

Apartheid - Slavery - Extreme poverty. The Despouy Report.

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On June 28. 1996. Leandro Despouy presented the United Nations Commission on Human Rights with the Final Report on Human Rights and Extreme Poverty. [E/CN.4Sub.2II1996/13] This document was the subject of resolution 97/11, adopted, by consensus, by the 53rd session of the Commission in March 1997

In 1948. the Universal Declaration of Human Rights declared. »the advent of a world in which human beings shall enjoy [...] freedom from fear and want has been proclaimed as the highest aspiration of the common people. »Almost thirty years later, in 1987, this link between extreme poverty and human rights was evoked before the UN Commission on Human Rights by Father Joseph Wresinski. He requested that extreme poverty be considered a violation of all human rights, which he insisted were indivisible. Mr. Leandro Despouy, the Ambassador of Argentina to the Commission. was very impressed by Fr. Wresinski's speech. Mr. Despouy met with him and decided to pursue the issue he raised. Over time, the French delegation addressed this question as well. Every year from 1990 to 1994. the Commission adopted one resolution defining a framework for a study to be carried out by Mr. Despouy. These resolutions asked him to :

« Take advantage of the experience and the thinking of the poorest and of those committed to their defence in order to make extreme poverty a better-known phenomenon ;

« Bring to the public eye the efforts the very poor make in order to be able to exercise their rights and participate fully in the development of the society in which they live; and ;

« Enhance the conditions enabling such persons to become partners in the realisation of human rights. »

The study was also to take into account the role of the family, and to rely on the recommendations made by the World Summit on Social Development, held in Copenhagen in March 1995. Another element to be included in the study was a seminar on extreme poverty and the denial of human rights, held in October 1994 at UN headquarters in New York. Two types of experts participated in this seminar: people living in extreme poverty and international human rights specialists

The Scourge of poverty

The Despouy Report notes references to extreme poverty in international documents. For instance, « the world's most ruthless killer and the greatest cause of suffering on earth is listed in the latest edition of WHO's International Classification of Diseases, an A-to-Z of all ailments known to medical science. under the code Z 59.5 which stands for extreme poverty. » « Recent estimates place the number of street children at as many as 100 million. » « One in every five babies is born into poverty. » « One billion people live with less than a dollar a day. » The current trend is to measure not only income, but « severe deprivation of basic human needs, including food, safe drinking water,... health, shelter, education,...and access to social services. » However, the data and knowledge on extreme poverty in these reports are greatly insufficient. In fact. the poorest are not reached by statistics. Analytic tools are not always adapted to insecure living conditions. For example, the expenses of the poor are measured although these expenses

often exceed their resources. They are buying on credit, and living in debt. It is rare that politicians or social scientists show any real interest in the most disadvantaged populations. Figures are often manipulated, and therefore unreliable.

The Work of International Institutions and Organisations.

The analysis of work over recent years by international institutions shows a slow evolution. Poverty was once considered only from an economic point of view. Over the last few years, a new approach began to develop, taking into account the social and cultural aspects of poverty as well. The UNDP (United Nations Development Programme) is making great efforts to integrate measures of human development into economic development. It is also looking to measure a given country's development without ignoring the geographic and cultural distribution of the benefits gained from economic expansion. In 1996, the World Bank recognised that « without parallel social development, there can be no satisfactory economic development. » For other international institutions, however, such as the International Monetary Fund, progress is much slower.

Building on the conclusions of the World Summit for Social Development in Copenhagen, the Despouy Report notes that :

- the goal of development programs should be the social integration of all people ;
- extreme poverty prevents individuals from fully enjoying their rights, and puts them in a situation in which it is impossible for them to assume their responsibilities ;
- there are links between poverty, isolation and exclusion ;
- poverty is multidimensional ;
- it is indispensable to include the poorest in the elaboration, execution, follow-up and evaluation of the programmes concerning them or concerning society as a whole ;
- the role of the family must be recognised in the struggle against poverty ;
- poverty and extreme poverty exist in every country in the world ;
- the distinction between poverty and extreme poverty must be made.

A Rights-Based Approach to Extreme poverty

When people living in extreme poverty hear about human rights, they say, « That's not for us. » And yet the poorest are entitled to rights. Simply by resisting their poverty, they are in the front lines of human rights defenders. For instance, many families living in already overcrowded housing offer shelter to others living in the street. They say, « Our family doesn't leave people in the street. »

Based on these premises, the Despouy Report studies three fundamental principles of human rights, and twelve specific rights. For each one, the report cites the international texts founding these rights, and then examines situations in the lives of the poorest that illustrate violations of these rights.

Three principles

The equal dignity of all human beings : « It's not right that we are treated like this we are human beings after all, » the very poor often say to us. « We feel as though we are dogs. But dog kennels in the centre of town have water and electricity, and we do not. That is really an injustice. » These affronts to dignity follow people living in extreme poverty to the very end of their lives, as witnessed by the following incident reported by someone who is living and working alongside very poor families. « In a shantytown in Latin America, a woman had illicitly taken in her sick brother when he came out of the hospital. When the land lord found out that the man was dying, he threatened eviction unless the man was taken out into the street, at night, so that he would not have to pay for the body to be removed. The 'unknown person' found dead in the street was therefore buried anonymously. » Such situations are so revealing of extreme poverty that the UNDP has included among its indicators the inability of poor people to provide their dead with a decent funeral.

The principle of equality and non-discrimination : The report notes that « the principle of free movement of persons within the European Union expressly excludes those who cannot prove they have sufficient means not to require assistance by the host country. »

The indivisibility and interdependence of human rights : The report illustrates the way misfortune in one area tends to precipitate misfortune in another. In the seminar *Extreme Poverty, Denial of Human Rights*, one participant from Latin America explained it this way, « Without shelter, drinking water, electricity, adequate food, work, a minimum income or other resources, one simply cannot conceive of living a life in good health, having one's children go to school, participating in local activities, including annual festivities or even birthday parties, participating in any political process as citizens, or even having one's family life respected. »

Twelve rights

The right to a decent standard of living. « Before, we never knew how we would get through the next day. Since we have had a steady income to count on, we have had the courage to try something different. Those of us who used to have absolutely nothing, no security, had to learn how to live with a fixed amount of money. Then they could start learning to read and write. »

The right to housing. An Asian man described the situation as follows: « Ours is a wandering life. We go from slum to slum, living beside rubbish dumps, under bridges, in cemeteries or even in the streets. Living this way, it is extremely difficult to get health care. What is more, you have to take odd jobs that are particularly arduous and damaging to your health »

The right to education. In one country, an observer wrote, « As the family dwelling is built on squatted land, it cannot be considered a legal residence and, in this country, without a legalised link with the land, neither property nor people can legally exist. As a result, the mother cannot obtain a residence certificate that would entitle her children to go to the public school. »

The right to work. One man testified, « I love my family. Every day I used to leave home early and look for work so as to provide for my wife and children. All my efforts were in vain. When I came home in the evening, they had managed, I don't know how, to find something to eat. The food stuck in my throat. I felt useless, and what was more, I was taking away some of the food they had earned. I was a burden on them, and that is why I left. »

The right to health. « In my building, there is a lady who is in poor health. She has a lung problem and doesn't want to get treatment because her husband can't take care of their four children on his own. She is afraid that the children will be placed in an institution if she goes to a hospital. »

The right to protection of the family. A woman in North America states, « I was in a shelter with my children. I was so closely watched by the social services that I did not dare do anything. I did not dare scold my children when they were naughty. If they heard us shouting, someone from the child welfare office would come to see what was happening. [...] I was so afraid that my children would be taken away from me that I did not dare do anything. I could only really begin to carry out my responsibilities as a mother when I left the place and got [an apartment]. My son was then 8 years old. »

The right to privacy. Action by social services can be seen as an arbitrary invasion of privacy. « When you live in poverty, they sometimes tell you, 'If you stay with your husband - or wife - we will find another home for your children.' They have no right to say that. My wife and I have done everything, even lived apart, to stop them from touching our children. We even made a statement to the police to prove it, even though we are not married! What right do they have to ask that ? »

The right to recognition as a person before the law and the right to be registered. Many children and adults living in extreme poverty are not officially registered. They have no legal existence and therefore enjoy no rights or protection.

The right to life and the right to physical integrity. The report underlines that the life and physical integrity of children living in the street are continually threatened by drugs and prostitution which can lead to AIDS, violence of all types, kidnapping, detention, or murder.

The right to justice. If the very poor cannot be supported and represented in the courts by organisations, violations of their human rights go unpunished.

The right to take part in political affairs. « When I went to the polling office to be registered, they told me, 'No, you've been in prison, you're not entitled to vote.' In fact, they were wrong, it was my father who had been to prison. When I went to the police station to have this corrected, they said, 'Like father, like son,' and they did nothing to enable me to vote. »

The right to participate in social and cultural life. Culture is not a « supplement » to be enjoyed when all other rights have been realised. « Culture is the possession of knowledge which enables the individual to be independent, to make his way through life and to be able to reflect, » according to the members of the Fourth World People's University¹. « It is also what unites us with others, something we can bring to others, something we learn about each other and which enables us to respect one another. »

A Juridical Definition of Extreme Poverty

Based on all the testimonies gathered, the Despouy Report recognises that extreme poverty involves the denial of human rights as a whole. It locks people into a « horizontal vicious circle » in which mutually reinforcing misfortunes accumulate. It is a « vertical vicious circle » shown by the fact that extreme poverty is often passed from one generation to another. The most acute social consequence of poverty is the exclusion of the poor. We cannot do anything without the people themselves if we are ever to find out what, and how much, they are suffering.

But how can we speak with respect of those whose extreme poverty has thrust them into a state of wretchedness ? According to ML Despouy, « It is a dilemma: How can the most dreadful aspects of abject poverty be illuminated without pandering to those who look askance at the poor ? » To resolve this question, he chose to compare extreme poverty to apartheid and slavery. All three situations involve a flat denial of human rights to people not considered human. As Nelson Mandela said at the World Summit for Social Development in Copenhagen. « poverty is the new face of apartheid. »

It is time to progress toward a new understanding of extreme poverty, through a change of viewpoint. This calls for less ignorance, less prejudice, less guilt and more fairness. As English sociologist Charles Booth wrote at the end of the nineteenth century, « The rich have drawn a curtain over the poor, and on it they have painted monsters. » We must make the most of the efforts by the very poor. These gestures reveal a fighting spirit, albeit one that results in small achievements, occasional triumphs, and many defeats. In order to reach the poorest and to foster community development that excludes no one, it is important to forge a bond of trust based on mutual acquaintance and on acceptance of the poor as partners. « Only as they rediscover their full range of rights and responsibilities shall we see, emerging in all their splendour, the human beings behind the poverty-scarred faces. »

Recommendations

The major aspiration stated in the report is to seat at the same table those who could be figuratively described as the humanists - the guardians of human rights, and those who administer the resources - UNDP, World Bank, IMF, etc. The hope is that their humanism and realism will converge in a common vision and strategy for eradicating abject poverty so that « rich and poor, travellers on the same planet, cease to move in opposite directions. »

It would also be appropriate for the Commission on Human Rights to study the range of activities through which non-governmental organisations foster human rights for all. The bodies monitoring the implementation of human rights should set-up mechanisms to facilitate access by the poor through representative associations. Human rights education should be reinforced. Recommendations made during the Copenhagen Summit should be followed through. At the

¹ A public meeting place for very poor adults and those who see them as partners for sharing experiences and learning together.

national level, every government should design, together with the most disadvantaged, a law providing a framework for an overall policy of poverty eradication.