

UN GUIDING PRINCIPLES ON EXTREME POVERTY AND HUMAN RIGHTS: A BREAKTHROUGH IN TACKLING POVERTY.

THE “UN GUIDING PRINCIPLES ON EXTREME POVERTY AND HUMAN RIGHTS” PROCLAIM EXTREME POVERTY AS BEING A VIOLATION OF HUMAN RIGHTS AND STRESS THAT PERSONS LIVING IN EXTREME POVERTY HAVE THE RIGHT TO ACTIVELY PARTICIPATE AT ALL LEVELS OF POLICY-MAKING.

A. Introduction

In its 21st session in September 2012, the UN Human Rights Council in Geneva adopted by consensus the “UN Guiding Principles on Extreme Poverty and Human Rights” submitted by the Special Rapporteur, Magdalena Sepúlveda Carmona. ¹ And during its 67th session, the United Nations General Assembly “Takes note with appreciation” of these guidelines.²

This UN document is the first official text on the subject of extreme poverty and human rights adopted by the General Assembly. It concludes an investment of more than 25 years that started when, in February 1987, Joseph Wresinski ³ presented his Report on Extreme Poverty and Social Insecurity of the Economic and Social Council of France⁴ to the former Human Rights Commission of the UN in Geneva (now Human Rights Council). In his speech, Wresinski appealed to the Commission to examine the question of extreme poverty and human rights.⁵ Two years later, in 1989, the Commission adopted a resolution that gave the start to many consultations – including those organised by ATD Fourth World with people living in extreme poverty - and a voluminous documentation.⁶

In a certain way, the content of the UN Guiding Principles on Extreme Poverty and Human Rights can be compared to national contemporary legislation such as the Law on the fight against exclusions in France from 1998⁷ or similar legislation in Canada. But this time the principles and norms are laid down in a UN document. The text represents a major progress for populations living in extreme poverty throughout the world.

B. Comments

The following pages will comment on the elements that represent a breakthrough in the thinking on extreme poverty and policies for tackling it.

1. Preface: eradicating extreme poverty, a human rights obligation

From the outset, in the Preface (chapter I), the Guiding Principles state that they are premised on the understanding that there is a legal obligation under human rights law to eradicate extreme poverty. And human rights should play a major part in tackling poverty and guiding all policies affecting persons living in poverty. Following this statement, logically, the text stresses that the persons living in poverty should be recognised as right holders and agents of change (paragraphs 1, 6, 7, 36, 45 and 48).

This statement represents a net breakthrough in the thinking about poverty that has been current all over the world since the beginning of time. It is an innovation on the level of international law, a Copernican revolution. For, persons living in poverty are to be considered as rights holders and agents of change. As a consequence, the whole text underlines the necessity of free and autonomous participation and, doing so, is concerned with the freedom of expression, a major human right.

In this way, it refutes old concepts of charity, humanitarian aid and assistance as a main solution for poverty eradication. Persons living in poverty are no longer regarded as passive victims to be relieved, objects to be rescued and not able to act for themselves and the wellbeing of their families. Paragraph 45 says it as follows: “*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.”

Another implication is that we should move beyond the era of temporary, urgent measures and mostly minimal survival measures, for victims who rapidly become invisible and forgotten, often left behind in their even more precarious situation.

Indeed the principle that persons living in poverty are agents of change and rights holders who can address duty bearers, implies the existence of obligations for States to enact measures, strategies, policies, and frameworks with a view of establishing societies where human rights are respected for every one without any exception.

PARTICIPATION, A CENTRAL CONCEPT

Participation is one of the central concepts of the Guiding Principles.

Nature of the participation

People living in extreme poverty should be empowered to participate meaningfully and effectively in public life (par. 7), be actively included in the development of legislation and institutions (par. 10), and be free and autonomous (par. 36). Chapter IV, part F (paragraphs 37 - 41) describes the measures that governments should take in order to ensure that participation is meaningful and effective.

States should ensure that it is active, free, informed and meaningful (par. 38). They should actively engage individuals and groups (par. 50).

Of course, education is considered essential to promote effective participation (par. 87).

In what should people participate?

The participation as promoted by the Guiding Principles is not restricted to only the personal sphere or the neighbourhood of the concerned persons. It regards all policies affecting the lives of persons living in poverty.

According to paragraph 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 (also paragraph 50). These aspects are elaborated in paragraph 104 on strategy and paragraph 107 on monitoring.

The guidelines do not intend to promote "specific policies for different categories of people", but view a global or holistic approach to all policies that concern the people experiencing the most severe poverty.

Empowerment and capacity building

A direct implication of the importance laid on participation of the people themselves (in order to be able to fulfil their own potential) is the emphasis on the need for empowerment, training, capacity building and human rights education. The Guiding Principles are based on "a relational and multidimensional view of poverty that recognises that the empowerment of persons living in poverty should be both a means of realising the rights of the poor and an end in itself" (par.12 and in the same sense paragraphs 35, 36, 38 and 39).

Poverty eradication is not a question of regulations for individuals but requires the establishment of specific mechanisms and institutional arrangements. States should create an enabling environment that fosters and promotes the capacity of individuals, community based organisations, social movements and other NGOs (...). (paragraph 9). States should support communities, NGOs and others that are involved with persons living in poverty (par. 41).

Who are concerned? Definition of extreme poverty

For its definition of extreme poverty, paragraph 2 relies on the preceding work within the Human Rights Council. “*Poverty is not solely an economic issue, but rather a multidimensional phenomenon that compasses a lack of both income and the basic capacities to live in dignity*”. It refers to different poverty definitions presented in the work of the Human Rights Council.⁸ One of these definitions comes from the Wresinski report of the CES France of 1987, the first official text that describes extreme poverty in terms of violations of all human rights.⁹ This definition speaks about a prolonged lack of basic securities that affects several aspects of people’s lives simultaneously, severely comprising their chances of exercising their rights in a foreseeable future.

Paragraphs 3 and 4 elaborate the definition of poverty further, putting forward that persons living in poverty generally experience regular denials of their dignity and equality; they are confronted by the most severe obstacles to access their rights and entitlements that prevent them from realising their rights and perpetuate their poverty. They “*live in a vicious circle of powerlessness, stigmatisation, discrimination, exclusion and material deprivation, which all mutually reinforce one another*”.

Priority to the most disadvantaged groups, an obligation:

The Guiding Principles remind that human rights should be at the basis of all policies, but intend to grant priority to those who experience the most severe poverty in a given context (paragraph 13): “*While all such persons (**living in poverty**) 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(...)*”.¹⁰ It repeats this priority in paragraph 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*”.

The Guiding Principles add that the inclusion of those living in extreme poverty will be beneficial for the social engagement and contribution of the entire population (par. 10).

II. Objectives, character and role of the guidelines

The Guiding Principles are not to be considered as presenting the exact content of the obligations. This is the role of the different treaty bodies that monitor the existing international human rights treaties. But they offer guidance on “*how to respect, protect and fulfil all human rights of persons living in extreme poverty*” and a tool how to design and implement policies (par. 11). The Guiding Principles give the list of international Covenants concerned¹¹.

Multidimensional

As said before, according to the Guiding Principles poverty is a multidimensional phenomenon and these persons “*live in a vicious circle of powerlessness, stigmatisation, discrimination, exclusion and material deprivation*” (par. 2 and 4). The principles are based on a relational and multidimensional view of poverty. This characteristic underlines that specific measures in one or another field are not sufficient. Given the fact that many factors are exercising their influence, a holistic or global approach is necessary. A strategy should concern all areas of policy (par. 11).

Universality

Another important characteristic of the guidelines is that they are universal and global in scope (par. 12). They apply to all States, whatever their state of development, and to all regions. This novelty recognises that extreme poverty is not a phenomenon limited to poor countries, regions or States from the “South” only. The Guiding Principles concern all states in the world.

III. Fundamental principles.

The Guiding Principles set out in chapter III the overarching principles: human dignity, equality, non-discrimination, and non-stigmatisation. They insist on respect for the inherent dignity and underline also the efforts made by persons living in poverty to improve their situation. As seen above, they stress the importance of empowerment and the right to participate in decisions affecting their lives.

They stress the indivisibility and interrelatedness (par.16) of all human rights, be they civil or political, economic, social, or cultural (which includes the spiritual).

States must create an enabling environment to combat poverty and protect human rights (par. 17).

A subchapter is devoted to the equality between men and women; among others it pleads for the elimination of harmful cultural and traditional practices. Another subchapter concerns the rights of the child.

Not a minimalist or pure survival approach

Another very important character of the Guiding Principles is that they do not promote a minimalist or biological survival approach.

This point of view proceeds already from paragraph 2 that characterises poverty as a lack of (...) "*the basic capacities to live in dignity*". Promoting human dignity implies that the objective can not be to alleviate the situation of poverty or to help people just to survive, just offering a little amount of money, some food aid (leftovers), second hand clothes or a temporary precarious roof. Respecting human dignity means that offering a biological minimum to some persons living in extreme poverty is contrary to a life in dignity.

Many other paragraphs express this vision. Chapter IV, part C, paragraphs 56 – 60, underlines that States should ensure that facilities, goods and services required for the enjoyment of human rights are accessible, available, adaptable, affordable and of good quality. Paragraph 60 even speaks of the highest attainable quality (...). These aspects are further elaborated in Chapter V (par. 62 and following) that treats the obstacles to exercising the rights that are the most important to people living in extreme poverty.

IV. Implementation requirements

Chapter IV recalls (par. 48 – par. 61) major elements concerning the implementation of international human rights law. Economic, social and cultural rights are not vague promises; governments need to take steps towards the full realisation of these rights.

According to international human rights standards developed by the different treaty bodies, i.e. the Committees that monitor the implementation of the various international Covenants, it is established that States should ensure at least the minimum essential levels of all rights. If there are constraints of resources, rights can be realised progressively. But retrogressive measures are allowed 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 (...).

The Guiding Principles set out four specific actions that States should take:

1) The eradication of poverty requires a national strategy that specifically addresses the situation of those living in poverty through a comprehensive and coherent framework covering all domains of public policy and public action. The strategy should engage individuals and groups (...) in its design and implementation. It should clearly designate the authorities and agencies responsible.

2) States should ensure that public policies accord due priority to persons living in extreme poverty (par. 51 – par. 55).

3) Facilities should be accessible, available, affordable and of good quality, and States have the duty to protect individuals against abuses committed by private service providers (par. 56 – par. 60).

4) States should ensure policy coherence, and take into account their international human rights obligations (par. 61).

V. Specific rights

The chapter V (paragraphs 62 – 90) starts by stating that: All human rights – civil, political, economic, social and cultural - should be enjoyed by persons living in poverty.

It repeats that the Guiding Principles do not intend to give a summary, neither a statement concerning the core content of the rights. It provides no exact definition of human rights obligations. It does not replace the standards contained in the various international Covenants.

The chapter describes some specific rights whose enjoyment is particularly limited and the principal obstacles that persons living in poverty experience in enjoying the full implementation of their rights. Indeed the Guiding Principles give for each right mentioned very concrete indications of the difficulties persons living in poverty experience, and the measures required to overcome them.

CIVIL AND POLITICAL RIGHTS FIRST

The chapter starts by describing five rights that traditionally are considered to belong to the area of civil and political rights i.e. the right to life and to physical integrity, the right to liberty and security, the right to equal protection before the law, the right to access to justice, the right to an identity and to birth registration, the right to privacy and to protection for home and family.

By treating the civil and political rights first, the Guiding Principles demonstrate the interdependence and interrelatedness of all human rights. Violations of one right can impede the exercise of the others be they civil, political or economic, social or cultural. Violations of one right can easily lead to situations where no right at all will be respected, particularly for persons living in poverty.

The confirmation of the interdependence of all human rights, long time neglected, is a change of insight within human rights circles. Poverty was very long time considered as belonging exclusively to the sphere of economic, social and cultural rights - a domain that according to a number of law experts does not prescribe real obligations but defines vague promises of progress.

A step forward in this discussion took place when, in the framework of the Council of Europe, the Committee of independent experts of the European Social Charter underlined obligations that the Charter defines for the Member States. The European Human Rights Court also considered that “*there is no water-tight division separating that sphere (economic, social and cultural rights) from the field covered by the Convention (civil and political rights)*”.¹²

And in 1993, The World Conference on Human Rights in Vienna reconfirmed the indivisibility and interdependence of all human rights.¹³ It has taken up principles already established in the Universal Declaration of Human Rights of 1948 and the International Convention on the Right of the Child.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

After the civil and political rights, the Guiding Principles treat the most important economic social and cultural rights for people living in extreme poverty, such as the right to an adequate standard of living, the right to food, the right to water and sanitation, the right to adequate housing, the right to social security, the right to work, the right to education and

the right to cultural life.

As said before, an important character of the Guiding Principles is that they do not propose a minimalist of pure survival approach; on the contrary they insist on a policy of magnificence.¹⁴

In this sense the Guiding Principles underline, for instance, that persons living in poverty should have the “capacity to fulfil their own potential” (par. 36). They should benefit from “good quality services” (chapter IV, part C). They have the right to “high quality legal aid systems and expanded legal services” (par. 67 b). The title of Part J (chapter IV) concerning health (par. 81) is: the “Right to the highest attainable standard of physical and mental health”. In the field of education (par. 87) the Guiding Principles explain that education is crucial for people to “develop their personalities, talents and abilities to their fullest potential”. It recalls that states should ensure “high-quality education” (par. 88 (a)), with high-quality, trained teachers and adequate infrastructure (par. 88 b). It recommends also to “provide high-quality early childhood education centres...” (par. 88 f)

The full potential approach can also be found in Chapter V, part N, “Rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications” (paragraphs (89 – 90). Other examples are the following subparagraphs: “Take positive steps to ensure that the benefits of scientific progress reach persons living in poverty” (...) (par. 90 e) and: “Ensure that innovations essential for a life in dignity (...) are accessible and affordable” (...) (paragraph 90 f).

Some details concerning specific rights

Chapter V presents very detailed descriptions of the obstacles persons living in poverty encounter in enjoying their different rights. After the paragraph explaining the obstacles to a particular right, there follows a list of recommendations or points for consideration by States in order to help them to ensure the full realisation of each right. We will give some examples of these rights and of the approach.

Par. 69 explains the difficulties to obtain birth registration in the absence of the relevant documents; which in its turn has a disastrous influence on many other rights, such as education.

The paragraphs on the protection of the home and the family explain that 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 (par.71).

And the next paragraph (par. 72) insists that states should: (a) revise legal and administrative frameworks to protect persons living in poverty from inappropriate intrusion into their privacy by the authorities (...) and: (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 into the family (...).

Concerning the right to an adequate standard of living, the Guiding Principles recall the State’s obligation to progressively improve the living conditions of persons living in poverty. This right includes a number of specific rights, such as water and food, but it is also an overarching right that encompasses elements essential for human survival. States should, for instance: (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 (par. 74).

The right to adequate food and nutrition is essential for health, survival and physical and intellectual development and a precondition for social integration, social cohesion and peaceful community life. States should, for instance: (a) establish desegregated 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 (par. 76).

The right to water and sanitation is linked to many other rights. Unsafe water and lack of access to sanitation are a primary cause of diseases and restrict the enjoyment of many other rights. 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... (par. 78).

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 (par. 79).

Health is an illustration of the vicious circle of poverty; problems of health can reduce people to poverty, and persons living in poverty are more exposed to accidents, diseases and disability.

Persons living in poverty experience unemployment, under-employment, unreliable casual work, low wages and unsafe and degrading working conditions without social security benefits.

Children living in poverty are more likely to drop out of or never attend school because their family needs their support. Education, however, is a crucial means to develop their talents and abilities to their fullest potential. States should ensure that all children enjoy their right to education through the provision of high-quality education.

Chapters VI – IX, International Co-operation, role of non-State actors, Implementation and Monitoring, Interpretation

In the following Chapters (Chapters VI to IX), the Guiding Principles mention the States' duty to provide international assistance and co-operation according to their capacities (par. 91 – 94). The Guiding Principles underline the role and the responsibility of Non-State actors and particularly business enterprises (par. 99 – 102).

And finally, the Guiding Principles treat issues of implementation and the monitoring (par 103 – 107). States should adopt and implement a comprehensive national strategy and plan of action to eliminate poverty framed in human rights terms (par 104).). This plan and other actions should be monitored by an independent national body with the help of qualitative and quantitative human rights indicators (par. 105).

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. Because the Guiding Principles recognise that a long history of stigmatisation and humiliation can make it difficult for people living in extreme poverty to participate in the regular processes of decision-making, they state that States should encourage bottom-up social accountability mechanisms such as citizen report cards, social audits and participatory budget systems (par. 107).

C. Conclusions: a valuable tool for human rights defenders

The “UN Guiding Principles on Extreme Poverty and Human Rights” developed by the Human Rights Council and endorsed by the General Assembly are an official recognition by the competent UN bodies that extreme poverty exists everywhere in the world and represents a very serious violation of all human rights.

It recognises that persons living in poverty generally experience regular denials of their dignity and inequality; these persons are confronted by the most severe obstacles in accessing their rights and entitlements, which perpetuates their poverty. They live in a vicious circle of powerlessness, stigmatisation, discrimination, exclusion and material deprivation, which all mutually reinforce one another.

The Guiding Principles stress the role of the concerned people themselves as rights holders and active agents of change to whom should be given the right to actively participate in all levels of policy development.

They thus signify a breakthrough in traditional thinking that until now considered persons living in poverty as passive receivers of mostly a minimum level of humanitarian aid or as objects of charity.

The eradication of extreme poverty is a legal obligation according to human rights law.

The document as such remains a guiding tool. In legal force, it comes after a Covenant and a Declaration. But never the less it will inspire the different treaty bodies that are overseeing and monitoring the implementation of the concerned international human rights covenants.

The text gives a number of concrete indications of the difficulties and obstacles that persons living in poverty face and proposes a number of suggestions and guidelines.

In this way the Guiding Principles represent a valuable tool for human rights defenders and different actors day after day committed to promoting human rights and for the eradication of extreme poverty. It is particularly useful for persons living in poverty, as it will help them to get a better understanding of their rights and to formulate their claims or complaints.

The text contains a number of recommendations for authorities in charge of the elaboration of government's policies having an impact on people living in poverty (nearly every measure!).

It offers also a useful means for NGOs or individuals when formulating their comments and alternative reports on the implementation of the different covenants or when introducing a complaint. It can provide a common framework for the action of different NGOs involved in poverty eradication offering them the elements of a human rights approach.

Finally, the UN Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, successfully transcribed the experience and recommendations of a large range of actors around the world, and especially of persons living in extreme poverty themselves. Efforts should be undertaken to widely spread these Guiding Principles and apply them.

Ton Redegeld¹⁵

Notes.

¹ The reference of the Guiding Principles is A/HRC/21/39 and the concerned resolution is A/HRC/21/L20 adopted on 27 September 2012.

² Resolution A/C3/67/L32 Rev1 of the General Assembly adopted on 20 December 2012

Text of paragraph 17: "Takes note with appreciation of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11 as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate."

³ Joseph WRESINSKI, (1917 – 1988) (roman catholic priest) founded the international movement ATD Fourth World in 1957. During his childhood his family lived in extreme poverty. He gathered numerous poor families, first in the shanty town of Noisy-le-Grand (Paris region), and later in other poverty-stricken areas all over the world. He appealed to people of all social conditions, all spiritual, philosophical and religious backgrounds to commit themselves with very poor families and to defend in this way the dignity of every human being. 17 October 1987, he gathered 100.000 people on the Plaza of Human Rights and Liberties (formerly Trocadéro Plaza, Paris-France), at the place where the Universal Declaration of Human Rights was

signed in 1948. Together they unveiled a Commemorative Stone in Honor of the Victims of Extreme Poverty that says: “Wherever human beings are condemned to live in extreme poverty, human rights are violated. To come together to ensure that these rights be respected is our solemn duty, Father Joseph Wresinski”.

⁴ “ Report « Extrême pauvreté et précarité économique et sociale » of the French ESC (Paris, Documentation française, 1987, n° 6 du 26 février 1987). It is referred to as “Wresinski-report”.

English translation of the report: “Chronic poverty and lack of basic security (Landover, Maryland USA, New Fourth World Movement, 1994) definition on page 3.

This report exercised an immense influence on French policy concerning the action against poverty. It inspired also the work of the Council of Europe and the European Union, and the legislation of several countries. See, for instance: Conseil économique social et environnemental (français): *Grande pauvreté et précarité économique sociale – 1987 – 2012 – et maintenant?* (Paris, les Editions des Journaux Officiels, février 2012).

⁵ The “written communication” for his speech is published in Joseph Wresinski: *Refuser la misère, une pensée politique née de l’action* (Paris, Editions du Cerf, 2007) pages 209 – 214. The first resolution Extreme poverty and human rights is: E/CN.4/1989/L12 of 12 February 1989.

⁶ Annexe 2 of the Guiding Principles gives a list of the different initiatives and documents undertaken or published in the period 2001 – 2012, and stresses particularly the participation of persons living in poverty in the elaboration of this document. Among the reports earlier than 2001, we can mention the reports of Daniëlo Turk E/CN.4/Sub.2/1989/19 and E/CN.4/Sub.2/1990/19, the report of Eduardo Suescun Monroy, E/CN.4/Sub.2/1991/18, and the final report of Leandro Despouy, E/CN.4/Sub.2/1996/13.

⁷ The reference of this law is: Loi n° 98-857 du 29 juillet 1998 d’orientation relative à la lutte contre les exclusions.

⁸ One of these definitions comes from the “Statement of the Committee on Economic Social and Cultural Rights, adopted on May 4 2001, on Poverty and the International Covenant on economic social and cultural rights, document E/C.12/2001/10. Paragraph 8 reads as follows: “(...) poverty may be defined as a human condition characterised by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economical, political and social rights.”

See also: *Definitions of poverty*, Seminar on Human Rights and Extreme Poverty, UN, Geneva, February 2001, ref. HR/GVA/POVERTY/SEM/2001/2.

⁹ See note 4.

¹⁰ Note 1, on this part of paragraph 13 states: “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.”

¹¹ The following texts and treaties are mentioned: Universal Declaration of Human Rights of 1948, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child (CRC); International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW); Convention on the Rights of Persons with Disabilities (CRPD).

¹² “The Court is aware that the further realisation of social and economic rights is largely dependent on the situation (...). On the other hand, the Convention must be interpreted in the light of present-day conditions (...) Marckx judgement (...) and it is designed to safeguard the individual in a real and practical way as regards those areas with which it deals (...). Whilst the Convention sets forth what are essentially civil and political rights, many of them have implications of a social or economic nature. The Court therefore considers, like the Commission, that the mere fact that an interpretation of the Convention may extend into the sphere of social and economic rights should not be a decisive factor against such an interpretation; there is no water-tight division separating that sphere from the field covered by the Convention.” (AIREY v. IRELAND JUDGEMENT, judgement of October 9, 1979).

¹³ World Conference on Human Rights, Vienna, 14 – 25 June 1993, Declaration and Program of Action (doc. A/Conf. 157/23)

¹⁴ This idea of a « politic of magnificence » comes from Joseph Wresinski who thought that the best means available; such as the best qualified teachers, the best pre-schools or computers for people in very deserted areas, should be invested for eliminating severe poverty definitely.

¹⁵ Ton Redegeld, a Dutch lawyer, is member of the international voluntariat ATD Fourth World. He was for years attached to the international secretariat, in charge of the relation with the UN, UNESCO, ILO, Council of Europe and European Union; from 2000 – 2008 he was president of the Dutch ATD Fourth World Foundation, and now Legal adviser.