleviation. For the capacities which are missing, the interventions that are needed to build them have been proposed.

The report is based on field research conducted in Dar-es-Salaam city and Morogoro town in Tanzania between October 2005 and July 2006.

## MAJOR FINDINGS

### Duties and responsibilities of NGOs.

The duties and responsibilities of NGOs in general and in the context of this study in particular, were identified among others to be the following:

1. Lobbying and advocacy for policy changes;
2. Acting as watchdogs and participating in policy and decision-making;
3. Direct service delivery, for example conducting training and other capacity building works;
4. Acting as pressure groups and building a voice;

5. Monitoring government performance;
6. Facilitating a development process;
7. Mobilization and awareness raising;
8. Supplementing and complementing government efforts;
9. Funding/implementing projects;
10. Promotional activities and change agents.

### **Needed capacities**

For NGOs to promote the rights-based approach to poverty alleviation they need the following capacities:

1. Rights-based approach capacity;
2. Human resources capacity;
3. Financial resources capacity;
4. Physical resources capacity: offices and office equipment - computers and computer accessories, furniture, stationery, communication tools; means of transport - vehicles, bicycles, motorcycles etc;
5. Information and knowledge capacity;
6. Networking capacity;
7. Lobbying capacity;
8. Advocacy capacity;
9. Sensitization capacity;
10. Promotion/marketing capacity;
11. Watchdog capacity;
12. Service delivery capacity;
13. Implementation capacity;
14. Monitoring and Evaluation (M&E) capacity.

### **Existing capacities**

The majority of the NGOs covered by this study lack most of the requisite capacities listed above. The only capacity that seems to be available in all the NGOs is human resources. For most of the other resources, the majority of NGOs reported huge gaps.

## Needed interventions

In order to fill the existing capacity gaps, NGOs need a number of interventions, most of which take the form of capacity building for NGOs in the form of training - short courses, workshops and conferences. Other interventions need to take the form of direct resource provision especially for the missing financial and physical resources. Helping NGOs to form and/or join umbrella organizations (NGO networks) at district, regional and national levels is also among the needed interventions to increase the capacity of NGOs.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

The areas that offer opportunities for further research based on this study include the following:

1. Expand the study in Tanzania outside Dar-es-Salaam and Morogoro (the study sites for this research) so as to get a general picture of the capacity of NGOs throughout the country, especially in marginal and remote areas.
2. Make a similar study covering other civil society organizations (CSOs) such as faith-based organizations (FBOs) and community-based organizations (CBOs) rather than limiting the study to NGOs only.
3. Update this study over time in order to capture the dynamics of NGOs and their capacity to promote the rights-based approach to poverty alleviation.
4. Conduct similar studies in other countries in order to make comparisons and learn lessons.



- Title:** Revisiting human rights to health: access to ARV treatment for poor and vulnerable groups in Tanzania, *Peter Ernest Mangesho*.
- Institution:** Department of Health Systems and Policy Research, National Institute for Medical Research (NIMR), Amani Medical Research Centre, Muheza.
- Team Members:** Peter Ernest Mangesho, Mangi Ezekiel, Joseph Rogathe Mwanga.
- Country:** Tanzania.

## EXECUTIVE SUMMARY

Tanzania is one of the countries in sub-Saharan Africa affected by the HIV pandemic. The pandemic is grossly impacting on the social as well as the economic stability of the country, threatening to return it to a state of total dependence. To address the situation the government, in collaboration with other partners, has started providing life-prolonging drugs (antiretroviral-ARV) to help the poor, for free. However, the process of dispensing these important drugs leaves a lot to be desired with regard to the poor and to geographically deprived areas.

It is a fact that ill health is both a cause and consequence of poverty. Nevertheless, every human being has rights and is entitled to all of his/her human rights by simply being human (whether poor or not poor), including rights to health and health care. Governments of sovereign states are supposed to adhere to treaties, protocols and constitutions that they have signed and ratified, which address people's right to health care. Some of those treaties include the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Tanzania is one of the countries that have signed and ratified the treaties, resolutions and



covenants emphasizing these rights. The Tanzanian Constitution also clearly spells out the fulfillment of rights to health. It is within these rights that access to treatment for all people living with HIV (PLHIV) and eligible for treatment should be covered. Nevertheless, this has not been happening for most of Tanzania's poor PLHIV.

Since HIV was discovered in the country in the early 1980s the government has taken a number of measures to respond to it. Initial steps involved formulating task forces within the Ministry of Health. By then HIV/AIDS was looked upon mainly as a health issue alone and therefore sidelining other ministries. In the late 1980s a different step towards a favourable policy formulation was taken with the setup of the National AIDS Control Program (NACP). NACP took a step further in addressing the pandemic by incorporating all sectors, including all government ministries. The policy on HIV/AIDS came in late, about twenty years after the first cases were identified. It was followed by the formulation of the Tanzania Commission for AIDS (TACAIDS) to coordinate the multi-sectoral response to the pandemic. However, the availability of antiretroviral treatment (ART) in the country has mainly been the result of two global developments. Firstly, scientific advances since the discovery of ART have reduced the pills required each day, thereby lowering the cost of treatment. Secondly, and probably most influentially, human rights activists and other partners around the globe pushed for further price reductions and wider drug-accessibility for the poor through campaigns. Partners for the provision of funds for ART in Tanzania include organizations such as the President's Emergency Plan for AIDS Relief (PEPFAR), the World Bank (WB) with technical support from organizations such as the Elizabeth Glaser Pediatric AIDS Foundation (EGPAF), and HARVARD. It should be noted, however, that ART distribution takes place within the major regional and district hospitals. These hospitals are predominantly located in urban areas. However, many of these fund

and support projects that operate within specified timeframes and come with conditionality and provider interests. Sustainability of these projects is therefore uncertain.

To give a picture of what is taking place on the ground in relation to access to ART, a team of researchers went to speak with community members residing in the Coastal region. Focus group discussions (FGD) and in-depth interviews (IDI) were used to collect the data. Participants interviewed included PLHIV, community members, health workers and NACP care and treatment personnel. The data collection process was guided by several themes. These included the perceived and actual dynamics of accessing ART; awareness of ARV distribution programmes and of the perceived benefits of ART; awareness of widely publicized poverty reduction strategies; health worker experience on providing ART; milestones reached by the government on ART provision and human rights to health, to mention a few. Our findings revealed that though many participants were aware that ART existed they did not know that it was provided for free by the government. Some of the participants perceived ART not to be of benefit to PLHIV. Physical access to health facilities was also hampered by the fact that most of the study community members had low incomes and were therefore unable (both financially and geographically) to reach facilities located in distant places. The complexity of access was further compounded by reported dishonesty and corruption at health facilities as well as stigma and discrimination to PLHIV both by health workers and community members. Access to ART was further jeopardized by the cost sharing policy, which does not exclude payment for treatment of opportunistic infections (OI). High levels of poverty also meant that many people lacked the capacity to provide themselves with the required nutrition. Despite people's high level of awareness on human rights, there was little evidence of

knowledge on ways to attain those rights. Study participants were least aware about the government's poverty reduction strategies. Notwithstanding the above findings, the government has been doing what it can to ensure people's access to treatment by buying drugs and strengthening infrastructures and human resource capacity.

Facilitating access to ART by the poor will not simply require the presence or availability of HIV clinics or drugs closer to community member's houses. Other issues need to be addressed concurrently with physical access. Thus, enhancing physical access requires a solid, integrated approach guided by rights-based policies. As far as the results are concerned, specific practical and policy areas need to be improved. They include, but are not limited to, the following:

1. Strengthening community participation in ART provision by opening up user-friendly and integrated community or village (HIV/AIDS) information centres;
2. Promoting human rights to health campaigns using civil society organizations and activists;
3. The treatment policy should include a compulsory nutritional package and opportunistic treatment for PLHIV;
4. Addressing HIV/AIDS stigma through community and facility-specific interventions;
5. Strengthening the legal framework to provide mechanisms to support poor people in demanding their rights to health and health care through litigation;
6. Where distance is a problem a token fare should be provided to poor PLHIV;
7. Unavailability of funds for drugs requires a vigorous expansion of the local pharmaceutical industry and use of flexibilities provided

by the World Trade Organization (WTO) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) to facilitate local production of patented drugs;

8. Health policy formulation should always be guided by a human rights approach;
9. While ART has been the recent focus on HIV/AIDS issues, the rights of poor people to prevent themselves from contracting the disease should be addressed concurrently, with the same zeal.

Recently, access to treatment for PLHIV in the country has gained momentum thanks to the presence of supporters and well-wishers from outside the country providing funds and technical support. The above mentioned resources are managed by the Ministry of Health through its arms: the NACP, which provides an overall technical support; while TACAIDS on the other hand provides strategic leadership and coordinates and strengthens the efforts of all stakeholders involved in the response to HIV/AIDS. Support for PLHIV in accessing treatment through the legal system remains forthcoming. However, local high-profile law societies and human rights bodies do exist that can take the lead in terms of human rights to health care emancipations. Likewise, there has been evidence of political will to address the whole issue of HIV/AIDS.

Still, in the absence of research, implementations of different human rights to health campaign plans are bound to fail. The existing network of northern and southern collaborations can be used to further evidence-informed implementation programmes. In realizing the need to strive for global health care for all, health activists around the world such as the Peoples' Health Movement (PHM), in collaboration with other partners, have formulated an assessment guide of the right to health and health care at the country level. It elaborates on the meaning of the denial of health and how to assess

that denial. Equally important, Tanzania is endowed with civil society organizations, which are vital in staging human rights to health campaigns. Nevertheless, strategies to improve access to health care are threatened by inadequate resources and the ongoing, massive brain drain particularly in the field of health.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

HIV is a multifaceted social and economic disease. Mitigating its impact requires a solid integrated approach guided by rights-based policies. The field results of our study show that the presence or availability of HIV clinics or drugs closer to community member's houses is insufficient to facilitate access to ART for the poor: other issues need to be addressed concurrently. We emphasize that human rights are indivisible. Guaranteeing poor PLHIV full access to ART will assist them to move closer to the attainment of other human rights such as the right to education, to food and to an adequate standard of living since this same ill person will be stronger and will subsequently be able to lead a normal life by engaging again in income-generating activities. Our proposed initiatives will therefore propose suggestions not only for policy adjustments but for specific practical areas as well.

### **Community participation**

Community members should be strategically involved before ARVs are distributed. This can be achieved by providing them with correct information about the drugs before distribution, relating to their use, side effects, availability, to nutrition, and also on how to care for PLHIV. They should be given a chance to raise their doubts and get clarification on pertinent issues relating to HIV/AIDS and ART. In other words, they should be prepared. This can be achieved by

opening up community or village HIV/AIDS information centres filled with well-vested health educators. Far more important is the role of the mass media in providing health information and education, a point which also needs to be emphasized. Treatment education can be included as part of culturally sensitive and gender responsive efforts to scale up ART coverage.

### **Human rights to health education campaigns**

Human rights should be incorporated in community education campaigns. It should also be made explicit in the language of the ongoing poverty reduction strategies. The education package should include, among other things, sensitization on the human rights instruments and how to use them and the existing legal framework within which health equity and the elimination of health disparities or inequalities can be pursued. It is important for community members to recognize that, in the face of the HIV pandemic, access to treatment is intrinsic to the full realization of the right to health. Civil society organizations (CSOs), NGOs and community based organizations (CBOs) should play a pro-active role in educating the community on such issues since CSOs do have rather strong linkages with the communities. In addition, the Tanzania Legal and Human Rights Centre (LHRC) and the National Organization for Legal Assistance (NOLA) are very relevant vehicles to utilize, as both have been promoting legal and human rights issues in the country for more than five years. However, they need to widen their scope of activities so that they could cover the whole country and other hard to reach populations who are unaware of their inalienable human rights. Evidence from Brazil, one of the very few developing countries to universalize ART, shows that access to ART for all would not have been possible without strong activism and CSO support.

### **Compulsory ART with nutritional package and OI treatment**

The current policy on the provision of ART should be modified to address availability of nutritional supplements to poor people living with HIV. ART has to be provided together with free nutritional package and free treatment of OIs to poor PLHIV. This is very much in line with the realization of the right to adequate food and nutrition enshrined in the Universal Declaration of Human Rights Article 25(1). The provision of ART without proper food and nutrition to poor people is no different to torturing PLHIV, as our study revealed. This should be avoided by all means.

### **The response to HIV/AIDS related stigma**

To address HIV related stigma does require multifaceted efforts. This is because of its elusive and invasive nature making it complicated to reduce. Based on our findings we argue that approaches to tackle stigma should be community-targeted (specific) as well. This implies that there is a need for compulsory community assessments on knowledge and understanding of HIV/AIDS, including stigma levels before implementing stigma reduction strategies that will emanate from those evaluations. Tanzania is not one homogeneous society. It is a multicultural country with different customs and belief systems and this necessitates diverse approaches.

### **Strengthening the legal system**

Our insight into the legal framework is twofold. First and foremost is the need for the community to realize that they can use the legal system of their country to demand what is right for them. Secondly, granting PLHIV the capacity for such realization, but on top of that, giving them the right to confidential, and if necessary pseudonymous access to the legal system. A review on legal aspects of access to medicines conducted by Hogerzeil and colleagues (2006)

found out that in some countries battling for access to essential medicines through the court is indeed possible. They caution however that it is better to use skilful litigation approaches to make sure governments execute their constitutional and treaty commitments. Court approaches should only be used when other measures have failed.

### **Promoting physical access**

The distance to health facilities and the cost of transport is one of the basic obstacles to seeking care and treatment for PLHIV in poor countries, including Tanzania. Using established poverty identification procedures, PLHIV who are unable to pay for transport can receive subsidies in the form of transport tokens.

### **Making drugs and "health providers" available**

Patients reported missing drugs at the receiving point. There is a need for making the drug supply system reliable by strengthening the supply chain. This could be done by improving the monitoring and evaluation of the drug distribution system. This goes for the promotion of quality and safety protection of the drugs at the health centres and at PLHIV homes as well.

ICESCR, General Comment 14, states: "States have to ensure the appropriate training of doctors and other medical personnel, the provision of a sufficient number of hospitals, clinics and other health-related facilities....". For Tanzania to be sustainable in antiretroviral drug provision, the local pharmaceutical industry should be strengthened so that more drugs are produced locally. Non-poor countries with patents should be at the forefront in order to provide support to such initiatives and allow generic reproduction if human rights to essential drugs are to be attained at all. Under the WTO and



TRIPS agreements on public health, member countries can put aside WTO commitments in order to protect human life. Ensuring access to drugs is one of the key areas mentioned where such action can be taken.<sup>29</sup>

### **Health facility based discrimination**

The ICESCR General Comment 14, paragraph 12b, states that: "Health facilities, goods and services must be accessible to everyone without discrimination, within the jurisdiction of the State party". Therefore we propose that research institutions undertake a study on health facility based discrimination and its findings be used by stakeholders to implement facility based discrimination elimination programmes. Where corruption prevails the existing Tanzania Prevention of Corruption Bureau (PCB) must be involved. All this should be executed in good faith for the benefit of the poor.

### **Human rights and policy formulation**

As a result of wider campaigns to disseminate human rights knowledge and demands for rights, policy makers in the country should consider taking a bolder approach when formulating and enacting policies. We suggest that policy makers should make sure that the whole process of developing health policies be guided by a human rights approach, one that involves purposefully targeting deprived geographical areas by "favouring certain individuals or groups", and doing away with "first come, first served".<sup>30</sup> This goes with the process of applying those policies as well. In fact, it will greatly reduce lawsuits from individuals and human rights groups.

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<sup>22</sup> WTO/WHO, 2002

### **What about HIV prevention? An epilogue**

While campaigns to universalize treatment are mounting, our fear is that they are overshadowing HIV prevention campaigns and therefore begetting new infections. Although we stress the right to treatment for those who are poor, these efforts should go hand in hand with addressing the rights to HIV prevention for the marginalized groups in the society.



- Title:** Case studies of poverty as violation of human rights among female domestic workers in Kenya, *Michael Wainaina*.
- Institution:** School of Humanities and Social Sciences, Kenyatta University.
- Team Members:** Michael Wainaina.
- Country:** Kenya.

### EXECUTIVE SUMMARY

This study falls under the category, "Collection of case studies that serve to demonstrate the dimensions of poverty as a human rights violation and establish the relationship between these violations and the responsible agent and duty-bearers", in the call for proposals issued by UNESCO in the year 2004/5. The research sought to present case studies of female domestic workers in Nairobi, Kenya, illustrating dimensions of their impoverished situations as they relate to violations of human rights, and identifying the responsible duty-bearers. A collective case study design of data collection among female domestic workers was used. Data was collected from multiple subject enquiries using an in-depth interview schedule. The interviews were transcribed into autobiographical narratives that present each interview as a case study. The responses to the interview were then analyzed using NUDIST software for qualitative data analysis. It was categorized in themes derived from codes developed from the interview schedule. The analysis is done by subjecting the data and the autobiographical narratives to the theoretical constructs of a human rights approach whereby the situation of respondents is examined in relation to various human rights standards and conventions.

This study is informed by the human rights approach to poverty. The ultimate goal is that the human rights approach to the plight of poor female domestic workers should spur action among the duty holders to put up policies, institutions, structures and mechanisms that will ameliorate the situation.

### **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

There is a need to enforce the already existing labour laws in relation to the domestic labour sector. All the workers' rights enjoyed by other workers in the country should also apply to domestic workers. There is also a need to professionalize domestic service so that doing domestic service will not necessarily disadvantage domestic workers. It is evident that there is a demand for domestic workers and the sector should be recognized as making a key contribution in socio-economic development. In this way, those engaged in the sector will not be impoverished, but can be empowered to improve their lives and those of their dependants.

Civic education needs to be carried out to educate the public about the role of domestic service and the rights of domestic workers. Culturally this sector has been looked down upon and therefore there is no moral sense of wrongdoing felt in mistreating domestic workers. This perception needs to change and the public should know that domestic workers are beneficiaries of human rights just like everyone else. Professionalizing the service would help this. This would entail training the domestic workers on their role, their duties and responsibilities and equally importantly, their rights. It is expected that when everyone understands their rights and responsibilities, the lot of domestic workers will be better off.

### **Plans for action: duty-bearers**

The responsibility for the protection of the rights of domestic workers and the improvement of their socio-economic position falls with the government, non-governmental development organizations, civic organizations, community organizations and communities.

### **Government responsibility**

The provision of social services, including education, is the responsibility of the government. It is girls who lack education who become domestic workers. The education of girls up to secondary school and the provision of some sort of vocational training will help provide viable avenues for girls who would otherwise become domestic workers. Since many of those who are already in domestic service have little education and no employable skills, the government needs to seek ways of making some sort of training or continuing education opportunities available to domestic workers. Beyond this, the government has the responsibility of ensuring that the basic rights of domestic workers are not violated and specifically that they receive at least the minimum wage and that all the other rights that workers should enjoy are extended to domestic workers. This can be done in collaboration with the other duty-bearers, civic organizations and, specifically, trade unions.

### **Trade unions' responsibility**

The Domestic and Allied Workers Union needs to actively seek out membership of domestic workers and assist them in overcoming barriers that curtail their ability to join unions. It is not enough to tell domestic workers that they are "welcome" without actively assisting them. There are too many barriers and domestic workers need the information, knowledge and wherewithal to join

unions. For instance, resistance from employers is a real threat to the options that the domestic workers have. Trade Unions should seek to educate the public about the rights of all workers and specifically domestic workers. Without such assistance it is highly unlikely that domestic workers will be unionized in the foreseeable future.

### **Development/non-governmental organizations' responsibility**

Addressing problems of domestic workers' rights requires innovation and creativity. Development organizations need to make resources available to address the plight of domestic workers. This may be in terms of sponsoring studies and projects that target domestic workers and their issues. The UNESCO Small Grants programme is an example of such an initiative. It is the responsibility of NGOs working on the ground to identify innovative projects where domestic workers can be involved.

### **Community responsibility**

Since domestic workers come from communities and work among communities, it becomes their responsibility to see that their rights are not violated. Communities are best suited to notice such violations as physical violence, abuse, inhumane working conditions etc. They should work with government agencies to ensure that domestic worker rights are not violated.



- Title:** The economic vulnerability of the elderly in poor HIV/AIDS affected households and their affinity for micro-lending, *Pinky Lalthapersad-Pillay*.
- Institution:** University of South Africa.
- Team Members:** Pinky Lalthapersad-Pillay.
- Country:** South Africa.

### EXECUTIVE SUMMARY

The cumulative effects of HIV/AIDS on livelihood patterns and standards of living have been widely documented, and succinctly point out that AIDS causes poor households to teeter on the brink of adversity. At a micro level, the impact of the disease surfaces as extra workloads on non-affected members, and a barrage of physical, financial and emotional hardships that cannot be easily dispelled. The elderly in poor HIV/AIDS affected households are precariously positioned in having the responsibility of the sick or orphaned grandchildren and of a larger household thrust upon them. They are faced with conditions that are economically confounding and struggle to support themselves, their AIDS-sick child, orphaned grandchildren, as well as unemployed adult biological children and adult grandchildren. The main, and often only source of income in most households is grants, especially the old age pension. These households suffer constrained income levels and are weighed down by mounting expenditure and many dependents. Many of the elderly also have to assume responsibility for debt incurred by their AIDS-sick child. Food in such households is particularly scarce and they struggle to meet even their basic food requirements. Buying food on credit from spaza shops is used to ameliorate food crises. Borrowing from various sources, such as relatives, friends and micro lenders, plays a paramount role in enabling the household to subsist and meet its expenses.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Government poverty policy package

While the government has introduced many policy initiatives, they have not produced the needed response due to an inability to implement them. It is not enough simply to allocate monetary resources to HIV/AIDS and poverty alleviation programmes: the ability to execute these programmes and distribute monies to various implementing bodies rests on there being both sufficient and well-trained personnel. South Africa lacks both of these with the result that many well-planned initiatives fail to deliver the desired outcome.

### The impact of HIV/AIDS on the MDGs

The impact of HIV/AIDS is likely to thwart the progress made in achieving the Millennium Development Goals (MDGs) and renege on one goal is likely to generate feedback effects on the attainment of other goals. The cumulative effects stemming from the lack of adequate income and a stable source of income, the increasing demands placed on income and the erosion of household assets in AIDS-affected households is likely to plunge households into deeper poverty. None of the MDGs themselves specifically focus on the elderly, yet much of the activities of the elderly are pivotal to accomplishing the MDGs. The poverty of the elderly adversely influences the younger generation through the diminished acquisition of education and skills, all of which have long-term implications for such households.

### Good quality data

South Africa lacks comprehensive data on poverty and, in the past, data collection was sub-optimal. Furthermore, the absence of an official poverty line hampers meaningful analysis. Thus, disaggregated data at household level is vital in identifying the poor



and addressing their needs. Also, the extent to which the MDGs are tracked also depends on the availability of good data on poverty indicators, as flawed data on poverty circumvents monitoring of poverty and changes in the status quo.

### **Human rights**

Socio-economic rights have a drawback in that they do not require immediate fulfilment since they are bound to principles of progressive realization and the availability of resources. Access to basic services is still negligible especially for the black population, which simply means that there is a problem of solidifying the socio-economic rights guaranteed in the Constitution. It is likely that the rights contained in the Bill of Rights have not taken hold at a local level due to either a lack of awareness of rights or the problem of concretizing rights in situations of high unemployment and poverty.

### **Inclusion of the poor**

In South Africa, there is insufficient scope for the participation of the poor in planning at a local level. Thus initiatives to draw out the poor in general and the poor elderly through community liaison forums, educating the poor on their rights, disseminating information on government policy and involving them in the design of new policy is vital to ease social exclusion.

### **Local planning initiatives**

Whilst the ethos of participation and transparency is exemplified in most government documents, the translation of this into effective action is limited. In terms of the Integrated Development Plan, municipalities are ideally positioned to assist HIV/AIDS-affected families and failure to effectively utilize this tool will translate into lost opportunities. Thus, it is of little use to have legislation in place when

the capacity and knowledge and skills to perform are lacking in people. This means that although there is much emphasis on community participation and transparency at local government level with regard to development issues, this process is being undermined by a lack of relevant skills, capacity and resources within many community based organizations (CBOs) and non-governmental organizations (NGOs). Provision of training, therefore, is crucial to ensure participation in planning initiatives.

### **Microfinance**

Microfinancing has the potential to protect the income and assets of AIDS-affected households and thus salvage the household from further destitution. Microfinance is most useful to households before the impact of AIDS becomes severe, while people are still well enough to use loans for productive purposes, but it can still be offered even when infection strikes. This holds true for multigenerational households that contain large numbers of unemployed adults. Given the high proportion of unemployment in South Africa, microfinance has a core role in multigenerational AIDS-affected households where a stable source of income would greatly help to ease consumption and break the grip of intergenerational poverty.

### **Access to credit**

What has been succinctly brought out in the study is that the financial needs of the elderly poor are a real concern. Credit is a much needed resource in AIDS-affected households given that they have numerous demands placed on them, arising from subsistence needs, provision of medical care and paying for funerals. Most of the borrowing from micro-lenders is for consumption purposes. Thus, instead of pushing such households towards financially ruinous micro-lenders, other formal sources of credit need to be made available to the elderly

in AIDS-affected households. There is a need for institutions that can grant small loans which can be re-serviced through small repayment instalments.

### **Pro-poor policies**

To ease payments for services by those least able to pay for them (that is, AIDS-affected households), pro-poor strategies such as payment exemptions and vouchers for people below a certain income threshold should be implemented in relation to their access to medical care, and basic services such as water, electricity and sanitation. South Africa has free primary medical care in place for the elderly, and many municipalities have indigence policies to assist with the payment of municipal rates and services. Whilst these have good intentions, their benefits are limited as public health facilities are inadequately resourced. With regard to indigence policies, the elderly poor are often unaware of such measures and the application process is cumbersome. Furthermore, the benefits apply for one year, and on lapsing, a new application has to be made.

### **Home-based/community-based care programmes**

The elderly in AIDS-affected households require assistance in providing care for their children's grandchildren as well as support with caring for the sick. Whilst home-based workers do provide some rudimentary assistance with caring for infected individuals, the care offered tends to be erratic and is devoid of commitment due to the extremely low stipends they receive. The government should consider extending the number of HBC centres and improving the remuneration of care-workers. This will go towards relieving the high level of unemployment in South Africa.



- Title:** Finding sustainable policy options to govern street traders in Nairobi, Kenya: a human rights-based approach, *Philomena Wairimu Muiruri*.
- Institution:** Department of Geography, Kenyatta University, Nairobi.
- Team Members:** Philomena Wairimu Muiruri.
- Country:** Kenya.

## EXECUTIVE SUMMARY

Poverty and high levels of unemployment in Nairobi have led to a rapid growth in street trading, which is an important source of income and employment and is a livelihood for many of the urban poor. Street vending is an easier option as it requires minor financial input and the skills involved are low. However, street vendors are outside the purview of the formal, organized economy, of the market and capital, and of local government subsidy. Their enormous contribution to the economy has yet to be fully recognized by economists, urban planners, and policy makers. Urban planning policies are often biased against street vendors who are seen as illegally occupying public space; vendors have no legal status or recognition; harassment, including evictions from selling places and confiscation of their goods, is frequent; and workplaces are unsanitary and hazardous, lacking basic services. These conditions perpetuate poverty and increase vulnerability among the street vendors. Lacking a policy on street trading, and in an effort to enforce urban planning regulations, much conflict has been experienced between the street vendors and Nairobi City Council. Dealing with street vendors has been very challenging to the council and the contradiction between the need for services the vendors offer to Nairobi residents and how the city authorities handle them remains a dilemma. In order to justify the

rights of street vendors to carry out their trade it is necessary to examine all the factors associated with street vending, including the problems of this activity in the city of Nairobi. This is in order to develop a socially acceptable pro-poor street trading policy to provide a supportive environment for earning livelihoods; assisting government efforts in eradicating urban poverty; and integrating vendors into urban development plans.

The long-running problem of street vendors in the city of Nairobi has been worsened by the absence of a street-trading policy to manage the activity and the lack of an established framework to facilitate dialogue between local authorities and street vendors. The legal and policy frameworks are not in line with the current socio-economic realities of urban poverty, and street vending which is a major livelihood for the urban poor is considered illegal or a nuisance. The lack of a policy to support street trading and the failure by the Nairobi City Council to provide urban space and infrastructure for these activities are among the factors contributing to street trading problems in the city. Nairobi City Council's measures for dealing with street vendors include harassment; destruction and confiscation of their wares and operating tools; demolitions; beatings; arrests; fines and imprisonment; as well as arbitrary and unplanned relocations which have always been a short-term palliative and are not sustainable. Many of these street vendors lose their wares, capital, and livelihoods, which subsequently exacerbates problems of poverty, unemployment, and escalating crime. The council has attempted to create markets to discourage city residents from buying from the vendors in the central business district, but the sites allocated for vending have been found by the vendors to be inappropriate. The Poverty Reduction Strategy Paper (PRSP) recognizes the role of street vending in urban poverty eradication and the new approach in the PRSP is to empower communities to identify their basic needs and rights, which are

essential for ensuring sustainable livelihoods. This is in recognition of the fact that some regulations, and their enforcement, appear to hinder street and market trading operations unnecessarily. However, constraints in this policy framework are acknowledged as bad governance including the lack of transparency and social accountability; the corruption and high handedness of the city administration; the lack of participation by the urban poor in decision-making processes which touch on their livelihoods; and the disempowerment of Nairobi City Council which has a major role to play in urban poverty reduction.

This study examined the problems of street vendors by focusing on the effectiveness of existing legal and policy frameworks in ensuring and promoting pro-poor policies and eradicating poverty within a human rights framework. Data was collected from street vendors using questionnaires, interview guides for key informants and focus group discussions. Secondary sources using documentary sources were also utilized. Data analysis employed quantitative techniques on the questionnaires and qualitative methods for content analysis. The findings indicate that street vending activities included trade in varied goods and services provided to all sections of the urban society. The activity is driven by poverty and the lack of gainful employment and is a means of survival and a livelihood strategy. Street vending is seldom a lucrative occupation and most vendors earn an income that is at, or close to, the poverty level. Conflicts arising from the use of public space are common between street vendors and city authorities, formal shop owners, and landlords who contend that the vendors infringe on their businesses and/or premises. Street vendors face other problems such as the lack of secure sites of operation and a lack of right to trading space. Lacking security of tenure has contributed to the temporary nature of the structures and display tools they use. Street vendors are seen as unlawful operators subject to continuous harassment by city authorities through destruction and

confiscation of their wares and operating tools, demolitions, beatings, arrests, fines and imprisonment, and evictions without any warning. Harassment also includes corruption through paying bribes to public officials to get a license, to avoid arrest, and to recover confiscated goods. Vendors are constrained by a lack of access to a wide range of services including childcare, public utilities (water and electricity), sanitation, garbage removal, storage, shelter and financial services. Street vendors lack a voice in urban planning and development, which can be attributed to the low rate of unionization or organization. Street vendors are the most regulated and least protected workers, which is why they trade illegally due to a lack of recognition and licenses.

Street vendors can be assets to the urban system if they are given the opportunity to contribute to its development, through its proper regulation. The study recommends the enactment of a policy on street trading to control and regulate street vendors in the city of Nairobi and to provide a supportive environment for earning livelihoods. This requires the vendors' participation, alongside other stakeholders, in the formulation of policies and by-laws. The street trading policy would give vendors legal status through the entrenchment of their socio-economic rights; by providing legal access to the use of appropriate and available urban space; by protecting and expanding vendors' existing livelihood; by improving the public image of vendors; and by making street vendors a special component of urban development by treating them as an integral part of the urban distribution system. Street vendors must be empowered to successfully lobby for recognition of their legal rights. This is only possible through the organization of street vendors into a strong association with political clout. Unless this happens, organized street vendors can rarely influence decision-making in their favour against already established interests.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

The Nairobi City Council needs a policy on street trading to manage and regulate the activities of street vendors. Developing a street trading policy requires government commitment to getting the vendors to participate in decisions affecting them and thus incorporating them in urban planning. The objectives of the policy would be to:

1. Recognize the role played by street vendors in the economy, whereas currently they are considered as unlawful persons and are subjected to continuous harassment by city authorities;
2. Provide and promote a supportive environment for the earning livelihoods of the street vendors;
3. Ensure proper regulation of street vendors and avoid congestion on the streets and public spaces;
4. Use a participatory process in settling the problems of street vendors.

Hence, a national policy would achieve the following:

1. The provision of street vending activities in urban plans.
2. The removal of anomalies in the management of street vendors by different institutions, including the central and local governments.
3. The amendment of the Local Government Act (265) sections, which prohibits, controls and regulates street trading.
4. The inclusion of street vending in the urban development planning process thus creating a semblance of order in the activity.
5. The involvement of vendors or their representatives in planning and implementation of relocation.
6. The official recognition of street vendors through the removal of restrictive provisions in the Municipal Acts thus including them in urban plans.



7. Government budget allocation, to provide street traders with infrastructure.
8. To allow street vendors to be taxed, thus allowing them to demand better services and favourable investment terms just like other investors.
9. The enhancement of municipal revenues and management capacities and survival of vendors.
10. The acceptance of street trading activities, which are negatively perceived.
11. The involvement of street vendors, in a positive way, in the beautification and clean-up campaigns in the city.

This can be achieved by the constitution of a national task-force composed of officials from the local and central government ministries; mayors; vendors; consumers; shop keepers; police; and other stakeholders; with the task of drafting a policy on street vending. A participatory approach would enable the production of a policy document, respected and adhered to by all as it would have factored in the concerns of all stakeholders.

The common problems faced by street vendors imply that these issues can only be tackled at the national level. There is, therefore, a need to form a national organization that could help coordinate the activities of the associations of street vendors, in order to project them at a national level. The Bellagio Declaration of 1998 could form the basis of such an organization with the points raised becoming the basic demands of street vendors. Such a national organization would advocate the rights of street vendors and provide them with a platform on which to unite and to raise their voice concerning their just demands and rights. Organizational priorities among street vendors would therefore be to:

1. Raise the profile of street vendors and protect their interests when policy is made.
2. Enable members to demand better services and treatment by authorities.
3. Provide vendors with access to information in usable and appropriate forms.
4. Engage in dialogue with city authorities on a range of economic and urban planning issues.
5. Legally define vendor rights at local and national levels, which will guarantee the fundamental rights of street vendors.
6. Have an education system adequate for street vendors' needs.
7. Have an adequate legal aid service to protect this sector and to improve legal literacy so that street vendors are informed of their rights and how to defend them.
8. Strengthen the grassroots organizations that protect this sector.
9. Get support from other grassroots organizations around the world.
10. Provide the means for self-regulation, whereby street vendors are given the responsibility of keeping their environment clean.

Policy requirements for microfinance are well suited to the resource capacity as well as working capital requirements of vendors. Micro-credit is appropriate because entry requirements are low and, lacking traditional collateral, vendors can guarantee their loans through a peer lending structure. With short-term – for example, weekly, bi-weekly or monthly repayment schedules of small amounts –, such lending can fit with the cash flow cycle of the poor. Financial services would make a difference by enabling the poor to build assets, to diversify their income sources and to practice good money management.

Street vendors should be encouraged to form self-help groups for income generating activities. Vendors' associations should be assisted by NGOs and they should be covered in government schemes for poverty alleviation. There is also a need for social security to cover medical care, sickness, maternity benefits, employment injury, disability, old age pensions and survivors benefit, among others.

Since experience with licensing as a measure to legalize street vending has proved ineffective, there should be a simple form of registration and non-discretionary regulation of access to public spaces implemented in the place of licenses. This would be in accordance with the planning standards and nature of trade or service. Registration by an appropriate body, able to assess the situation on the ground, would provide an identification badge or card.



- Title:** Examining the effectiveness of Local Authority Transfer Funds (LATF) and Constituency Development Funds (CDF) in attacking urban poverty and improving human rights in Nakuru municipality, *Samson Wokabi Mwangi*.
- Institution:** Department of Sociology, Egerton University, Njoro.
- Team Members:** Samson Wokabi Mwangi.
- Country:** Kenya.

### EXECUTIVE SUMMARY

This study is about the effectiveness of resources available for local economic development in urban poverty reduction and improving the human rights of the urban poor. In Kenya, there are 7 decentralized funds that are aimed at poverty reduction. These include the Secondary School Education Bursary Fund (SEBF); the Road Maintenance Levy Fund (RMLF); the Rural Electrification Programme Levy Fund (REPLF); the Local Authority Transfer Fund (LATF); the HIV/AIDS Fund (HIV/AF); the Constituency Development Fund (CDF) and Free Primary Education (FPE). Further to this, decentralized funds are established based on the belief that the government at the local level has a better understanding of community needs, and is more capable of delivering improved, responsive and relevant services. Decentralized funds, also known as social or public funds, are specifically established to:

1. Increase community participation in decision-making where local affairs are concerned;
2. Enhance government transparency as more people become aware of (and involved with) these funds; and

3. Speed up the government's responsiveness and improve the quality of its service delivery.

This study will consider only two funds: the Constituency Development Fund (CDF) and the Local Authority Transfer Fund (LATF) and is motivated by various concerns. First of all, many developing countries – including Kenya – have embarked on the road towards public sector reform, seeking to make their administrative systems more open and effective. Decentralization policies have been a key component of this transformation process. These refer to the transfer of responsibility for planning, management and resource collection and allocation from the central government and its agencies, to lower echelons of the government or the private sector. Usually, devolution or political decentralization is considered the ultimate or "real" form of decentralization since power (functions and financial means) is actually transferred to sub-national entities, which in turn, have real autonomy in many important respects. This is the way the concept was used in this study. Despite decentralisation, many local governments are still in a position where they lack the resources, the authority, clear and consistent mandates, sufficient training and the support staff needed to effectively enhance the development of their communities.

The second motivation for this study is the need to critically investigate if the urban poor participate in making decisions on how these resources (CDF and LATF) for local economic development are being used. Since the 1990s people-centred, bottom-up approaches to development have become increasingly popular. This is apparent, among others things, in the rise of the concept of civil society, which has been coined as the missing link in development. It refers to associational life beyond the state and the commercial sector, and consists of organizations established by citizens to protect and

promote common interests. These civil society organizations (CSOs) have long existed but have been especially booming for the last two decades. However, several bottlenecks have been identified preventing communities and their organizations from acting as genuine agents for pro-poor development.

The third motivation for this study is to investigate whether the rights of the urban poor have been addressed, especially when prioritizing actions that are funded using these two sources of finance. From a rights-based approach to poverty reduction, one question concerns the translation of the principle of indivisibility in the context of a resource-poor government. Since not all claims can be met simultaneously, what does it mean to assert that the government has a duty to ensure that all citizens are educated, housed and healthy? Rights-based approaches focus on the participation of civil society in defining targets and benchmarks so that a government's progress towards the realization of rights can be monitored.

This study examined the relationship between increased resources from the central government and the actual role they played in improving the livelihoods of the urban poor. We start by noting that increased attention to livelihoods in both research and policy follows from a wide recognition that few rural and urban households, especially poor households in middle-and low-income countries, rely on a single income-generating activity to support them. Our point of departure is that we viewed a livelihood as comprising the capabilities, assets and activities required for a means of living. We concur with Carney (1998) when he notes that a livelihood is sustainable when it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.

This study was conducted in Nakuru Municipality, the fourth largest town in Kenya and the first town to develop a Strategic

Structure Plan as a result of developing a Local Agenda 21 (LA 21) through a consultative process. From the outset, our assumption was that such a municipality will utilize the additional resources for local economic development through a participatory, accountable and transparent manner, having undertaken the LA process. Our findings, however, are different and indicate that the priorities of the urban poor remain ignored and these resources are captured before they get to the targeted people. Rural areas seem to depict a different scenario according to many commentators.

We have made recommendations on how these funds could be made more effective in addressing the priorities and needs of the urban poor and how they could utilize the principles of a human rights-based approach to poverty reduction.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

The analysis emerging from the experiences of LATF and CDF funded projects and programmes show that the principles and practices of the rights-based approach have not been utilized. These principles are:

1. Participation and transparency in decision-making: the urban poor in Nakuru do not participate in decision making processes regarding devolved resources meant for local economic development. This implies that their participation is very low throughout the development process. There is a need to create an enabling environment for the participation of all stakeholders.
2. Non-discrimination: an analysis of most projects funded by both the LATF and CDF shows that the urban poor are discriminated against, though such discrimination may not be deliberate. The urban poor are marginalized during the decision making process and this increases their vulnerability.

3. Need for empowerment: the urban poor in Nakuru and elsewhere should be empowered so as to exercise their human rights through the use of tools such as legal and political action to make progress in more conventional development areas.
4. There is a need for the accountability of public and private institutions and actors to promote, protect and fulfill human rights and to be held accountable if these are not enforced.

The livelihoods of the urban poor are determined predominantly by the context in which they live and the constraints and opportunities this location presents. This is because economic, environmental, social and political contexts largely determine the assets accessible to people, how they can use them, and thus their ability to obtain secure livelihoods. The nature of the immediate social relations of the urban poor, and the location of their (often informal) settlements, mean that they are often distant from the formal institutions of law and security. Vulnerability is a characteristic of poverty, and it is this vulnerability that makes it difficult for the urban poor to press for the implementation of laws that are supposed to protect them. Such vulnerability means that many low-income residents, particularly women, are reluctant to enter into direct dispute with the authorities. On most occasions, given their vulnerability and following a proven strategy, the preferred response of the urban poor is to avoid the level of contestation that is associated with making claims.

It is now generally accepted that understanding the vulnerability of the urban poor and the ways that they cope with it is essential for well-informed policy and action. There is ample evidence to show that many past and current interventions have contributed to increasing the vulnerability of already precarious livelihoods. From the previous chapter we have seen the existing conditions of the urban



poor in Nakuru, which have shown that poor men and women are susceptible to a wide range of stress and shocks. It is clear that a poor living environment and dependence on a cash economy for basic goods and services are at the root of, and contribute to, the insecurity of the livelihoods of the urban poor.

### **Recommendations on LATF**

1. The on-going review of the Local Government Act should include clear guidelines on the service delivery mandates of local authorities and those of central government;
2. The Procurement Act should be revised to include community contracting in government and local authority projects as one way of creating employment and hence alleviating poverty. The local authorities should have powers granted to them to come up with by-laws and rules to be employed in community contracting;
3. An effective monitoring system comprising different professionals with indicators and benchmarks should be established giving clear guidelines on how to ensure that recommendations are implemented;
4. Citizen participation and inclusion are unstoppable global trends. Thus, local authorities should be empowered to create enabling environments to facilitate stakeholder participation in council affairs especially in LASDAP. Policies should also be devised, which legalize stakeholders' participation and defining roles in the selection, implementation and monitoring of the LATF service projects;
5. Finally, there is a need to make information available for the preparation of the LASDAP to allow for involvement of all stakeholders and good interactive exchanges.

## Recommendations on LASDAP

The LASDAP process did not elicit full stakeholder involvement because even in Nakuru the local authority focused mainly on the CBOs registered and known to them. In most cases, the CBO leaders represented their members in the identification and prioritization of the projects. This begs the question: to what extent do these leaders truly represent the rest of the citizens? The views and interest of those CBOs that were excluded and members of the public who are not members of any CBO, were not incorporated in the LASDAP priorities.

1. The Ministry of Local Government for the preparation of LASDAP, which adversely affected the consultation process, allocated a very short time. For those who were involved however, LASDAP received the residents' interests and had confidence in the council's delivery of services. However, the municipal-wide projects have to be identified by considering residents' needs in the same manner as the ward-level LASDAP projects. This is because LASDAPs are the best way of eliciting community participation. This is the only way that the Council can gauge the needs and priorities of local citizens. In light of this, clear guidelines and procedures should also be formulated on the mode of identifying stakeholders, and devising approaches to realize effective participation in order to encapsulate actual needs during LASDAP preparation and implementation;
2. There is a need to make information available for the preparation of the LASDAP to allow for all stakeholder involvement and good interactive exchanges;
3. In any effort to realize an inclusive LASDAP preparatory process, there should be active and informed participation at the municipal level LASDAP meetings. This would ensure that there is an understanding and effective debate on other wards' projects before they qualify for the resource envelope;

4. There is a need for adequate time for consultations at the ward level. Publicity of LASDAPs should also include the church services, chief's barazas and other avenues in order to mobilize more people for the LASDAP meetings. Indeed, in the future meetings, non-partisan chairpersons should be used, preferably religious church leaders for example. Stakeholders' views can best be achieved when all parties are engaged in free interactive exchanges or discussions, instead of interviewing each party separately;
5. There is a need to clearly define the roles of all the actors in the different stages of LASDAP preparation and implementation of the resultant projects. The participation of the stakeholders should also be legalized in the Local Government Act;
6. All the stakeholders should be updated throughout the implementation process on how the funds are being utilized for the different projects.

### **Recommendations on CDF**

At this early stage in the implementation of CDF, it is strongly recommended that an in-depth objective analysis of CDF be undertaken with a view to unearthing potential sources of weakness. Other recommendations include the following:

1. There is a need to amend the CDF Act to ensure that the CDF funds are not misused by sitting Members of Parliament to further their political ambitions;
2. There is an urgent need to involve communities at all stages, including procurement for material so that money disbursed is utilized within the project areas thereby having an impact on people in line with the poverty reduction targets;

3. The choice of projects to be funded should have a poverty reduction aspect to it. Projects which take a long time to complete may not have an impact on the communities and, instead of funding many projects with very small amounts, it is more effective to have a few major projects completed within short periods;
4. We recommend that projects being undertaken should be guided by the community's needs;
5. There is a need for awareness-raising among all the residents in terms of the availability of CDF resources and that the resources are meant for their development and to improve their livelihoods. Our findings indicate a high level of awareness of the CDF but very low participation in decision-making about the utilization of the CDF monies;
6. The 10% provision for bursary in the CDF tends to ignite a lot of conflicts. The CDF Act does not give criteria for selection, the group of students to benefit, nor how much should be given. As a result, many MPs have used this loophole and the bursary funds are used to reward or punish friends and foes. There is an urgent need to amend section 25 of the CDF Act and give some guidelines of how to administer the bursary funds;
7. Kenyans should ensure that projects are managed in a transparent and accountable manner. This would be achieved by monitoring the implementation of all the projects. A starting point would be to assess information on all projects in the constituency, all board members to the various management committees, progress of project implementation and audit of projects upon completion. This will enable everyone in the constituency to evaluate their own efforts towards development and ensure that the taxpayer's money is well spent.



- Title:** Review of the state-of-the-art literature on poverty and human rights in Latin America and the Caribbean, *Sonia Alvarez Leguizamón* and *Pedro Marcelo Ibarra*.
- Institution:** Faculty of Humanities, National University of Salta.
- Team Members:** Sonia Alvarez Leguizamón, Pedro Marcelo Ibarra, Noemí Ligia, Sebastián Muñoz, Milagros Dailacaminá.
- Country:** Argentina.

## EXECUTIVE SUMMARY

To review the state-of-the-art scientific literature on poverty and human rights, we have decided to carry out an overview and an analysis of the production of knowledge in this field in Latin America, particularly from the beginning of the 1990s, although we will also consider the production of the 1980s.<sup>23</sup>

The idea is to identify the key characteristics of the discussion, the basic categories or problem issues dominating the field, as well as to look into the types of dialogues that characterize it (agreements and disagreements) as compared to other types of social intervention for the eradication of poverty.

Given the characteristics of this field of knowledge, and its close relationship to political, normative and social intervention, the topics chosen will be analyzed taking into account the different levels of analysis: theoretical, political (discourses and political or social intervention strategies), and legal-normative.

The literature review is taken from the most relevant contributors to the production of scientific knowledge on the link between poverty and human rights. Therefore, the emphasis will not be on the state-of-the-art discussion on poverty and human rights taken separately, but will be exclusively on the production of knowledge that links poverty to human rights

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<sup>23</sup> During the 1980s, a field of knowledge related to the Human Development paradigm started to develop. From it, a particular topic emerged regarding the relationship between poverty and human rights, to which increased emphasis was given from the early 1990s onwards.

The current research has allowed us to identify fields of thematic reflection that seem to provide a profile, and to characterize the scientific production on the topic in Latin America.

The full report comprises two chapters, and an appendix that includes the methodological aspects along with the main bibliography.

The first chapter introduces the project's inquiry and justification based on the background of the relationship between poverty and human rights in Latin America. The importance of this chapter is that it identifies the peculiarities of Latin American contributions regarding the relationship between poverty and human rights, which help us understand the persistence of certain current topics. Furthermore, given the fact that this research is being carried out simultaneously in East Asia and Africa, such a background will be useful in order to later compare the differences among the various approaches of the research projects.

The following topics are part of this chapter: contributions of Latin American thought on the origin of human rights; human rights and its link to poverty; the link between poverty and human rights in the 20th Century; background in Latin America after the middle of the 20th Century; new contributions to human rights and their link to poverty in Latin America.

The second chapter presents the results, which are based on the thematic reflection detected. Each one of them is introduced with a presentation of the different focuses or sub-topics, which are later developed: the characteristics of academic production, the objects of knowledge, the concerns of authors (sometimes currents are also taken into account), and the dialogues established with other conceptions. Based on these criteria, the chapter includes the following sections:

1. Development, rights, and social policies.
2. Poverty, rights, and human rights.
3. Rights are linked to political issues of citizenship.
4. Growing global inequality, poverty, and rights violations.
5. Discrimination, social movements, and new rights.
6. Conceptions of poverty and rights.



- Title:** Poverty reduction policies implemented in Argentina (2002-2005). An analysis of their design, implementation and eligibility from a human rights perspective, *Eleonor Faur*.
- Institution:** Centre for Legal and Social Studies (CELS).
- Team Members:** Eleonor Faur, Luis Ernesto Campos, Laura Cecilia Pautassi, Pablo Ceriani Cernades, Silvina Zimmermann.
- Country:** Argentina

## EXECUTIVE SUMMARY

This document analyzes, in human rights terms, a group of social programmes implemented in Argentina from the year 2002 at the time of the biggest socio-economic crisis that the country has suffered in the last few decades. The main characteristics of the programmes are reviewed, the strategy they use to overcome poverty and their design and implementation are evaluated in relation to human rights, as well as the existence of mechanisms for citizens to present claims. Finally, a set of recommendations are made to facilitate the adaptation of the programmes analyzed to the duties of the state of Argentina in terms of its adherence to international human rights law. This work thus proposes an analytical methodology that could be applied to other policies, in addition to those reviewed here.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Initiatives or proposals for change

The study analyzes policies aimed at decreasing poverty implemented in Argentina between 2000-2006, and reports on important actions from the state concerning social programmes on



income transfers. In this regard, although the types of state interventions in social matters have characteristics similar to the assistance programmes of the 1990s, there are important differences. These differences are mainly related to the magnitude of the resources allocated, the existence of regulations for that intervention, and the change in the discourse, which, for the first time, has incorporated the language of human rights as an element that justifies the existence of social programmes.

However, as the analysis shows, these actions, while quantitatively significant, are not enough to guarantee minimum standards on economic, social and cultural rights and the principles of human rights, in general. Furthermore their design and implementation is too narrow to consider such policies as capable of *overcoming* poverty, even if they do alleviate it to a degree. In that respect, some policy recommendations for each of the programmes analyzed are presented.

### **Specific recommendations related to the design and implementation of policies.**

In relation to the IHD (Income for Human Development, Ingreso para el Desarrollo Humano) component of *Plan Familias*.

In 2007 the Ministry of Social Development has the goal of transferring over 400,000 beneficiaries from the PjyJHD (*Plan Jefes y Jefas de Hogar Desocupados*, Unemployed Heads of Household Plan) to *Plan Familias*. Therefore, the aspects highlighted in the study, and the recommendations that follow, must be taken into consideration.

1. Increase the amount of the IHD component until it matches the Basic Food Basket.
2. Determine that the reception of the IHD component should be compatible with any other income received by the family group,

until the sum of all of them amounts to no less than the Total Basic Basket for said household.

3. Establish and apply an adjustment mechanism that would prevent the depreciation of the amount of the IHD component.
4. Eliminate the cap of six children for setting the amount of the benefit.
5. Eliminate the demand for considerations in order to be able to participate in the *Plan Familias*. Also eliminate the "Letter of commitment" in which the beneficiaries renounce any claims in case the subsidy stops.
6. Allow the inclusion of new beneficiaries in the *Programa Familias*, independently of whether they were part of the PJYJHD before or not, or their gender, and allow an effective exercise of their right to "choose".
7. Review criteria for the distribution of plans and selection of beneficiaries based on zone and region, so that no provinces and municipalities are left out.
8. Achieve full coverage of "potential beneficiaries" in order to move away from discriminatory practices such as "waiting lists".
9. Guarantee access to information for beneficiaries and the community in general, in relation to the development and evaluation of social programmes.
10. Articulate the *Programa Familias* of the Ministry of Social Development with the National Programme on Sexual Health and Responsible Procreation (Law 25.673) of the Ministry of Health of the Nation, as a way to promote the protection of the right to sexual and reproductive health for the beneficiaries of the programme.

Regarding the *Programa Adulto Mayor Más*.

1. Promote a substantial reform of the legislative definition of pensions for the elderly, so that they are no longer a "faculty" of the

Executive Branch, and so that they become a "right" for all people who satisfy given requirements.

2. Review, in particular, current legal and operational restrictions that limit the coverage of the old age pension system.
3. The above recommendation can become a reality only by passing a new law that surpasses the current regulations established by art. 9 of law 13.478.
4. Guarantee access to the system based on a simple and quick mechanism. The state is responsible for the implementation of such controls, as finds suitable; controls should however never become an impossible barrier that would limit not only access to a pension, but even the ability to apply for one.
5. Eliminate, among restrictions on access to pensions, the demand from immigrants to show proof of 40 years of residency in the country, and the restriction on both spouses requesting a pension, even if they fulfill all the other requirements.

### **Recommendations for administrative and judicial mechanisms for presenting claims**

1. Provide a simple, free and fast judicial or administrative mechanism that would not require additional expenses for the (potential) beneficiaries.
2. Establish mechanisms for the provision of free legal advice and service to present claims related to social programmes, using existing mechanisms such as public legal advisors; the ombudsman's office; legal services provided by law students; and others.
3. Apply the above mechanism, without exception, to all the programmes that are implemented, particularly in the cases of *Programa Familias* and *Seguro de Empleo y Capacitación*, which is in the design phase.

4. Design and apply an automatic review mechanism for programme rejections, without recourse to a lawyer, that would guarantee impartiality and independence from the reviewing organ.
5. Reformulate the requirements to access the PAMM (Programa Adulto Mayor Más), shifting the burden of proof from the applicants to the state.
6. Modify the regulation of the protective judicial procedure "*amparo*", by deciding that appeal against precautionary measures should not mean the suspension of the application of the court decision.
7. Promote collective actions to avoid "case by case" resolution, transform judicial resolutions into tools for transforming policies, and incorporate the focus on rights into their design and implementation.

Insofar as policies subscribe to a paradigm of human rights, in their design and implementation, the above recommendations are some of the most urgent the state of Argentina should listen to. However, and going beyond the recommendations made, the CELS considers that the strategies proposed should be framed within a wider dialogue, aimed at raising the degree of compliance with economic, social and cultural rights, in particular, the right to work, education, food, health, housing and to receive a decent income, and to social security benefits for the citizens of Argentina, both men and women, based on universal and inclusive policies.

In conclusion, it is considered that the problems related to social integration are related to rights – social and political – which are related to the construction and reproduction of citizenship. Strategies for social inclusion should, therefore, adopt a format for transferring economic, social, political and cultural resources aimed at strengthening the social networks of those who are currently excluded, in order to ensure socio-economic and political development and autonomy; as well as accessible government and state political and institutional actions and characteristics, with a view to basing citizenship on respect for and compliance with, social and individual rights.



- Title:** Human Rights, Poverty and Violence in the *favelas* of Rio de Janeiro: slum dwellers searching for recognition and access to justice, *Márcia Pereira Leite* and *Luiz Antonio Machado da Silva*.
- Institution:** Instituto Brasileiro de Análises Sociais e Economicas.
- Team Members:** Márcia Pereira Leite, Luiz Antonio Machado da Silva, Itamar Silva, Luís Carlos Fridman, Pedro Paulo de Oliveira, Jussara Freire, Wânia Mesquita, Lia Rocha, Juliana Farias.
- Country:** Brazil.

## EXECUTIVE SUMMARY

This study considered people living in *favelas*, most of whom are poor and black. Their access to the city and citizenship is precarious, and their daily lives are subject to violent criminal networks and police violence in their home communities. The purpose of the study is to understand how violence affects the social reproduction of these populations, including the various dimensions of their "being-in-the-world". Which agents, dispositions and processes contribute towards reproducing their economic and social vulnerability? How do violent crime, and the ways that are adopted to combat it, interfere in their rights to the city? What are *favela* dwellers' perceptions of vulnerability, insecurity and risk in their habitats? How do these perceptions affect their individual and collective strategies in *favela* territory as well as in public space? How can people living in *favelas* gain legitimacy and recognition, so as to become full partners in political disputes and proactive agents in social demand systems? In sum: how can these people build alliances and take part in public debate on recognizing their rights and expanding their access to the city? The study addressed the numerous issues these questions raise, all

of which are crucial in order to attempt to reduce violence and socio-economic and political vulnerability in these segments of society. On the one hand, it yielded effective information on the issue of human rights among the population of poor, black people living in *favelas* by generating an understanding of the nexuses between their perceptions and possible options for democratically combating violent crime in these territories of urban poverty. On the other hand, the study intends to contribute to the effective bridging, mutual recognition and negotiation between the country's various social segments - something that has not yet occurred under the fragile institutions of Brazilian democracy.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Initiatives and proposals for change

Reconstruction of *favelados'* points of view regarding their institutional isolation, the criminal violence they suffer and how all of this has harmed their daily lives signals some possible means of expanding their right to the city. The central question is how to increase social recognition and civil rights protection, so as to reduce socio-economic and political vulnerability. This entails efforts to recompose social ties, which are crucial for inverting the scenario of isolation and fear previously described, and for political conflicts to be dealt with in a productive and democratic form, as well as breaking the spiral of restricting *favelados'* human rights. As long as *favela* residents are publicly denied an audible voice, it is likely that violence and social instability will continue to prevail.

In light of the above, it is absolutely indispensable to the promotion of human rights to stimulate free communication among people living in *favelas*, so that consensus can emerge in favour of conscious and proactive action. Under the present conditions of

social life in Rio's *favelas*, social intervention of any kind will not succeed as long as it does not stimulate freer and more proactive attitudes on the part of the *favelados*. Until this is the case the opportunities such interventions could present will not be fully enjoyed by their intended beneficiaries. In line with the above, the main recommendation is to facilitate local dialogue groups by any means possible, without tying this activity to expectations of producing immediate, concrete results. The aim of these groups is to rebuild mutual trust among *favela* dwellers, and this takes time. The intention of these interventions is to create chances for coherent collective interpretation of daily life in *favelas*, which, in turn, is necessary for them to be able to mobilize their demands later on. Obviously, this goal is not entirely compatible with the framework of formalized programmes subject to cost-benefit evaluations. A possible follow up for the research might be developing a specific methodology for analyzing longer-term projects with aims centred more on changing mentalities.

The proposals presented here are also designed to influence the exclusive, authoritarian nature of the prevailing mentality and civic culture in Rio de Janeiro, which reflect the damaging effects of expanding "violent sociability". As such, these proposals should not be expected to indicate substantive measures, whether economic (defining poverty as mere material need) or juridical and institutional (restricting politics to the formal practice of institutional apparatus). This is not to deny the importance of public or private social projects directed at providing specific services or restoring institutions. The point is that measures oriented towards these questions will only succeed when associated with specific activities designed to foster opportunities for residents, including the possibility of intervening actively and critically in such projects. Only in this way will it be possible to overcome the limitations of a social and political context

that severely limits the exercise of rights. This, incidentally, is one more indication of the impossibility of separating human rights issues from overcoming poverty.

The "law of silence" to which *favelados* are submitted may be considered the harshest evidence apprehended by (and analyzed throughout) the research. One of the necessary conditions for breaking with this law is debating a new understanding of what security policies should be. This debate has been obstructed up to this point. The information generated by the study permits the critical examination of theories of *favela* residents' ambiguity towards criminals, by taking into consideration the kinship relationships, neighbourhood and family shared with them before the current state of affairs became consolidated. It is these theories of "complicity" that underpin the public security policies actually implemented in Rio de Janeiro - basically waging a war against *favela* territories and their residents. The research results indicate, however, that what is usually perceived as "ambiguity" in the behaviour of people living in *favelas* derives, above all, from the strategies they resort to in order to reduce the insecurity and risk that results from the systematic, indiscriminate use of force by criminals and by the police in combating criminals in these territories. In other words: in view of their institutional isolation, their precarious access to justice and the public security policies applied against them, the only resort left to people living in *favelas* is not to confront the power of criminals or the police. In order to placate this fear within these communities, it is fundamental to "domesticate the police", to curb their use of disproportionate force in *favelas*, and to guarantee that citizenship can be exercised effectively by intervening against the stigmatization suffered by this population. These are necessary conditions for restoring the sense of peace, which is the social precondition for framing conflicts within the democratic language of rights.



In this sense, effort is necessary in order to air public opinion, strongly framed these days by a perverse combination of feelings and emotions, perceptions and cognitions that restrict the social conflict to the immediate personal risks of everyday life, making it apolitical and diffuse, generalized, but at the same time personalized. The first step in this direction is recognizing and describing this impasse, and admitting that recovering collective action and a denser public sphere means deconstructing "the public security question" and de-naturalizing the discourse on this topic. This recommendation entails countering the stigmatizing approach that has cast a veil of disinterest and ignorance over *favela* residents' real conditions of life and their actual state of rights. It is also a pre-condition for people living in *favelas* to be able to win over the support and build the alliances they need to expand and secure their rights effectively. Alliances with other segments of society are crucial, given the institutional and symbolic isolation of *favela* residents. As suggested above, *favelados* need to undertake a difficult, painful - and not always successful - labour of "moral cleansing" before their opinions and demands will be heard. To open the way for possible alliances with other groups requires an initial stage of approximation (which means respectful mutual recognition), so as to reduce the social and cultural gap between them and possible collaborators. This, in turn, is essential to achieve the minimum of trust without which participating in the same collective action would be impossible.

The arguments and suggestions presented above indicate that the problems suffered by *favelados* need to be publicized. Any kind of activity – whether a public or private initiative, held by local agents or not – to be developed must incorporate these guidelines, directed less towards material results than towards changing mentalities.

In the course of the study, a threat that seemed to have been left behind with the end of the military dictatorship was clearly perceived to be returning. Vague references, debates and even concrete projects to evict *favela* residents have returned to public discussions. As has already been discussed in this paper, demolishing *favela* houses and relocating residents to the outskirts of cities used to be a long-standing theme in the debate on housing problems in Brazil. After democracy was restored in the country, the menace of eviction seemed to be over, and the housing question was swept from public debate. Presently, however, it has returned to the fore, pushed by the current forms of prejudice described above, and triggered by networks of criminal violence and drug dealing. Thus, it is necessary to support every effort by *favelados* in order to counter the idea of eviction. As soon as they are not recognized as legitimate actors in public debate, support from civil organizations will be needed to back their demands in order for them to remain in their own neighbourhoods. Once again, all this depends on: a) encouraging horizontal dialogue among the likely victims of this renewal of anti-democratic ideas; and b) putting *favela* dwellers on the same footing as other categories of the urban population.



- Title:** Identities and stigmas regarding the Plan for Unemployed Heads of Households. (Dis)encounters between policies and rights, *Esteban Javier Bogani* and *Ariel Mario Lucarini*.
- Institution:** Instituto de Investigación Gino Germani, Universidad de Buenos Aires.
- Team Members:** Ariel Mario Lucarini, Esteban Javier Bogani.
- Country:** Argentina.

## EXECUTIVE SUMMARY

This research has been carried out in response to the following questions: what effect does receiving economic welfare, and conducting activities within the framework of the Unemployed Heads of Households Plan (PJyJHD) have on the subjectivity of the plan's participants? Are there economic, social or cultural aspects that affect the participants and their families' experiences in different ways in terms of their perception or self-perception as the beneficiaries of the plan's economic welfare? Does this programme provide those who have the least with a space for personal development and for social integration – and if so, in what ways? – or does it constitute a mechanism for social segregation and the stigmatization of other members of society? The analysis of these questions, surrounding participants' perception of the Plan and the positioning of diverse agents, helps develop an understanding of how these questions can be resolved in diverse social spaces and how, depending on the answers, the fulfillment and real practice of human rights varies in the most disadvantaged sections of the population.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Initiatives or proposals for change

Different recommendations for policies stem from the

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<sup>24</sup> This acronym is the Spanish acronym, PJyJHD, which stands for *El Plan de Jefes y Jefas de Hogar Desocupados*.

study of the findings and their relationship with other factors in the context. These recommendations are presented in groups according to three subject areas.

The following initiatives on social policies are being proposed in more global terms, though they are also applicable to the PJyJHD:<sup>24</sup>

1. *to enrich the diagnostic report* of the situations of those in the PJyJHD, incorporating other dimensions of analysis and an understanding of poverty and unemployment. In this way, the human rights approach opens up the field to more and more diverse social interventions on the part of the state;
2. *to finance policies with funds from national sources* in order to reach a higher degree of autonomy and freedom for both the formulation of diagnostic reports and the creation of intervention strategies. It is essential to detach social policies from international debt.

The following recommendations are specific to the PJyJHD, and would therefore be easier and faster to implement:

1. *to individualize the PJyJHD*, enhancing targeted support rather than general measures. To support local institutions, i.e. Municipal Unemployment Offices and the Employment Services Network (Resolution MTEySS, No. 316/05) and enable each person to formulate, on the basis of interest and work experience, an occupational project with a view to insertion in the labour market;
2. to promote the implementation of *action lines that respond to the heterogeneity of the PJyJHD population*, as established in Decree 1506/2004 and the MDSyMA 825/05 resolutions "Families for Social Inclusion Programme" and MTEySS 502/06 resolution "Training and Employment Insurance" beyond the evaluations that

these particular programmes deserve. There is still a need to implement actions aimed at the young population and those over 45 years who are included in the plan;

3. *to strengthen the participatory bodies of the PJyJHD* so that participants may learn about, give their opinions on, and influence the decisions that affect them. In this regard, there has been progress on the free telephone line for advice and reporting (0800) or the setting up of the Labor Programme Complaint Commission (CODEM) and even the Security Fiscal Investigations Unit (UFISES). Moreover, these bodies, which have made progress regarding social programmes, have stayed closer to the negative side of participation (claims, complaints, reports, etc.) for which spaces must be provided;
4. *to include enforcement mechanisms* so that those that remain excluded from this policy may be eligible for another one that is more adapted to modern times. For instance, beneficiaries could perhaps receive payments linked on the one hand to subsistence and on the other to effective job search;
5. *to include a cross-cutting human rights component in each activity*, providing the participants of the PJyJHD with knowledge on this issue and enabling them to practice these rights in their daily lives. This could begin with an advertising campaign.

With regard to human rights-based policies:

1. to develop actions based on the promotion and effective application of human rights among the more disadvantaged sections of the population, which include the cases linked to direct assistance to vulnerable people and groups carried out by the Human Right's Secretary from the Ministry for Justice and Human Rights.



- Title:** Impacts on the health of members of the Machiguenga native communities due to initial contact with foreign activities, *Sonia Lou Alarcón*.
- Institution:** Directorate General of Social Management of the Department of Energy and Mines, Centro para el Desarrollo del Indígena Amazónico.
- Team Members:** Sonia Lou Alarcón, Rodolfo Tello Abanto, Cristina Valdivia del Risco, Iván Brehaut Larrea, Herman Burger Orbegoso, Carlos Eyzaguirre Beltroy, Lucila Pautrat Oyarzú, Ivo Urrunaga Cosmópolis.
- Country:** Peru.

## EXECUTIVE SUMMARY

The aim of this report is to contribute to the formulation of policies for the eradication of poverty from a human rights and indigenous peoples' rights point of view that are relevant to native communities and indigenous people in isolation and/or initial contact. The emphasis is on the promotion of private investment policies to achieve economic development of the state and society, and the need to make them compatible with the human rights of the Amazonian indigenous population. The framework for investment in forests, hydrocarbons and tourism is examined and assessed with the strategies displayed by the health sector to achieve integral health attention through the practical case study of the Machiguenga people, established on the basins of the Urubamba and Madre de Dios. The study is based on knowledge not only of the policies implemented, but also of the perceptions of the Machiguenga native communities about their rights and the positive or negative impact of economic activity on the physical and social environment. Emphasis is also on the situation of the human rights of indigenous peoples in voluntary isolation and initial contact situations.

**The main conclusions from the document are:**

1. the gap between ostensible policies for the eradication of poverty and resources assigned for their execution;
2. the practical disagreement between policies that promote investment and policies that promote the inclusion of indigenous peoples and the protection of their rights;
3. the disarticulation of state policies at the inter-sectoral level and the inability of the National Institute of Development of the Andean, Amazonian and Afro-Peruvian People (Instituto Nacional de Desarrollo de los Pueblos Andinos, Amazónicos y Afroperuano, INDEPA) to establish the course of state action in indigenous matters and, in particular, with respect to indigenous people in voluntary isolation and initial or sporadic contact situation.

**MAJOR RECOMMENDATIONS FROM THE RESEARCH**

1. Initiatives or proposals for change;
2. changes in policies about indigenous people;
3. proposed content for the special regime for indigenous people in situations of isolation and initial contact (national policy).

Unlike the UNESCO proposal previously presented in the Congress of the Republic, a special regime for indigenous peoples in isolation and/or initial contact has been approved and ratified by the Executive,<sup>25</sup> but it should incorporate the following aspects:

1. The protection of these people is a priority of the state through actions that avoid any undesired contact and mitigate its impact, as well as strategies to preserve the right to life, health, identity and

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<sup>25</sup> Through Law No. 28736, Law about People in Voluntary Isolation, approved May 18th 2006 by the Congress of the Republic, a special transectoral regime of protecting the rights of the indigenous people of the Peruvian Amazon that are in voluntary isolation and/or initial contact situation, guaranteeing in particular their rights to life and health, saving their integrity and existence.

property of these peoples. For such purposes, INDEPA must work as a promoter and articulator of the state policies for the people in isolation and/or initial contact, and must in particular:

- express a previous binding opinion before the state develops any action that can affect them, be it in health, education, conservation or management of natural resources;
- work in coordination with the Agricultural Ministry technical studies that allow the identification of areas of mobilization of indigenous people in voluntary isolation and initial contact to preserve their rights to property over the land they inhabit. These technical studies must establish mitigation areas between these areas and the zones where the natural resource extraction projects are being developed;
- when the indigenous people in isolation have an itinerant seasonal life pattern, they use wide mobilization areas to supply themselves mainly with hunting material using forest and river products;
- establish in coordination with the Agricultural Ministry and the Ministry of Energy and Mines the criteria for the exclusion of hydrocarbon activities and/or forestry in the areas tagged as mobilization zones;
- establish adequate procedures so the institutions in charge of the supervision of natural or juridical persons engaged in economic activities can do their work and observe compliance with contingency plans;
- when these contingency plans integrate environmental impact studies, they must be conceived like documents associated with the management of social impacts that aim to prevent undesired contacts and respond adequately to those encounters produced involuntarily with the operating companies, in such a way that adverse impact on health and life can be prevented;



- recognize the importance of the life of the indigenous people living in isolation and/or initial contact, and the impact to which they are tied through the rules of their special protection regimes; the assignment of resources for the eradication of illegal logging in territorial reserves; the establishment of mitigation zones between hydrocarbon lots and indigenous migration areas; the control of informal tourist activity; as well as to formulate information campaigns about the vulnerability of these people.

The Health Ministry should elaborate instructions on health and prevention of epidemics of indigenous peoples in voluntary isolation and/or initial contact through the implementation of the national health strategy for indigenous people and of its technical rules. This should be accompanied by training for health providers. It is essential to prioritize, ensuring and paying attention to health in the communities and among the people located in the zones next to the areas inhabited by these people, for which the necessary economic resources should be assigned through the Sistema Integral de Salud (SIS), with the corresponding cultural norms.

The Interior Ministry and the National Institute of Natural Resources must prioritize the control of illegal extractors of forestry and wood resources in the areas inhabited by the indigenous people in voluntary isolation and/or initial contact, for which they should:

1. Implement the national strategy to fight against illegal logging and trade and commerce in wood. Such a strategy, even though it was approved in 2005, has no budget for its execution.
2. Modify forestry norms and penalties with a view to effective control.

The National Institute of Natural Resources, according to criteria established by INDEPA, will ask the holders of the wood concession contracts to elaborate contingency plans in cases of undesired contact with indigenous peoples in isolation and/or initial contact, as part of their management plans. For documents such as this to be effective, amendment of the law on Forestry and Wild Fauna is necessary.

Proposed content for a protocol that allows contact (free and spontaneous) with the indigenous people in isolation who decide to have more interaction with the rest of Peruvian society (National Policy) should be developed.

INDEPA must elaborate precautionary guidelines in case of eventual contact with indigenous peoples in voluntary isolation. This guide must be linked to the health, energy and mines, agricultural and tourism sectors. It must be approved by a supreme decree of the Presidency of the Ministry Council.

It is proposed that this guide include the following items:

1. diagnosis of the situation of the indigenous people in voluntary isolation at a national level;
2. identification of the main actors that could be subject to encounters with indigenous peoples in voluntary isolation;
3. identification of the type of encounters;
4. identification of scenarios;
5. elaboration of precautionary guidelines in the case of any eventual contact with indigenous peoples in voluntary isolation.

**Determination of strategic lines:**

1. total ban to third parties and relatives of health staff;
2. protection of the rights to life, food and environment;
3. protection of the right to land ownership.

**Determination of actions:**

1. establishment of juridical frame;
2. development of integral medical programmes;
3. dissemination plans:
  - determination of people in charge;
  - determination of mechanisms of control and supervision;
  - elaboration of an equipment and material list that the PNM should have before and after eventual contact with indigenous peoples in voluntary isolation;
  - list of people that should respond after contact.
4. manual specifying the procedural manual for each actor in case of eventual contact with indigenous peoples in voluntary isolation;
5. elaboration of a training plan;
6. elaboration of recommendations after the contact and possible answers.

**Proposed content for the special regime for indigenous people in isolation and initial contact situations**

For the execution of the proposals described, they must be estimated with those developed by the regional governments.

Participatory spatial planning is required so that indigenous organizations and the rest of civil society can determine areas available for economic development, as well as those areas of conservation and protection in favour of indigenous peoples in isolation and initial contact.

1. The Regional Health Directorates in coordination with the regional headquarters of INDEPA, should establish early warning systems for signs of encounters with indigenous peoples in voluntary isolation and initial contact situations, to prevent health impacts on these people.

2. The Regional Health Directorates should permanently monitor the health of the indigenous people after initial contact, guaranteeing full and culturally adequate attention.
3. The regional governments must develop a training plan according to the guidelines given by INDEPA, prior to its adaptation to the regional context.

### **Proposals that modify policies on investment and indigenous people**

To overcome tensions between policies that promote investment, and policies that promote the inclusion of indigenous people and the protection of their rights, the state must recognize that economic activities in areas inhabited by native communities are not benefiting them, because local or national authority budgets are not being used to satisfy the needs of these people, be it with sustainable development projects in the long-term and/or quality and timely basic services.

Recognizing the exclusion and poverty affecting indigenous and native people, contracts should be signed between the state and private enterprises for the exploitation of a trust derived from the revenues of the enterprises. This trust will be fixed according to the economic importance of the project and the population directly or indirectly affected, and will be different from the fiscal contributions of the State.

The use of this trust must be determined according to the decisions of the people affected, within the limits of productive projects in health, sustainable development and/or social welfare. The fund should be administered by a mixed entity formed by paired representatives of the native communities and the state. Resources, can be committed through existing legal mechanisms such as participatory budgets.

It is important to recognize the relationship of the indigenous people to their territories, for their development and survival as people.

With the assumption that some of these areas have been given to third parties, the Agriculture Ministry, after consulting the affected people, must consider the following options: a) give similar areas in free available zones of the state or b) compensate these people. To this effect the National Council of Valuation should establish the values of the areas considering the direct or indirect value of the land.

To fulfill land title processes the Agriculture Ministry must update the established proceedings in the ruling of the Law of Native Communities referring to the population census and economic and social studies.

The National Institute of Natural Resources (INRENA), through the Technical Administrations of Forest Control and Wild Fauna, should give technical support and, through the programme (FONFEBOSQUE), provide economic support to guarantee proper management of the forests of native communities, when forestry extraction activities in the zones are allowed under the conditions of extraction permits.

The Energy and Mines Ministry will require enterprises operating in the gas and hydrocarbons project to conduct environmental impact studies including the social impact towards a basic line of health for these populations.

### **Proposal for mechanisms to guarantee the right to health**

We start with the principle that the existing gap between policies presented for the eradication of poverty, and the resources devoted to them, can be overcome only with the effective allocation of adequate economic resources, which means funds should be distributed in terms of health based mainly on population density. The

native Amazonian communities will remain at a disadvantage in the absence of systematic change.

The National Non-Centralized Council of Health must establish strategies that focus on development that is based on the rights and multiculturalism contained in the strategic plan for the health sector and in tools for the implementation of this plan. There is a need:

1. To make and execute a training plan for regional and local sector staff concerning culturally adequate services.
2. To incorporate an indigenous variable in the sector reports in order to ascertain the epidemiological situation of indigenous people.
3. To strengthen health care capacity in native communities and establish compulsory insurance for all indigenous peoples.



- Title:** Analysis of poverty in Colombia from the perspective of the rights of the child and youth, *César Junca*.
- Institution:** Corporación Americanía.
- Team Members:** César Junca, Gustavo Junca.
- Country:** Colombia.

## EXECUTIVE SUMMARY

Corporación Americanía hereby presents the results of research on the analysis of policies to overcome poverty from the perspective of compliance with children's rights in the city of Bogota. The report highlights the analysis of the indicators used for the poverty study and the tools used for the construction of an index of compliance with children's rights, which will serve to evaluate progress in overcoming poverty. It also presents a review of the policies of the city in this regard. Finally, it makes recommendations, which are being adjusted based on the work done. As annexes, four documents are submitted relating to policies the city administration is implementing.

General guidelines, from the analysis of poverty to the follow-up, analysis and evaluation of the degree of compliance by the Colombian State with the Convention on the Rights of the Child, may be established by reviewing the current situation of poverty in Bogota, Colombia, through HC (Human Capital) reviewing indicators, unsatisfied basic needs, poverty, education and health indicators that favour a dialogue between society and the state with regard to children's rights. This need to review, follow-up and analyze the situation related to compliance with the Convention on the Rights of the Child (CRIN) comes from concern about the impact of poverty on children and youth.

During the year and a half spent developing the research, Americanía has found a fragmented social scenario where information on poverty and children is distributed among different entities, different analysis models and diverse methodologies for collecting information. Registration is inefficient and insufficient and the city needs better follow-up mechanisms, as well as social, economic and political evaluation. The criteria for defining poverty in the country have been modified in the last few years, including and excluding several factors that affect the analysis of the situation. In spite of that, Americanía has made the necessary adjustments so that the data relates to the index of life quality.

### **Main data**

1. Coverage in compliance with the Rights of the Child;
2. poverty in Bogota;
3. poverty and human rights;
4. resources and programmes executed by the administration of Bogota;
5. programmes and policies on health and education in Bogota;
6. development and poverty: a matter of rights;
7. public investment;
8. distribution of public investment;
9. poverty indicators;
10. public policies for the eradication of poverty;
11. public policies for guaranteeing children's rights.

### **Poverty and children's rights**

The main hypothesis we want to develop is that Failure to comply with the Convention on the Rights of the Child contributes to the persistence of poverty. In particular; we want to study whether the improved living conditions for children and youth will increase the



level of human capital (HC) and whether the training of qualified labour may, in turn, provide better income for future families and generations.

The Convention on the Rights of the Child, signed in 1989 and ratified by Colombia in 1991, adopts the "the integral protection" of children as the philosophy and general framework for action and becomes an important step in the recognition of boys and girls as subjects of rights. The Convention establishes the effectiveness of the superior interest of the child, the non-discrimination, autonomy and participation, as guiding principles related to children's rights.

In addition to stipulating children's rights, the Convention provides for a series of guidelines on the formulation and implementation of public policies focused on children. These policies should be supported with a change on day-to-day practices and social relations that would favour the effective implementation of the formulated policies.

Within the framework for the compliance with the Convention lies the opportunity to offer children adequate living conditions in order to achieve harmonious and integral development.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

The main recommendations are focused on the concept of development and quality of life. In other words, the fulfillment of human rights, and particularly children's rights, work towards overcoming structural poverty which ensures, among other things, improvements in the quality of life for children and their families.

1. It is essential in this report to make progress in the integration of different evaluation and follow-up criteria that include the perverse dynamics of wealth accumulation and speculation. As long as the city can count on statistics and analysis on the dynamics of wealth accumulation, it may advance actions to favour the fair and equitable distribution of wealth, which is essential for overcoming poverty.
2. Since the city policies are focused on respect for human rights as the main strategy to overcome poverty, Americanía considers that it is essential to guarantee policy continuity over the years. It is important that the progress achieved and its implications be disseminated so that the population gets to know the implications of taking on a policy to overcome poverty in the city.
3. The development of policy to comply with rights, particularly children's, requires a process of study, analysis and determination of the programmes, projects and actions that, in a comprehensive and inter-sectoral manner, can move forwards step-by-step in a way that guarantees rights.
4. It is essential that the District Administration offer the citizens of Bogota, and by extension the whole country, a policy focused on respecting human rights. This requires a public, democratic and participatory campaign that involves the public sector, communities, social movements and unions as the main players.
5. Service programmes for the poorest communities can incorporate dynamics for consultation, participation and decision making from the poorest communities, within action plans at the local and district level. To that end, it is important to be in favour of the poorest sectors, through sensitization, training and guidance of the public officials on processes of consulting citizens, defining popular proposals and community participation that would have impact at the local and metropolitan level.

6. A good part of the actions that the administration is carrying out are focused on "allocating" public investments in social policies that respond to the social, economic and political situation of poor communities. Unlike previous governments, the emphasis on structural programmes should be deeper, and the coverage and service sectors should be broadened through the participatory design of a plan to overcome poverty based on the protection, defence and guarantee of children's rights, particularly in health and education.
7. With respect to education and health rights, it is essential for the district to make all necessary efforts to outline the goals and indicators of long-term progress that would favour compliance with universality and free education extending beyond mere coverage. Since district policies are focused on guaranteeing of rights, it is essential that tax decisions are taken to build a bridge for the required resources to be acquired, maintained, and increased as may be desirable.
8. The programmes proposed by the present administration are focused on servicing the impoverished population; to achieve this they had to focus on basic needs such as food, health and education. Such programmes may remain at government level without being discriminated at state level. It is necessary to establish structural reforms in city Development Agreements that would build on the progress achieved by the processes that guarantee human rights.
9. The district has the conditions to strengthen the health plan while guaranteeing human rights as, based on current national legislation, it may submit a health care plan that works towards health care for all. It is essential in this respect to move beyond insurance to a trend of specific territorial dimension, sensitive to the communities.

10. It is essential to increase the budget provision for education in order to guarantee universality and free services. Studies must be carried out and an open public debate on the financing of public education should be conducted. Americanía considers that there is a need for a policy on education for the city (and obviously for the country), that would recognize the right to education, and that would develop in that direction.
11. Americanía considers that the city policy on education, like the policy on health, could be worked on from a territorial perspective to guarantee accessibility and to provide opportunities for children, which would favour a sound policy on higher education adequate for young people living in the poorest sectors of the city.
12. The policies that have been developed in favour of capital investment in the city, aiming to generate commercial and financial competitiveness, have not translated into benefits in terms of the quality of life for the majority of city dwellers. It is necessary for the city administration to study, analyze and review policy financing mechanisms in order to permit the redistribution of wealth as may be needed to guarantee the full enjoyment of human rights in the city.
13. A policy to overcome poverty requires open and firm discussion about the national policies that constitute an obstacle to real guarantees for human rights. Americanía considers it vital that the district submit to the Council and the Congress modifications to the laws on health and education in order to eliminate existing constraints on full compliance with human rights.
14. It is the duty of the city administration to open a discussion on the human rights approach to poverty eradication. This must include the effects of economic models focused on financial growth,

especially when they are the only path offered for social development. It is therefore essential to offer social policies framed as part of the responsibilities of the state to guarantee rights as a key component for development.

15. In view of the progress made in recognizing rights as a framework for developing policies, there is a surprising lack of knowledge about "gender-based discrimination" in the city. Administration policies for children do not deal directly with a situation that is precisely based on its lack of visibility and its subtle nature. Americanía considers that in view of the progress on children's policies in the city, the conditions are present to take the required actions to eliminate gender-based discrimination in the city, particularly with respect to girls.
16. The progressive observance of human rights, in particular those pertaining to children, calls for policies with a comprehensive view of the social, sectoral and political spectrum on which to base programmes, projects and actions that respond directly to the poorest sectors and at the same time guarantee rights to all citizens. Americanía considers that it is a duty of the city administration to provide opportunities for citizens to take part in decision-making, reflecting the voices and needs of children, and establishing the elements for equitable, humane and decent development for the coming decades. It is urgent to establish policies, indicators and short and long-term goals in favour of children as part of the definition of social, economic, cultural and political development focused on overcoming poverty through compliance with children's rights.

17. The approach of the previous administration with regard to public investment for the city was focused on communities that had a higher concentration of families living in poverty, on providing mitigation services to them, and on assistance and infrastructure to decrease the city's social debt. However, while the percentage of poor people in the city is over 50%, and implementing focused policies makes sense as a first step, further actions are required to guarantee increased economic, social and cultural resources for poverty reduction. A recommendation to the city administration is to promote a participatory process of defining public policies aimed at establishing terms and goals for humanitarian programmes and programmes for emergency response and survival, which would allow the creation and consolidation of structural programmes and guarantee rights in the long-term. The resources exist, the knowledge is also available, but what is lacking is the will to support policies aimed at guaranteeing full enjoyment of human rights.
18. The political violence that has marked the development of the country during the last fifty years affects the implementation of policies to guarantee human rights directly and effectively. Americanía considers that the present city administration has been building correct paths for a possible political and negotiated solution of the conflict, as well as paving the way to overcoming the structural causes of political violence. Nevertheless, it is important to emphasize that military and armed solutions work against overcoming poverty. Policies that comply with human rights, as tools to overcome poverty, address the problem of war by providing a broad solution based on dialogue and respect. Americanía therefore requests that the city administration present a ten-year scheme for city development, centred on the guarantee

of human rights that can be presented as a real alternative to the political conflict in Colombia.

19. For ten years the city has been building a planning and execution process, that includes as a core element a focus on the population and effects on future generations. This exercise has furthered the recognition of children, youth, women and the elderly as special social players whose needs must be taken into account by government actions; it has furthered the social aspects through a more human policy; and has furthered the study of the situation of those groups. The exercise has not hitherto been able to articulate a policy with certainty and efficacy. The steps taken to create and present a policy on children have been focused on a list of programmes aimed at children, without establishing real priorities. Until the present administration, this exercise was designed for the Development Plan to include programmes focused on the care of children, and did not take a more comprehensive and inter-sectoral position in that regard. City planning needs to be more dynamic, with a broader focus on care for children and respect for their rights.
20. Improved recognition of children and of social development focused on recognition of and guarantees for their rights is one of the main advances that Americanía observes in the development of the city administration. However, there is still much to do to provide real and effective guarantees, particularly if overcoming poverty is related to respecting children's rights. The projection and establishment of development plans for the coming decades for the children of the city, as tools for overcoming poverty, offer an opportunity to establish general parameters for policies in agreement with the needs of the majority of the people of Bogota.

21. This administration has begun an institutional recognition of poverty as a core problem for city development. This means more in-depth knowledge and studies on the conditions, causes and possible solutions for poverty. It implies the definition of social and institutional agreements aimed at dealing with the effects that poverty generates in the majority of the population of the city, and above all, to establish long term plans to overcome poverty. The city has begun efforts pertaining to this in administration for which international support and technical and financial cooperation is fundamental. Americanía considers it essential for the government of the city to inform the population about its objectives in overcoming poverty and to request the support of the United Nations system to convert the vision of respecting human rights into a national solution for the social, economic and humanitarian crisis experienced in the country as a result of the political war.

International support aimed at overcoming poverty is essential. There is no doubt about the relation between the economic dynamics of the different continents and the inter-dependence of the economic growth among them. Americanía considers that it is necessary to continue the debate on the meaning and focus of international cooperation for the third world so that it may favour structural development processes, starting from the consolidation of emergency humanitarian aid. With that aim, it requests that the city administration increase mechanisms for international cooperation to guarantee human rights, particularly those of children, recognizing the MDGs and protecting financing for such tasks so that it does not come from public loans.





- Title:** Youth, poverty and human rights in marginal urban settlements in the cities of Panamá, La Chorrera, Arrayán and San Miguelito, *Carlos Castro*.
- Institution:** Institute of National Studies (INS), University of Panama.
- Team Members:** Carlos Castro, Manuel Calderón Pimentel, Marta Lee, Maria Adames de Newbill, Cleopatra Allen, Fernando Aparicio, Dania González Ledezma, Jaime González, Horacio Rivera, Mónica Romero, Anacleto Humberto Smith Oller, Maria del Carmen Smith.
- Country:** Panama.

## EXECUTIVE SUMMARY

The final report submitted comprises information collected since September 2005 in the development of the research project. The fundamental question derives from the fact that, in spite of the pertinence of poverty issues, the centrality of youth problems in formulating public state policies, and the express willingness to observe human rights for a wide sector of the population, even from the state itself, such good intentions have not been sufficient for the successful execution of programmes and projects for the benefit of youth from the perspective of poverty eradication. The main axis of our research is to investigate this implementation gap. The underlying hypothesis is that, although poverty is conditioned by very concrete historical, economic and material factors, the formulation of eradication policies is mediated by the current approaches or paradigms dealing with the concept of human rights, in this particular case, liberal neoclassic economic paradigms and models based on basic needs, biological minimums and mediated citizens. In other words, such human rights approaches may be producing, and/or reproducing, the material and non-material conditions of poverty instead of

eliminating them. The project pays special attention to the ways in which impoverished youths, as well as people in charge of designing and executing strategies for fighting poverty, confront, in practice, the relationship between poverty and human rights. The project also analyzes the way in which this translates into attitudes, ways of portraying the world, opinions, expectations and life projects, as well as policy decisions directly affecting the future and destiny of such young populations.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Initiatives or proposals for change**

The initiatives or proposals for change we are formulating match the general objectives of youth policies promoted by the Panamanian State. Such objectives are to guarantee young people living in Panama the conditions for their human development, the full recognition of their rights and their participation in the construction of a more equitable, supportive, democratic and fair country, without any distinction on the grounds of ethnicity, nationality, age, gender, territorial location, sexual preference, religious beliefs, economic status, disabilities or any other particular conditions.

At the same time, such objectives are based on, provide continuity to, and validate the civil, political, economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights 1948. This is the general framework in which these proposals for the dignifying empowerment of human rights in Panamanian youth in the ongoing struggle against poverty apply. The major recommendations are the following:

1. Raising awareness of human rights issues, identifying the components that represent obstacles and those that should be integrated in the selection of alternatives;

2. enabling participation in terms of a true expression of human rights, and helping young people living in peripheral settlements to realize these rights;
3. reinforcing, from a human rights perspective, new approaches and actions that ensure civil co-existence, security and equality before the Law;
4. creating a network of intercultural bodies with the purpose of orienting and accompanying young people, as well as foreigners, from different geographical areas in their training and work on intercultural education. In addition to this, providing support for projects adapted to these peoples' needs and expectations;
5. expanding the scope of awareness and inclusion from referents when faced with gender inequality;
6. articulating mechanisms of consensus which encourage young people to provide and benefit from new knowledge, analytical tools and instruments in training and the educational system addressing niche markets and strategic areas;
7. reducing juvenile exclusion from national work plans.



- Title:** The contribution of solidarity-based economy and human rights for decreasing social inequality in Southern Brazil, *Hans Benno Asseburg*.
- Institution:** Universidade do Vale dos Sinos.
- Team Members:** Hans Benno Asseburg.
- Country:** Brazil.

### EXECUTIVE SUMMARY

This study is about solidarity-based business (empreendimentos econômicos solidários - EES) in the State of Rio Grande do Sul, which appeared during the 1980s and which showed extraordinary growth in the 1990s. This phenomenon is now called *The solidarity based economy*, and it is frequently pointed out as an innovative and efficient alternative for creating jobs and generating income and for fighting poverty, in a social context characterized by some of the most blatant social inequalities on the planet. This expectation has recently received a strong stimulus as a result of the national mapping of solidarity based firms carried out by the Brazilian Ministry for Work and Employment, which supports and subsidizes the solidarity-based economy. It has also created, and has made available for use, an extensive database as one of the results of the mapping. This research project is among the first to use this database, and its goal is to analyze the potential of the EES in reducing social inequality, and to study the involvement of human rights in the economic and social results of the enterprises. In order to do so, it relies on the extensive studies and publications written on the subject by the Research Group on the Solidarity Based Economy, of the Universidade do Vale dos Sinos (UNISINOS), of which the author of this project is a member. The methodology of this research works with Amartya Sen's concepts of "privation of capabilities" and of "the human

beings' conditions for being agents", and with Luiz Inácio Gaiger's "enterprising solidarity", in order to understand the potential of human beings and also of solidarity-based enterprises to administer, with efficiency and viability, their survival and their collective economic activities in the midst of conditions of poverty. The results point to an effective reduction of inequality by means of empowerment of workers/members in the solidarity-based economy. One can prove involvement of human rights and a significant improvement of economic results when these values are explicitly invoked. Concrete actions are proposed to articulate governmental programmes fighting poverty with the Secretaria Nacional de Economia Solidária (National Department for Solidarity Based Economy) - SENAES.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Initiatives (or proposals for change)**

The prevailing and persistent social and economic inequalities in Brazil must be treated by all Commissions for human rights, from municipal to national level, as a violation of human rights. These Commissions must propose to Municipal Chambers of Representatives, to State Assemblies of Representatives and to the National Congress the elaboration of social programmes and of laws aiming to eradicate poverty in this country, basing their argument on the fact that it constitutes a violation of human rights. In the same context, Commissions for human rights must discuss the advances of the solidarity-based economy in reducing social inequalities and generating income, and propose that it be supported and fostered by means of public policies as a strategy for defending and preserving human rights in the fight against hunger and extreme poverty.<sup>38</sup>

1. One must propose, to the Presidency of the Republic, the systematic articulation of activities executed by the Secretaria Nacional da Economia Solidária (National Department for the Solidarity Based Economy) with programmes for the transfer of income such as "Zero Hunger" and the "Family Grant". This same proposal must be made to state and municipal governmental bodies.<sup>39</sup>
2. The National Congress should discuss and approve a legal status for solidarity-based firms to facilitate the creation and development of small associations and cooperatives as well as their access to micro-credit and technical advice.
3. Solidarity-based economics should become a required discipline in Economy and Social Sciences in all national universities.
4. Following the example of the Rede UNITRABALHO, all Brazilian universities should create incubators for solidarity-based firms experiencing production difficulties.



- Title:** Disability and poverty: the impact of poverty on disabled women's living conditions in Nicaragua, *Karin Ljuslinder*.
- Institution:** Umea University, Sweden.
- Team Members:** Karin Ljuslinder, Staffan Berglund, Marisol González Calderón.
- Country:** Nicaragua.

## EXECUTIVE SUMMARY

Disability<sup>26</sup> is a poverty issue and poverty is a disability issue. Disabled persons belong to the group that has the greatest possibility of ending up in poverty and concurrently, among poor people there is the greatest risk of becoming disabled. If, for example, you lack resources for medical treatment and medicine, there is a great possibility that diseases will become lasting impairments. If you lack resources for transportation, you run the risk of not getting an education.

Since poverty is closely related to disability, the struggle for daily survival - food, water and shelter - inevitably crowds out the struggle to achieve human rights. But to help the world's poorest people is a matter not only of supporting their daily needs, but also of ensuring access to education, labour and maintenance, i.e. access to human rights. If we are going to accomplish full realization of human rights declarations such as the Millennium Development Goals - especially the first goal: "reduce by half the proportion of people living on less than a dollar a day before 2015" - we have to make the disability perspective a natural part of all poverty reduction strategies.

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<sup>26</sup> Definitions, see appendix 4 of the full report.

The problem for governments and international suppliers working in the third world is not so much about reluctance to fulfil the demands of disabled persons. Rather, adequate knowledge is lacking, among other things, about the prevalence of disabled persons, where to find them, their living conditions, and the connection between disability and poverty. Knowledge is therefore lacking in how to handle the situation.

Actually however, the equation is simple, most disabled persons want to educate themselves and work for a living. This would contribute to GNP and consequently be profitable for the country.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

The aim of this project is to focus on violations of human rights concerning women with disabilities. But the informants in this study have not addressed gender differences as something to highlight in work towards empowerment for disabled persons. On the contrary, most of the informants claim that gender does not have any impact on a disabled person's life conditions. Disabled people, they say, are all treated the same, no matter if you are a man or a woman.

Our interpretation is that gender differences do nonetheless require further investigation for at least three reasons. First of all the quantitative data tell us that there are more disabled women than men who lack formal education and care and attention. Secondly, disabled women are still expected to take care of the rest of the family and do the cleaning and cooking. Thirdly, these women are living with the cultural conception, expressed by one of the informants, that if a woman does not live up to the cultural stereotype of what it means to be a woman, then she is worthless.



One of the reasons why gender differences are not perceived as existing or being an obstacle may be a lack of accessibility and knowledge in the non-disabled society. Inadequate accessibility and knowledge have equal effects on a disabled person's life conditions. It affects you in the same way, man or woman, if you do not have access to the bank where you are supposed to collect your monthly pension cheque. It affects you in the same way, man or woman, if people treat you like a "thing" and not like a human being, shouting at you to get out of the way or to shut up and leave the place. From this perspective, disabled people are all treated the same: such obstacles unite disabled people more than gender differences distinguish disabled men and women from each other.

1. **The first recommendation** is, accordingly, that, even though accessibility and assistant devices are not human rights per se, but prerequisites, the state of Nicaragua should include a disabled accessibility perspective in all infrastructure planning. This is already a legal requirement, but in the absence of government compliance very little has been accomplished.

### **Interventions**

Together with CIDS we are applying for funding for transportation services in León. One mini-bus will transport disabled persons, free of charge, to the hospital, to the bank, to friends etc. These services will increase disabled persons' mobility and thereby be a first step towards participating in society.

Together with CIDS we will also build a network of assistants that can facilitate disabled persons' mobility in public life, for example going to the supermarket, taking a walk etc. This network will be built as a combination of the many existing networks that do not

currently collaborate, but work in parallel with the same kind of assistance. The network will consist of persons from NGOs, disability organizations, the Church, social work organizations, the voluntary sector, rotary clubs, the local neighbourhood and families.

We will also put pressure on public authorities by means of open reminders and continuous publicity in the media to urge them to arrange for cross-walks to put up traffic lights and to fill up the holes on sidewalks.

2. **The second recommendation** concerns the non-disabled society's knowledge and treatment of disabled people and is formulated by many of the informants:

Awareness raising and knowledge in non-disabled society will permeate treatment on all levels in society, on the streets, shops, supermarkets; in hospitals and municipality-institutions; in government departments and in society's overall resource allocations policy.

### **Interventions**

Realizing workshops with concerned persons, staff and personnel on all levels of society; neighbours, politicians, social workers, hospital, bank and supermarket staff and department officials with this UNESCO report as a basis.

3. **The third recommendation** is that the government act on their responsibility to make education available to all. This includes transportation to school, assistant devices and special teachers. This also is already a legal requirement that is not complied. It is not acceptable that a disabled person should have to pay a special teacher with her/his own money. Free education is a human right

and it is indispensable for social participation, as well as a necessity to be able to earn a living and support oneself, which is, in turn, a prerequisite for autonomy.

### Interventions

Bring pressure on public authorities by means of open reminders and continuous publicity in the media.

4. **The fourth recommendation** concerns the need to develop statistics regarding disabled people on a continuous basis with the same requirements and basis in order to monitor state interventions and find disabled persons that have not received care and attention.

### Interventions

Apply funding for CIDS to follow up the data collection already started concerning disabled people.

5. **The fifth recommendation** concerns failure to fulfill international conventions, national laws and policy-programmes, especially the incompatibility/contradiction between on the one hand:
  - The Nicaraguan Constitution, chapter five about working rights.
  - Articles 6 and 13 of the Convention on Economic, Social and Cultural Rights about everyone's right to an education and work.

And on the other hand:

- Law 476, Article 81 claiming that perfect physical and mental condition is a necessary condition to be hired as a civil servant, or in administration.

### Interventions

Put pressure on public authorities by means of open reminders and continuous publicity in the media.



- Title:** A critical evaluation of the Programme for Heads of Households in Argentina as an instrument for the eradication of poverty based on human rights, *Jorge Colina*.
- Institution:** Instituto para el Desarrollo Social Argentino.
- Team Members:** Alejandra Torres, Osvaldo Giordano, Jorge Colina, Marcelo Cárdenas.
- Country:** Argentina.

## EXECUTIVE SUMMARY

The objective of this study is to analyze the operation of the Advisory Councils, an institutional innovation incorporated into the Programme for Heads of Households (PJJ) in Argentina. A special feature of the programme was the adaptation of some of its objectives to incorporate the principles of a human rights' approach. The research focused on investigating the reasons why this mechanism, which is oriented towards some of the principles of a human rights approach, yielded poor results when put into practice. From the point of view of the human rights approach, the study should provide lessons and policy recommendations aimed at reducing the risk that human rights based programmes may produce results inconsistent with human rights principles due to imperfections in the instrumental designs.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Proposals for change

The recommendations are not formulated in order to define the *necessary* and *relevant* conditions which, if fulfilled by a specific programme, would automatically guarantee the fulfillment of the principles. In more modest terms, the guidelines that should be

considered when designing programmes based on a human rights approach will be outlined. Obviously, the relevance of these recommendations increases when they concern actions to be developed in environments and modalities similar to those of Argentina.

The first point to consider is that simple and objective mechanisms make it easier for the poor to exercise their rights without the help of an intermediary. Faced with administrative complexity and discretionary issues, the clientele network fulfils the vital function of facilitating the poor's access to loans offered by the state. An "access-friendly" design to enable poor people to exercise their rights is vital for social programmes to adapt to the principles of the human rights based approach. Furthermore, it is possible that the most effective solution is not to eliminate every type of organizational intermediation between the state and the poor but to meticulously design such articulation. This implies rules that make the most of the advantages of organizations to have fluid contact with the poor but preserve transparency and objective criteria in their administration, especially by diminishing the risks of generating exchange based on favours and political support.

A second point is that the principle empowering the poor does not end with the transfer of eligibility control. In reality, the possibility of deciding on aspects of policy is more important. In the PJJ (Plan Jefes y Jefas, Programme for Heads of Households), it would appear that preserving the definition of eligibility rules at national government level diluted the powers formally granted to the organs of representation. This is crucial when dealing with the introduction of programmes based on a human rights approach. The more centralized the decision making, the more difficult it becomes to genuinely and directly incorporate the opinion and the representation of the poor. Centralized programme management widens the gap between the state and the poor, and also fosters clientele intermediation.

A third point is that the decentralization of power at local levels does not necessarily imply giving operational functions to representative bodies for the poor. On the contrary, fieldwork undertaken provides various examples of when management responsibilities placed in a representative body contribute to diluting its role. The lack of operational functions generates conditions for clientele networks to emerge *de facto*, with the justification that they are defending a superior good or avoiding a greater evil. This finding, as above, implies that decentralization of executive decisions and functions towards the organs of representation of the poor should not be done in a linear fashion but meticulously planned with crossed controls between the different actors at the local level (local leaders and social groups).

A fourth point that must be considered by a design that incorporates the principles of this approach is external controls. Control should not be confused with monitoring follow up and strategic analysis to correct deviations or with auditing function (which is a process of administrative control). Otherwise there is a risk of delegating an administrative function to a representative body that is not ready for it. External control of the programme must be understood as an auditing function that is not carried out by the representative body but by specialized entities that offer technical input to enable it to monitor responsibility, applying sanctions in case of deviations.

These guidelines attempt to define the criteria for rules that create incentives (or empower actors) to design appropriate programmes to fulfill the principles of the human rights approach. The next step is to apply these guidelines to the cases studied (the PJJ) in order to give an example of how they may be repeated in other experiences with similar issues.

A positive aspect of the PJJ is that it incorporates various actors that, in principle, are sufficient for a design that adopts a human rights approach:

1. Central government: to guarantee equitable financing in each region and to measure the results.
2. Municipal governments: to execute the programme at a local level.
3. Advisory councils: as organs of representation of the beneficiaries.
4. Organizations from civil society: to collaborate in the management of the programme.
5. External control: to audit the administrative aspects.

The challenge is to set rules that will draw on the potential capabilities of all participants, while moderating any deviations. This implies that, by revising rules and roles, it is possible to establish a better articulation among actors and to achieve the results that are more in line with the principles of the human rights approach.

The central government level should assume the responsibility of defining national policy in keeping with the principles of the human rights approach. This implies, in principle, the following three functions:

1. To give legal status to the principles of a human rights approach throughout the country in order to promote them as governing principles of programme management for the whole country.
2. To ensure sufficient financing for all the inhabitants of the country, compensating for regional inequalities.
3. To measure results, broken down for each municipality, and make them public in order to ensure transparency.

At a local level, the Advisory Councils (ACs) protect the representation of the poor and, in general terms, of civil society. Their functions must be not operational but political. The most important include:

1. the definition of eligibility criteria;
2. the definition of criteria to control the selection of beneficiaries;
3. the application of sanctions.

Currently, eligibility criteria are defined by the central government for which the recommendation means an important decentralizing change. In accordance with experience, it would be advisable to have the eligibility criteria defined by ACs in local ambits and adapting to the principles of a human rights approach that would be enforceable throughout the country. Being at a local level, ACs are in direct contact with the reality of the place, which means greater possibilities to comply with the principles of *equality* and *non-discrimination*. With respect to control in the selection of beneficiaries, the ACs would have a normative function ("to define the control criteria of the selection of beneficiaries") and would apply sanctions, but they would not select beneficiaries (which would be a task for the municipal government).

The municipal government supervised by the AC should be in charge of all operational matters. This means that its functions would be:

1. to select beneficiaries applying the criteria defined by the AC;
2. to submit itself to the controls of the external controlling organism with regard to fulfilling the selection criteria;
3. to make payments to beneficiaries;
4. to run the enrolment, dis-enrolment and novelty system, ABN (Sistema de Altas, Bajas y Novedades);



5. to apply the sanctions decided by the AC in the ABN administration system;
6. to receive collaboration from non-governmental organizations (NGOs) (religious and lay).

The central idea is to give the municipal government responsibility for all necessary administrative processes so that the benefits effectively reach all beneficiaries who qualify according to the criteria defined by the AC (*non-discrimination*). In this way, the representative body decides on the criteria and the municipality - acting under representative control - applies them. The municipality, at the same time, is submitted to control by an external body that, like the municipality, acts under the control of the AC, applying the criteria it has defined.

The external control organ's functions include:

1. ensuring that the municipality correctly applies the selection criteria defined by the AC;
2. reporting any irregularities detected to the AC and suggesting the corresponding sanction so that the AC can make a decision on the matter.

The external control organ is defined in decree 565/2002, which created the PJJ. The Ministry for Labour itself ensures external control with respect to activities and use of funds destined for community and training activities that individual beneficiaries must receive. With respect to the current set-up, change would be minor. External control of beneficiary selection could be ensured by the Ministry of Labour (as for training), or by the national external control organism, which now carries out certain controls concerning the use of funds (the Nation's General Trade Union), or by the current municipal external control body (The Court of Auditors), or, as a more novel

initiative, by private entities (commercial or non-commercial) specialized in auditing. While this is not a major institutional change, it is important to give ACs a legal basis to delegate the execution of auditing to specialized entities that will act accordingly to the criteria the ACs have specified.

Therefore, the ACs hold real power concerning the policy design and delegation of operational management to municipalities and of auditing to the external control organ.

NGOs (religious, lay and "pickets") can also fulfil the executing function, which would include collaborating with the municipality on operational aspects directly related to promoting capacities to help beneficiaries to be active rights-holders. Their functions would include:

1. to register in a special registry created within the municipality to collaborate with the municipality;
2. to organize training, to coordinate health actions, to arrange awareness raising workshops on reproductive health education and on other relevant topics, to issue identity documents for those who do not possess them, to solve transport problems that are an obstacle for the poor, and other actions that have a direct relationship with enabling beneficiaries to be active rights-holders;
3. to collaborate with the municipality by recommending potential beneficiaries, with a formal commitment to comply with the criteria set out by the AC;
4. to look for potential beneficiaries who fulfil the eligibility requirements;
5. to perform other tasks within their competence that may be operationally useful to make progress in realizing the principles of the human rights based approach.

The underlying idea is not to reject the participation of civil society organizations on the grounds that they may favour clientelism,

but to take advantage of their fluid contact with the poor so that they collaborate with the executing body (the municipality). The difference with the current situation is that, under new rules, these groupings of potential beneficiaries would not be urged to join the representative body but rather to interact and search for balance with the municipal government which, at the same time, is subject to external control.

The recommended design thus forms a triangle where the vertex is occupied by the AC (as the only body representing civil society and especially the poor) and on the base corners the municipal government and the NGOs as operational units. Outside the triangle, the national government establishes policies at the highest level (the principles of the human rights approach), guaranteeing equitable financing in all regions of the country (eliminating regional irregularities) and measuring the results from the municipalities to inform society. Furthermore, the external control body works with the AC to audit municipal performance.

With this organizational triangle, the chances of giving effective power to the poor would be strengthened and equality and non-discrimination, transparency, accountability and participation would be encouraged granting a leading role to local governments and to the NGOs and, at the same time, minimizing harmful clientelism.



- Title:** Social exclusion of Bihari camp dwellers leads and increases poverty, *Ahmed Ilias*.
- Institution:** Al-Falah, Dhaka.
- Team Members:** Ahmed Ilias, Mohammad Hasan, Khalid Hussain, Noor Islam, Shahed Ahmed, Shaikh Shabana and Farzana Islam.
- Country:** Bangladesh.

## EXECUTIVE SUMMARY

The main objective of this project is to study the extent of the poverty of Bihari camp dwellers and to determine to what extent their continued poverty is linked to the denial of the basic human right of identity as Bangladeshi citizens. Further to this, the research project makes recommendations on the appropriate policy formulation with which to address the social, political and economic needs of the Bihari community.

This research report is based upon methodology that includes interviews, case studies, cross checking of collected data, meetings with the community leaders, and study of various relevant documents, books, reports, and writings. The research team visited 31 camps, interviewed 200 heads of households and conducted 20 case studies.

The results of the study show that as the urban poor, the Bihari camp dwellers are not officially recognized as citizens of the country and, as such, have insufficient access to basic services that include shelter, health, water and sanitation, a healthy environment, education, employment and other social benefits. The community is not mobilized on the issue of their mainstream rehabilitation, and not aware of their basic rights. As they are not socially mobilized, they do not have any representative platform upon which they can present their demand for citizenship and other basic rights.

A shift in the national policy, however, was seen when the Election Commission decided for the first time in the 34 year history of Bangladesh, to enroll the Bihari camp dwellers as Bangladeshi citizens in the electorate. This was an opportunity for the Bihari community to reshape their future strategies for living in this country with dignity and equal rights as are guaranteed under the Constitution of Bangladesh.

This research project offers new viewpoints in the context of policy formulation. Its overall objective is to provide for the facilitation of political and economic rehabilitation, and social and cultural integration of the Bihari poor into mainstream urban society in Bangladesh.

The study recommends principles and guidelines for policy formulation, to end the perpetually deteriorating social and economic situations of the Bihari camp dwellers. These recommendations include a constitutional amendment to remove discrimination, ensuring equal rights as citizens and guaranteeing adequate access to basic services i.e. health, education, employment, and better housing facilities.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Change initiative(s) proposed initiative(s) and expected outcome**

Despite several rulings of the High Court and Supreme Court in respect of the citizenship rights of the camp dwellers, the government machinery has so far failed to develop any policy and plan regarding rehabilitation of the camp dwellers into mainstream society. The situation demands development programmes and the implementation of appropriate policies and programmes for the Bihari camp dwellers.

The findings of the study reveal the perception of the community concerning the status of their nationality, the growing dependency of the camp dwellers on relief, and the ignorance about the future of the new generation. There are several stakeholders like the Government of Bangladesh, the Government of Pakistan, civil society, non-governmental organizations (NGOs), UN Agencies, national and international donors, national and international human rights organizations and the community itself, who have an obligation to respond to the needs of the Bihari camp dwellers. These stakeholders have different roles to play in the economic, social and cultural rehabilitation and integration of the community into mainstream society in Bangladesh.

The Government of Bangladesh has the primary responsibility in formulating a policy which will end the growing miseries of this community. At the policy level, it has to be recognized that "poverty of opportunity" is a very serious issue affecting the Bihari community. The government can take necessary action to ensure equal rights for this community as citizens of Bangladesh. The government can guarantee basic rights that include right to citizenship and birth registration, right to livelihood, health and education and other rights as are laid down in the Constitution of Bangladesh.

The local government authorities should include the Bihari community and their settlements in its development of basic services programmes, particularly in the areas of primary health care, safe water and sanitation, primary education, and issuance of birth and death certificates and trade licenses.

Poverty Reduction Strategic Papers (PRSPs) aim to achieve the objectives of the Millennium Development Goals by 2015. The government should bring the Bihari camp dwellers under the scope of the PRSP instead of spending millions of Taka in maintaining the so-called relief camps.

The government may take an initiative to form a Rehabilitation Trust by involving other appropriate stakeholders like OIC, Saudi Arab based Rabitat-e-Al-Alam Al Islam and International Islamic Rehabilitation Organization (IIRO), and Kuwait based International Islamic Charitable Organization (IICO), the Islamic Development Bank, and Muslim AID UK, to mobilize resources that may be required for rehabilitation.

Among the camp dwellers, a considerable number of families believe that the solutions to their economic, social and cultural problems are not in their integration into Bangladesh society, but in their repatriation to Pakistan. These families are mostly divided with their effluent members who are living in Pakistan.

The Government of Pakistan should take the initiative to reunite such divided camp people, whose family members in Pakistan are ready to take full responsibility for these people.

In their efforts to supplement the national programmes of economic and social development in Bangladesh, NGOs and donor agencies have been contributing significantly to human resource development, the improvement of a health status, the literacy rate, women's empowerment, and the extension micro-credit supports to the marginalized and poor urban and rural communities. They can extend their development programmes and activities in the Bihari camps as well by involving the community in planning and designing projects to improve the fast deteriorating economic and social status of the camp dwellers. Such initiatives from the NGOs will increase the access of the Bihari community to basic services and facilitate addressing the poverty issues of the camp dwellers.

The donors can assist the government and the NGOs in implementing their development initiatives for the Bihari camp dwellers by providing technical and financial supports to them.

United Nations High-Commissioner for Refugees (UNHCR) and International Committee of the Red Cross (ICRC) have jointly played their role in organizing and implementing the operation of repatriation in 1973-1974, and 1993. UNHCR or UNDP may hold an international meeting in Dhaka to discuss the rehabilitation issues of the Bihari camp dwellers. The organizers may invite other members of the UN system, representatives from Refugee International (USA), Open Justice Society (USA), Department for International Development (DFID), ICRC, the International Organization for Migration (IOM), the Asian Development Bank, the World Bank, the Grameen Bank, the Bangladesh Rural Advancement Committee (BRAC), the Cooperative for Assistance and Relief Everywhere (CARE) Bangladesh, Plan Bangladesh, Action AID, CONCERN, Manusher Jonno Foundation, CUP, and the representatives from the concerned ministries of Bangladesh to participate in the meeting.

Human rights organizations can help to protect the community against violations of their rights. Similarly, an international organization like Open Justice Society can extend its support in protecting and promoting the legal rights of the community.

The media in Bangladesh has played a great and considerably important role in highlighting the human rights issues. The media has successfully influenced the policy makers and civil society in responding to those issues. However, in the case of the Bihari camp dwellers and their human rights issues, the media is not adequately sensitized. There is a growing need to involve the media by undertaking sensitization programmes in partnership with NGOs, community organizations, and other stakeholders.

Social and business groups of the Urdu-Speaking Community have an important role to play in the political, social, economic and cultural rehabilitation of their fellow community members. Rich people from this group occasionally come forward to



help the camp dwellers in running their social activities like teaching in madrassa (religious schools) and orphanages, helping with the marriages of poor girls, burial of the dead and Friday Clinic.

**Plans for action, concrete policy suggestions, concrete measures/strategies: best practices**

The following programmes are recommended to ensure the policy makers, civil society, media, and other concerned stakeholders have an effective role in the development of a policy and a plan for the rehabilitation and integration of the Bihari camp dwellers in mainstream Bangladesh society.

- Print the final report to be disseminated among the members of the Bangladesh parliament, officials of the concerned Ministries of the government, NGOs, civil society, the media, national and international donor agencies, international communities, and other concerned stakeholders, to make them aware of the existing situations of the Bihari camp dwellers.
- Organize meetings, roundtables, seminars, workshops, dialogues and communications with government officials, NGOs, donors, UN agencies and other concerned stakeholders to share the findings and recommendations of the report with a view to mobilizing support for the formulation of a national policy.
- Evaluate the outcome and impact of the report on the various stakeholders and the Bihari camp dwellers in the context of the denial of their human rights and the reduction of the level of poverty.



- Title:** Conservation and people's livelihood rights in India, *Milind Wani* and *Ashish Kothari*.
- Institution:** Kalpavriksh Environmental Action Group, Pune.
- Team Members:** Ashish Kothari, Milind Wani.
- Country:** India.

### EXECUTIVE SUMMARY

This research project is an attempt to understand the impact of some of India's conservation policies on the livelihoods of communities living within wildlife protected areas (national parks and wildlife sanctuaries). This study places itself within the context of the United Nation's Millennium Development Goal (MDG) of halving extreme poverty by 2015. It adopts the "capability approach", that views poverty as a multi-dimensional concept entailing a loss of "entitlements", which in turn may lead to negative impacts on the "functioning" of people and communities. The research aligns itself with UNESCO's standpoint that freedom from poverty is a basic issue in ensuring the protection of human rights.

In this study we have analyzed the situation within the protected areas from three perspectives. Firstly, we tried to understand if the causes of communities' poverty within protected areas were rooted in a historic continuum. Secondly we tried to understand if some conservation policies and judicial strictures had posed a threat to the livelihood options of communities within the protected areas and whether this threat had actually materialized in terms of further impoverishing these communities. Lastly, we tried to explore the extent to which it was possible through conservation policy initiatives (e.g. eco-development) to secure livelihoods or otherwise alleviate the situation of poverty experienced by communities living within protected areas. Our research included site visits to study the actual

on-the-ground impacts of conservation policies and programmes on people (Orissa and Madhya Pradesh), as well as site visits to study government responses to the problems arising from PA policy and practices in the form of eco-development efforts (Himachal Pradesh).

Our research shows that poverty has indeed been a significant factor for the communities living within protected areas. Apart from the colonial legacy, it has also been perpetuated due to the state's adoption of an exclusionary conservation model, enforcing restrictions on access to natural resources through judicial stricture, inadequate or non-settlement of rights, physical displacement and inadequate rehabilitation, inadequate developmental activities, and non-participation of affected people in a planning and decision making process that affects their life. This has resulted in the loss or inadequacy of basic entitlements that are necessary components for poverty alleviation. On the other hand there have definitely been some sincere official attempts at providing alternative sources of livelihood as in the case of the Great Himalayan National Park in Himachal Pradesh, or rehabilitation as in the case of Satpura Tiger Reserve in Madhya Pradesh, but these have also been extremely inadequate. Thus, causes for poverty within protected areas cannot be identified simply by referring to terms like "official apathy" or "political corruption"; there are more systemic causes. The study attempted to gain a better understanding of these causes, and subsequently to tackle them.

We conclude by making a set of recommendations that would help address lacunae within the current conservation policies that result in a loss of basic entitlements, and aid policy-makers in making conservation policies that also address the issue of poverty within a human rights framework.

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

The issues outlined above need to be addressed at three levels:

1. Ensuring entitlements that enable "functionings" of people living within protected areas.
2. Addressing the lacunae within current conservation policies and laws, which can be done by:
  - developing criteria for declaring protected areas and assigning them a specific category;
  - assessing dependence of local people on protected areas (PAs);
  - protecting the rights of communities, and the settlement of these rights in protected areas;
  - modifying the categories of community reserves and conservation reserves in the Wild Life (Protection) Act;
  - moving towards joint or collaborative protected area management;
  - regulating commercial use of resources within PAs;
  - ensuring a due process of relocation and rehabilitation;
  - reviewing eco-development and other initiatives;
  - implementing international policy and treaty recommendations on conservation and livelihoods;
  - keeping destructive development out of protected areas.
3. Ensuring that human rights are safeguarded.



- Title:** Poverty and human rights issues in urban slums: an analysis of the dimensions and mainsprings through case studies of Chandigarh, *Bindu Duggal*.
- Institution:** Centre for Research in Rural and Industrial Development (CRRID).
- Team Members:** Bindu Duggal.
- Country:** India.

## EXECUTIVE SUMMARY

The main goal of this research project is to contribute to the formulation of effective poverty reduction strategies, focusing on the dimensions of poverty in urban slums of Chandigarh identifying the denial of human rights and its contribution to poverty. The shortcomings of the duty-bearers have also been identified.

Hypothesis: Denial of the right to basic and proper housing leads to the denial of a set of rights including the right to health, sanitation and education.

Despite the existence of a number of programmes targeting urban slum dwellers, the benefits of such programmes do not have universal reach i.e. there is a gap between the government goals and reality.

Key Research Question: Is there a need for a universalization of housing rights by way of rehabilitation to enable the poor to reduce education and health poverty?

## MAJOR RECOMMENDATIONS FROM THE RESEARCH

### Change Initiatives

The study confirms the hypothesis that slum dwellers are disadvantaged by housing and the physical conditions in which they live. Poor housing deepens deprivation. Disadvantaged parents, who

are themselves uneducated and lacking in health and hygiene, keep their children in a similarly disadvantaged state, which may create a vicious cycle.

Evidence proves that education, health and sanitation rights are interdependent and linked to housing rights, which is crucial for breaking the intergenerational cycle of poverty. The present research based on human rights highlights that living in unsafe and unsanitary housing like a slum contributes to poverty, and ensuring the right to adequate housing i.e. rehabilitation, plays a crucial role with regard to minimizing poverty by protecting other human rights. Investment in the provision of adequate housing, results in a more educated and healthy population and thus the existing human resource becomes human capital that adds to their productive power. The outcomes of this are the facilitation of better occupations and higher incomes. Removing housing poverty can thus yield high returns not only in the provision of higher earning and greater contribution to the society, but also parents, in rehabilitated colonies, invest more heavily in education and in the health of their children. It is, therefore, essential that the entire community be sensitized to the importance of protecting their right to shelter and the poor slum dwellers participate in the planning and the process of rehabilitation.

### **Policy recommendations**

In spite of the commitments made by the Indian Government to protect human rights issues, the existing systems in the protection sphere are not adequately geared towards tackling the problem of adequate housing in a holistic and rights-based manner. Much remains to be done. A human rights approach to poverty reduction ensures that duty-bearers are identified in relation to their obligations. The main duty of the responsible agents should be to remove the discrepancies in the previous policies and base its new

policies on a human rights approach with pursuit of universal coverage, so as to reduce disparities.

An integrated Urban Slum Policy for Chandigarh, aiming to provide the right to adequate shelter with essential civic amenities to all in one go, on a priority basis, should be implemented. Administration has an obligation to respect, protect and fulfill this right. It is vital that all people enjoy housing with access to civic amenities, i.e. availability of toilets, bathrooms, wastewater outlets and safe drinking water. In addition to this, there should be provision of schools, dispensaries and health care units within the colonies. Taking cognizance of the international and the national human rights norms and standards, the Chandigarh government needs to build its capacity to meet the target by framing its own policy so as to focus on its regional peculiarities and specificities, ensuring a to and fro linkage at all levels. The programme may need more resources, however, additional costs of reaching the un-reached has to be borne if equality of opportunities is to be ensured. The onus on adequate shelter has to be collectively shared by the government and the stakeholders. This can be achieved only when the poor slum dwellers are sensitized and made aware of the adverse implications of living in slums. Simultaneously, they have to be shown the positive impact of rehabilitation on the health, education and sanitation status of the previous slum dwellers, so that the slum dwellers realize the benefits of rehabilitation and feel the need to shield their right to an adequate and safe habitat. Once motivated, they will then not only demand but also fully participate and willingly contribute to protect their right to housing.

When developing housing policies for the poor, it is essential to ensure that housing is located in a safe and healthy environment near their work place. Also, while rehabilitating the urban poor, their location vis a vis the other urban inhabitants as the

core city, needs adequate contemplation so that there is improved social integration of the urban poor into the larger urban mainstream.

There is an urgent need for a baseline socio-economic-demographic-cultural study of the slum dwellers in the pre-rehabilitation phase itself with the participation and co-operation of the primary stakeholders. This is important in order to avoid feelings of alienation at a later stage, as physical and spatial rehabilitation along with its socio-cultural connotation for the holistic upliftment of the poor is being suggested. Furthermore, it is important to assess the deprivation of migrant rights in a complete and integrated manner before resettling them in order to avoid policy failures. A needs-based assessment study of the slum dwellers taking into account the size of their family, their income level, and space requirement, etc. must be conducted with the active participation of the slum dwellers before allotting a dwelling unit to them. The government, with the involvement of the stakeholders, can play a role in judging communities' keenness and capacity to pay.

A human rights approach to poverty reduction should ensure that claim-holders build their capacities to assert their rights effectively so as to bring about a change in their status from a mere beneficiary to a participant in the development process. Capacity building of the slum dwellers can be done through Participatory Learning and Action (PLA) techniques which will promote community mobilization, generating awareness on the array of options available, making them self-dependent so they can deal with their own problems, and pool resources to overcome the hurdles. Building individual and institutional capacities at the slum level is crucial to sustaining the programme goals instead of their total dependence on the government. Capacity building must be an ongoing activity, developed in parallel with awareness generation and information dissemination.



Adopting a human rights approach to poverty reduction, should stress the importance of strong partnerships with diverse stakeholders as well as the participation of primary stakeholders in planning and decision-making. This should be considered a pre-requisite for any resettlement process. There has to be participatory involvement of would-be users during the process of planning goals and strategies so that the schemes are user friendly and are needs based. In fact, the involvement of the community at various stages of the project, namely needs assessment, programme planning, implementation, evaluation and so forth, is a must as it has been observed that until and unless people understand the value of good housing, sanitation, education and health rights, they will not protect or demand their rights and enhance ownership. Hence a human rights approach to poverty reduction will be through the participation and empowerment of the poor so as to achieve equality and non-discrimination between the urban rich and the urban poor. The most striking advances towards achieving higher levels of education, sanitation and health in terms of immunization and school enrolment, can be ensured only when there is a strong partnership and commitment between the people and the government. Human rights are legitimate claims and the state has an obligation to respect and fulfill these rights. However, rights become real only when people begin to realize their full potential as human beings and assert their rights. So, the challenge is to empower the poor and marginalized to demand their rights and fully participate in protecting and preserving them.

Another point to contemplate is the multiplication of agencies in urban areas working for slum dwellers. At present there is no integrated comprehensive pro-poor approach in India. This is reflected in the absence of an adequate policy framework that conceives and exploits inter and intra-sectoral synergies. Hence there is a need for inter-sectoral coordination and the establishment of a

single independent nodal body or a separate directorate ensuring every type of service and facility to the urban poor in slums, while monitoring and evaluating the same with representatives from different agencies including the primary stake holders. This single window will help not only the bureaucrats, academics and researchers, but also the policy makers in framing and executing better policies with a holistic approach for the under privileged sections of society. This will help in developing sustainable and comprehensive strategies to combat the problems of slum dwellers.

In Chandigarh, there was no elected local government for more than 40 years until the 74th Amendment Act of the Indian Constitution, which decentralized the responsibilities and funds to urban local bodies. However, the spirit of the 74th Constitutional Amendment has not been fully observed in Chandigarh so far. Therefore, it is important to decentralize the funds and powers to the third tier i.e. local urban bodies for effective action. There is a need to focus on building the capacities and training of local urban bodies in order to sensitize them in their rights and duties. It is also important that there are regulatory mechanisms for monitoring and ensuring the transparency of the duty-bearers.

Poverty reduction must empower people and lead to the emancipation of those who are left behind. Women, children and scheduled castes should be the main target groups for intervention and their particular needs and constraints should be specifically addressed so as to enhance their capabilities, choices and opportunities in order to empower them as they were found to be the most vulnerable groups.

In fact, the involvement and participation of women in planning and decision-making is a pre-requisite for any resettlement process. Cost-less interventions like raising the awareness of women towards the proper age to marry (after the age of eighteen years),

proper spacing, extra care during pregnancy, no bias between sons and daughters, proper immunization of all children, nutrition rights and so on will have a real impact.

Coming to the sanitation rights specifically, participation of numerous stakeholders such as ULBs, CBOs and the community is the key for efficient and sustainable urban development. Efforts for promoting awareness, community and household level hygiene practices should append investments in sanitation infrastructure. The mere creation of a physical infrastructure will be derisory and not result in its usage by all. It is important that the provision of water and sanitation facilities be led by awareness generation campaigns on the importance of these apposite hygiene practices for health benefits.

Some more specific health rights including: the right to maternal, child and reproductive health, the right to prevention, treatment and control of diseases and the right to health facilities, goods and services have to be ensured. It is important that all people have access to adequate and affordable primary health care in close proximity working round the clock, with the increased availability of affordable essential drugs for all. Universalization of antenatal services, including two doses of tetanus immunization, iron and folic acid should be ensured. There is insufficient information at present, so health Information, Education and Communication (IEC) needs to be disseminated. Issues requiring sensitization, awareness generation and schema of community participation include timely, reliable and appropriate treatment, the gender sensitive issues related to female health rights from birth, cost-effective interventions to reduce anemia and micronutrient malnutrition, education about the right age for marriage, conceiving children, having freedom over her body, deciding about her reproductive needs, access to essential services like antenatal and post-natal care, trained assistance at the time of delivery and preventive interventions especially immunization of children.

Convenient location and timings of the health services are crucial for the accomplishment of any programme.

It is thought that once the right to housing has been secured, the right to education will follow. However, any human rights-based pro-poor education policy should ensure that the most vulnerable groups in society have access to educational infrastructure and free primary education. Free primary education has been declared a fundamental right in India, however, to make it truly universal, the Indian Government should not only accept, but implement primary education as an accepted obligation of the state. The government should ensure that poor people living in slums are not discriminated against when receiving education. There must be universal birth registration so as to guarantee that children have the documentation needed to enroll in school; raising social mobilization and parental awareness of the value of education, especially for girls in order to eliminate gender bias, are steps which also need to be taken. Stronger school-community partnerships in school management need to be adopted to ensure equitable distribution of schemes and more elastic approaches to education, including flexible calendars and timetables for slum children. The city should give priority to equal access for the girls. To reduce child labour, it is important that there is effective mobilization and capacity building to encourage the parents to send their children to schools. Provision of opportunities for non-formal and alternative education for such children needs to be considered. The Government of Chandigarh should decentralize the management and funds of elementary education to local bodies and encourage community participation in enhancing enrolment and retention rates. Grass roots level organizations like PTAs and MTAs should become the vehicles for mobilizing the community.



- Title:** Analysis of the existing laws and policies at the national level in addressing poverty eradication within the human rights framework, *Pallavi Bahuguna*.
- Institution:** Rural Litigation and Entitlement Kendra (RLEK), Law Unit, Dehra Dun.
- Team Members:** Pallavi Bahuguna.
- Country:** India.

## EXECUTIVE SUMMARY

In the context of the Small Grants programme on poverty eradication, the organization places an emphasis on policy research which includes an analysis of the effectiveness of the existing legal and policy frameworks in ensuring and promoting pro-poor policies and poverty eradication within a human rights framework, finding out ways and means to strengthen the existing framework of human rights law which promotes the abolition of poverty. An assessment of the scope and capacity of civil society in executing collective action in the realization of the rights of the poor, a collection of case studies that exemplify the dimensions of poverty as a human rights violation and establish the relationship between these violations and the responsible agents and duty-bearers, and a compilation of a body of relevant domestic and international case law, legal precedent, and best practices to serve as a resource base to support systematic efforts at human rights-based policy reform should also be developed.

### The objectives of the study are:

1. to evaluate the existing legal and policy frameworks in terms of addressing poverty in relation to human rights in the light of India's international commitments;

2. to identify the gap between international agreements and national commitments in relation to poverty eradication within the human rights framework;
3. to study various efforts undertaken at the national level for a human rights-based approach to poverty eradication;
4. to identify laws at the national level, which are inconsistent with poverty reduction;
5. to compile a database of relevant domestic and international case law, legal precedent and best practice examples;
6. to make recommendations to the Government of India (duty-bearers) pertaining to the eradication of the causes of poverty.

The pro-poor and poverty eradication legal and policy frameworks should ultimately address the problem from a human rights perspective. The study is based on the hypothesis that there is a gap between international agreements and national commitments in relation to poverty analyzed within a human rights framework. This assumption has its basis in the prevalence of widespread poverty in India and the indifference of the legal system in addressing this problem.

The wider problem, selected for analysis, is to understand the effectiveness of international as well as national legal and policy frameworks in relation to poverty eradication within a human rights framework, to identify the gap between international agreements and national commitments in relation to poverty within a human rights framework and to compile, categorize and analyze the international and domestic case law on poverty eradication.

## KEY FINDINGS

Much of the substance of the rights that comprise the ten key areas identified by the Office of the United Nations High Commissioner for Human Rights is guaranteed in Indian law. India possesses a large body of legislation aiming to guarantee equality and non-discrimination on the grounds of gender, ethnic group, religion or disability. Efforts are being made through citizenship education to empower young people to participate in public life, and policies on a variety of issues include provisions for public participation and empowerment. The attempt to provide a social security system aims to guarantee that everyone is able to afford basic necessities, including food, and a national health service which would exist to provide health care that is free at the point of delivery, regardless of a person's ability to pay. Legislation providing for a comprehensive body of employment rights, including a minimum wage, aims to guarantee decent conditions of work to all employees. Legislation also exists to ensure that housing of an appropriate standard is provided and, through housing benefit schemes, that people with low incomes are able to access it. The Supreme Court, while acting as a guardian of fundamental freedom, has been able to protect people's privacy and identity, and a National Legal Services Authority has been established to ensure that those with low incomes are able to gain access to civil and criminal justice. In some of these areas, references to human rights are implicit. The Human Rights Act of 1993 incorporates the human rights relating to life, liberty, equality and the dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and Civil Rights Act, 1955, seek to establish equality with a view to encouraging and supporting the development of a society in which people's ability to achieve their potential is not limited by prejudice or discrimination. So that there is

respect for and protection of each individual's human rights, for the dignity and worth of each individual, so that each individual has an equal opportunity to participate in society, and in order to establish mutual respect between groups based on understanding and the valuing of diversity and shared respect for equality and human rights.

Even those areas of Indian law which explicitly reference human rights, Government policy and practice, frequently fail to accord human rights the priority that a human rights-based approach to poverty eradication demands. Inter-state migrant workers are frequently denied their most basic employment rights and, in addition to this, insufficient mechanisms with which to protect individuals from contractors and employers. Inadequacies in the provision of publicly funded civil legal assistance have created a situation where those who are unable to finance their own legal expenses often struggle to find lawyers willing to accept publicly-funded cases, or are denied any financial assistance at all. Despite the government's explicit recognition of the connection between non-discrimination and human rights by ratifying ICCPR, few safeguards exist to protect some of the most vulnerable groups, including the elderly and asylum seekers. In those areas, usually the areas which place the most emphasis on economic, social and cultural rights, where no explicit reference is made to human rights, gaps in Indian legislation and policy often mean that the most vulnerable groups are marginalized or excluded. Efforts to provide appropriate accommodation for asylum seekers have generally been pitifully inadequate; they are not included in mainstream social security legislation and, as a result, they are frequently denied their basic right to adequate food.

The frequent marginalization of the most vulnerable highlights the need for Indian legislation and policy, with respect to poverty eradication, to be based more explicitly on universal human rights. Public awareness of the importance of the guarantees provided by



the Constitution and other legislation is currently poor and although, with the declaration of education as a fundamental right and through various other policies, the government has taken steps to address this, more needs to be done. In addition to this, more emphasis should be placed on ensuring that Indian legislation and policy is not only compatible with, but actively complements and reinforces the provisions in the International Convention ratified by India, particularly in relation to its effect on the poorest and most marginalized groups. It is essential that economic, social and cultural rights should be accorded equal priority with civil and political rights. The explicit recognition of the indivisibility of all human rights in the context of India and the incorporation of economic, social and cultural rights into Indian law would provide the poor and vulnerable with an invaluable legal tool to assert their rights and ensure that they are no longer marginalized. These changes would also pave the way for a genuine human rights-based approach to poverty eradication.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

To use law as an instrument to address poverty within the human rights framework, we must, first of all, identify the commitments of the nation as a signatory to various international instruments. The present situation is not conducive for a legal system to play a proactive role in reducing poverty from a human rights perspective since the system, as well as its actors, are not mature enough. However, as a start, measures must be taken to ensure that the legal system is at least reactive to the various needs of the poor. In other words, the nation is obligated to have laws and fashion its policies in line with the international human rights framework.

The following are policy recommendations for dealing with the problem of poverty within a human rights-based framework.

1. For any law to be effective there must be awareness amongst the intended beneficiaries who can pressurize the state into taking steps towards a realization of their rights and a fulfillment of the obligations of the state. Unfortunately, even the duty-bearers are not aware. More importantly, the nuances, intricacies and implications must be well known to the duty-bearers. Various studies indicate that the duty-bearers, who are generally the administrative authorities or the elected representatives are not fully aware of the laws and the legal mechanisms meant for addressing poverty.
2. In the Indian context, the law dealing with poverty from a human rights perspective is enshrined in Part III and Part IV of the Constitution. However, the fundamental rights are not positive in nature and are merely restrictions on the state, preventing it from interfering with an individual's liberty. In light of the international human rights law, the orientation of these fundamental rights must be changed so that they impose obligations on the state to take positive action.
3. The directive principles of state policy enshrined in Part IV of the Constitution do not confer justiciable rights. It is worth mentioning that the Supreme Court, through its interpretation, is able to boost the significance of directive principles of state policy. However, this does not address the issue substantially and what is required is the political will to make the rights conferred in Part IV of the Constitution meaningful. This assumes greater significance owing to the fact that the provisions that address the issue of poverty are in the form of directives enshrined in Part IV of the Constitution.
4. The 73rd and 74th amendments raise many hopes about the improvement of local governance in particular and governance in general. However, the State Panchayat Raj Acts are not in consonance with these amendments. The 73rd and 74th

amendments providing a basis for institutionalizing the systems of local governance would only be able to deliver if certain issues are addressed immediately. These issues are: devolution of funds; functions and functionaries; state legislation's conformity in letter and spirit to the provisions of the Constitution; capacity building of local bodies; financial mobilization to generate resources; making local bodies more representative; mainstreaming the local bodies activities towards greater efficiency; enhancing civic engagement for improved transparency in decision making which are likely to result in improved governance. The implementation of democratic decentralization depends on the commitment of the political leadership, bureaucracy and the people. It is important to ensure that all stakeholders participate actively in decision-making including the poor and the marginalized.

5. One objection raised by the state is a lack of resources. However, this problem can be solved through proper planning and a prioritization of the needs of the marginalized and excluded poor. In fact, if the policies clearly adopt the rights approach to poverty reduction then, to a certain extent, the plans, programmes and schemes would be fashioned in tune with such a policy. The policies, therefore, must clearly indicate a commitment to poverty eradication based on a human rights framework.
6. Good governance begins by recognizing that the poor, by virtue of the services that they provide to society, are rightfully an integral part of the society serving the non-poor and the state in various ways. The non-poor, civil society and the duty-bearers must be sensitized to the advantages of reducing poverty and the resulting benefits for the well being of all.
7. The common man, particularly within the poorer sections of the society, does not have enough trust in the legal system. There is no doubt that the justice delivery system is far from satisfactory. The

judiciary is doing a commendable job ensuring effective discharge of functions by the executive. However, the judiciary could not come up with effective solutions to solve the problem of mounting arrears; witnesses giving false evidence before the court; victimization of clients by advocates; corruption amongst the court sub-staff; increasing the number of courts etc. It is logical to presume that the institution that can solve the problems of Executive and Legislature can solve its problems as well.

8. Various studies conducted on the aspect of proper implementation of poverty alleviation programmes reveal that not less than one fifth of resources allocated reach the intended beneficiaries. The obvious reason for this phenomenon is rampant corruption. The system in place has failed to deliver. Therefore, radical changes must be made which include amending the existing laws as well as enacting new laws to counter this problem of corruption. Within this context, it is worth mentioning that various international organizations have also pointed to this problem prevalent in India and its rankings compared to other states with respect to the disappointing results relating to the prevention of corruption.
9. The crucial elements of good governance are inclusive participation, representation, transparency and accountability in the decision making process. Participation has a positive impact on representation and accountability. Similarly, accountability has a positive impact on participation and responsiveness. Responsiveness is related to the construction of representation, and being accountable involves representing the interests of the constituents. Thus, accountability, representation and participation are vital factors in the effective performance of governments. Therefore, efforts must be made to ensure the integration of these aspects to the fullest extent possible, for better enforcement of any welfare law and especially in the laws addressing poverty based on a human rights framework.

**Operational aspects:**

1. **Policy implications:** findings can be used to address the inadequacies in legal and policy frameworks, and to reform the existing laws and policies and to refashion strategies for better implementation of pro-poor and poverty eradication programmes.
2. **Publicizing:** findings/analysis will be shared with the Ministries of Women and Child Development; Rural Development; Environment and Forests; Panchayati Raj; Health and Family Welfare; Housing and Urban Poverty Alleviation; Labour and Employment; Law and Justice; Social Justice and Empowerment; Tribal Affairs; and Water Resources. Efforts will also be made to circulate the findings of the reports to the Members of Parliament. At the national level, information will be shared with civil society organizations, National Human Rights Commissions and State Human Rights Commissions. Apart from national actors, information will be disseminated to international human rights organizations. The findings of the study will also be made available on the RLEK website.
3. **Who needs this information:** this information will be useful for international bodies that can seek enforcement of the agreements. Further, it will help the aforementioned domestic lawmakers and policy makers responsible for poverty alleviation in moving ahead towards eradicating the causes of poverty. Moreover, it would help the poor to claim their human rights from the duty-bearers.



- Title:** Poverty and human rights violations: a study of marginalized groups in Pakistan, *Mohammed Zakria Zakar*.
- Institution:** University of Punjab, Lahore.
- Team Members:** Mohammed Zakria Zakar, Fauzia Maqsood, Muhammad Tayyab.
- Country:** Pakistan.

## EXECUTIVE SUMMARY

This project intends to study the poverty of selected marginalized groups (housemaids, female sex workers, Hijras/eunuchs, massage workers, beggars, vendors, auto mobile repair-shop workers and tea-stall workers) within the context of human rights violations in Pakistan. The basic assumption of the study is that poverty is a cause and consequence of human rights violations: both reinforce and supplement each other to keep these people locked in a vicious cycle of poverty and powerlessness.

Normatively, marginalized people are placed in a social space and occupational roles which damages their physical and psychological well being. Additionally, the stigma attached to their occupation undermines their social status, self-conception, reputation and development potential. Arguably, due to social stereotypes concerning the identities of these marginalized people, they become victims of multiple types of human rights violations, which, at a societal level, are considered normal, and "not-worthy-of-intervention". For example, inflicting violence on female sex workers and Hijras is considered socially tolerable treatment of "these kind of sinful and deviant elements" of society. Similarly, the corporal punishment (which is a human rights violation) of apprentice mechanics or child workers is taken as a necessary part of his or her training and the unchallenged prerogative of Ustad (mentor, trainer).

Evidently, there is a serious lack of awareness and

sensitivity about human rights violations and consequential poverty of the marginalized. Unfortunately, there is no credible and efficient system in place to effectively help these people to come out of the vicious cycle of poverty and marginalization. This study concludes that poverty is not just due to a lack of money or material resources, but also due to deeply embedded discrimination and stigmatization.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **1. Research in the domain of human rights and poverty in Pakistan.**

In Pakistan, no serious effort has been made to study poverty in relation to human rights violations. Politicians (both religious and secular) talk about human rights violations selectively and with political motives. There is a need to study the subject scientifically and systematically to increase the understanding of the policy makers. It is recommended that:

- research on human rights and especially its relationship with poverty may be initiated both at academic and policy making levels;
- human rights courses may be offered in the faculties of Law, Sociology, Economics and Political Science;
- the Ministry of Human Rights may sponsor research especially M.Phil and doctoral dissertations, which focus on exploring the relationship between poverty and human rights.

### **2. Effectiveness of the existing legal framework for poverty reduction and protection of human rights in Pakistan.**

The Constitution of the Islamic Republic of Pakistan enshrines the various fundamental rights of its citizens like equality before law, equal protection in law, due process of law. The basic law also prohibits any discrimination on the grounds of race, colour, sex, language, political and other opinion, national or social origin. But, in reality, many people are discriminated against and routinely

become victims of myriad types of human rights violations. It is, therefore, recommended that:

- marginalized people with the least capability to invoke constitutional remedies for the protection of their rights should be provided with special help and assistance e.g. free legal advice, exemption from court fees and so forth;
- the judges, police officers, prosecutors and other professionals should be given special training and orientation about the causes and consequences of human rights violations and its nexus with poverty;
- civil society institutions/organizations must be encouraged to help poor people to get their legal/constitutional rights;
- laws that discriminate against the marginalized population must be amended.

### 3. Changing the "ecology of ignorance" and "culture of poverty".

This study provided a sociological account of the various socio-economic and structural dimensions of the human rights violations committed against marginalized people. The study also demonstrated how various cultural norms and traditions are used to justify discrimination, stigmatization and consequent human rights violations. It may be noted here that some marginalized people (especially child workers and female sex workers) cannot help themselves out of the cycle of poverty because of their lack of capacity and very severe negative stigmatization. Government and civil society need to make special interventions to help these people. Steps may be taken to provide them with:

- protection from violence and insecurity;
- assistance to arrange commodities essential for survival;
- liberation from the captive situations (like bonded labour or forced labour etc.);
- the realization that poverty is not their fate, they can change the circumstances;



- incentives and facilities whereby they could develop essential skills, basic literacy and the means to control their earnings.

#### **4. Regulating and effectively utilizing charity.**

Pakistan is predominately a religious country, and giving alms is one of the basic tenets of Islam. Reportedly, people of Pakistan donate Rs. 70 billion (\$1.2 billion) annually to Mosque and Madrassa (Islamic school) in the form of charity. The Government of Pakistan also collects Zakat (religious tax) for the poor. Additionally, private citizens give billions of rupees to the poor. However, this huge charity has not significantly reduced poverty nor has it provided any visible relief to the miseries of marginalized people. There is a need for the optimal utilization and management of the charity. Steps which should be taken by the charity are as follows:

- distributing money in such a way that it may not hurt the self-respect and dignity of the poor;
- investing in developing their earning capacity through training and skill learning;
- providing help in reducing their stigmatization and discrimination.

#### **5. Monitoring existing working conditions and structure of relations.**

Admittedly, long term measures like raising awareness about human rights and capacity building of the poor are essential for helping the impoverished to escape the vicious cycle of poverty. However, one may not wait for the results of such long term measures. Some urgent steps are essential to provide immediate relief to the poor and the following steps may be helpful in saving the poor from flagrant violations of human rights.

The government should devise some mechanism to monitor the relationship between employer and employees (especially in the

case of child workers) and actively protect the children from corporal punishment, sexual harassment and other forms of abuses.

- There should be some checks/interventions to ensure safety at work and the employer must make the necessary steps to minimize various health risks and accidents;
- it should be mandatory for the employer to maintain basic facilities at the workplace (like the provision of safe drinking water, a toilet, a place for rest etc);
- protective measures/tools like working gloves, glasses, and masks may be provided to the child workers at subsidized rates to minimize the chances of injury.

#### **6. Functioning of NGOs and other civil society groups to assist the poor.**

In Pakistan, various non-governmental organizations (NGOs) have been working in the area of human rights, especially the protection of women, children, and minority rights. Some militant forces/organizations oppose these NGOs by calling them "Western agents". Sometimes, these NGOs are forced to suspend their operations as the conservative forces use violence against them (like physically attacking the offices of NGOs). Obviously, this situation is very dangerous for the society in general and for poor people in particular. It is necessary that:

- the government establishes its writ and maintains the rule of law;
- the NGOs are aware of cultural sensitivities and do not give the impression that they are "spreading secular foreign culture".

#### **7. The role of local government in checking human rights violations.**

Recently, the Government of Pakistan has introduced a "devolution plan" by decentralizing the administrative and financial powers at the grass-roots level. Now, the task of poverty reduction and protection of human rights is delegated to elected representatives

of the local government. Since more powers and responsibilities have been given to elected representatives, there is a need for them to be aware of the relationship between poverty and human rights violations. In this regard, it is necessary that local government officials should have statutory obligations to take concrete steps to save the poor from human rights violations.

**8. The government's handling of marginalized people as an "administrative problem".**

In Pakistan, at the governmental level, stigmatized sections of the population are not being treated as a human rights problem but rather an administrative difficulty. For example, FSWs, street children, and beggars are considered as an "administrative problem" to be handled by state bureaucracy (e.g. labour inspectors, police, and other law enforcement agencies). Law enforcement officials (rarely trained in behavioural sciences) try to check these "menaces" through raids, arrests and punishments, thus further marginalizing these already impoverished sections. It is recommended that social/behavioural scientists and rehabilitation experts may be deputed to deal with the problem of human rights and poverty.

**9. Creating awareness among the community about poverty and human rights violations.**

It was noted that a sizable percentage of the population was in a state of denial: they either denied the existence of human rights violations or downplayed its negative impacts and seriousness. It is therefore essential that the influential social institutions (like mosque and madrassa) and local political leadership should be kept "on board" and their influence and networks could be used to achieve the objective. It is recommended that the parents/guardians of the working children and other stakeholders should also be educated about the seriousness of the problem.



- Title:** Developing poverty eradication strategies using the human rights framework: a study in the context of West Bengal, *Mukul Mukherjee* and *Jhumpa Ghosh*.
- Institution:** Change Initiatives.
- Team Members:** Mukul Mukherjee, Jhumpa Ghosh, Sanghamitra Majumdar, Sarani Khatua.
- Country:** India.

### EXECUTIVE SUMMARY

This research project has been conducted by Change Initiatives, a Kolkata based NGO. Sponsored and funded by UNESCO's Small Grants programme, this research stems from a UNESCO initiative to promote analysis on the impact of public policies on the rights of the poor. The basic premise of this work is that it is the denial of human rights that gives rise to multifaceted poverty; because such denial erodes poor people's capabilities. The research project has been formulated from a human rights perspective. It looks upon poverty as the non-fulfilment of a person's human rights within a range of basic capabilities. As such, the eradication of poverty begins with the poor gaining access to rights and capabilities, one modality of access being effective public intervention through special programmes/schemes. The objective, therefore, is to throw light on the linkages between human rights denial, incidences of poverty and the performance of public policies and programmes that aim to eradicate poverty.

Attention is now being focused on poverty alleviation through the human rights approach, which brings to the fore the importance of duty-bearers' accountability to claim-bearers. Though there have been reviews and critiques of public policy regarding poverty alleviation in India, the human rights perspective is generally absent in the analytical frameworks on which these are based. To the

best of our knowledge, at least in the context of West Bengal, this research is the first attempt to analyze the different aspects of poverty eradication from a human rights based approach.

A questionnaire-based household survey was used to collect the necessary information with regard to our central research questions, apart from discussions with government officials and Gram Panchayat members (an outline of the Panchayat system is given in Annex 1 of the full research project). The questionnaires were administered to two hundred women from poor households spread over ten villages in the district of North 24 Parganas in West Bengal. The respondents and the localities were selected on purpose. This information was computerized and tabulated. A number of government schemes were also selected to study their performance with respect to: (1) the right to food and nutrition; (2) the right to health and housing; (3) the right to education; and (4) the right to work and social security. The two central questions addressed in this study are (1) to what extent are the poor - especially poor women of rural West Bengal - aware of government schemes for poverty alleviation, and (2) what are the strengths and weaknesses of such schemes in terms of the fulfillment of rights and in enhancing the capabilities of the poor. Research results show that poor women are lacking awareness about various provisions of the schemes taken up for this study. Results also show gaps in the implementation of schemes associated with the fulfillment of basic human rights and in the creation of capabilities. These findings confirm the basic hypothesis of the study.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

In India the Right to Information Act exists, with guidelines on the rights of claim holders and the obligations of duty-bearers. Our research findings have shown that the problem relates to higher awareness on information, improved attitudes towards information and

applying the relevant information to improve the conditions of the poor. All our recommendations are on different facets of information and the recommendations need to be implemented in conjunction with the guidelines of the Right to Information Act. A number of recommendations have emerged from this study: certain general recommendations for suitable interventions in government policies and programmes, followed by more detailed suggestions relating to the realization of specific human rights. Steps have been suggested for more effective information delivery among rural women with respect to various government programmes that focus on increasing access to the rights and capabilities of the poor. Other priorities are: land reforms including joint land ownership by the wife and the husband; a fresh and more authentic survey to identify the poor; full coverage of rural areas with respect to the availability of drinking water and sanitary facilities; more extensive coverage with regard to old age pensions and widow pensions; removing gender gaps in education and earnings; strengthening women's self-help groups; ensuring greater participation of women in decision making within the Panchayat system; introducing specially formulated training/orientation programmes for government officials and Panchayat office bearers for better performance in their role as duty-bearers, and for gender sensitization; the dissemination of information at the grass roots level regarding the two unique empowering government initiatives implemented in 2005 - the National Rural Employment Guarantee and the Right to Information Act.

### **Operational aspects:**

Change Initiatives plans to undertake projects and to organize awareness-raising activities to influence attitudes and improve practices towards the human rights approach to poverty reduction along with further research on the same theme in other districts of West Bengal, which would be subject to additional funding from donor agencies.



- Title:** Impact of collective group action in reducing poverty by advancing the "right to development" as a human right, *Kultar Singh*.
- Institution:** Parivartan Samaj Sewa Samiti, New Delhi.
- Team Members:** Kultar Singh, Nitin Sharma.
- Country:** India.

### EXECUTIVE SUMMARY

The present study, supported as part of UNESCO's Small Grants programme, ascertains the impact of collective group action in poverty reduction by ensuring the right to development for all, especially vulnerable people.

The study focused on analyzing a central research hypothesis so that collective group action can foster the right to development as an essential right for poor and vulnerable people in fighting widespread poverty.

The litmus test for any collective group action is to enhance the choices available to the poor. It should enhance the opportunity to save and hence the opportunity to acquire a productive asset. The study also tested another premise as to whether collective group action has empowered women and whether the process tried to identify the factors that motivated individual members to initiate collective group action to improve income generation and command over resources.

This study is an attempt to assess the contribution of such group formation in facilitating access to credit and capital resources and in analyzing the impact of factors (endogenous and exogenous) that have contributed to enhancing access to all forms of capital thus leading to greater food security and access to education and health services, all of which contribute to the eradication of poverty.

This study is an attempt to analyze the impact of a human rights approach to fostering collective group action in poverty

reduction by improving access to all forms of capital. It ascertains the impact of collective group action on broadening sustainable livelihood options to break the vicious cycle of poverty.

This study was carried out in Jhabua district of Madhya Pradesh through structured interviews that were conducted among members of thirty selected self-help groups scattered over three development blocks. It was facilitated by three different NGOs. The study also tried to ascertain the impact of collective group action on the reduction of poverty and vulnerability and, in advancing the right to development as a key fundamental human right especially for poor and vulnerable people in backward/less developed areas.

Subject of investigation:

1. the effectiveness of collective action in comparison to action by individual members;
2. the process of self-help group formation and factors which facilitate or hinder the process;
3. whether group formation has led to greater utilization of opportunities provided by official schemes and poverty eradication programmes;
4. the outcomes of group action in achieving the goal of poverty reduction among members;
5. how collective group action has helped in advancing the "right to development as a human right".

The study centred on the key hypothesis that collective group action can foster the right to development and can help to reduce poverty by improving access to all forms of capital. The study adopted a descriptive research/study design to analyze the impact of collective group action in fostering the right to development as a human right. The study selected 30 groups focusing primarily on



savings, though initially it planned to select 15 groups focusing on improving income generation options and 15 groups focusing on ensuring command over resources. The proposed selection could not be done as the majority of groups were focusing on improving income generation options. After a selection of self-help groups, the study interviewed all group members (falling below poverty line) as proposed in the study design.

The broad objectives/areas for the study were:

1. identification of factors that motivate individual members to group together collectively;
2. the role civil society played in the formation of self-help groups to improve income generation and command over resources;
3. an assessment of the contribution of such group formations in facilitating access to credit and capital resources;
4. an assessment of factors (endogenous and exogenous) that have contributed to the enhancement in access to all forms of capital leading to greater food security and access to education and health services, all of which contribute to the eradication of poverty;
5. the impact of collective group action on all forms of capital and hence in advancing the "right to development as a human right".

### **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

The right to development was recognized as a universal and inalienable right and an integral part of fundamental human rights by the declaration made at the Second United Nations World Conference on Human Rights in 1993 in Vienna.

This study corroborated the impact on various forms of capital i.e. on social, natural, physical, financial and human capital.

The study also provided insight into collective group action and the opportunity to save, and hence the opportunity to acquire a productive asset. Collection group action has prompted members to save money and form self-help groups though a lot more still needs to be done. The study has clearly shown that collective group action has helped group members to acquire micro credit and other financial services and has proven to be a step ahead and an important instrument for poverty reduction and for empowerment, especially for women.

One of the key impact indicators of collective group action or any livelihood intervention is an increase in the amount of savings. The study also tried to ascertain whether the amount of savings has changed and findings showed that, in around one-third of the cases, respondents reported that the amount of savings has in fact changed. The study has also shown impact in social capital, as women have reported that they have become more confident in decision making. The study also corroborated the increased participation in household matters.

Further impact can also be seen at the community level wherein increased participation is observed among group members. In addition to this, the study provided corroborated evidence about the reduced food vulnerability situation.

The study provides an insight into the policy initiative and direction towards the formalization of the right to development as an essential development right. There are several acts and policies, which are geared towards speeding up the process of development for millions of poor people. Special initiatives, such as the National Rural Employment Guarantee Programme, wish to provide employment opportunities to vulnerable people in less developed districts. Further special acts, such as the right to information, are landmark acts, which provide people with an opportunity to demand their rightful place in the development process.

The litmus test for any human rights-based approach is to provide equitable and just opportunities for millions of people, especially to those people who are vulnerable and poor. Thus, it is high time that policies are formulated and the right to development is formulated as a key and essential right, and collective action is promoted as a means to ask for the "right to development". This can be achieved by adopting a decentralized planning process wherein rights can be given to Panchayats, to facilitate the processes of advancing the right of development for all. Civil society organizations can act as facilitating bodies for the initial duration of the process to further empower PRI and village level institutions. This would realize the dream of development for all, especially among vulnerable and poor populations.

**Operational aspects:**

During the next three to five months, it has been suggested that research findings will be crystallized further to shape them into the form of a policy paper. Further to this, it has also been suggested that a causal analysis of certain factors such as an increase in income, savings and group formation will be carried out.

It is proposed that the results of the research will be documented in the form of a policy paper highlighting the impact of collective group action on poverty reduction and in addressing the core issue of poverty as a human rights violation. The policy paper is scheduled to be widely disseminated through interactive web medium, such as development portals and blogs.



- Title:** Integrating a human rights approach to poverty alleviation programmes in Tamilnadu, India, *Sethuraman Gunasekaran*.
- Institution:** Department of Applied Research, Gandhigram Rural University, Gandhigram.
- Team Members:** Sethuraman Gunasekaran, Panneerselvam Devi, Subbiah Muthukrishnaveni.
- Country:** India.

### EXECUTIVE SUMMARY

The strategies for poverty alleviation programmes in India are meant to provide greater opportunities for the poor to participate in growth processes by focusing on specific sectors which offer such opportunities. Further to this, the poverty alleviation and social sector programmes have been strengthened and restructured with special programmes for the weaker sections of society. These special programmes mainly target the poor, and are expected to make a significant contribution to the reduction of poverty. Despite various efforts made by the government to reduce poverty, the problem remains. As most of these direct poverty alleviation programmes are being implemented with minimal consideration in terms of the human rights aspects, these programmes could not achieve to the expected level in reducing poverty in rural India. UNESCO, which advocates a human rights approach for the eradication of poverty, has initiated an action plan to address the problem of poverty and the Small Grants programme is one among the five main lines of action initiated by UNESCO to reduce poverty. This study is one among many research projects supported by UNESCO under the Small Grants programme. This study was carried out in Tamil Nadu, India, with the aim of assessing the extent to which a human rights approach has been adopted in various poverty alleviation programmes, and suggests

suitable strategies for integrating a human rights approach to poverty alleviation programmes in India. The direct poverty alleviation programmes considered in the study are: Swarnjayanti Gram Swarozgar Yojana (SGSY); Sampoorna Grameen Rozgar Yojana (SGRY); Indira Awaas Yojana (IAY); Public Distribution System (PDS); and Antyodaya Anna Yojana (AAY).

The study was carried out on a sample of 150 women who are self-help group leaders and 900 female beneficiaries of various poverty alleviation programmes selected from three different districts of Tamil Nadu. The perception of the beneficiaries on the adoption of a human rights approach in the implementation process of the poverty alleviation programmes was assessed through personal interviews and focus group discussions. The extent to which a human rights approach had been adopted in each of the poverty alleviation programmes was measured based on a set of selected human rights indicators developed for each of the poverty alleviation programmes. The results of the study will help to develop suitable strategies for the integration of a human rights approach to poverty alleviation programmes in India.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Swarnjayanti Gram Swarozgar Yojana (SGSY)**

The SGSY programme implemented through SHGs has involved people both at the planning and execution stage. Every participant in the programme is aware of the salient features of the programme to a considerable extent, and the end product of the programme is the empowerment of hitherto marginalized sections of the population, including women. The three levels of analysis have revealed that at the government to SHG level the accountability of government and the banks is minimal, and at the group level or at the

beneficiaries level all the components are well implemented according to respondents. This therefore indicates that a programme that has been implemented with all the human rights components has succeeded in spite of minor deviations and defects. The extent to which a human rights approach is observed is at 66% of the expected level according to the actual beneficiaries. Hence there is a need to strengthen the human rights components in the implementation process of SGSY programme at the first level i.e. at the governmental and bank level. The accountability of the government and the bank has to be ensured, and a monitoring mechanism has to evolve to ensure the rights approach in the implementation process of the SGSY programme.

### **Sampoorna Grameen Rozgar Yojana (SGRY)**

SGRY is a noble programme meant for supplementing the income of marginalized people during agricultural off seasons when there is no employment. The programme stipulates certain conditions: (1) local workers should be employed; (2) a part of wages should be paid in kind; (3) labour intensive methods should be adopted; and (4) the work should result in community assets. Many conditions of human rights such as the involvement of local people in decision making, the empowerment of local people, the principle of non-discrimination, and accountability have not been followed at the point of implementation. Instead the works were given to contractors preferred by the Presidents, machines have been used to complete the work, local people have not been involved in decision-making, outsiders have been employed while local people have been discriminated against, and wages have been paid only in terms of money. It is true that community assets have been created through SGRY; but the major goals of the programme that are compatible with human rights have not been followed hence the programme has failed

to enlist the cooperation and participation of the people at any stage of the implementation process. Information through mass media and pamphlets in local languages should be given to the workers to make them aware that they are entitled to jobs and to receive a part of a wage in kind. Contract work should be completely avoided. The officials should be made accountable in adhering to the conditions stipulated in the scheme. The decision of selecting the work and the implementation process should be taken in gram sabha. Alternatively, after having decided at the gram sabha, the implementation can be given to the self-help groups. The distribution of wages in kind may be entrusted to the public distribution systems with proper entries.

### **Indira Awaas Yojana (IAY)**

The programmes under IAY have not succeeded, according to respondents, because they have not fully achieved their objectives. This is because the basic components of human rights, such as the involvement of people in designing and executing the project; awareness about the project; and the principle of non-discrimination, have not been fully followed, even though the programmes ultimately result in asset creation. The principle of accountability is not found anywhere in the programme. The information system pertaining to the programme should be made available to the poor. Participatory approaches should be implemented. The Panchayat president should be made accountable for the implementation of the programme. Issues, such as the selection of beneficiaries, and the quantum of benefit are to be discussed and decided at gram sabha meetings.

### **Public distribution system (PDS)**

The public distribution system has succeeded in spite of minor deficiencies because it guarantees the basic human right viz., the "right to exist" and follows the principles of non-discrimination,

perfect awareness and information about price, availability of products, quantum of supply and accountability in the process of implementation. Therefore, the programme has succeeded among the people. However there are still a number of poor families in remote rural villages without access to PDS commodities and these deprived sections should also be covered under the PDS.

### **Antyodaya Anna Yojana (AAY)**

The AAY is meant to attack poverty among the poorest of the poor. However, the identification of beneficiaries has not been done correctly and, due to this, many needy people are deprived of the benefits. Many beneficiaries have said during the discussion that an autonomous body should do an identification of BPL, and that the wrong identification diverts the benefits to the wrong people leaving the eligible persons in conditions of unbearable hardship. Many of the human rights components have not been adhered to in the process of identification and implementation. The gram sabha has not been effectively used in the process of identification of AAY beneficiaries. Lack of information among the people about the programme, preventing gram sabha from taking decisions, and non-transparency in selecting the beneficiaries have combined together to have a cumulative, negative effect on the programme. Hence the BPL list should be prepared by an autonomous body and endorsed by the gram sabha. All the beneficiaries of the AAY have to be selected in the gram sabha meeting.





- Title:** Denial of human rights engender women's poverty situation: cases from Bangladesh, *Mahbubul Islam*.
- Institution:** Society of Justice.
- Team Members:** Mahbubul Islam, Abul Khaer Mohammed Saifullah, Mizanur Rahman.
- Country:** Bangladesh.

### EXECUTIVE SUMMARY

The main objective of the UNESCO Small Grants programme is to establish the link between poverty and human rights violations with empirical investigation and also to put forward various policy recommendations in different country contexts. The present study is an attempt to establish that linkage i.e. that a denial of human rights engenders a situation of poverty and, in such cases, women are the obvious victims. Women in this part of the world are economically disadvantaged due to cultural settings and for that very reason their rights are denied socially and culturally.

The main objective of the proposed study is to review the prevailing denial of human rights to poor women in Bangladesh, and to critically analyze the causes of their poverty and to what extent the denial of human rights negatively affects their situation of poverty.

#### Specific objectives

1. to review the incidences of a denial of human rights, especially concerning the poor and disadvantaged women, which worsens their situation of poverty;
2. to conduct a number of case studies on incidences of a denial of human rights against women, which forces them to live an even more vulnerable life;

3. to analyze whether legal aid services (governmental and non-governmental) can bring any hope to the life of these poverty stricken women;
4. to make recommendations that would facilitate policy changes in favour of the poorest sections of the community.

## **MAJOR RECOMMENDATIONS FROM THE RESEARCH**

### **Policy recommendations for the state:**

1. the government must take immediate action to implement the commitment made in the international arena by ratifying different international charters;
2. there should be a parliamentary standing committee on the implementation of international treaties, and their report must be made public;
3. the Parliament should enact laws to establish a National Human Rights Commission;
4. the commission should be made responsible for legal aid services for the poor;
5. the government fund for legal aid services may be out sourced to competent non-governmental organizations, as long as the national human rights commission is not in place;
6. like national microfinance policy, the Government of Bangladesh must introduce human rights activity policy for non-governmental organizations in consultation with the currently active organizations;
7. the police training curriculum should incorporate human rights courses, especially for the newly inducted officers in the service;
8. in the long run, the police should introduce a Human Rights Protection department as it currently deals with different issues through the Special Branch, Detective Branch etc.;

9. regional cooperation is essential to coordinate legal and administrative measures and procedures against trafficking.

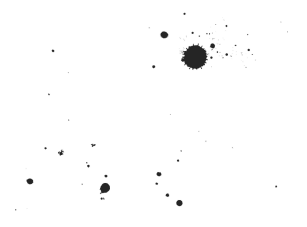
**Policy recommendations for human rights organizations**

1. the human rights organizations should have the courage to sue the state machineries when they fail to uphold the constitutional rights of women and the poor;
2. only legal action against the human rights violators can further the fight to enforce human rights (especially women's rights);
3. human rights organizations should have a strong network in order to adequately serve the poor and disadvantaged groups. As organizations have some uniqueness in delivering services, the network should be based on their respective uniqueness so that overlapping or misuse of resources can be reduced;
4. human rights organizations should focus more on institutional sustainability to deliver continued services to the poor;
5. to cover the news of human rights violations, the district correspondent of national dailies may be provided with orientation and training on human rights. Such trained journalist groups can be assets to the human rights organizations.



**Article 25:** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. "**Universal Declaration of Human Rights**"

## Small Grants International Meeting: Speeches



## Message from His Excellency, the President of the Portuguese Republic

**Aníbal Cavaco Silva**

"Eradication of poverty - creation of national competences in policy research and analysis, through the development of national strategies and action plans and the monitoring of their execution"

28 February 2007

**Mr. Pierre Sané**, Assistant Director-General of UNESCO for Social and Human Sciences,

**Ambassador Fernando Andresen Guimarães**, President of the Portuguese National Commission for UNESCO,

**Doctor Emílio Rui Vilar**, President of the Calouste Gulbenkian Foundation,

**Professor Alfredo Bruto Da Costa**, Member of the UNESCO International Advisory Committee on Poverty and Human Rights,

Dear participants,

The presence, in Portugal, of the national representatives for the UNESCO International Advisory Committee on Poverty and Human Rights, together with the hosting of an International Conference to reflect upon the Small Grants programme which is intended to develop policy research and analysis skills aimed at the eradication of poverty, merit my special welcome and recognition for the work which has been achieved in this area.

The problems of social inclusion have received my particular attention, to the extent that they have been made a policy priority of my mandate and are the focus of my first Presidential Roadway. I am dedicated to identifying situations of social exclusion and alternative strategies aimed at its progressive elimination.

While focused on the Portuguese social context, the eradication of poverty and the fight against social exclusion are increasingly assuming a global dimension.

Firstly, these problems are usually associated with limitations on the full realization of human rights. We know all too well how much the generalization of violence and terrorism, the multiplication of war zones, the deprivation of freedom, and the limitation in terms of access to the most basic, essential material and cultural goods affect many millions of human beings who end up being relegated to situations of extreme poverty which are frequently irreversible.

Secondly, the new challenges of globalization, technological development and progress of knowledge have not been accompanied by a corresponding generalization of instruments enabling new generations to make the most of the opportunities provided by these new situations.

The combined action of both these causes requires the heightened concern of the International Community over what we could call the globalization of poverty, a phenomenon which cannot be

fought with the traditional instruments of social policies at national level or with programmes of international cooperation.

I therefore believe that one should encourage the production of knowledge and research in the area of social and human sciences which is geared towards creating new instruments to identify new solutions capable of opening up perspectives and of reinventing hope in a fairer, more dignifying world for future generations.

I hereby convey my profound recognition of everyone who works to further this initiative and who, in some way, keep up this fight for hope, for their work, competence and dedication which we need so much.

# Opening Speech of the Small Grants International Meeting

**Pierre Sané**

*Assistant Director-General for Social and Human Sciences*

*28 February 2007*

**Ambassador Fernando Andresen Guimarães**, President of the Portuguese National Commission for UNESCO,

**Doctor Emílio Rui Vilar**, President of the Calouste Gulbenkian Foundation,

**Minister, Professor Alfredo Bruto Da Costa**, Member of the UNESCO International Advisory Committee on Poverty and Human Rights,

Dear participants,

Dear colleagues,

When the victors of the Second World War instituted the United Nations in 1945 they decided to go a step further. The founders, believing that agreements between people could be



sustained only if they were grounded in the intellectual and moral solidarity of humankind, decided to create an institution to embody such a foundation. On November 16, 1945 they published the constitution establishing UNESCO as a specialized agency. Necessity dictated such a great ambition then; it is as urgent today, when dangerous trends are raising the same threats of terrible violence due to the weakening of the democratic ideal of dignity, equality and respect for the human being. The one threat that is worse than all the others, in my humble view, is the persistence and increase of poverty and extreme poverty.

Through various activities, UNESCO, alongside the other agencies in the UN system, is formally engaged in pushing and helping governments and societies achieve the MDGs. Let me just share with you, at this point, a view that I have been promoting for the past 5 years within the Organization: a strong foundation for our work, built on human rights, is essential. My theme here is straightforward; it is a deceptively simple proposal. Poverty will cease only when it is recognized as a violation of human rights and, as such, abolished.

For, as long as we consider poverty as a quantitative natural deficit to be made up, the political will to reduce it will not be energized. I will now explain why and how. When poverty is defined in relative terms it is, at once, infinite and incurable. We are forced to consent to it indefinitely and to expend, in vain, unending resources in seeking to reduce it. This relativistic approach can determine only an arbitrary line of poverty which is adopted as an artificial horizon. Such a bogus horizon remains unbearable. What do \$1 or \$2 per day mean? And, above all, what right do we have to make do with such a figure?

Poverty is not a fate to be alleviated by international charity or aid, nor does poverty reflect poor people's lack of self-reliance or their inability to compete for supposedly equal opportunities. Poverty does not persist solely because of incompetent or corrupt governments

that are insensitive to the fate of their population. No. Fundamentally, poverty is at once a cause and effect of the total - not partial - denial of human rights.

Of the five families of human rights - civil, political, cultural, economic and social - proclaimed by the Universal Declaration as inherent to a human, poverty violates the fifth always, the fourth generally, often the third, sometimes the second and even the first. Reciprocally, the systematic violation of any of these rights degenerates rapidly into poverty. As was recognized at the World Conference on Human Rights held in Vienna in 1993, there is an organic link between poverty and a violation of human rights. As human rights are indivisible and inseparable, their violation is a fundamental infringement on human dignity as a whole, and not a regrettable inconvenience to be endured by distant neighbours. We must, therefore, seize on the imperative, which takes a simple form; poverty must be abolished in order to be eradicated.

The issue is a substantive one and the abolition of poverty is the only fulcrum that offers the leverage to defeat poverty. Leverage, in this case, comes from investment, national and international reforms, and policies which remedy the various deficiencies that form the backdrop to poverty. Fortunately, humanity now has the means to answer the challenge. Never have we been so rich, so technically competent, and so well informed. But, in the absence of a fulcrum, these forces cannot act as effectively as they might.

If, however, poverty was declared to be abolished, as it should, given its status as a massive, systematic and continuous violation of human rights, its persistence would no longer be a regrettable feature of the nature of things; it would become a denial of justice. The burden of proof would shift. The poor, once they have been recognized as the injured party, would acquire a right to reparation, for which governments, the international community and

ultimately each citizen would be jointly liable. A strong interest would thus be established in eliminating, as a matter of urgency, the grounds of liability, which might unleash much stronger forces than compassion, charity or even concern for one's own security are likely to mobilize for the benefit of others.

By endowing the poor with rights, the abolition of poverty would obviously not cause poverty to disappear altogether overnight. It would, however, create the conditions for the cause of poverty to be enshrined as the highest of priorities and as the common interest of all, not just as a secondary concern for the enlightened, or merely charitable. No more than the abolition of slavery caused the crime to vanish, no more than the abolition of domestic violence or genocide have eliminated such violence from the human conscience, the legal abolition of poverty will not then make poverty disappear. It will however place poverty in the conscience of humankind at the same level as those past injustices, the present survival of which challenges us, shocks us, and draws us into action.

Though poverty is not genocidal in the legal sense it is, by its alarming figures, a silent human tragedy. Three billion people, that is nearly half the world's population, live below the poverty line. That means that one in every two of us is excluded from social participation and from enjoyment of basic human rights. A person who lives in poverty is therefore simply excluded from humanity. In witnessing this silent genocide, we witness injustice and our knowledge is the irreducible ground of our responsibility.

The principle of justice, thus implemented, and the force of law mobilized in this service, are of enormous value. This, after all, is how slavery, colonialism and apartheid were abolished. But, while slavery and apartheid were actively struggled against, poverty dehumanizes half the planet to a chorus of utter indifference. It is, undoubtedly, the most acute moral question of

the new century, to understand how such massive and systematic violations, day in and day out, do not trouble the conscience of the good people who look down upon them. While equality of rights is proclaimed, growing inequalities in the distribution of goods persist and are entrenched by unjust economic and social policies at national and global level.

At the end of the day, there is a simple choice. Not between a pragmatic approach based on aid granted by the rich to the poor and the alternative sketched here: the real choice is between the abolition of poverty and the only other way for the poor to obtain their rights, which is for them to take them by force. Needless to say, the latter solution potentially causes misery for all: social strife, rampant crime, and mass uncontrolled migration. In fact, smuggling and trafficking are the only things that flourish. But what ethical basis do we have to demand moral behaviour from people to whom we deny any opportunity to lead a healthy life? What rights have we to demand that they respect our rights? The somber option will become increasingly likely if nothing is done, or too little, as tends to be the case with pragmatism, however deserving.

The option is thus reduced to a single choice, the only one compatible with the categorical imperative to respect human rights. That choice is to abolish poverty in order to eradicate it and to draw from this principle all the consequences that free acceptance of it implies. No great programme will ensure the eradication of poverty. Its proclaimed abolition must first create rights and obligations and thereby mobilize the true forces that can correct the state of a world plagued by poverty. By simply setting an effective and binding priority, abolition changes the ground rules and contributes to the creation of a new world. Such is the price to pay to give globalization a human face; such is the greatest opportunity that we can hope to grasp for sustainable development.

Ultimately, the issue is to mobilize public opinion for a universal justice that is within our grasp. Its emergence to date has been lengthy, from the Universal Declaration of Human Rights, to the Rome Conference that established the International Criminal Court, the emergence of universal justice has been defiled by acts of barbarity that have grossly infringed on human dignity. Now, however, the legal instruments are there, and step by step experiments and initiatives give hope. What remains is to energize political will by mobilization, genuine thinking, expert contributions and support for victims and their families.

What promises does such global justice bear? Let me quote a Nobel laureate from Portugal, José Saramago: were such justice to exist, there would no longer be a single human being dying of hunger or of diseases that are curable for some but not for others. Were such justice to exist, life would no longer be for half of humanity the dreadful sentence it has turned out to be. And for such justice we already have a practical code that was laid down sixty years ago in the Universal Declaration of Human Rights, a Declaration that might profitably replace, as far as rightness of principles and clarity of objectives are concerned, the manifestos of all the political parties of the world.

I thank you for your attention.

# Small Grants International Meeting Final Thoughts

**Pierre Sané**

*Assistant Director-General for Social and Human Sciences at UNESCO*

*2 March 2007*

I would like to begin by congratulating the researchers and expressing my gratitude to the interpreters, the International Advisory Committee and Alfredo Bruto Da Costa. Next, I would like to state the recommendations and future actions to be taken by UNESCO, as well as mentioning my personal experience, as a student leader, a member of the International Development Research Centre and as Director of Amnesty International, on the issue of poverty and human rights which has been the theme of our discussions.

To begin with, the fundamental contention underlying our discussions of this issue is the need to work on the clarification of a link between poverty and human rights. This definitional discussion leads to several pertinent questions:

How do we link them?

What is the articulation?

How do we assess the effectiveness of the articulation?

What are the implications for action?

When we talk about poverty, what are we talking about exactly?

The underlying question is: How can we analyze poverty from a human rights perspective and, more importantly, how do we analyze human rights from the perspective of the poor? Poverty has multiple definitions and interpretations. However, when discussing poverty we usually talk about a lack of access, a lack of resources, a deprivation of capabilities and a general sense of powerlessness. This is in relation to those in society who do have access, resources, capabilities and power. In this sense, we are therefore talking about inequality.

Inequality is a human rights issue. As stated in Article 1 of the Universal Declaration of Human Rights: All human beings are born free and equal in dignity and rights. For those people who are living in poverty this statement is in fact a gross fraud. When discussing poverty we do not talk about groups or classes within society, instead we talk about the masses, about figures, about people as a category, people who are voiceless and hence invisible, in other words people who are denied the individual dignity they are entitled to by virtue of being human. The preamble to the Universal Declaration of Human Rights begins by recognizing that dignity and the equal and inalienable rights are inherent to all members of the human family; they form the basis for freedom, justice and peace in the world. Thus, when dignity is taken away, people are excluded from the human family. Consequently, the discussion on poverty must focus once more on human rights.

The preamble to the Universal Declaration of Human Rights also states that the highest aspiration of humankind is the achievement of a world free from fear and want. That aspiration is blatantly defiled by the persistence and perpetuation of poverty. Here, again, we are talking about human rights.

The issue for me, therefore, is not poverty, but human rights. It is about the achievement of the universality of human rights so that no one is excluded, as stated in Article 7 of the Declaration. Furthermore, the issue is about monitoring and combating violations so that all can solicit protection and redress under a regime of law, as stated in Article 8 of the Declaration. It is about exercising reason and conscience and in this manner acting towards each other in a spirit of brotherhood, as codified by Article 1 of the Declaration. Fundamentally, it is about creating a social and international order which facilitates the enjoyment of all rights contained in the Universal Declaration of Human Rights, as stated in Article 28. It is about the effective implementation of Article 30 of the Declaration which stipulates that nothing in the Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms contained in the Declaration.

So, my friends, yes the issue is human rights; it follows that the solution is the implementation and fulfillment of a human rights regime for everyone, everywhere. This is because they are our inalienable rights. Seen from this perspective, poverty and the poor are not the problem. Seen from this perspective, the problem lies with inequalities. The problem is a human rights problem.

Unfortunately, the division of rights into so-called "generations" has led to the farming out of poverty to charities, to development agencies or to economists. At the opening of the 21st



century, the human rights movement has to reclaim the issue and bring it into its agenda as the central concern because it is an issue which affects one in every two of us. And, in doing so, the human rights movement must engage and promote the social transformation called for by Article 28 of the Universal Declaration: everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized.

This is the ultimate agenda. You can defeat slavery and then be confined and fall victim to segregation and apartheid. You can defeat colonialism and apartheid and then be locked up in a global system of inequality and exploitation. As stated in the preamble of the Universal Declaration, the foundation of freedom, justice and peace is human rights. That, then, is the issue.

## Closing Speech

**João Gomes Cravinho**

*Portuguese Secretary of State for Foreign Affairs and Cooperation*

*2 March 2007*

**Professor Alfredo Bruto da Costa,**

**Ms Chifa Tekaya,** Representative of the UNESCO Assistant Director-General for Social and Human Sciences,

**Ambassador Fernando Andresen Guimarães,** President of the Portuguese National Commission for UNESCO,

Dear colleagues,

Dear participants,

I would like to begin by welcoming and congratulating UNESCO and its partners for the organization of this meeting in Portugal and to congratulate, in particular, UNESCO's inter-sectoral programme on the eradication of poverty on the depth of the work

carried out, which is very evident here. I would also like to, once again, point out that it is very important to have the support of the Calouste Gulbenkian Foundation for this initiative.

I recognize the importance of this programme of small scholarships, aimed at capacity building in the area of research and policy analysis greatly. The Millennium Development Goals begin with the eradication of poverty and hunger as the first objective. By focusing on this first objective, I believe we are recognizing two fundamental aspects of this common objective of the international community. The first aspect is the need for concerted efforts on the part of the international community, and the second is the absolute need to be firmly based on local policies, developed in an appropriate manner in relation to the different parts of the world. In this respect, local capacity building is essential to the achievement of our common objective.

On the other hand, the objective of the eradication of poverty implies a variety of interlinked components, which precisely identify the origin of situations of extreme poverty and which are the real points of concern for the international community. This multidimensional nature of poverty, as mentioned before, has had a particularly interesting response from UNESCO, in its distinctive approach through innovative projects, guided by what is known as "action research". This not only encourages capacity building, but also local poverty reduction initiatives. And this takes on a very particular importance when discussing the issue of responsibility at various levels; international responsibility and the responsibility of local agents.

Cooperation for development must be a sustained effort, which means that it must combine official development aid, directed towards the Millennium development objectives, jointly with, and this is very important, solid policies which are appropriate at a local level

in order to promote sustained development and capacity building. The sustainability of our actions is focused on local capacity building and on the promotion of national capacity building to assess needs, but also to investigate impacts and results. For this, it is necessary to identify the best ways to attack extreme poverty and to exchange information in multidisciplinary seminars, such as this one. This is essential. We believe that the small grants are excellent mechanisms to multiply this capacity and I consider that it is very important that we know how to motivate these small grants. It is for this reason that I am delighted to announce that Portugal is prepared to finance three grants, preferably to be awarded to the community of countries that have Portuguese as their official language.

The eradication of poverty should be perceived as a human rights issue, given that the two dimensions of civil and political rights on the one hand, and economic, social and cultural rights on the other hand, are of a non-divisible nature. And what is more important, they are complementary. Without the latter, without economic, social and cultural rights, it is difficult to achieve the former. However, a human right also implies responsibility, human responsibility, and populations all over the world must possess the instruments and capacity to be able to assume these responsibilities. And it must also be said, notions of citizenship.

Beyond the basic level of individual responsibility, we must emphasize the responsibility of national and local authorities in assuring essential rights. And this involves investments in institutional and individual capacity building, as well as in the area of good governance.

Finally, the international community also has the responsibility to develop the necessary efforts required to promote the correct implementation of poverty eradication and local capacity building measures. And it is from this perspective that the

meeting which terminates today is placed. I know, from what has been said, that the work of this conference has very much contributed to this objective.

I would also like to finish by stating, on behalf of the Portuguese Government, that it has been our great pleasure to have welcomed you in Portugal. I hope that you will have the opportunity to enjoy this beautiful city, and that you have a safe journey back to your countries, and also that you will have the opportunity to put into practice the issues you have developed here in Lisbon.

Thank you.

## Closing Speech

**Chifa Tekaya**

*Coordinator of the Poverty and Human Rights Programme at UNESCO*

*2 March 2007*

**Mr João Gomes Cravinho**, Secretary of State for Foreign Affairs and Cooperation for Portugal,

**Ambassador Fernando Andresen Guimarães**, President of the Portuguese National Commission at UNESCO,

**Minister, Professor Alfredo Bruto Da Costa**, Member of the International Advisory Committee on Poverty and Human Rights,

Ladies and Gentlemen, participants,

Dear Colleagues,

The invitation of the Portuguese Government to hold this international meeting, which crowns the research work of the 42 researchers, selected from the 5 continents, on poverty as a human

rights issue, is an important gesture which confirms the commitment of the President of the Republic of Portugal to the fight against poverty.

First, I would like to thank the Portuguese Government for this invitation and by the same token of gratitude I would like to express my appreciation to the Calouste Gulbenkian Foundation which offered us this space and has transformed it into a platform of exchange for scientists, a multicultural platform where, for four days, more than 30 nationalities have become acquainted. We have had exchange of experiences, information, and methodology of work with the concern of capacity building for researchers brought together here in order to put their research at the disposal of the policy makers.

Our ultimate aim is to find, together, the paths for a better world where each individual is protected from poverty.

For everyone to have the same chance one day, to be able to live in dignity, away from want, protected from the vicissitudes of life.

For the word poverty to be relegated to the pages of history, poverty, a situation that degrades the individual in his or her attributes as a human being, on the same basis as slavery, as apartheid, or as the marginalization of women and of minorities.

Poverty, a multidimensional phenomenon, requires a multidimensional response. The elimination of poverty is not the prerogative solely of economists, of lawyers, of scientists or of sociologists. It is a challenge for all these disciplines.

From here stems the importance of the work that the researchers present today have brilliantly accomplished.

In the recent history of the fight against poverty, the visions of economists and social scientists have often been at loggerheads.

During the 1950s and 1960s, the predominant vision of economists specializing in development, the notion of under-development, poverty or misery, was expressed in the rationality of mathematics and figures, in macro-economic terms and in indices of

growth which were supposed to be the essential vectors of development. Even if the vision of development was closely linked to the improvement of the living conditions of individuals, the latter did not remain a logical consequence, according to this vision of economic growth: such were the policies of development conceived at this time.

The failure of structural adjustments during the 1980s was one of the indicators of the incapacity of an approach grounded solely in economic growth to raise the level of a population's well-being. In fact, the world immediately had to face a phenomenon of alarming impoverishment which called the certainties of the economists and politicians into question.

This phenomenon was increased by globalization which had an attractive impact for the rich countries and a much less positive effect for the least advanced countries. The latter have experienced the emergence of globalization as a new reality which was imposed on them and which, at that time, constituted a new challenge to be faced, a challenge to add to the list of obstacles to overcome. Enthusiasm about the phenomenon of globalization was not shared. Certain countries have, nevertheless, exploited this opportunity to flood the world market with products at a lower cost; thereby recording spectacular economic growth, as was reported by economists. This spectacular success was, in certain cases, followed by a very high bill if one takes into account the human, social and environmental impact. While the human rights contained in the Universal Declaration of Human Rights embody universality, which should logically drive globalization, instead it was through capital that globalization was realized. Economic globalization, without an ethical basis, beneficial for some, destructive for the others, can only spawn the aggravation of the North-South divide and generate a social crisis without precedent.



Through this illustration we can demonstrate the importance, today more than ever, of integrating human rights, not as an additional ingredient, but as the basis of any social construction.

Indeed, is it tolerable that cities of great opulence and waste, like Paris, London or New York, see homeless people commit suicide because they do not have enough courage to fight for their life?

The existence of extreme poverty in our society, which has seen unprecedented economic, technological and scientific development, is a real affront to universal morals and, cannot be otherwise qualified.

It is therefore important that social policies and, in particular, anti-poverty policies, be built on the basis of universal values; those of respect for the dignity of persons and for the integrity of human beings.

UNESCO strives to advance knowledge, norms and intellectual cooperation in order to facilitate social transformations which embody the universal values of justice, freedom and human dignity. In this way, we define our contribution. UNESCO promotes, among other things, the provision of research results to political decision makers.

It was the main motivation of this programme, which was launched 3 years ago, to encourage mid-career researchers to conduct research on topics relating to poverty as a human rights issue.

Within the framework of the Small Grants research projects, a human rights-based approach allowed the issue of poverty to be tackled from specific angles which are normally ignored by researchers, for example, in the re-reading of the Poverty Reduction Strategies within a human rights framework in Niger. Let me cite some other examples from the research: the rights-based approach equally enables one to focus on the micro-level for example interest in the status of certain minorities, a status which confines them to a situation

of poverty as is shown in the research on the Bihari community in Bangladesh or the Machiguenga communities in Peru. A human rights-based approach can also highlight the link between poverty and gender, as studied in the research on women working in the informal sector in Nigeria or female domestic workers in Kenya; a human rights approach also underlines the dilemma between environmental protection and the plight of the poor indigenous communities, as was illustrated by the research in Mexico.

The objectives of the Small Grants programme were, overwhelmingly, achieved as has been demonstrated during this international meeting. Our wish is to provide a tool that aids decision making through intellectual production, in order to lead society towards the achievement of increased justice, equality and freedom-which includes, crucially, freedom from poverty.

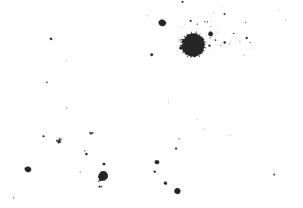
Thank you very much.

# POVERTY

**Article 25:** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. "**Universal Declaration of Human Rights**"



## Biographies



## International Advisory Committee Members

### **Arnoldo Ventura**

*President of the Inter-American Committee on Science and Technology (COMCYT), Washington D.C., United States of America. Special Advisor on Science and Technology to the Prime Minister of Jamaica*

Arnoldo Khaleel Ventura has been Special Advisor on science and technology to the Prime Minister of Jamaica since 1989. Arnoldo Ventura is well known internationally for his work on the promotion of science and technology for economic development; he recently held the post of Chairman of the United Nations Commission on Science and Technology for Development (UNCSTD) in Geneva. He is currently President of the Inter-American Committee on Science and Technology (COMCYT) in Washington D.C.

### **Alfredo Bruto Da Costa**

*President of the Economic and Social Council of Portugal*

Alfredo Bruto Da Costa, former Minister of Social Affairs in the Government of Portugal, has taught in the field of social sciences at the Catholic University of Lisbon and other Portuguese Universities. He has conducted extensive research on the concept of poverty. He is a member of the European Committee of Social Rights (Council of Europe) and a member of CESIS (*Centro de Estudos para a Intervenção Social*). He has also previously been rapporteur for the European Committee of Social Rights (ECSR) on Article 13 and Article 30 of the European Social Charter at the Council of Europe. He is currently President of the Economic and Social Council of Portugal.

**Adama Dieng**

*United Nations Assistant Secretary-General  
Registrar of the United Nations International Criminal Tribunal for  
Rwanda*

Adama Dieng assumed his position as Assistant Secretary-General and Registrar of the United Nations International Criminal Tribunal for Rwanda in 2001. Mr Dieng, an acclaimed human rights expert, consultant, and lecturer on issues relating to international law and the development of capacity building in the area of democratic institutions, has also served as a member on the boards of directors of many international organizations including the International Institute for Democracy and Electoral Assistance (IDEA), as well as the Africa Leadership Forum (ALF). Mr Dieng is the author of numerous legal and political articles, and of publications in both English and French.

**José Lapuz**

*Professor of International Relations and Political Science, University of  
St. Tomas, Manila*

José David Lapuz received his D.Phil. from the University of Glasgow in Scotland, U.K.; his M.Phil. in Political Science and Methodology of International Relations from the University of London; and his A.B. Political Science, *cum laude* from the University of the Philippines. He has lectured at the University of Harvard, Eastern Washington University, East Carolina University, Columbia University, UCLA, London School of Economics, Oxford University, University of Strathclyde, Moscow Central University, St. Petersburg University, and the Humboldt University in Berlin.

He is a Professor of International Relations and Political Science at the University of St. Tomas in Manila, a Full Professorial Lecturer at the Polytechnic University of the Philippines, and one-time Visiting Professorial Lecturer at the University of the Philippines. He is also Vice-President of the Philippine Council on Foreign Relations, Inc; Advocate, International Visitor Program - Philippine Alumni Foundation, Inc. (IVP-PHIL); and Knight Grand Cross of Rizal (KGCR) - the highest and the most illustrious rank in the Order of the Knights of Rizal.

### **Else Øyen**

*Scientific Director of the Comparative Research Programme on Poverty (CROP) 1992-2006. Professor, University of Bergen, Norway.*

Else Øyen has worked on social policy issues since 1975. She has taught at the University of Bergen and at universities in several other countries. She has been President of the International Social Science Council as well as holding other international offices. Her special fields of research are comparative studies of processes in the welfare state and social policy theory, comparative methodology and evaluation studies, poverty analysis in developed and developing countries and theoretical approaches to poverty formation.

**Atindra Sen**

*Member of the Indian Council of Social Science Research*

Atindra Sen holds an MA (Political Economy) and a Ph.D. from Boston University. He served in the State Bank of India and the Bank of India for three years before switching careers in 1978 to join the Indian Administrative Service. Dr Sen has held several positions in the Government of Madhya Pradesh. Dr Sen has also taught various courses in economics at the University of Massachusetts (Boston), Boston University, Stonehill College and Earlham College, all of which are in the United States.

## Regional experts

### Immanuel Bavu

Immanuel Bavu was the former Permanent Delegate of the United Republic of Tanzania to UNESCO. He is currently Chairman of the University Council of the University of Dar-es-Salaam, Tanzania.

### Jorge Carpio

Jorge Carpio is an economist, sociologist, labour expert and Executive Director of IDEMI (Institute for the Development of Micro and Small Enterprises, Instituto para el Desarrollo de la Micro y Pequeña Empresa), an NGO that assists small and medium-sized enterprises in Argentina. He is the Coordinator of FOCO (Forum of Civil Society Consultancy, Foro de Consulta Ciudadana), and the SAPRIN (Structural Adjustment Participatory Review International Network) initiative in Argentina which is focused on the participatory development of a civil-society alternative to the country's economic adjustment programme.

### Amandina Lihamba

Amandina Lihamba is Professor and Dean of the Faculty of Arts and Social Sciences at the University of Dar-es-Salaam, Tanzania. Over the last 30 years, she has acted as a consultant to many organizations and institutions including UNICEF and various international development agencies. She is also a member of the Technical Advisory Committee of Research on Poverty Alleviation (REPOA).



### **Ana María Miralles**

Ana María Miralles is a Professor of Journalism at the School of Communication at the Universidad Pontificia Bolivariana Medellín in Colombia. She studied Journalism and Social Communication and is a specialist on Communication for Development. She is the author of several books: *Communication for urban development*; *Journalism, public opinion and citizenship agenda* and *Citizen Voices: an Idea of Public Journalism*. She is Director of Urban Communication Research Group and has been director of "Citizen Voices" since 1998, a project for civil participation on local development issues.

### **Joseph Semboja**

Joseph Semboja is the Executive Director of Research on Poverty Alleviation (REPOA), a Tanzanian research centre that undertakes and facilitates research on poverty reduction. He is the Director of the Economics Research Bureau, University of Dar-es-Salaam, Tanzania. Professor Semboja has participated in the preparation of the Poverty Reduction Strategy Paper (PRSP). In recent years he has been a member of the PRS Technical Committee, and, involved in the operation of the poverty monitoring system in Tanzania.

### **Mahaman Tidjani Alou**

Mahaman Tidjani Alou is the scientific director of LASDEL, (Laboratoire d'Etudes et de Recherches sur les Dynamiques Sociales) a research laboratory on social dynamics and local development, based in Niamey, Niger. He is also professor of Sociology in the Department of Humanities of the University Abdou Moumouni in Niamey, Niger. Among other things, his fields of research deal with the links between democracy and local power in Niger, the role played by the media in the democratic process, and the process of knowledge production in social sciences.

## Researchers

### **Fatima Lamishi Adamu, Nigeria**

*Professor, Department of Sociology, Usmanu Dan Fodiyo University Sokoto, Nigeria*

#### **Title of research study**

"Review of the state-of-the-art literature on poverty and human rights in sub-Saharan Africa"

**Fatima Lamishi Adamu** teaches courses such as Gender studies, Sociology of Development, Sociology of the Third World, Structure of Nigerian Society and Social Research Methods. She has conducted extensive research on gender, poverty and human rights for numerous cooperation agencies and development institutes. Her areas of interest include gender and development, poverty assessment, women and religion, peace and conflict resolution.

### **Demola Adeagbo, Nigeria**

*Research Fellow, Physical Development Department, Nigerian Institute of Social and Economic Research (NISER), Ibadan, Nigeria*

#### **Title of research study**

"Tackling inter-generational poverty crisis through effective human rights strategies: case study of children's rights in Nigeria"

**Demola Adeagbo** is a Ph.D. student, Research Fellow, in the Physical Development Department at the Nigerian Institute of Social and Economic Research (NISER), Ibadan. He is a member of the Nigerian Institute of Town planners. He is

currently working on two projects: governance and physical development in Nigeria, and gender mainstreaming in the housing sector.

**Samuel Kobina Annim, Ghana**

*Lecturer and Microfinance Co-ordinator, Department of Economics, University of Cape Coast, Cape Coast, Ghana*

**Title of research study**

"Children's involvement in labour: poverty reduction approach via a human rights perspective"

**Samuel Kobina Annim** is currently working on two other projects with a National Health Insurance, poverty and microfinance focus and is a member of the team tasked with developing the Ghana Microfinance Policy Document.

**Badié Hima, Niger**

*Coordinator of the human rights coalition (CODDHD/Niger), Niger*

**Title of research study**

"Efficiency of the legal framework and existing policies in Niger in terms of the fight against poverty from the human rights point of view"

**Badié Hima** has a background in philosophy, with a Ph.D. thesis in political and moral philosophy. He has been committed member of civil society in Niger since 1991 and in Africa in general, mostly in the promotion, protection and defense of human rights and democracy. He has attended

several consultancies on models of human training sessions for international institutions or international NGOs, such as UNESCO, National Democratic Institute (NDI), International Federation of Human Rights (FIDH), and the International Centre of legal cooperation (CILC), to name a few. He is currently Vice-President of the Niger Association for the Defence of Human Rights (ANDDH/Niger) and Coordinator of the Human Rights Coalition (CODDHD/Niger). He is also National Pedagogical Inspector of philosophy at the Ministry of higher, secondary, and research and technological education for Niger.

**Gafar Ijaiya, Nigeria**

*Lecturer, Development Economics, Department of Economics, University of Ilorin, Nigeria*

**Title of research study**

"Human rights abuse and the incidence of poverty in Nigeria: a case study of women operating in the informal sector of Kwara State, Nigeria"

**Gafar Ijaiya** is a poverty analyst and an economist. His research interests are poverty and poverty-related issues.

**Pinky Lalthapersad-Pillay, South Africa**

*Professor, Department of Economics, University of South Africa, South Africa*

**Title of research study**

"The economic vulnerability of the elderly in poor HIV/AIDS-affected households and their affinity for micro lending"

**Pinky Lalthapersad-Pillay** has 14 years of lecturing experience and has published extensively in the fields of poverty and gender.

**Edward Marandu, Botswana**

*Senior Lecturer in Marketing, University of Botswana, Botswana*

**Title of research study**

"Pro-poor policies for rural electrification in Botswana:  
a rights-based perspective"

**Edward Marandu** taught marketing at the University of Dar-es-Salaam, Tanzania, and has held a visiting position at University College Dublin, Ireland. He has been consultant to several businesses in Ireland, Tanzania, the International Trade Centre and in Botswana. He was principal researcher to the African Energy Policy Research Network (AFREPREN) from 1996 to 2001 and at the Organization for Social Science Research in Eastern and Southern Africa (OSSREA) from 2003 to 2006. His research interests are business performance, customer satisfaction, and international business, privatization, restructuring and regulation of businesses. He has several publications in these areas and in marketing in general.

**Philomena Muiruri, Kenya**

*Lecturer, Geography Department, Kenyatta University, Kenya*

**Title of research study**

"Finding sustainable policy options for informal street traders in  
Nairobi, Kenya: a human rights-based approach"

**Philomena Muiruri** has conducted extensive research on poverty, development, gender, urban and HIV/AIDS issues. Her areas of interest are urban and regional planning.

**Reuben Musarandenga, Zimbabwe**

*Lecturer, Human Geography and Development Studies, Bindura University of Science Education, Zimbabwe*

**Title of research study**

"Non-registration of children and poverty in Zimbabwe: an integrative analysis"

**Reuben Musarandenga** has worked for AIDS Service and child rights organizations in the past. He holds a Masters Degree in Demography and a B.Sc in Mathematics and Geography from the University of Zimbabwe. Currently, he is a lecturer in Human Geography and Development Studies at Bindura University of Science Education, Zimbabwe. Mr Musarandenga has also worked as a consultant for civil society organizations in the orphaned and vulnerable children's sector. He has published in the area of civic participation, reproductive health and informal economic activity in Zimbabwe.

**Epaphrah Kusiriel Mushi, Tanzania**

*Senior Lecturer in Economics and Head of Department of Economics, Mzumbe University, Tanzania*

**Title of research study**

"The capacity of non-governmental organizations to promote a human rights-based approach to poverty alleviation in Tanzania"

Other than teaching, **Epaphrah Kusiriel Mushi** carries out research and consultancies especially in project planning and management.

**Peter Ernest Mangesho, Tanzania**

*Research Scientist, Department of Health Systems and Policy Research, National Institute for Medical Research (NIMR), Amani Medical Research Centre, Muheza*

**Title of research study**

"Revisiting human rights to health: access to ARV treatment for poor and vulnerable groups in Tanzania"

**Peter Ernest Mangesho** is a Ph.D. student at the Department of Social Anthropology, University of Cape Town, South Africa. He has worked with NIMR Tanzania as the head of the Department of Health Systems and Policy Research at Amani Medical Research Centre since 2004. In the past he has worked with Action AID Tanzania as a Policy Analyst. His main research experience is in application of social science approaches to the understanding the health of populations. He has published on malaria and tuberculosis. Areas of interest include poverty and health, home-based care to PLHIV in rural settings, development, social approaches to malaria, and other population related issues.

### **Samson Wokabi Mwangi, Kenya**

*Senior Lecturer, Department of Sociology, Egerton University, Kenya*

#### **Title of research study**

"The effectiveness of Constituency Development Fund (CDF) and Local Authority Transfer Fund in attaching urban poverty and improving human rights in Nakuru Municipality, Kenya"

**Samson Wokabi Mwangi Ph.D.** is a registered Lead Expert by the National Environment Management Authority. His areas of research include urban environmental governance, gender issues in urban governance and politics of irrigation development. He teaches the Sociology of Development, Community Development and Gender issues.

### **Kalu Odim Oji, Nigeria**

*Senior Economist, Monetary Policy Department, Central Bank of Nigeria, Abuja, Nigeria*

#### **Title of research study**

"Impact of Nigeria's land tenure policy on peasant farmers: a case of human rights violation?"

**Kalu Odim Oji** was formerly a Senior Lecturer in Agricultural Economics at the University of Nigeria, Nsukka, Enugu State, Nigeria. He conducted the UNESCO ANSTI (African Network of Scientific and Technological Institutions) Country Study on Nigeria that assessed the role of technology in the transformation of microfinance schemes from subsistence living to small-scale enterprises. He is currently conducting a study on the implications of the informal sector for monetary



policy management in Nigeria. He is also an Associate Fellow with the African Institute for Applied Economics, Enugu, Nigeria.

**Michael Wainaina, Kenya**

*Lecturer and Social Science Research Consultant, Kenyatta University, Kenya*

**Title of research study**

"Case studies of poverty as a violation of human rights among female domestic workers in Kenya"

**Michael Wainaina Ph.D.** has worked with domestic workers for the last seven years. A former post-doctoral fellow of the International Centre for Research on Women (ICRW), Washington, D.C., he is currently involved in HIV/AIDS intervention programmes among marginalized youth in collaboration with USAID and Family Health International (FHI); and gender mainstreaming in education in collaboration with the Organization for Social Science Research in Eastern and Southern Africa (OSSREA). His areas of interest are gender, HIV/AIDS, poverty and intersecting issues.

### **Sonia Alvarez Leguizamón, Argentina**

*Full-time Associate Professor of Urban Anthropology, Faculty of Humanities, National University of Salta, Argentina*

#### **Title of research study**

"Review of the state-of-the-art literature on poverty and human rights in Latin America and the Caribbean"

**Sonia Alvarez** completed a Masters degree in the Sociology of Development, at the Instituto de Sociología y Desarrollo del Area Ibérica (ISDIBER) in Madrid and a Ph.D. in Social and Cultural Anthropology at the University of Seville, Spain. She is also a social worker. She specializes in: social policies and poverty, the history of social policies in Argentina, the production and reproduction of poverty, and poverty and human rights. She has published several articles related to these issues in Argentina and other Latin American countries.

### **Hans Benno Asseburg, Brazil**

*Researcher, Universidade do Vale dos Sinos, Brazil*

#### **Title of research study**

"The contribution of solidarity-based economy and human rights for decreasing social inequality in Southern Brazil"

**Hans Benno Asseburg** holds a Doctorate in Theology, from the University of Hamburg, Germany. He holds a Masters degree in Social Psychology from the University of Hamburg. He specialized in Grass Roots Education at the Universidade do Vale dos Sinos (Unisinos) in Brazil. He is a member of the research group on solidarity-based economy at Unisinos. He

is the author of several articles and a booklet relating to solidarity-based economy. He participated on the board of directors of the Brazilian Association of NGOs (Associação Brasileira de ONGs) 1992-1996, and also in the coordination of the South Forum of NGOs 1992-1994.

### **Esteban Bogani, Argentina**

*Professor and researcher of Sociology, University of Buenos Aires, Argentina*

#### **Title of research study**

"Identities and stigmas regarding the plan for unemployed heads of households. (Dis)encounters between policies and rights."

**Esteban Bogani** graduated in Sociology. He holds a Masters degree in Social Policy from FLACSO (Latin-American School of Social Sciences). He has written and published various articles about poverty and social policies.

### **Jorge Colina, Argentina**

*Chief Economist, Instituto para el Desarrollo Social Argentino (IDESIA), Argentina*

#### **Title of research study**

"A critical evaluation of the programme: Heads of Households in Argentina as an instrument for the eradication of poverty based on human rights"

**Jorge Colina** holds a Masters in Economics from the University of Georgetown, United States, and a Masters in

Finance from the University of Amsterdam, The Netherlands. He is a specialist in labour, social security and health economics issues.

### **Eleonor Faur, Argentina**

*Researcher, Centre for Legal and Social Studies, Argentina*

#### **Title of research study**

"Poverty reduction policies implemented in Argentina (2002-2005).  
An analysis of their design, implementation and eligibility from a  
human rights perspective"

**Eleonor Faur** is a sociologist. She has specialized in human rights, gender and public policies. She is a Ph.D student at FLACSO (Facultad Latinoamericana de Ciencias Sociales) in Argentina. She is a Consultant with CELS (Centre for Legal and Social Studies), and a Researcher at IDAES-UNSAM (Institute of Advanced Studies on Social Sciences, University of San Martin). She has published several articles and books relating to Human Rights and Public Policies in Argentina and Latin America.

### **Carlos David Castro Gomez, Panama**

*Senior Researcher on economic, social and cultural issues, Institute of National Studies (INS), University of Panama, Panama*

#### **Title of research study**

"Youth, poverty and human rights in marginal urban settlements in the cities of Panamá, La Chorrera, Arrayán and San Miguelito"

**Carlos Castro** holds a Masters degree in Social and Economic Studies from Victoria University of Manchester (UK), and a Bachelor degree in Sociology, Pontificia Universidad Javeriana de Bogota (Colombia). He was the former Dean and Director of the Department of Sociology in the Faculty of Humanities at the University of Panama.

### **César Junca, Colombia**

*Social Worker, Columbian NGO Fundación Dos Mundos, Colombia*

#### **Title of research study**

"Analysis of poverty in Colombia from the perspective of the rights of children and young people"

**César Junca** is a Psychology graduate of the University Javeriana (Bogota). He holds a Masters degree in Children's Rights from the International University of Andalusia (Huelva, Spain). He carries out activities to help children, especially children affected by political violence and poverty in Colombia. He has published several books on alternative community work in favour of the participation and the self-determination of communities in situations of poverty.

### **Luiz Antonio Machado da Silva, Brazil**

*Professor and researcher in Urban Sociology at the Institute for University Research of Rio de Janeiro/IUPERJ-UCAM and at the Federal University of Rio de Janeiro/UFRJ, Brazil.*

#### **Title of research study**

"Human Rights, Poverty and Violence in the *favelas* of Rio de Janeiro: slum dwellers searching for recognition and access to justice"

**Luiz Antonio Machado da Silva** is a Sociologist and holds a Ph.D. from Rutgers University in the U.S. He is a full-time Professor at the Instituto Universitário de Pesquisas do Rio de Janeiro of the Universidade Candido Mendes (IUPERJ/UCAM) and Associate Professor at the Instituto de Filosofia e Ciências Sociais, Universidade Federal do Rio de Janeiro (IFCS/UFRJ), both in Brazil. He is the Executive Coordinator of UrbanData/Brazil and a consultant for IBASE (Instituto Brasileiro de Análises Sociais e Econômicas) on violence and citizenship. His recent publications concentrate on urban sociology and anthropology: criminal violence, urban spatial segregation, human rights and grassroots movements.

### **Márcia Pereira Leite, Brazil**

*Professor and researcher in Urban Sociology at the State University of Rio de Janeiro/UERJ, Brazil*

#### **Title of research study**

"Human Rights, Poverty and Violence in the *favelas* of Rio de Janeiro, Brazil: slum dwellers searching for recognition and access to justice"

**Márcia Pereira Leite** holds a Ph.D. in Sociology. She is a consultant on violence and citizenship for the Brazilian Institute for Social and Economic Analysis (Instituto Brasileiro de Análises Sociais e Econômicas, IBASE). Her recent publications include various articles on social and spatial inequalities; social movements; human rights and violence.

**Karin Ljuslinder, Sweden**

*Head of department of music and media, Umeå University, Sweden*

**Title of research study**

"Disability and poverty: the impact of poverty on disabled women's living conditions in Nicaragua"

**Karin Ljuslinder** holds a Ph.D. in Media and Communication Studies with emphasis on social communication concerning disabilities. She is also the project leader of part of the United Nations project: Disability Rights Promotion International (DRPI). Her areas of interest include disabled women's living conditions and disability as a human rights issue.

**Sonia Lou Alarcón, Peru**

*Directorate General of Social Management of the Department of Energy and Mines, Peru*

**Title of research study**

"Impact on the health of members of the Machiguenga native communities owing to initial contact with foreign activities"

**Sonia Lou Alarcón** is a lawyer with a Masters degree in Ecology and Environmental Management. Her research field is related to the protection of indigenous people's rights and environment. At the moment, she is working at the Directorate General of Social Management in the Department of Energy and Mines of Peru.

**Ariel Lucarini, Argentina**

*Ph.D. student, University of Paris VIII, France*

**Title of research study**

"Identities and stigmas regarding the plan for unemployed heads of households. (Dis)encounters between policies and rights"

**Ariel Lucarini** graduated as a sociologist from the University of Buenos Aires and has a Masters degree in History from the University of Paris VIII, France. His areas of expertise are statistical studies of poverty, international migration, and management and evaluation of social programmes and projects. He is currently researching for his Ph.D. at the University of Paris VIII, France.



**Pallavi Bahuguna, India**

*Director, Rural Litigation and Entitlement Kendra (RLEK), Law Unit, Uttaranchal, India*

**Title of research study**

"Analysis of the existing laws and policies at the national level in addressing poverty eradication within the human rights framework"

**Pallavi Bahuguna** has been working with RLEK since August 2004. Since then she has been involved in training and research work. She holds an LL.B from Symbiosis Society's Law College Pune, India. Currently, she is working for the legal empowerment/literacy of the disadvantaged sections of the hill communities in the State of Uttaranchal and Himachal Pradesh. She is also involved in research work in relation to 'Nyaya Panchayats - Customary Mode of Dispute Resolution' and 'Local Democracy in Asia: Representation in Decentralized Governance' which are being supported by the Swiss Agency for Development and Cooperation and the United Nations Development Programme, Regional Centre, Bangkok respectively. Her areas of interest are decentralized local governance, human rights, legal literacy and customary modes of dispute resolution.

**Bindu Duggal, India**

*Senior Research Fellow, CRRID, Chandigarh, India*

**Title of research study**

"Poverty and human rights issues in urban slums: analyzing the dimensions and mainsprings through case studies of Chandigarh"

**Bindu Duggal Ph.D.** has the distinction of carrying out major studies in the slums in and around Chandigarh based on massive fieldwork and data collection. She has also been engaged in several other projects in the field of child and women's development sponsored by the Government of India and UNICEF. She has published a number of research papers of national and international relevance in the field of sociology. She is presently on the research faculty of CRRID, an institution accorded 'National status' in 1985 by the Ministry of Human Resource Development through the Indian Council for Social Science Research (ICSSR). Her areas of interest are slums, poverty, education, gender, child labour and other interrelated issues.

**Sethuraman Gunasekaran, India**

*Reader, Department of Applied Research, Gandhigram Rural University Tamil Nadu, India*

**Title of research study**

"Integrating a human rights approach to poverty alleviation programmes in Tamil Nadu, India."

**Sethuraman Gunasekaran** has been working as Reader in the Department of Applied Research of the Gandhigram Rural University for the last five years. Previous to this, he worked in the population Research Centre of the Gandhigram Institute of Rural Health and Family Welfare, a sister concern of the Gandhigram Rural University for nearly 20 years. A former student of the London School of Economics in the U.K., he is currently involved in research studies in population ageing, women's autonomy and fertility and juvenile sex ratio. The University Grant Commission, the Indian Council of

Social Science Research and the Indian Council of Medical Research fund these research projects. His areas of interest are gender, development, poverty and other population related issues.

### **Ahmed Ilias, Bangladesh**

*Executive Director, Al-Falah Bangladesh, Dhaka, Bangladesh*

#### **Title of research study**

"Social exclusion of the Bihari camp dwellers leads and increases poverty"

**Ahmed Ilias** has been working in Al-Falah Bangladesh since January 1984 as its Executive Director. He was involved in several research projects carried out on the issues of human rights of the marginalized and socially excluded Bihari camp dwellers in Bangladesh. He has also worked on HIV/AIDS and Human Rights with APCASO, STI/AIDS Network, Bangladesh, and UNDP, Delhi and HIV/AIDS Prevention Programme among the Bihari camp dwellers with UNICEF, Dhaka. His areas of interest are human rights, poverty, issues concerning socio-economic development of the Bihari community and HIV/AIDS.

**Mahbubul Islam, Bangladesh**

*Advocate Dhaka Bar Association, Member Bangladesh Bar Council,  
Dhaka, Bangladesh*

**Title of research study**

"A denial of human rights engenders a situation of poverty for women: cases from Bangladesh"

**Mahbubul Islam** has worked with economic rights and human rights promotion for the last ten years. He is a human rights activist and law counsellor in access to justice for the poor in Bangladesh, especially in the courts of cosmopolitan cities under the Supreme Court of Bangladesh. He is currently serving as Secretary-General of the Society of Justice, a human rights civil society organization for defending rights as well as promoting local initiatives to establish the rule of law. His areas of interest are human rights, livelihood and economic empowerment, poverty and gender, seed sovereignty of farmers, and sexual minority issues.

**Milind Wani, India**

*Member, Kalpavriksh Environmental Action Group, India*

**Title of research study**

"Conservation and people's livelihood rights in India"

**Milind Wani** has been with Kalpavriksh Environmental Action Group for the last 3 years. He has also been associated with a Pune based study centre called Academy for Social and Political Studies, and a culture and media analysis group called Chitraboli. He participates in various social justice related movements, particularly in the area of environment. His areas of interest are environmental issues, social justice and culture.

**Ashish Kothari, India**

*Founding-member, Kalpavriksh Environmental Action Group, India*

**Title of research study**

"Conservation and people's livelihood rights in India"

**Ashish Kothari** has been with Kalpavriksh Environmental Action Group for the last 27 years. He has also taught at the Indian Institute of Public Administration for a decade, and been on the Board of Greenpeace International. He co-chairs the Strategic Direction on Governance, Equity and Livelihoods, of the IUCN - World Conservation Union. He continues to participate in several social and environmental movements. His areas of interest are environmental governance, and community-based natural resource management.

**Mukul Mukherjee, India**

*Honorary Associate, Women's Studies Research Centre, Calcutta University, India*

**Title of research study**

"Developing poverty eradication strategies using the human rights framework: a study in the context of West Bengal"

**Mukul Mukherjee** teaches Women's Studies at Calcutta University and Jadavpur University as guest faculty. She has been a consultant to NORAD (Norwegian Agency for Development and Cooperation), the Government of India's Ministry of Women and Child Development, the National Commission for Women in India and West Bengal Commission for Women. She is also associated with Change Initiatives and Karma Kutir, two NGOs working towards economic empowerment for women. Her areas of interest are gender and development issues relating to women and work.

### **Karori Singh, India**

*Former Director and currently on the Faculty of South Asia Studies Centre, University of Rajasthan, Jaipur, India*

#### **Title of research study**

"Review of the state-of-the-art literature on poverty and human rights in Asia"

**Karori Singh** has worked as Post-doctoral Fellow in the Development Policy Programme of the Resource Systems Institute at East-West Centre (EWC), Hawaii, USA. He is a member of various academic and research associations and institutes. He was Coordinator of the 8th International Conference on Sri Lanka Studies (8th ICSSL). Development strategies, social turmoil, rural development, agrarian reforms and poverty in the context of South Asia are the areas of his academic and research interest. Currently, he is focusing on authoritative allocation of resources (both material and non-material), ethnic upsurge and poverty reduction and intersecting issues in South Asia.

### **Kultar Singh, India**

*Project Coordinator and Research Adviser, Parivartan Samaj Sewa Samiti, India*

#### **Title of research study**

"Impact of a collective group action in reducing poverty by advancing "Right to development as a human right"

**Kultar Singh** is a Management Postgraduate with expertise in quantitative research, monitoring and evaluation and advanced data analysis. During his association with organizations such

as CARE, BASICS, PFI and ORG Centre for Social Research, he has garnered extensive quantitative research experience covering a wide gamut of development issues including: poverty, livelihood, health and nutrition, and HIV/AIDS. Having expertise in advanced data analysis using quantitative and qualitative statistical software, he has been actively involved in research on all aspects of poverty and livelihood.

**Muhammad Zakria Zakar, Pakistan**

*Professor of Sociology, University of the Punjab, Lahore, Pakistan*

**Title of research study**

"Poverty and human rights violations: a study of marginalized groups in Pakistan"

**Muhammad Zakria Zakar**, a former Fulbright scholar at Stony Brook University, has been teaching sociology in the Punjab University for the last thirteen years. He is currently writing a book on governance and civil society in Pakistan. He is also, currently, guest professor in the faculty of Health Sciences, University of Bielefeld, Germany. His areas of interest are sociology of religion, social development, religious militancy, poverty, gender and health.

## Portuguese National Commission to UNESCO

**Mr Fernando Andresen Guimãraes**, President.

**Ms Manuela Galhardo**, Executive Secretary.

**Ms Anna-Paula Ormeche**, Programme Specialist.

## UNESCO: Team members of the Small Grants programme

**Mr Pierre Sané**, Assistant Director-General, Social and Human Sciences, UNESCO Headquarters.

**Ms Chifa Tekaya**, Coordinator, Poverty and Human Rights Programme, UNESCO Headquarters.

**Mr John Nkinyangi**, Regional advisor for the Social and Human Sciences, Nairobi Office.

**Mr Edouard Matoko**, Director, Bamako Office.

**Mr Ali Daou**, Consultant, Bamako Office.

**Mr Cheikh Tidane Sy**, Director, Dar-es-Salaam Office.

**Mr Yusuph Al-Amin**, National Programme Officer, Social and Human Sciences, Dar-es-Salaam Office.

**Ms Marina Faetanini**, Programme Specialist, Social and Human Sciences, New Delhi Office.

**Ms Teresita Escotto-Quesada**, Programme Specialist, Social and Human Sciences, San José Office.