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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*

Summary

The document, submitted pursuant to resolution 15/19 of the Human Rights Council, provides the final draft of the guiding principles on extreme poverty and human rights, which has been prepared by the Special Rapporteur on the basis of consultations with States and other stakeholders since the initiation of the original drafting process in 2001. Annex I contains an overview of the process followed to develop the guiding principles, while annex II provides a list of relevant resolutions and documents.

* The annexes to the present report are being circulated as received, in the language of submission only.

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I. Preface

1. In a world characterized by an unprecedented level of economic development, technological means and financial resources, that millions of persons are living in extreme poverty is a moral outrage. The present Guiding Principles are premised on the understanding that eradicating extreme poverty is not only a moral duty but also a legal obligation under existing international human rights law. Thus, the norms and principles of human rights law should play a major part in tackling poverty and guiding all public policies affecting persons living in poverty.

2. Poverty is not solely an economic issue, but rather a multidimensional phenomenon that encompasses a lack of both income and the basic capabilities to live in dignity. The Committee on Economic, Social and Cultural Rights stated in 2001 that poverty was “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” (E/C.12/2001/10, para. 8). Extreme poverty, in turn, has been defined as “the combination of income poverty, human development poverty and social exclusion” (A/HRC/7/15, para. 13), where a prolonged lack of basic security affects several aspects of people’s lives simultaneously, severely compromising their chances of exercising or regaining their rights in the foreseeable future (see E/CN.4/Sub.2/1996/13).

3. Poverty is an urgent human rights concern in itself. It is both a cause and a consequence of human rights violations and an enabling condition for other violations. Not only is extreme poverty characterized by multiple reinforcing violations of civil, political, economic, social and cultural rights, but persons living in poverty generally experience regular denials of their dignity and equality.

4. Persons living in poverty are confronted by the most severe obstacles – physical, economic, cultural and social – to accessing their rights and entitlements. Consequently, they experience many interrelated and mutually reinforcing deprivations – including dangerous work conditions, unsafe housing, lack of nutritious food, unequal access to justice, lack of political power and limited access to health care – that prevent them from realizing their rights and perpetuate their poverty. Persons experiencing extreme poverty live in a vicious cycle of powerlessness, stigmatization, discrimination, exclusion and material deprivation, which all mutually reinforce one another.

5. Extreme poverty is not inevitable. It is, at least in part, created, enabled and perpetuated by acts and omissions of States and other economic actors. In the past, public policies have often failed to reach persons living in extreme poverty, resulting in the transmission of poverty across generations. Structural and systemic inequalities – social, political, economic and cultural – often remain unaddressed and further entrench poverty. A lack of policy coherence at the national and international levels frequently undermines or contradicts the commitment to combat poverty.

6. That extreme poverty is not inevitable means that the tools for ending it are within reach. A human rights approach provides a framework for the long-term eradication of extreme poverty based on the recognition of persons living in extreme poverty as rights holders and agents of change.

7. A human rights approach respects the dignity and autonomy of persons living in poverty and empowers them to meaningfully and effectively participate in public life, including in the design of public policy, and to hold duty bearers accountable. The norms set out in international human rights law require that States take their international human

rights obligations into account when formulating and implementing policies affecting the lives of persons living in poverty.

8. Although persons living in extreme poverty cannot simply be reduced to a list of vulnerable groups, discrimination and exclusion are among the major causes and consequences of poverty. Persons living in poverty often experience disadvantage and discrimination based on race, gender, age, ethnicity, religion, language or other status. Women frequently encounter greater challenges in accessing income, assets and services and are particularly vulnerable to extreme poverty, as are such groups as children, older persons, persons with disabilities, migrants, refugees, asylum seekers, internally displaced persons, minorities, persons living with HIV/AIDS and indigenous peoples.

9. While States are responsible for realizing human rights, other actors, including international organizations, national human rights institutions, civil society organizations and business enterprises, also have responsibilities regarding the rights of those living in poverty. States must create an enabling environment that fosters and promotes the capacity of individuals, community-based organizations, social movements and other non-governmental organizations to combat poverty and empower persons living in poverty to claim their rights.

10. States with laws and institutions that actively include those living in extreme poverty will benefit from the social engagement and contribution of their entire populations. The international community will also benefit as more States ensure social cohesion, a better standard of living for the poorest sectors of the population and the empowerment and integration of persons living in poverty into systems of rights and obligations.

II. Objectives

11. The fruit of many years of consultations with States and other stakeholders, including persons living in poverty (see annex I), the objective of the Guiding Principles is to provide guidance on how to apply human rights standards in efforts to combat poverty. The Guiding Principles are intended as a tool for designing and implementing poverty reduction and eradication policies, and as a guide to how to respect, protect and fulfil the rights of persons living in extreme poverty in all areas of public policy. Based on internationally agreed human rights norms and principles, they draw on international and regional instruments and agreements, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, in addition to the general comments and recommendations of United Nations treaty bodies. The Guiding Principles guide the application of human rights obligations in policy decisions at the national and international levels, including decisions concerning international assistance and cooperation. The implementation of the Guiding Principles should thus be seen in the context of States' existing obligations under international law.

12. The Guiding Principles are global in scope. They should be used by all countries and regions at all stages of economic development, with due regard to national specificities. They are based on a relational and multidimensional view of poverty that recognizes that the empowerment of persons living in poverty should be both a means of realizing the rights of the poor and an end in itself.

13. Persons living in poverty have diverse experiences and needs and encounter different levels of poverty, in terms of both intensity and duration. While all such persons

should be the focus of policies based on human rights, the Guiding Principles are concerned mainly with those experiencing the most severe poverty in a given context.¹ Persons living in extreme poverty are of particular concern because their marginalization, exclusion and stigmatization often mean that they are not reached effectively by public policies and services. Obstacles, insecurity and structural factors frequently render it impossible for them to claim their rights and to fulfil their potential independently; they need active support from the State and other relevant stakeholders.

III. Foundational principles

14. The following principles are essential to an approach based on human rights and must provide the foundations for the design and implementation of all public policies related to poverty reduction or affecting persons living in poverty.

A. Dignity, universality, indivisibility, interrelatedness and interdependence of all rights

15. Human dignity is at the very foundation of human rights. It is inextricably linked to the principles of equality and non-discrimination. Respect for the inherent dignity of those living in poverty must inform all public policies. State agents and private individuals must respect the dignity of all, avoid stigmatization and prejudices, and recognize and support the efforts that those living in poverty are making to improve their lives.

16. Extreme poverty is a clear illustration of the indivisibility, interrelatedness and interdependence of human rights, given that persons living in poverty face daily violations of their civil, cultural, economic, political and social rights, which interact and mutually reinforce one another with devastating effects.

17. States must create an enabling environment to combat poverty and protect human rights. Public policies to overcome poverty must be based on respecting, protecting and fulfilling all the human rights of persons living in poverty in equal manner. No policy, in any area, should exacerbate poverty or have a disproportionate negative impact on persons living in poverty.

B. Equal enjoyment of all human rights by persons living in extreme poverty

18. Discrimination is both a cause and a consequence of poverty. Poverty frequently originates from discriminatory practices, both overt and covert. Those living in poverty are also subject to discriminatory attitudes and stigmatization from public authorities and private actors precisely because of their poverty. Thus, those living in poverty tend to experience several intersecting forms of discrimination, including on account of their economic status.

19. States must ensure that persons living in poverty are equal before and under the law and are entitled, without discrimination, to the equal protection and benefit of the law. States must repeal or modify laws and regulations that are biased against the rights,

¹ Accordingly, “poverty” should be taken to mean “extreme poverty” in the text that follows, although this should not be interpreted as indicating that specific obligations or recommendations may not also apply to persons living in poverty generally.

interests and livelihoods of persons living in poverty. All forms of legislative or administrative discrimination, direct or indirect, on grounds of economic situation or other grounds associated with poverty must be identified and eliminated.

20. Equality and non-discrimination are immediate and cross-cutting obligations that must underlie all measures taken by all relevant stakeholders in relation to persons living in poverty. They require States to identify vulnerable and disadvantaged groups in society and to ensure, as a matter of priority, such groups' enjoyment of human rights on an equal basis. States have an obligation to take special and positive measures to reduce or eliminate conditions that cause or help to perpetuate discrimination.

21. Persons living in poverty have a right to be protected from the negative stigma attached to conditions of poverty. States must prohibit public authorities, whether national or local, from stigmatizing or discriminating against persons living in poverty and must take all appropriate measures to modify sociocultural patterns with a view to eliminating prejudices and stereotypes. States must put in place educational programmes, in particular for public officials and the media, to promote non-discrimination against persons living in poverty.

22. Positive measures must be taken to ensure de facto equality of persons living in poverty. Such measures should include legislative, executive, administrative, budgetary and regulatory instruments and specific policies, programmes and affirmative action in poverty-sensitive areas such as employment, housing, food, social security, water and sanitation, health, education, culture and participation in public life.

C. Equality between men and women

23. Women are disproportionately represented among the poor owing to the multifaceted and cumulative forms of discrimination that they endure. States are obliged to eliminate both de jure and de facto discrimination against women and put in place measures to achieve equality between men and women.

24. International human rights law also requires States to take measures to eliminate harmful cultural and traditional practices and all other practices that are based on the idea of the inferiority or the superiority of either sex, or on stereotyped roles for women and men. These practices increase the social exclusion of women and girls, impede their access to resources and education and perpetuate poverty and discrimination.

25. States must take forceful action to combat gender-based violence. Women living in poverty who are victims of gender-based violence face particular difficulties in accessing justice and in leaving abusive relationships.

26. Women must have equal access to economic opportunities. States must accord priority to expanding employment and entrepreneurship opportunities for women, promote decent and productive work and improve access to finance. Public policies and employment regulations must take into account women's time constraints and enable both women and men to care for their households.

27. States must ensure women's full and equal legal capacity to own, control and administer economic resources such as land, credit and inheritance.

28. Women must also enjoy equal access to decision-making power. States must develop mechanisms to enhance the involvement of women, including those living in poverty, in political life and decision-making bodies at all levels.

29. Policies must promote gender equality in marriage and family relations, and ensure that women's decision-making, including regarding the number and spacing of children, is

free and unconstrained and that food and other resources are equally distributed within the household.

30. Women must be ensured equal access to public services, including health, education and social protection, and equality in the labour market, including equal wages, conditions of employment and social security benefits. In particular, sexual and reproductive health services and information, early childhood education and post-primary education must be made available to women and girls.

31. States must articulate gender equality as a goal in policies, strategies, budgets, programmes and projects. They must increase targeted national resources and official development assistance for gender equality, and pay attention to women's economic empowerment in the context of international trade.

D. Rights of the child

32. Given that most of those living in poverty are children and that poverty in childhood is a root cause of poverty in adulthood, children's rights must be accorded priority. Even short periods of deprivation and exclusion can dramatically and irreversibly harm a child's right to survival and development. To eradicate poverty, States must take immediate action to combat childhood poverty.

33. States must ensure that all children have equal access to basic services, including within the household. At a minimum, children are entitled to a package of basic social services that includes high-quality health care, adequate food, housing, safe drinking water and sanitation and primary education, so that they can grow to their full potential, free of disease, malnutrition, illiteracy and other deprivations.

34. Poverty renders children, in particular girls, vulnerable to exploitation, neglect and abuse. States must respect and promote the rights of children living in poverty, including by strengthening and allocating the necessary resources to child protection strategies and programmes, with a particular focus on marginalized children, such as street children, child soldiers, children with disabilities, victims of trafficking, child heads of households and children living in care institutions, all of whom are at a heightened risk of exploitation and abuse.

35. States must promote children's right to have their voices heard in decision-making processes relevant to their lives.

E. Agency and autonomy of persons living in extreme poverty

36. Persons living in poverty must be recognized and treated as free and autonomous agents. All policies relevant to poverty must be aimed at empowering persons living in poverty. They must be based on the recognition of those persons' right to make their own decisions and respect their capacity to fulfil their own potential, their sense of dignity and their right to participate in decisions affecting their life.

F. Participation and empowerment

37. Effective and meaningful participation is an affirmation of the right of every individual and group to take part in the conduct of public affairs. It is also a means of promoting social inclusion and an essential component of efforts to combat poverty, not least by ensuring that public policies are sustainable and designed to meet the expressed needs of the poorest segments of society.

38. States must ensure the active, free, informed and meaningful participation of persons living in poverty at all stages of the design, implementation, monitoring and evaluation of decisions and policies affecting them. This requires capacity-building and human rights education for persons living in poverty, and the establishment of specific mechanisms and institutional arrangements, at various levels of decision-making, to overcome the obstacles that such persons face in terms of effective participation. Particular care should be taken to fully include the poorest and most socially excluded persons.

39. States must ensure that groups at higher risk of falling into poverty, including those who commonly experience disadvantage and discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, are not only adequately represented in all decision-making processes that affect them but also empowered and supported to express their views.

40. States must ensure that indigenous peoples, who are particularly susceptible to extreme poverty, enjoy the right to free, prior and informed consent through their own representative institutions regarding all decisions concerning the use of their lands, territories and resources by State and non-State actors.

41. States must also actively protect individuals, community-based organizations, social movements, groups and other non-governmental organizations that support and advocate the rights of those living in poverty.

G. Transparency and access to information

42. Persons living in poverty often lack access to crucial information about decisions affecting their lives. This reduces their net income, obstructs their access to social services or job opportunities and exposes them disproportionately to corruption and exploitation.

43. States must ensure that public services and programmes affecting persons living in poverty are designed and implemented transparently. States must provide accessible and culturally adequate information about all public services available to persons living in poverty and about their rights regarding these services. This information should be actively disseminated through all available channels.

44. States must ensure that persons living in poverty enjoy the right, individually and in association with others, to seek, receive and impart information about all decisions affecting their lives. This includes access to information as to how rights and freedoms can be enforced and violations remedied.

H. Accountability

45. Persons living in poverty are often seen as passive recipients of Government aid or charity when, in fact, they are rights holders with entitlements to whom policymakers and other public officials must be accountable.

46. States must ensure that persons living in poverty enjoy the right to an effective remedy through judicial, quasi-judicial, administrative and political mechanisms in the event of actions and omissions that undermine or jeopardize their human rights, including in public service delivery, poverty reduction programmes and resource allocation. Persons living in poverty should be fully informed about the remedies available to them, and mechanisms should be physically and financially accessible to all.

47. States must put in place procedures, including adequate and accessible complaints mechanisms, to prevent, identify and counteract corruption, in particular in social and other programmes that directly affect persons living in poverty.

IV. Implementation requirements

48. States have an immediate obligation to take steps towards the full realization of economic, social and cultural rights, and human rights law demands that at least minimum essential levels of all rights should always be ensured. International human rights law does allow, if resource constraints dictate, for the progressive realization of some aspects of economic, social and cultural rights over a period of time and with well-defined indicators, although deliberate retrogressive measures may be taken only exceptionally and on a temporary basis. At all times, States need to demonstrate the specific measures taken to tackle poverty and prove that they have done so to the maximum of their available resources, including through international assistance and cooperation.

49. Ensuring that those living in poverty can enjoy at least minimum essential levels of all economic, social and cultural rights is not simply a matter of implementing current policies more fully. The eradication of poverty requires policies that specifically address the situation of those living in poverty through a comprehensive and coherent framework covering all domains of public policy and political action.

A. States should adopt a comprehensive national strategy to reduce poverty and social exclusion

50. States should devise and adopt a poverty reduction strategy based on human rights that actively engages individuals and groups, especially those living in poverty, in its design and implementation. It should include time-bound benchmarks and a clear implementation scheme that takes into account the necessary budgetary implications. It should clearly designate the authorities and agencies responsible for implementation and establish appropriate remedies and grievance mechanisms in the event of non-compliance.

B. States should ensure that public policies accord due priority to persons living in extreme poverty

51. When designing and implementing public policies and allocating resources, States should accord due priority to the human rights of the most disadvantaged groups, especially persons living in extreme poverty.

52. States should ensure that the design and implementation of public policies, including budgetary and fiscal measures, take into account disaggregated data and up-to-date information on poverty.

53. States should make certain that adequate resources are raised and used to ensure the realization of the human rights of persons living in poverty. Fiscal policies, including in relation to revenue collection, budget allocations and expenditure, must comply with human rights standards and principles, in particular equality and non-discrimination.

54. Given the disproportionate and devastating effect of economic and financial crises on groups most vulnerable to poverty, States must be particularly careful to ensure that crisis recovery measures, including cuts in public expenditure, do not deny or infringe those groups' human rights. Measures must be comprehensive and non-discriminatory. They must ensure sustainable finance for social protection systems to mitigate inequalities and to

make certain that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected.

55. Cuts in funding to social services that significantly affect those living in poverty, including by increasing the burden of care of women, should be measures of last resort, taken only after serious consideration of all alternative policy options, including financing alternatives. Services essential for persons living in poverty to enjoy their rights should be ring-fenced in national and local budgets.

C. States should ensure that facilities, goods and services required for the enjoyment of human rights are accessible, available, adaptable, affordable and of good quality

56. States have obligations relating to the provision of the facilities, goods and services required for the enjoyment of human rights. Even where such facilities, goods and services are provided with the involvement of private sector or civil society entities, States are responsible for ensuring quality, affordability and coverage and have the duty to protect individuals against abuses committed by private service providers.

57. States should bring down barriers to ensure adequate and non-discriminatory access to facilities, goods and services for persons living in poverty. Services essential to the realization of human rights such as health care and education must be financially accessible to communities living in poverty and within safe physical reach. Information about these services must also be accessible.

58. States should ensure the affordability of facilities, goods and services relevant to those living in poverty. No one should be denied access to essential services because of an inability to pay. In some cases, States must provide free access; for example, primary education must be compulsory and free of direct and indirect costs.

59. States should ensure the acceptability and adaptability of facilities, goods and services in relation to the specific needs of persons living in poverty, taking into account cultural differences, language barriers, gender-specific needs and discrimination. In some cases, assistance tailored to the needs of specific groups must be ensured.

60. States should ensure that facilities, goods and services used by persons living in poverty are of the highest attainable quality, including by monitoring the quality of public and private service providers. Providers must be well-qualified and aware of the particular needs of persons living in poverty.

D. States should ensure policy coherence

61. States should take into account their international human rights obligations when designing and implementing all policies, including international trade, taxation, fiscal, monetary, environmental and investment policies. The international community's commitments to poverty reduction cannot be seen in isolation from international and national policies and decisions, some of which may result in conditions that create, sustain or increase poverty, domestically or extraterritorially. Before adopting any international agreement, or implementing any policy measure, States should assess whether it is compatible with their international human rights obligations.

V. Specific rights

62. All human rights – civil, political, economic, social and cultural – apply to and should be enjoyed by persons living in poverty. Attention is paid below to some specific rights whose enjoyment by persons living in poverty is particularly limited and obstructed, and in relation to which State policies are often inadequate or counterproductive. Guidance is provided on how to respect, protect and fulfil these rights for those living in poverty. The text is neither a summary nor a statement of the core content of each right and should be interpreted and applied consistent with existing obligations under national and international law, and with due regard to general comments and recommendations of United Nations human rights mechanisms.

A. Right to life and physical integrity

63. Persons living in poverty are often exposed to both institutional and individual risks of violence and threats to their physical integrity from State agents and private actors, causing them to live in constant fear and insecurity. Continued exposure and vulnerability to violence affect a person's physical and mental health and impair his or her economic development and capacity to escape poverty. Those living in poverty, with little or no economic independence, have fewer possibilities of finding security and protection. Law enforcement agents often profile and deliberately target persons living in poverty. Women and girls living in poverty are particularly affected by gender-based violence that includes, but is not limited to, domestic violence, sexual abuse and harassment and harmful traditional practices. Moreover, poverty is a cause of preventable death, ill-health, high mortality rates and low life expectancy, not only through greater exposure to violence but also material deprivation and its consequences, such as lack of food, safe water and sanitation.

64. States should:

(a) Take special measures to ensure that the right to life and physical integrity of persons living in poverty is respected, protected and fulfilled on an equal basis, including by training law enforcement officials, reviewing police procedures and establishing clear accountability systems accessible to the most disadvantaged;

(b) Develop specific strategies and systems to tackle gender-based violence perpetrated against persons living in poverty, including by providing shelter for women victims of domestic violence;

(c) Take all possible measures, to the maximum of their available resources, to ensure that persons living in poverty have access to at least the minimum essential food that is nutritionally adequate and safe, basic shelter, housing and sanitation, and an adequate supply of safe drinking water, so as to prevent diseases and other harmful consequences of material deprivations, including malnutrition, epidemics and maternal and infant mortality.

B. Rights to liberty and security of the person

65. Various structural and social factors, including discrimination, cause persons living in poverty to come into contact with the criminal justice system with a disproportionately high frequency. They also encounter considerable obstacles in exiting the system. Consequently, disproportionately high numbers of the poorest and most excluded persons are arrested, detained and imprisoned. Many are subject to pre-trial detention for long periods without meaningful recourse to bail or review. Often unable to afford adequate legal representation, they are more likely to be convicted. While in detention they often

have no accessible means of challenging infringements of their rights, such as unsafe or unsanitary conditions, abuse or lengthy delays. Fines imposed on persons living in poverty have a disproportionate impact on them, worsen their situation and perpetuate the vicious circle of poverty. Homeless persons in particular are frequently subject to restrictions on their freedom of movement and criminalized for using public space.

66. States should:

(a) Assess and address any disproportionate effect of criminal sanctions and incarceration proceedings on persons living in poverty;

(b) Ensure that, to the greatest extent possible, bail processes take into account the economic and societal circumstances of persons living in poverty;

(c) Repeal or reform any laws that criminalize life-sustaining activities in public places, such as sleeping, begging, eating or performing personal hygiene activities;

(d) Review sanctions procedures that require the payment of disproportionate fines by persons living in poverty, especially those related to begging, use of public space and welfare fraud, and consider abolishing prison sentences for non-payment of fines for those unable to pay.

C. Right to equal protection before the law, access to justice and effective remedies

67. Persons living in poverty are often unable to access justice or to seek redress for actions and omissions that adversely affect them. They encounter a variety of obstacles, from being unable to successfully register initial complaints owing to costs or legal illiteracy, to court decisions in their favour remaining unimplemented. Power imbalances and the lack of independent, accessible and effective complaint mechanisms often prevent them from challenging administrative decisions that adversely affect them. Without effective access to justice, they are unable to seek and obtain a remedy for breaches of domestic and international human rights law, exacerbating their vulnerability, insecurity and isolation, and perpetuating their impoverishment.

68. States should:

(a) Establish effective, affordable and accessible procedures, including non-formal dispute resolution mechanisms, in accordance with human rights standards, to support persons living in poverty seeking justice, taking into account the specific barriers that they face gaining accessing justice;

(b) Provide, for criminal cases and also civil cases affecting the rights of the persons living in poverty, high-quality legal aid systems and expanded legal services for those unable to afford the cost of legal representation;

(c) Put in place measures to ensure that legal fees and court fees (such as for filing complaints) are waived for those who cannot afford them;

(d) Ensure that persons living in poverty have access to remedies in cases of discrimination on the basis of their socioeconomic situation;

(e) Invest in training judges, lawyers, prosecutors and law enforcement officials in meeting the specific needs of various groups living in poverty, and to increase their capacity to perform their roles without discrimination;

(f) Establish independent, well-resourced, gender-sensitive complaint mechanisms in public policies to ensure oversight and to enable persons living in poverty to bring complaints about abuse of power and authority, corruption and discrimination;

(g) Establish child-sensitive complaint, counselling and reporting mechanisms, accessible to children living in poverty, and launch information campaigns to ensure knowledge of those mechanisms;

(h) Increase the availability of legal information to persons living in poverty, including through dissemination in diverse, adaptable and culturally sensitive ways;

(i) Establish effective remedies (including domestic legal recognition and judicial recourse) for all rights enshrined in international human rights instruments, including economic, social and cultural rights.

D. Right to recognition as a person before the law

69. Many legal, economic, procedural, practical and cultural barriers impede persons living in poverty from registering at birth and obtaining legal identity documents. Some simply live out of reach of registration centres, others cannot afford the direct and indirect costs and others are denied a legal identity on account of discrimination. Without birth certificates and relevant documents, persons living in poverty are unable to realize a wide range of rights, including the rights to social security, education, health and access to justice. Lack of birth registration also increases the risk of statelessness because individuals may be unable to establish their nationality later in life.

70. States should:

(a) Make all efforts necessary to register all children immediately after birth;

(b) Carry out registration drives, including awareness-raising campaigns, for unregistered adults and children, and ensure issuance of identity documents for persons living in poverty when necessary for effective access to public services and enjoyment of all rights;

(c) Allocate the resources necessary for the establishment of registration systems that are accessible to and adequate for persons living in poverty. These systems should be free, simple, expeditious and operate without discrimination;

(d) Identify and remove barriers that impede access to birth registration of disadvantaged groups at particular risk of poverty, such as asylum seekers, stateless persons, persons with disabilities and undocumented migrants;

(e) Where birth registration or identification documents cannot be reasonably obtained, ensure that courts extend legal standing without discrimination.

E. Right to privacy and to protection for home and family

71. Persons living in poverty are more likely to be subject to attacks on their privacy and reputation by State and non-State actors. Such intrusions may be caused by overcrowded housing conditions or the excessive intervention of law enforcement or social services. For example, children from families living in poverty are at greater risk of being removed by the authorities and placed in institutional care.

72. States should:

(a) Revise legal and administrative frameworks to protect persons living in poverty from inappropriate intrusion into their privacy by the authorities. Surveillance policies, welfare conditionalities and other administrative requirements must be reviewed to ensure that they do not impose a disproportionate burden on those living in poverty or invade their privacy;

(b) Ensure that financial and material poverty is never the sole justification for removing a child from parental care or for preventing his or her reintegration. In line with the obligation to protect the best interests of the child in any child protection proceedings, efforts should be directed primarily towards enabling the child to remain in or return to the care of his or her parents, including by tackling the material deprivation of the family;

(c) Design and implement appropriate, well-resourced and culturally sensitive family support programmes, accessible to persons living in poverty, as part of comprehensive child welfare and protection policies.

F. Right to an adequate standard of living

73. States have the obligation to progressively improve the living conditions of persons living in poverty. While the right to an adequate standard of living includes specific rights, some of which appear separately below, it is also an overarching right that encompasses elements essential for human survival, health and physical and intellectual development. Lack of an adequate standard of living is related to limited or insecure means of livelihood. Often a lack of income and the price of basic commodities combine to form a major obstacle in urban areas. Rural communities usually rely heavily on secure and equitable access to land, fisheries and forests, which are a source of food and shelter, the basis for social, cultural and religious practices and a central factor for economic growth. Many persons, including women, indigenous peoples and small agricultural producers, lack legally enforceable and sustainable control over and access to such resources.

74. States should:

(a) Bring down the economic, social and administrative barriers preventing persons living in poverty from engaging in productive livelihood activities, including by building productive assets, skills and capabilities;

(b) Invest in infrastructure to improve access to basic services necessary for an adequate standard of living, and to create better energy and technology options for persons living in poverty;

(c) Ensure that persons living in poverty have adequate access to resources such as land, fisheries and forests, and adequate water for subsistence farming, by, inter alia, taking specific legislative, administrative and policy measures to promote and ensure sustainable management of productive resources;

(d) Ensure that indigenous peoples have the right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired;

(e) Ensure those living in poverty, in particular women, have access to basic financial services, including bank loans, mortgages and other forms of credit, and safe, affordable means of saving;

(f) Ensure that policies addressing all areas of the right to an adequate standard of living, such as food, water and sanitation and housing, are comprehensive and integrated.

G. Right to adequate food and nutrition

75. Adequate food is essential for health, survival and physical and intellectual development, and is a precondition for social integration, social cohesion and peaceful community life. Lack of food sovereignty compromises autonomy and dignity. Persons living in poverty often have limited access to adequate and affordable food, or the resources that they need to produce or acquire such food. Even where adequate food is available, it often does not reach persons living in poverty, for example owing to cost, inadequate or discriminatory distribution, limited capacity of marginalized groups to access productive resources, lack of infrastructure or conflict. The quality or nutritional value of the food that persons living in poverty are able to access is also a major concern. As a result of institutional and intrahousehold discrimination or cultural practices, women living in poverty are often denied equitable access to food, or their capacity to procure or produce it is undermined.

76. States should:

(a) Establish disaggregated mapping systems to identify groups and households particularly vulnerable to food and nutrition insecurity and the reasons for that vulnerability, and take corrective measures, to be implemented both immediately and progressively, to provide access to adequate food;

(b) Adopt a national strategy to ensure food and nutrition security for all, based on human rights principles. Access to adequate food for persons living in poverty should be accorded priority and take into account the interdependence of access to productive and monetary resources and adequate nutrition;

(c) Put in place adequate early-warning mechanisms to prevent or mitigate the effects of natural or human-caused disasters, including on persons living in poverty in remote and marginalized areas, and take appropriate emergency preparedness measures;

(d) Ensure adequate access to productive resources, including land, forests and fisheries, in order for persons living in poverty to produce food for themselves and their families;

(e) Implement effective land distribution and agrarian reform programmes, especially in areas in which land concentration threatens access to livelihoods for rural communities, and adopt preventive measures to avoid land and water grabbing;

(f) Revise and repeal discriminatory laws and related administrative practices that impede the recognition of ownership or tenure rights of land and resources by groups or individuals living in poverty, in particular women;

(g) Adopt measures to eradicate any kind of discriminatory practices regarding food distribution within the household or community, especially with regard to gender, for example by channelling food production support through women;

(h) Consider, to protect those who are unable to provide for themselves, establishing and maintaining food safety nets linked to other complementary interventions that promote food security in the medium and longer terms. There is also a need to ensure that social assistance policies and programmes take into account the true costs of a nutritious and culturally adequate diet;

(i) Ensure effective distribution mechanisms that recognize market shortcomings to make adequate food physically and economically accessible to persons living in poverty, in a culturally acceptable way and without negatively affecting small farmers, indigenous peoples, forest dwellers, pastoralists or local subsistence fishing communities and women. This should include a review of overall systems for food pricing;

(j) Strive to ensure that all trade and investment policies, including those specific to food and agriculture, are conducive to fostering food and nutrition security for all, and take international collective action to address widespread food and nutrition insecurity and rising food prices. Strategies that support rural development based on human rights, promote sustainable food production and equitable distribution, and reduce volatility in commodity markets affecting food prices must be a priority for States at both the national and international levels.

H. Rights to water and sanitation

77. Persons living in poverty are disproportionately affected by limited access to water and adequate sanitation. Unsafe water and lack of access to sanitation are a primary cause of diarrhoeal diseases linked to high levels of child and infant mortality among families living in poverty and restrict the enjoyment of many other rights, including those to health, education, work and privacy, thereby seriously undermining the possibilities of escaping poverty. Persons living in poverty often inhabit areas in which access to water and/or sanitation is restricted owing to cost, lack of infrastructure, denial of services to persons without secure tenure, poor resource management, contamination or climate change. Lack of access to water and sanitation particularly affects women and girls living in poverty.

78. States should:

(a) Ensure that persons living in poverty have access to at least the minimum essential amount of water that is sufficient and safe for personal and domestic uses (including drinking, personal sanitation, laundry, food preparation and personal and household hygiene) and sanitation that is gender-sensitive, safe, physically accessible and affordable;

(b) In the context of informal settlements, lift legal barriers related to land tenure to allow inhabitants to obtain a formal and official connection to water and sanitation services. No household should be denied the rights to water and sanitation on the grounds of its housing or land status;

(c) Ensure access to water and sanitation for homeless persons, and refrain from criminalizing sanitation activities, including washing, urinating and defecating in public places, where there are no adequate sanitation services available;

(d) Implement measures to ensure that persons living in poverty are not charged higher rates for water services owing to consumption levels;

(e) Organize large-scale public information campaigns on hygiene through channels accessible to persons living in poverty.

I. Right to adequate housing, security of tenure and prohibition of forced eviction

79. Persons living in poverty often live in inadequate housing conditions, including in slums and informal settlements, with limited or no access to basic services. Overcrowding, insecurity and disproportionate exposure to natural disasters or environmental hazards commonly threaten the life or health of persons living in poverty. Many lack security of tenure and live in constant fear of evictions and expropriation, without the means of upholding their rights in courts. Discrimination in access to housing, lack of affordable housing and speculation in housing and land, in addition to violations perpetrated by private actors, including landlords, real estate agents and financial companies, contribute to the increased vulnerability of persons living in poverty and push them further into destitution or

homelessness. Under these circumstances, women in particular experience multiple forms of discrimination and are exposed to abuse and violence.

80. States should:

(a) Accord priority to the eradication of homelessness through a national strategy, while allocating sufficient resources to the provision of adequate transitional shelter to all homeless persons;

(b) Adopt laws protecting all individuals, groups and communities, including those living in poverty, against forced eviction by State and non-State actors. This should include preventive measures to avoid and/or eliminate the underlying causes of forced evictions, such as speculation in land and real estate;

(c) Accord priority to individuals and communities living in poverty in housing and land allocation, especially where access to work and services is available. Such allocation must be done in a gender-sensitive manner, ensuring that men and women benefit equally from such schemes;

(d) Take immediate measures aimed at conferring legal security of tenure for persons and households living in poverty who lack such protection, including those who do not have recognized titles to home and land and those living in informal settlements;

(e) Ensure that women's equal rights to land or tenure are recognized and enforced;

(f) Ensure adequate public expenditure on affordable housing and promote policies and programmes that enable access to affordable housing for persons living in poverty. Such policies and programmes should accord priority to the most disadvantaged groups and may include housing finance programmes, slum upgrading, titling and regularization of informal settlements, and/or State subsidies for rent or credit for housing ownership;

(g) Accord priority to improvements in infrastructure and services in areas inhabited by persons living in poverty, including all-weather roads, safe drinking water, waste and sewage disposal and sanitation facilities, health-care and education facilities and electricity;

(h) Design and implement disaster risk reduction policies and programmes related to housing with due regard to the rights of persons living in poverty. Post-disaster rehabilitation efforts should include measures to strengthen tenure security for those with insecure status and accord priority to housing reconstruction and the provision of alternate housing, such as social or public housing, for the most disadvantaged groups.

J. Right to the highest attainable standard of physical and mental health

81. In a clear example of the vicious circle of poverty, persons experiencing ill health are more likely to become poor, while persons living in poverty are more vulnerable to accidents, diseases and disability. Limited access to physical and mental health care, including medicines, insufficient nutrition and unsafe living environments deeply affect the health of persons living in poverty and impair their ability to engage in income-generating or productive livelihood activities. Women and girls carry a disproportionate care responsibility when health-care facilities are lacking or inaccessible and thus often must forego education or formal employment to provide care.

82. States should:

(a) Take multidimensional measures to tackle the relationship between ill health and poverty, recognizing the many and varied determinants of health and the agency and autonomy of persons living in poverty;

(b) Enhance the accessibility and quality of preventive and curative health care for persons living in poverty, including sexual and reproductive health care and mental health care;

(c) Ensure that persons living in poverty have access to safe and affordable medicines and that inability to pay does not prevent access to essential health care and medicine;

(d) Establish health-care facilities within the safe physical reach of communities living in poverty, including in rural areas and slums, and ensure that such facilities have all resources necessary for their proper functioning;

(e) Take special measures to target the main health conditions affecting persons living in poverty, including neglected diseases. This should include free immunization, educational programmes and training for health practitioners to identify and treat such illnesses;

(f) Implement specific and well-resourced policies to tackle gender-based violence, including accessible preventive and treatment services that protect the dignity and privacy of persons living in poverty;

(g) Provide tailor-made services for groups whose access to health services may raise particular challenges, such as language, geographical barriers, cultural barriers, age, discrimination or existing health status. Women living in poverty should have access to high-quality sexual and reproductive health services and information.

K. Right to work and rights at work

83. In rural and urban areas alike, persons living in poverty experience unemployment, underemployment, unreliable casual labour, low wages and unsafe and degrading working conditions. Persons living in poverty tend to work outside the formal economy and without social security benefits, such as maternity leave, sick leave, pensions and disability benefits. They may spend most of their waking hours at the workplace, barely surviving on their earnings and facing exploitation including bonded or forced labour, arbitrary dismissal and abuse. Women are particularly at risk of abuse, as are groups affected by discrimination such as persons with disabilities and undocumented migrants. Women usually take on the bulk of unpaid care work in their households, making them more likely to engage in low paid and insecure employment, or preventing them from entering the labour market altogether.

84. States should:

(a) Adopt rigorous labour regulations and ensure their enforcement through a labour inspectorate with adequate capacity and resources to ensure enjoyment of the right to decent working conditions;

(b) Ensure that all workers are paid a wage sufficient to enable them and their family to have access to an adequate standard of living;

(c) Ensure that legal standards regarding just and favourable conditions of work are extended to and respected in the informal economy, and collect disaggregated data assessing the dimensions of informal work;

(d) Take positive measures to ensure the elimination of all forms of forced and bonded labour and harmful and hazardous forms of child labour, in addition to measures that ensure the social and economic reintegration of those affected and avoid reoccurrence;

(e) Ensure that caregivers are adequately protected and supported by social programmes and services, including access to affordable childcare;

(f) Put in place specific measures to expand opportunities for persons living in poverty to find decent work in the formal labour market, including through vocational guidance and training and skills development opportunities;

(g) Eliminate discrimination in access to employment and training, and ensure that training programmes are accessible to those most vulnerable to poverty and unemployment, including women, migrants and persons with disabilities, and tailored to their needs;

(h) Respect, promote and realize freedom of association so that the identities, voices and representation of workers living in poverty can be strengthened in social and political dialogue about labour reforms.

L. Right to social security

85. Persons living in poverty often cannot enjoy their right to social security. While that right includes both social insurance (contributory schemes) and social assistance (non-contributory schemes), many States rely only on contributory systems as the main source of social security benefits, with social assistance programmes often being inadequate and ineffective. Given that those living in poverty are more likely to work in the informal economy, to hold insecure, low-paid jobs, to be long-term unemployed or to be unable to work, they are unlikely to be able to contribute to and thereby access social insurance benefits such as pensions and unemployment and sickness benefits. These problems are particularly serious for women as discrimination and care responsibilities result in lower wages and interrupted work histories, reducing their ability to contribute to and benefit from social insurance schemes.

86. States should:

(a) Develop a comprehensive social security system and allocate the resources necessary to progressively ensure universal access to social security for all and the enjoyment of at least the minimum essential levels of economic, social and cultural rights. While all persons should be progressively covered by social security systems, priority should be accorded to the most disadvantaged and marginalized groups;

(b) Put in place and expand nationally funded comprehensive social security systems that encompass social insurance and social assistance, in line with the International Labour Organization recommendations on a social protection floor;

(c) Take specific measures to ensure that persons living in poverty, in particular women and those working in the informal economy, have access to social security benefits, including social pensions, which are sufficient to ensure an adequate standard of living and access to health care for them and their families;

(d) Ensure that social security systems are established by law in a transparent, sustainable and inclusive manner and are just one component of a more comprehensive and coherent national plan for the eradication of poverty;

(e) Ensure that social security systems are designed, implemented and evaluated taking into account the particular needs of persons living in poverty, especially women.

M. Right to education

87. Children living in poverty are more likely to drop out of or never attend school in order to engage in income-generating activities or to help in the home. Education is a crucial means by which persons can develop their personalities, talents and abilities to their fullest potential, increasing their chances of finding employment, of participating more effectively in society and of escaping poverty. The economic consequences of not finishing primary or secondary school are thus devastating and perpetuate the cycle of poverty. Girls are more commonly denied their right to education, which in turn restricts their choices and increases female impoverishment.

88. States should:

(a) Ensure that all children, including those living in poverty, are able to enjoy their right to free and compulsory primary education through the provision of high-quality education in schools within safe reach and without indirect costs;

(b) Provide schools in disadvantaged areas with high-quality, trained teachers and adequate infrastructure, including gender-sensitive sanitation facilities, water and electricity;

(c) Take steps to progressively ensure the availability, accessibility, acceptability, adaptability and quality of education in all forms and at all levels. This includes allocating, as a priority, resources to persons living in poverty to compensate for socioeconomic disadvantages (e.g. proactive measures to combat school dropout rates, grants and school meal provisions);

(d) Take measures to progressively introduce free education for secondary and higher levels, in particular for girls and groups vulnerable to poverty and marginalization such as children with disabilities, minorities, refugees, children of undocumented migrants, stateless persons, children living in institutions and those living in remote areas and slums;

(e) Review and reform legislation to ensure consistency between the minimum school leaving age and the minimum age of marriage and employment;

(f) Provide high-quality early childhood education centres to improve the education and health of children living in poverty;

(g) Take measures to eradicate illiteracy, including for adults;

(h) Ensure that persons living in poverty are able to know, seek and receive information about all human rights and fundamental freedoms and have access to human rights education and training.

N. Rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications

89. Poverty seriously restricts the ability of individuals or groups to exercise their right to take part in, access and contribute to all spheres of cultural life, as well as their ability to effectively enjoy their own culture and that of others, exacerbating their disempowerment and social exclusion. Free cultural expression through values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life enables persons living in poverty to express their humanity, their world view, their cultural heritage and the meanings that they give to their existence and their development. Persons living in poverty are often unable to reap the benefits of scientific progress and its applications in an equal manner.

90. States should:

(a) Recognize and value the diversity of cultural heritage present in their territories and under their jurisdiction, including the cultural heritage of persons living in poverty;

(b) Respect and protect the cultural heritage of groups living in poverty, including through protection from illegal or unjust exploitation of the lands, territories and resources of indigenous peoples by State agents or non-State actors, including transnational corporations and other business enterprises;

(c) Ensure that cultural heritage policies and programmes, including those designed to promote tourism, are not implemented at the expense or to the detriment of communities living in poverty, including through the active participation of the relevant communities and individuals;

(d) Create opportunities for persons living in poverty to participate in, access and contribute to cultural life, including by facilitating access to public spaces where individuals and groups from all communities can conduct creative and recreational activities, gather to practice rites and ceremonies, and engage with one another. States should also facilitate the access of persons living in poverty to cultural goods, services and institutions;

(e) Take positive steps to ensure that the benefits of scientific progress reach persons living in poverty, and ensure their access to scientific information, processes and products;

(f) Ensure that innovations essential for a life in dignity are physically accessible and affordable on a non-discriminatory basis to everyone, including persons living in poverty.

VI. Obligations of international assistance and cooperation

91. States have a duty to provide international assistance and cooperation commensurate with their capacities, resources and influence, as established in the Charter of the United Nations (Articles 55 and 56) and in several international human rights treaties.

92. As part of international cooperation and assistance, States have an obligation to respect and protect the enjoyment of human rights, which involves avoiding conduct that would create a foreseeable risk of impairing the enjoyment of human rights by persons living in poverty beyond their borders, and conducting assessments of the extraterritorial impacts of laws, policies and practices.

93. States in a position to do so should provide international assistance to contribute to the fulfilment of human rights and poverty reduction as an element of the duty of international assistance and cooperation. International assistance should respect partner countries' ownership of their poverty reduction strategies, and should be aligned with partner countries' national development strategies, institutions and procedures. Donors' actions should be harmonized, transparent and coordinated, and both donors and partners should be accountable for their actions and the results of their interventions.

94. States are obliged to seek international assistance on mutually agreed terms, when they are unable, despite their best efforts, to guarantee that those living in poverty within their territories are able to enjoy their human rights. They must ensure that the assistance provided is used and managed according to human rights principles.

95. In providing or receiving international assistance, States should ensure the effective participation of recipient States and all affected stakeholders, including persons living in poverty, and strengthen their capacity and ownership in the context of international assistance.

96. States must take deliberate, specific and targeted steps, individually and jointly, to create an international enabling environment conducive to poverty reduction, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection and development cooperation. This includes cooperating to mobilize the maximum of available resources for the universal fulfilment of human rights.

97. Even when a member of an international organization, a State remains responsible for its own conduct in relation to its human rights obligations within and outside its territory. This includes identifying the possible human rights impact, including on persons living in poverty, of measures agreed at the international level.

98. A State that transfers competences to or participates in an international organization must take all reasonable steps to ensure that the relevant organization acts in accordance with the international human rights obligations of that State and in a manner conducive to poverty reduction.

VII. Role of non-State actors, including business enterprises

99. States have a duty, in accordance with their international obligations, to prevent and protect against human rights abuse committed by non-State actors, including business enterprises, which they are in a position to regulate. Where transnational corporations are involved, all relevant States should cooperate to ensure that businesses respect human rights abroad, including the human rights of persons and communities living in poverty. States should take additional steps to protect against abuses of human rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.

100. Non-State actors, including business enterprises, have, at the very minimum, the responsibility to respect human rights, which means to avoid causing or contributing to adverse human rights impacts through their activities, products or services, and to deal with such impacts when they occur.

101. Businesses should adopt a clear policy commitment to respect human rights, including those of persons living in poverty, and to undertake a human rights due diligence process to identify and assess any actual or potential impacts on human rights posed by the company's own activities and by business partners associated with those activities. They should prevent and mitigate the adverse effects of their actions on the rights of persons living in poverty, including by establishing or participating in operational-level grievance mechanisms for individuals or communities that face such impacts.

102. The obligation of States to protect against human rights infringements by third parties requires taking steps to prevent, investigate, punish and redress any abuse through effective policies, legislation, regulations and adjudication. States must ensure that those affected by business-related abuses have access to a prompt, accessible and effective remedy, including where necessary recourse to judicial redress and non-judicial accountability and grievance mechanisms. This would include addressing any legal, practical and procedural barriers to access to justice, including discrimination, which prevent persons living in poverty from using and benefiting from these mechanisms owing to cultural, social, physical or financial impediments.

VIII. Implementation and monitoring

103. The successful implementation of the Guiding Principles depends on their translation into national strategies on poverty reduction and human rights and on the creation of effective domestic monitoring and enforcement mechanisms, including through national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

104. States should adopt and implement a comprehensive national strategy and plan of action to eliminate poverty, framed in human rights terms. National plan of actions should integrate all administrative levels and identify and accord priority to the needs of those living in poverty. Plans must provide a framework for all public services and programmes to respect, protect and fulfil the human rights of persons living in poverty and set out indicators, benchmarks and timetables by which progress can be monitored. The strategy and plan should be devised and periodically reviewed through a transparent, inclusive, participatory and gender-sensitive process. The process by which the strategy and plan of action are devised, and their content, should pay particular attention to vulnerable or marginalized groups. States should define and publicize opportunities for participation and information about proposed policy measures should be disseminated widely and in an accessible manner.

105. States should entrust an independent national body with the task of monitoring the quantitative and qualitative aspects of poverty from a human rights perspective, and providing the disaggregated data sets necessary for effective implementation. Information must be collected and processed in accordance with internationally accepted norms so as to protect human rights and ensure confidentiality and respect for privacy.

106. Development partners, specialized agencies of the United Nations system and regional organizations are encouraged to support efforts by States to implement the Guiding Principles, including through South-South cooperation. Such support could include technical cooperation, financial assistance, institutional capacity development, knowledge sharing, exchange of experiences and transfer of technology.

107. The implementation of national plans of action must be rendered fully accountable to persons living in poverty and be monitored by a wide range of actors, such as national human rights institutions, courts, parliamentary committees and regional and international human rights mechanisms. Persons living in poverty should be able to participate in the design and implementation of such monitoring mechanisms. States should encourage bottom-up social accountability mechanisms such as citizen report cards, social audits and participatory budget systems.

IX. Interpretation

108. The Guiding Principles shall not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights law and related standards, or rights consistent with international law as recognized under any national law.

Annex I

[English only]

Historic overview of the Guiding Principles on Extreme Poverty and Human Rights

1. Considering that the drafting process of the Guiding Principles on Extreme Poverty and Human Rights has been extended over more than a decade, during which time several consultations have taken place with States and other stakeholders, this Annex provides an overview of the process and makes reference to the key resolutions and United Nations documents that the process has generated with the objective of facilitating understanding of the process.

2001 – 2006: initial work done by the Sub-Commission *ad hoc* group of experts

2. In 2001, the Commission on Human Rights, in its resolution 2001/31, paragraph 7(a) *requested* the Sub-Commission on the Promotion and Protection of Human Rights (hereafter referred to as the Sub-Commission) to consider the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty.

3. According to the resolution, the guiding principles were to be drafted on the basis of various relevant international texts, ongoing work in other forums, and any other relevant inputs, in particular those received from States. The same resolution, in paragraph 7(b), also invited States, United Nations specialized agencies, funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions and the international financial institutions to submit their views on this subject to the Sub-Commission.

4. In response, the Sub-Commission entrusted (resolution 2001/8, from August 2001) an *ad hoc* group of experts, coordinated by Mr. José Bengoa (Chile), to prepare a working paper on the subject of developing these guiding principles. After extensive consultations, including regional seminars held in Bangkok (Thailand), Pierrelaye (France), Pune (India) and Sao Paulo (Brazil), as well as the sessions of the Social Forum, the *ad hoc* group of experts submitted its final report and a text of draft Guiding Principles (A/HRC/Sub.1/58/16) to the Sub-Commission, at its 58th session in June 2006.

5. By resolution 2006/9 (August 2006) the Sub-Commission welcomed and approved the “draft guiding principles on extreme poverty and human rights: the rights of the poor” (hereafter referred to as the draft Guiding Principles), and requested the Human Rights Council to study these Guiding Principles, in consultation with experts, persons living in extreme poverty and associations committed to working alongside with them, with a view to adopting them and forwarding them to the General Assembly.

6. In its resolution 2/2 of November 2006, the Human Rights Council took note of the Sub-Commission’s draft, and, in its paragraph 3, requested the United Nations High Commissioner for Human Rights (High Commissioner) to circulate the draft Guiding Principles to obtain the views of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies and special procedures mandate holders, national human rights institutions, non-governmental organisations,

especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders, and to report to the Human Rights Council at its 7th session.

2007: first round of consultations

7. The Office of the High Commissioner for Human Rights (OHCHR) circulated the draft and obtained views from Member States, relevant UN agencies and intergovernmental organizations, United Nations special procedures, national human rights institutions and civil society organisations.

8. Civil society organizations and other actors were further consulted through two parallel consultations. An online consultation, undertaken by the United Nations Non-Governmental Liaison Service (UN-NGLS), was open from 20 August through 20 September 2007. In order to seek the views of persons living in poverty and extreme poverty and of NGOs working with them, the International Movement ATD Fourth World, conducted consultations in 5 countries: Thailand, Peru, Senegal, Poland, and France.

9. The High Commissioner submitted a report (A/HRC/7/32) on the findings of the consultations to the Human Rights Council at its seventh session in March 2008. The report contains annexes with detailed results of the consultations.

2008-2009: second round of consultations

10. The Human Rights Council, in its resolution 7/27 of March 2008, noted with satisfaction the High Commissioner's report, welcomed the substantial contributions, and invited OHCHR to further consult relevant stakeholders and allow them to comment on the report of the High Commissioner, including through the organization of a seminar on the draft Guiding Principles that took place from 27-28 January 2009, and to submit a report to the Human Rights Council at its 12th session in October 2009.

11. Between 2007 and 2008, OHCHR further consulted with Member States, other UN agencies, national human rights institutions, civil society organizations, international experts, and other relevant stakeholders. Additional consultations were organized with civil society organisations and with persons living in extreme poverty, convened by ATD Fourth World and by Baha'i International.

12. The two-day seminar organized by OHCHR in January 2009 (27-28 January) aimed at discussing: (a) the added value and practical utility of the draft guiding principles on extreme poverty and human rights in helping to implement existing human rights norms and standards in the context of the fight against extreme poverty; (b) the technical legal merit of the draft guiding principles on extreme poverty and human rights; and (c) possible way forward on the draft guiding principles. In addition, OHCHR commissioned a background paper^a summarising all inputs and comments received during the consultations to inform the seminar discussions and produced a technical review^b of the draft guiding principles.

13. Several States and other stakeholders participated, sending written submissions as well as physically engaging in the seminar. The main outcomes of the consultations and the seminar were detailed in a report submitted by OHCHR to the 11th session of the Human Rights Council (A/HRC/11/32).

^a Available from www.ohchr.org/Documents/Issues/Poverty/20090127backgroundpaperonDGPs.pdf.

^b Available from www.ohchr.org/Documents/Issues/Poverty/DGP-Tech-review.pdf.

14. Overall, the second round of consultation process in 2008-2009 found unanimity among respondents regarding the importance of preparing guiding principles on extreme poverty and human rights. A widely held view among respondents was that guiding principles have the potential to strengthen the implementation of existing international human rights law, rendering international human rights law and policy directly relevant to people living in extreme poverty. It was agreed that such guiding principles may provide international as well as local actors with a useful tool to guide them in the fight against poverty, and may also serve to raise awareness among persons living in extreme poverty, and the population at large, as to their rights and entitlements.

2009-2010: initial work by the then Independent Expert on the question of human rights and extreme poverty

15. The Human Rights Council, in its resolution 12/19, from October 2009, invited the then Independent Expert on the question of human rights and extreme poverty (Independent Expert) to pursue further work on the draft guiding principles, with a view to integrating the contributions of Member States and other relevant stakeholders in a progress report to be submitted to the Human Rights Council no later than its 15th session, presenting her recommendations on how to improve the draft guiding principles, to allow the Human Rights Council to take a decision on the way forward with the view to a possible adoption of the guiding principles by 2012.

16. In preparing her report, the then Independent Expert reviewed all previous contributions made during the process and carried out additional consultations with a range of stakeholders. The Independent Expert also convened an expert meeting on 20-21 May 2010 in Geneva, where experts from different regions of the world were invited to discuss how to improve the draft guiding principles.

17. The Independent Expert presented her progress report to the Human Rights Council at its 15th session in September 2010. The report (A/HRC/15/41) provided detailed recommendations on how to improve the draft guiding principles, and an annotated outline covering overarching human rights principles, policy guidelines and specific rights-based obligations. The report also included the rationale behind the report's proposals and outlined the main challenges experienced by persons living in extreme poverty that must be considered when preparing the guiding principles.

18. The Human Rights Council, in its resolution 15/19 from September 2010 (A/HRC/15/19), took note with satisfaction of the progress report of the Independent Expert on the draft guiding principles on extreme poverty and human rights and reaffirmed that the fight against extreme poverty must remain a high priority for the international community.

19. The Human Rights Council invited OHCHR to seek views, comments and suggestions on the Independent Expert's progress report on the draft guiding principles from States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, relevant special procedures, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders. It also invited OHCHR to organize a two-day consultation with States and relevant stakeholders on the progress report of the Independent Expert, and to submit an analytical compilation of the above-mentioned consultation to the Human Rights Council at its 19th session.

2011-2012: Follow-up to the Independent Expert's report and submission to the Human Rights Council

20. In 2011, OHCHR held a consultation on the draft guiding principles on the basis of the annotated outline by the Independent Expert (by now designated Special Rapporteur on extreme poverty and human rights). The consultation benefited from inputs and participation from States, international organisations, national human rights institutions, NGOs and experts, as well as from oral statements made during a two-day meeting in Geneva.

21. During the consultation, a strong consensus emerged as to the need for and the importance of adoption of the Guiding Principles as a policy tool for the eradication of poverty and the promotion and protection of all human rights of people living in poverty. States and stakeholders also broadly endorsed the outline of the draft guiding principles as elaborated by the Special Rapporteur and the relevance of existing human rights standards and obligations for combating poverty. The OHCHR submitted its analytical compilation of this consultation (A/HRC/19/32) to the Human Rights Council at its 19th session in March 2012.

22. As requested by the resolution 15/19, the Special Rapporteur pursued further work on the draft guiding principles on the basis of the report of the consultation prepared by OHCHR, with the aim to “submit a final draft of the revised guiding principles to the Human Rights Council at its 21st session (September 2012) in order to allow the Human Rights Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty” (A/HRC/15/19).

23. In June 2012, the Special Rapporteur completed a round of briefings to the regional groups of member States (WEOG, Asia-Pacific, Eastern Europe, GRULAC and African group) regarding the latest draft of the Guiding Principles. These additional briefings constitute another effort aimed at facilitating agreement on the draft text, so that the text may be adopted by consensus during the Human Rights Council's 23rd session in September 2012.

Annex II

[English only]

List of relevant resolutions and documents

I. List of resolutions

2001

- Commission on Human Rights, res. 2001/31, adopted on 23 April 2001
- Sub-Commission on the Promotion and Protection of Human Rights, res. 2001/8, adopted on 15 August 2001

2006

- Sub-Commission on the Promotion and Protection of Human Rights, res. 2006/9, adopted on 24 August 2006
- Human Rights Council, res. 2/2, adopted on 27 November 2006

2008

- Human Rights Council, res. 7/27, adopted on 28 March 2008

2009

- Human Rights Council, res. 12/19, adopted on 2 October 2009

2010

- Human Rights Council, res. 15/19, adopted on 30 September 2010

II. List of documents

2006

- A/HRC/Sub.1/58/36 Annex: Draft guiding principles “Extreme poverty and human rights: the rights of the poor”. Text prepared by the Sub-Commission on the Promotion and Protection of Human Rights

2008

- A/HRC/7/32: Report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor

2009

- A/HRC/11/32: Report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor

2010

- A/HRC/15/41: Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, on the draft guiding principles on extreme poverty and human rights (Progress report)

2011

- A/HRC/19/32: Analytical compilation of the submissions received in writing and made at the consultation on the progress report on the draft guiding principles on extreme poverty and human rights Report of the Office of the United Nations High Commissioner for Human Rights

III. Other relevant documents

- Background paper on views and comments of States and other relevant stakeholders, January 2009^c
 - Draft Guiding Principles on Extreme Poverty and Human Rights: the rights of the poor – A technical review, 2009^d
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^c Available from www.ohchr.org/Documents/Issues/Poverty/20090127backgroundpaperonDGPs.pdf.

^d Available from www.ohchr.org/Documents/Issues/Poverty/DGP-Tech-review.pdf.