



of the United Nations, and Observer at the African Commission on Human and People's Rights

***Human Rights, Poverty and Extreme
Poverty
Position Paper***

- March 2007 -

A. Introduction

Participating in the fight against poverty and extreme poverty: A duty for all members of the human family

The Universal Declaration of Human Rights (1948) recognises the “inherent dignity of all members of the human family” (Preamble). Members of the Franciscan Family¹ believe strongly in the concept of a human family. They seek to lend concrete meaning to this concept through their way of life: they are not content to live only satisfying their individual needs, but instead put themselves at the service of their sisters and brothers, in particular at the service of the marginalised and those affected by poverty and extreme poverty, as set out in the teachings of the Gospel.

Thus, Franciscans are particularly attentive to persons living in poverty and extreme poverty, as they listen, understand, love and live among them. By following in footsteps trodden over eight centuries – since the time of Francis and Clare of Assisi – of lives lived among the poor of all nations, they can voice the concerns of people whom they know, because it is with them that they share everything they have.

To arrive at an official position on poverty and extreme poverty, Franciscans International consulted members of the Franciscan Family from all continents, in order to best reflect the concerns of people living in poverty². We did so using a participatory approach, which should be the basis for all work on these issues.

Many people discuss poverty, but who can really understand it except those who suffer directly from it? Concerned with the poorest of the poor, Franciscans are constantly trying to understand a situation that can be dehumanising. Franciscans aim to fight poverty, wherever it is found. They hope that eyes can be opened to misery, because it is present in all countries and in all societies. It is present, but far too often it goes unnoticed by those who do not seek it out. Franciscan sisters and brothers on the ground feel it in their day-to-day lives: poverty is not limited to certain regions or certain countries; it can be found in both economically rich and poor areas. No one likes confronting this reality, but it is time our attitude evolves. We must learn to see the person behind “poverty”, to honour his/her rights in their entirety, to honour his/her

¹ *Franciscans International (FI) is a unique project of brothers and sisters within the Franciscan Family whose various branches support, for the first time in history, a common ministry at the United Nations. Franciscans International acts under the sponsorship of the Conference of the Franciscan Family (CFF, Rome).*

² *Nearly 200 Franciscans, living among people confronted with situations of poverty and extreme poverty, coming from all the continents, replied to a questionnaire on poverty issued by Franciscans International. It is their responses which constitute the raw material and are the primary source for the writing of this position paper. The present document is also available in French, Spanish, German and Italian (www.franciscansinternational.org).*

right to be understood and to be loved as a sister, a brother, and as a member of the human family.

In the face of poverty we all share a responsibility to act. All actors, including individuals, States, and international bodies are called upon to be creative in their actions, whilst joining a universal effort toward poverty eradication. Plans and their implementation must respond to specific individual needs, guided by a primary concern with seeing people flourish in their rights and building capacities that will enable them to live a dignified life.

B. Defining poverty and extreme poverty

Franciscans International endorses the definition issued by the United Nations' Committee on Economic, Social and Cultural Rights which affirms that poverty is a "human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights." (E/C.12/2001/10)³ Poverty becomes extreme poverty when it "simultaneously affects several aspects of people's lives, when it is prolonged and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future." (E/CN.4/Sub.2/1996/13)⁴ We emphasise the idea that for people affected by extreme poverty, there is a total lack of life options. Thus, it is impossible for them to exercise real responsibility for their own life or that of their relatives. The Human Rights Council's Independent Expert, Mr. Arjun Sengupta, suggests extreme poverty can be defined as a combination of factors, including income poverty, human development poverty and social exclusion. (E/CN.4/2005/49)⁵

Franciscans International underlines the importance of the "social exclusion" element of extreme poverty, taking into account the relational aspect, as well as the social marginalisation suffered by individuals both as a cause and a consequence of such poverty. Thus, we recognize that extreme poverty

³ Committee on Economic, Social and Cultural Rights, *Poverty and the International Covenant on Economic, Social and Cultural Rights*, 10/05/2001, § 8, available online at the following link : [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.2001.10.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.2001.10.En?Opendocument)

⁴ *Final report on human rights and extreme poverty*, submitted by the Special Rapporteur, Mr. Leandro DESPOUY, 28 June 1996, Annex III, available online at the following link : http://ap.ohchr.org/documents/dpage_e.aspx?s=41

⁵ *Report of the independent expert on the question of human rights and extreme poverty*, Arjun SENGUPTA, 11 February 2005, available online at the following link : http://ap.ohchr.org/documents/dpage_e.aspx?s=41

*cannot be measured simply in terms of financial resources. Economic resources are but one contributing factor to the realisation of certain human rights, such as an adequate standard of living. We recommend that the lack of relational or emotional resources should be taken into account when analysing the phenomenon of extreme poverty.*⁶

Furthermore, Franciscans International also highlights a lack of intellectual or cultural resources as a part of human development poverty. Those who have not had the opportunity to acquire, or have not had access to such resources should be considered impoverished. In fact, these are often some of the causes of extreme poverty.

*The expression “the rights of the poor” introduced by the Sub-Commission on the Promotion and Protection of Human Rights’ Ad Hoc Group of Experts in its report *Implementation of existing human rights norms and standards in the context of the fight against extreme poverty* (A/HRC/Sub.1/58/16)⁷ is problematic. Individuals are assimilated into the greater concept of ‘poverty’, which is considered a ‘problem’ that needs to be eliminated. Thus, the tendency is to categorise or dichotomise the issue, wherein the poor are set in opposition to the ‘non-poor.’ Much the same way one speaks of “people with disabilities”, as opposed to “the disabled,” Franciscans International believes it would be more appropriate to refer to “extremely poor persons” or to “persons in a situation of extreme poverty.” These persons find themselves in a particular situation, wherein their human rights are being violated and they thus require special attention.*

C. Poverty and extreme poverty: A rights-based approach

Poverty and extreme poverty are phenomena where the indivisibility of human rights shines through clearly. They are indeed the result of a combination of civil, political, social, economic, cultural (E/CN.4/Sub.2/1996/13)⁸ and relational factors of insecurity that come together as causes and consequences of human rights violation. Poverty, and particularly extreme poverty, are systemic phenomena. Thus, holistic, system-wide

⁶ For example, in France, a sister points out the link between a lack of economic resources, emotional resources and social exclusion. These are at the heart of the poverty and extreme poverty lived by the elderly.

⁷ *Implementation of existing human rights norms and standards in the context of the fight against extreme poverty*, final report submitted by José Bengoa, coordinator of the ad hoc group of experts, 11 July 2006. See annex : *Extreme poverty and human rights : “The rights of the poor”*. The text is available online at the following link :

http://ap.ohchr.org/documents/dpage_e.aspx?s=41

⁸ Op. cit. (note 4)

approaches to poverty eradication are absolutely necessary. Action on one of the factors could well affect the others.

Franciscans International invites all concerned actors to identify the causes and consequences of poverty in the specific contexts in which they work. The connection between factors must be taken into account in order to design effective poverty fighting programmes. Poverty reduction strategies can also help progress in problem areas that result from poverty.

We would especially like to highlight the causal links between poverty and a lack of security, violence, trafficking in persons, as well as certain health issues such as HIV and AIDS.

Because extreme poverty is a situation wherein a person cannot avail of her human rights, it is a violation of human dignity and can be a threat to the right to life. (A/RES/47/134)⁹ Extreme poverty ensues from a cumulative violation of civil, cultural, economic, political and social rights. It is also a grave infringement on the right to development.

Duty holders are thus in violation of international law by not taking steps to reduce poverty, despite having concrete knowledge of what needs to be done. (E/CN.4/2006/43)¹⁰ As extreme poverty can be considered a denial of a whole range of human rights, combating for its eradication is a part of the States' duty to respect, protect and fulfil all human rights.

Franciscans International underscores the importance of adopting a rights-based approach to poverty, and in particular extreme poverty. This approach requires that the individual and her human rights be at the heart of all projects that aim to combat poverty. The aim should be to restore individual human dignity, or as some of our members would say, "to help the person stand on her own two feet."

D. Participation

Members of the Franciscan Family feel the minority is of great importance. According to this principle, Franciscans do not approach their fellow humans with condescension, but rather with willingness to serve. Poverty must not be a problem that we simply look at from on high. Political leaders only

⁹ Resolution of the General Assembly of the United Nations, *Human rights and extreme poverty*, 18 December 1992, available online at the following link : <http://www.un.org/documents/ga/res/47/a47r134.htm>, Preamble.

¹⁰ Report of the independent expert, Arjun SENGUPTA, *Human rights and extreme poverty*, 2 March 2006, § 50, available online at the following link : http://ap.ohchr.org/documents/dpage_e.aspx?s=41

know misery through statistics. We do not cry in the face of numbers,” said the Abbé Pierre.¹¹ To truly understand poverty, we must listen to those who live it.

Long before the concept of “participation” was considered an important element in a rights-based approach to combating poverty, Franciscans were listening to the poorest people, trying with humility to understand their needs and desires. An efficient programme aimed at combating poverty must start with an idea of the lived realities. In order to achieve this, one must avoid haphazardly applying predefined standards to a certain population (for example, by calculating needs for a certain population based on statistics, rather than by consulting those affected). Rather than using an approach whereby solutions are developed for the people, we must adopt an approach where situations are developed with the people. Poor people must be involved in all stages of decision-making processes which might affect them in one way or another.

Identifying the most vulnerable and their needs, understanding the roots of poverty, and planning any programme to address these issues must all be carried out in constant dialogue with the affected persons. The implementation, evaluation, and eventually the analysis of policies and programmes must also involve them.

Planning and implementing policies that affect poor people, in particular those aimed at eradicating poverty, without consulting affected persons constitutes a violation of the right to participate in public affairs. (A/HRC/Sub.1/58/16)¹²

Our members have expressed support for initiatives that emphasise micro-credit. In this type of project, they see an avenue through which people can set up their own projects, show some creativity, feel a greater sense of self-worth and be treated with dignity. They are thus given the opportunity to take charge of their own future. However, these projects can only be successful if they are undertaken in an appropriate environment, which often means changes must be made at structural levels.

E. Poverty and discrimination

¹¹ L'Abbé Pierre (1912-2007), who is well known for his commitment to poor people, and especially the homeless in France, was much inspired by the life and work of Francis of Assisi. When he entered the order in 1931, he became a Capuchin. The Capuchins are a part of the Franciscan Family.

¹² *Op. cit.* (note 7), § 11

Not only are poverty and extreme poverty the product of discrimination,¹³ but once poor, people may suffer from stigmatization because of their poverty and its consequences. Thus emerges a vicious cycle that must be stopped. “The stigmatization of the poor and their associations, groups, neighbourhoods or places of residence, and their representation as persons without rights who are dangerous, violent and display other negative characteristics, must be regarded as forms of discrimination¹⁴. Discrimination against the poor based on their image, their dress, their physical appearance or any other grounds related to their situation of extreme poverty constitutes a human rights violation”. (A/HRC/Sub.1/58/16)¹⁵

Franciscans International reminds States of their obligation to take legislative and administrative action to punish all forms of discrimination based on poverty and its consequences. Anti-discrimination measures are low-cost and could contribute to reducing poverty levels. In their interactions with poor people, State officials, but also staff or international and humanitarian organisations, are all called upon to treat people in situations of extreme poverty with respect. (A/HRC/Sub.1/58/16)¹⁶

We further encourage any initiatives that create space for meeting and dialogue between individuals from different points on the social ladder. We also ask that poor people be allocated more of a voice in the public sphere, so that they can be heard, stereotypes and stigma can be abolished, and associated taboos broken. In order to achieve this, media (such as exhibits, publications, reports, etc.) should be accessible to people in situations of poverty.

Franciscans International strongly condemns the discrimination faced by poor people with regards to their right to live in a safe and healthy environment. The areas where poor people live are also often the most polluted, for example where toxic waste is disposed.¹⁷ In addition, poor people are met with unhealthy conditions in their workplaces. These practices are discriminatory and should be punishable.

¹³ See for example the Report of the independent expert on minority issues, Gay MCDUGALL, A/HRC/4/9, in which the poverty suffered by minorities as a consequence of discriminatory practices is denounced. The report also underscores the importance of the “social exclusion” dimension in the poverty affecting minorities.

¹⁴ For example: some of our sisters and brothers work with street children in Kinshasa, Democratic Republic of the Congo. These abandoned or orphaned children, left to their own devices on the streets of the capital are seen as ‘witch children.’ They are often misused and instrumentalized by political leaders, and face accusation of being responsible for local insecurity.

¹⁵ Op. cit. (note 7), § 10

¹⁶ Ibidem § 13

¹⁷ In the United States, a brother tells of how farmers in California pump 80% of the local water resources for their business from the surrounding mountains. Meanwhile, poor immigrant villages (such as Alpaugh city) only have access to a 5000-gallon tank of drinking water, due to industry’s water pollution.

*We especially condemn discrimination in the distribution of public goods and services, including health care, access to safe water, sanitation, electricity, communication networks, and public security, as a violation of the rights of persons living in situations of extreme poverty.*¹⁸

*The situation of people doubly discriminated against, by their status on the one hand, and by their poverty on the other, is particularly troubling.*¹⁹ *They find themselves in situations of extreme vulnerability and acute marginalisation.*

*Franciscans International suggests the independent expert on human rights and extreme poverty address the link between discrimination and extreme poverty. Also, we invite the expert to pay special attention to those who risk being doubly discriminated against, particularly persons with disabilities²⁰ facing extreme poverty, in the light of the Convention on the Rights of Persons with Disabilities recently adopted by the General Assembly.*²¹

F. Justiciability of the rights of persons living in situations of poverty and extreme poverty

We have come to realise that poor people are in a constant state of doubt, including self-doubt. Franciscans International maintains that it is essential to give hope to these people. In order to accomplish this, they must be made aware that they have equal rights, and that their situation is neither 'normal' nor inevitable, but an injustice. They must be allowed to discover their potential, by being able to live in an environment where they can develop fully.

From this perspective, Franciscans International argues that access to fair justice is, for poor people, essential in order for them to have their rights realised and respected. Franciscans International condemns especially the fact

¹⁸ *For example, in poorer countries blackouts and water cuts affect neighbourhoods where poor people live more than rich localities.*

¹⁹ *For example, our brothers and sisters working with poor people with disabilities in France, Cameroon and Zambia, condemn in their answers to our questionnaire the double discrimination of which these people are victims, because of their handicap on one hand, and because of their poverty on the other. Many of them are faced with poverty, and even extreme poverty, largely because of their handicap.*

²⁰ *In 1996, Special Rapporteur Leandro DESPOUY noted in his final report : « poverty [was] among the main direct causes of disability, besides classifying [it] as [an] aggravating factor » E/CN.4/Sub.2/1996/13, Op cit. (note 4), §34*

²¹ *The Convention on the Rights of Persons with Disabilities has been adopted by the General Assembly of the United Nations on 13 December 2006, and has been open to signature on 30 March 2007. The Convention is available online at the following link : <http://www.un.org/disabilities/convention/index.shtml>*

that economic, social and cultural rights are so rarely made justiciable at the national level. Enforcing these rights would be a step forward in a rights-based approach to combating poverty. (E/CN.4/2006/43)²²

*Hence, Franciscans International calls on the international community to draft and adopt as soon as possible the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which would allow a group of experts to review individual or collective communications concerning violations of the Covenant by one of the States party to the Protocol. If necessary, investigations could be carried out *in situ*. Franciscans International recalls that, given the universality, indivisibility and interdependence of human rights, all rights outlined in the Covenant should be considered as justiciable.*

G. State responsibility at the national level

Most governments place emphasis on combating poverty and extreme poverty, and the issue is the first priority of the Millenium Development Goals.²³ Nevertheless, outside the rhetoric of governments, real political will to combat poverty is often lacking. This lack of will constitutes a major obstacle toward the full respect of human rights for the people faced with poverty and extreme poverty.

We recall in particular the link between poverty and corruption, which more often than not, is exercised with impunity. Franciscans International condemns especially the misappropriation of services destined to the poorest. Our members report that, in certain countries, social housing (already grossly insufficient) does not go to those in a situation of extreme poverty, but instead feeds into greater corruption and nepotism. Such practices are absolutely unacceptable.

Furthermore, we stand firmly behind the idea that a country's economic growth should not be the final goal in itself, when the population in general, and the poorest in particular, is not benefiting from this growth. The success of an economic policy is not measured in terms of growth in GDP, but rather in its capacity to fulfil, in a sustainable way, the rights of the population, particularly the rights to an adequate standard of living and to decent work. All too often economic growth is not to the benefit of the poorest people, but rather to their

²² *Op. cit.* (note 10), § 44

²³ Resolution adopted by the General Assembly of the United Nations, *United Nations Millennium Declaration*, 8 September 2000 (A/RES/55/2) available online at the following link : <http://www.un.org/millennium/declaration/ares552e.htm>

Goal #1 : Eradicate extreme poverty and hunger:

- Reduce by half the proportion of people living on less than a dollar a day
- Reduce by half the proportion of people who suffer from hunger.

detriment. We underscore also that politics and programs aimed at creating working opportunities for people living in poverty and extreme poverty should take utmost priority.

If the fight against poverty and extreme poverty is truly a government priority, the State must be able to answer, before every political decision is taken, how this move will affect the poorest citizens. This answer can be achieved by first carrying out extensive social impact assessments. When it comes to commercial agreements, the effects on poor people are all the more critical. Thus, these effects must be fundamental criteria to consider in determining policy.

The State has an obligation to provide access to education, and especially free primary education (International Covenant on Economic, Social and Cultural Rights, Art. 13). This duty is still a long way from being fulfilled, and not only because of the lack of infrastructure. Parents too, consider that the loss of income in sending a child to school (and not have her working during this time) is too great. States must make schooling accessible to all children, but also make efforts to sensitise parents to the importance of education. In poor countries, school programmes should include practical teaching that is applicable to the children's day-to-day lives.

H. The duty to cooperate internationally

Conscious of the existence of a real "human family," Franciscans International recalls that solidarity with the poorest, whether at the local, national, or international level, is the duty of all and not merely a question of charity.

Rich States have committed to supporting developing and least developed countries through official development assistance. We regret that aid promises are rarely upheld, and the numbers have not yet reached targets necessary for a real change to extreme poverty. Additionally, this aid must be given to meet the needs of the target population and not those of the donors or in-country elites. It is with much sadness that we report that aid is often unequally distributed, misappropriated, and badly targeted regardless of whether the resources come from States, international agencies or NGOs.

Franciscans International recalls the right of everyone to live in a social and international order in which human rights and fundamental freedoms can be fully realized (Universal Declaration of Human Rights, Art. 28). This should be taken into account when international commercial and financial agreements are signed. Within such a worldview, the need to pursue efforts in cancelling the debt of the poorest countries remains a top priority.

I. Recommendations

In light of the responses received from our members and taking into account relevant international human rights instruments, Franciscans International would like to make the following recommendations:

Remembering that the fight against poverty and extreme poverty should always be based firstly on the respect and realisation of all human rights, which are both interdependent and indivisible;

*Reaffirming that persons living in poverty and extreme poverty must benefit from material, social and cultural means in order to take charge of their own destiny, and to be able to participate fully in society, *inter alia* by taking part in the planning, implementation and evaluation of programmes that concern them;*

Highlighting in particular the need for States to identify those living in situations of extreme poverty, as well as their needs, with the full participation of affected populations;

Reaffirming the need for economic, social and cultural rights to be justiciable, in order to reinforce a rights-based fight against poverty, within national and international legal systems, and drafting and adopting the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

Affirming that it is crucial for States to fight corruption, which is a major obstacle to the eradication of extreme poverty;

Franciscans International:

- 1. Calls on States to adopt and implement legislative and administrative measures that fight discrimination based on poverty and its consequences and punish those responsible, particularly when those suffering in extreme poverty are the victims, and to distribute public services fairly and in a non-discriminatory manner;*
- 2. Requests States to pursue efforts to cancel national debts of the poorest countries, and to keep promises with regard to public development aid. Further, this aid must truly respond to the needs of beneficiaries;*
- 3. Encourages States and the international financial institutions to support private initiatives, notably those based on micro-credit, and asks*

- States to remove, wherever possible, the structural obstacles to this type of initiative;*
4. *Requests that social impact assessments be carried out before every political decision or programme start that could have an impact on people in poverty or extreme poverty. This applies to **international organisations** as well as **States**;*
 5. *Also requests that **States and international organisations** promote an institutional culture of solidarity, based on the notion of one 'human family,' as was laid out in the *Universal Declaration of Human Rights*;*
 6. *Calls upon the **Human Rights Council** to affirm, in its next resolution on human rights and extreme poverty, that a severe violation of international law by duty holders is at hand if they do not take steps to carry out their duties, in particular the obligation to act, individually and through international cooperation, to the maximum of their available resources, with a view of progressively achieving the full realization of economic social and cultural rights;*
 7. *Urges the **independent expert** on human rights and extreme poverty to continue his work establishing links between human rights and extreme poverty, paying special attention to the "social exclusion" dimension as a cause and consequence of extreme poverty. Also to establish criteria to measure social exclusion, and to identify ways of integrating this aspect in programmes aimed at combating poverty;*
 8. *Requests the **independent expert** to identify poverty's consequences, in order to underline the many positive effects that the eradication of poverty could have on society;*
 9. *Also requests the **independent expert** identify good practices in terms of poor persons' participation in the planning of programmes that concern them;*
 10. *Invites the **independent expert** to address the link between discrimination and extreme poverty;*
 11. *Encourages the **independent expert** to pay special attention to persons who risk being doubly discriminated against, and to examine in particular in his next reports as well as during his country visits, people with disabilities facing extreme poverty;*
 12. *Invites development and humanitarian **non-governmental organisations** to organise aid transparently and in such a way as to*

benefit poor people first and foremost, rather than to be used as a tool to garner attention from media and donors.

It remains essential that everyone learn more about poverty and extreme poverty, facing instead of avoiding poverty, and that each and every one of us feel involved as a member of the human family. We can all contribute, according to our own means and abilities, to poverty eradication. Franciscans on the ground are well aware of how long and difficult this fight will be, full of unforeseen obstacles. Yet they remain alongside the poorest, hoping to help them “stand on their own two feet.” Every success, every person who finds her dignity, is a victory for which no amount of effort is too much. We refuse to accept a fatalist worldview, which can be just another way of renegeing on our collective responsibility to take part in this fight against poverty.