MAKING
HUMAN RIGHTS WORK
FOR PEOPLE LIVING IN
EXTREME POVERTY

A handbook for
implementing the UN
Guiding Principles on
Extreme Poverty and
Human Rights

contents

methodology

Following the adoption of the Guiding Principles on Extreme Poverty and Human Rights by the United Nations Human Rights Council in September 2012, ATD Fourth World and Franciscans International agreed that a handbook was needed to translate the legal language of the Guiding Principles into concrete suggestions to help those working at the local level to better understand the implications of human rights for people living in extreme poverty.

A group of interested non-governmental organizations (NGOs) was therefore invited to together prepare a draft outline of the key elements to be included in this handbook. This outline was shared with field partners around the world for comments and feedback. Based on the feedback, a revised annotated outline was prepared, which served as the basis for the first draft of the handbook, including its layout. This draft was then translated into French and Spanish, and the three language versions were circulated by a number of the NGOs in all regions of the world for field tests from September to December 2014. Based on a set of questions on the contents, the design, and the language of the handbook, the participating NGOs organized focus group discussions, working groups, and workshops, as well as soliciting individual comments by people working directly at the local level with people living in extreme poverty. This final version is thus the result of a broad consultative process. It is available in English, French, Portuguese, and Spanish.

FIELD TESTS

Franciscans International
Working groups at Headquarters, and with partners in Bolivia, Côte d'Ivoire, India, Italy, Kenya, and USA, as well as individual comments from members in Colombia.

International Movement ATD Fourth World
Working groups at Headquarters, in Canada, and the Philippines, as well as individual comments from members in Belgium, France, Peru, Poland, Spain, United Kingdom, and USA.

Legal Resources Centre and Studies in Poverty and Inequalities Institute
A two-day workshop with social workers in Gauteng Province, South Africa.

Asylum Access, Center for Economic and Social Rights, Edmund Rice International, FIAN International, International Dalit Solidarity Network, International Federation of Social Workers, Little Sisters of the Assumption
Individual comments from members.

acknowledgements

foreword

This excellent and comprehensive handbook developed by a coalition of NGOs under the leadership of ATD Fourth World and Franciscans International is extremely timely, given the current political commitment of world leaders to ensure that the situation of those living in extreme poverty is addressed in the post-2015 agenda, in a way that fully respects their rights and dignity.

This handbook is a critical tool for the implementation of the United Nations Guiding Principles on Extreme Poverty and Human Rights. The development of the Guiding Principles was initiated by the former United Nations Commission on Human Rights in 2001, and their content was discussed and refined in over a decade of consultations with States, civil society organizations, United Nations agencies and communities living in poverty.* In my capacity as the United Nations Special Rapporteur on extreme poverty and human rights from 2008-2014, I had the privilege to prepare the last draft that was subsequently adopted by consensus by the United Nations Human Rights Council through its resolution 21/11, in September 2012.

The Guiding Principles on Extreme Poverty and Human Rights are the first global policy guidelines focused specifically on the human rights of people living in poverty. They are intended for use by governments to ensure that public policies, including poverty eradication efforts, reach the poorest members of society, respect and uphold their rights, and take into account the significant social, cultural, economic, and structural obstacles to human rights enjoyment faced by persons living in poverty.

The Guiding Principles were developed through the efforts of a number of individuals and organizations; ATD Fourth World ensured that people living in extreme poverty were able to also provide their input. I therefore take this opportunity to express my gratitude to ATD Fourth World for their tireless support in the development and adoption of these Guiding Principles.

This handbook, developed together with Franciscans International, is the continuation of these efforts, and I would like to thank both organizations for their ongoing promotion and implementation of the Guiding Principles on Extreme Poverty and Human Rights.

People living in extreme poverty are often neglected or overlooked by politicians, public service providers, and policy makers. Their lack of political voice, financial or social capital and their chronic social exclusion make them almost invisible to the eyes of the general population. Their needs and concerns are often absent in policy debates. Moreover, the negative stigma of poverty is so firmly entrenched in the minds of those who are better off in society that laws and policies are often based on stereotypes that assume that persons living in poverty are lazy, irresponsible, indifferent to their children's health and education, dishonest, undeserving,

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* The first draft of the Guiding Principles was developed by a group of experts headed by José Bengoa (Chile), and composed of Emmanuel Decaux (France), Asbjørn Eide (Norway), and then El Hadj Guissé (Senegal), Julia Motoc (Romania) and Yozo Yokota (Japan). It was adopted by the Commission in 2006.
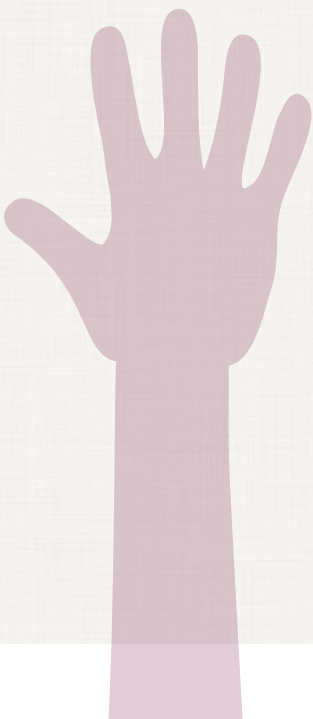
and even criminal. These prejudices and negative stereotypes are so deeply entrenched that they prevent policy makers from addressing the systemic factors that prevent persons living in poverty from overcoming their situation.

The significant obstacles that people living in poverty still face in enjoying their human rights made it essential to develop this handbook for implementing the Guiding Principles. This handbook is a practical tool for social workers, policy makers, civil servants, law enforcement officials, teachers, health care providers, and human rights advocates working at the local level to ensure that public policies reach the poorest members of society and respect and uphold all their rights. I am convinced that it can help to create an enabling environment in which people living in poverty are empowered to lift themselves out of poverty.

Overall, I warmly welcome this handbook, which makes an important contribution to the implementation of the Guiding Principles on Extreme Poverty and Human Rights. Implementing the Guiding Principles around the world is an urgent priority; a means to realize human rights, provide a lifeline out of poverty for many millions of people, and turn our vision for fairer and more inclusive societies into a reality.

We must all work together to advance the rights of those living in extreme poverty and ensure that their voices are heard and their dignity respected.

Magdalena Sepúlveda Carmona
United Nations Special Rapporteur
on Extreme Poverty and Human Rights (2008-2014)
June 2015

the basics

The purpose of this handbook is to assist those working directly with people living in extreme poverty to understand the latter's situation from a human rights perspective, and to suggest actions that can be taken with local governments and other sectors of society to ensure that their rights are respected and protected. The handbook is intended for all local actors, both those who work for the State such as social workers, community organizers, teachers, or urban planners, as well as those who work for non-governmental organizations, religious institutions, or community associations.

EXTREME POVERTY IS NOT INEVITABLE

People living in extreme poverty do not just suffer from a lack of income. They often face considerable barriers that prevent them from enjoying many fundamental rights, such as the rights to food and nutrition, housing, work, health, and education. They therefore often have to accept dangerous work conditions, unsafe housing, and limited access to health care, and bear the consequences of lack of nutritious food, unequal access to justice, and lack of political power. These barriers and the subsequent deprivations are interrelated and mutually reinforcing, resulting in a vicious circle of poverty, powerlessness, stigmatization, discrimination and exclusion. They often exist because governments and local authorities fail to take the necessary action so that everyone can enjoy their rights. This includes failing to counter the discrimination faced by persons living in extreme poverty from other members of society, as well as from the institutions that should be serving them.

"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."[1]

"Extreme poverty… is, at least in part, created, enabled, and perpetuated by acts and omissions of States and other economic actors."[2]

There are certain population groups throughout the world who, due to entrenched stigmatization and discrimination, are the most likely to be living in extreme poverty. This includes women; racial, ethnic, and linguistic minorities; members of castes; migrants (especially irregular migrants); refugees and asylum seekers; stateless persons; indigenous populations; persons with disabilities; and persons living with HIV/AIDS. In addition, people who live in extreme poverty are often looked down upon simply because they are poor.

Most governments have signed a number of human rights treaties and conventions on – among others – civil and political rights; economic, social and cultural rights; the elimination of racial discrimination; freedom from torture; and the rights of women, children, migrants, and persons with disabilities. States have also signed other international conventions, such as the ones related to labour rights, and organized crime and human trafficking.[3] These treaties obligate governments to ensure that everyone within their jurisdiction – including citizens and non-citizens – are able to enjoy their human rights. However, the level of commitment to these various rights, and their practical implementation, varies a great deal between countries.

There are also many levels of poverty, with no clear lines between them. Many international conventions refer to extreme poverty to highlight the importance of ensuring that the most invisible, the ones "in the shadows," are reached. Because they suffer the most from shame, they often do not come forward to participate in and benefit from poverty-reducing projects and therefore need to be actively sought out. When working with groups or individuals living in extreme poverty, it is important to be aware of the specific problems and obstacles they face in accessing their rights, and subsequently, their difficulties in reforming their situation. While this handbook identifies some actions that may be of use, it is by no means an exhaustive list.

"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."[4]

"The worst thing about living in extreme poverty is the contempt – that they treat you like you are worthless, that they look at you with disgust and fear, and that they even treat you like an enemy. We and our children experience this every day, and it hurts us, humiliates us, and makes us live in fear and shame."[5]

A woman from Peru

REFLECTIONS ON MAJOR POVERTY ISSUES

For reflections on world poverty, see also *World Poverty – Franciscan Reflections*: http://franciscansinternational.org/fileadmin/docs/Extreme_Poverty/Povertybook_web.pdf [accessed on 6 July 2015].

WHAT IS THE BASIS FOR THIS HANDBOOK?

In 2012 the United Nations Human Rights Council adopted Guiding Principles on Extreme Poverty and Human Rights.

The Guiding Principles on Extreme Poverty and Human Rights "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."[8]

These Guiding Principles are important because they:

> **Recognize** that extreme poverty is the result of multiple human rights violations, and set out how the rights of people living in extreme poverty are most commonly violated;

> **Re-affirm** that people living in extreme poverty are rights-holders, and are aimed at enabling people living in extreme poverty to claim their rights and be recognized as actors in the fight against poverty. The Guiding Principles recognize "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."[9]

> **Spell out** States' main obligations towards those living in extreme poverty, as well as steps that can be taken by international organizations, businesses, and civil society organizations to respect, protect, and fulfil their rights.

> Are global in scope; they are **applicable** to all countries and regions at all stages of economic development, with due regard to national specificities.

> Have been **adopted** by the Human Rights Council and therefore have the support of the international community of States.

In the United Kingdom, those living in poverty have reported that often their distress and desperation at failing to get fair treatment is too easily interpreted as aggression by service staff, and could lead to assistance being denied. Parents also described lunch supervisors at schools telling children that their parents are lazy, and giving them the worst of the food to eat.[6]

In Nepal, some Dalit communities reported that their children have to sit separately from other children, and in some cases can only stand at the back. This significantly affects their education and introduces shame and stigma at an early age.[7]

THE HUMAN RIGHTS COUNCIL

The Human Rights Council is the United Nations' primary human rights body. Reporting directly to the General Assembly, it is responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on actions to be taken. It has the ability to discuss all human rights issues and situations that require its attention throughout the year. It consists of 47 countries representing all regional groups (Africa, Asia, Eastern Europe, Latin America and the Caribbean, and the Western European and Others Group).

This handbook spells out the concrete implications of the Guiding Principles on Extreme Poverty and Human Rights (all mentions of Guiding Principles should therefore be understood as referring to this text). Because extreme poverty is the result of human rights violations, the handbook sets out how those working with people in extreme poverty can help the local and national authorities implement their obligations under international human rights law.

HOW SHOULD THIS HANDBOOK BE USED?

This handbook is not a list of every action that can and should be taken. Instead it presents a guide to what can be done depending on the situation of the people concerned, and the issues that matter the most to them.

PART 2 presents the basic principles for supporting people living in poverty in claiming their rights. **This should be read** before going on to the other parts.

PART 3 sets out suggestions for actions that can be taken to advance the rights that are the most important to people living in extreme poverty. Each section within Part 3 first presents the State's obligations under human rights law. It then outlines the specific problems of persons living in poverty and recommends actions to encourage governments and other actors to address them.

Part 3 is designed to be read both as a whole and in parts, according to the issues that are being addressed.

PART 4 explains how those working with people living in extreme poverty can help monitor how well local and national authorities are meeting their obligations under human rights law, and hold them accountable.

INFORMATION ON HUMAN RIGHTS TREATIES AND YOUR COUNTRY'S OBLIGATIONS

To check whether your country has ratified a human rights treaty, you can look at http://tbinternet.ohchr.org/layouts/TreatyBodyExternal/Treaty.aspx [accessed on 6 July 2015] or you can ask the national human rights institution, if one exists in your country, or a local human rights organization.

Your country's position on other relevant conventions, such as on labour standards, social protection, and the worst forms of child labour can be found at http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::: [accessed on 6 july 2015].

© Photo: ATD Fourth World

1   Guiding Principles on Extreme Poverty and Human Rights, Preface, p. 2. See http://www.ohchr.org/Documents/Publications/OHCHR_ExtremePovertyandHumanRights_EN.pdf [accessed on 6 July 2015].

2   Ibid.

3   See http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx, http://www.unodc.org/unodc/en/treaties/index.html?ref=menuside, and http://www.ilo.org/dyn/normlex/en/f?p=1000:12000:0::NO::: [accessed on 6 July 2015].

4   Guiding Principles on Extreme Poverty and Human Rights, Objectives, p. 4.

5   International Movement ATD Fourth World, Extreme Poverty is Violence: Breaking the Silence, Searching for Peace, 2012, p. 60.

6   Is poverty in the UK a denial of people's human rights? Joseph Rowntree Foundation , 2008, available at http://www.jrf.org.uk/publications/poverty-uk-denial-peoples-human-rights [accessed on 6 July 2015].

7   Opening the Door to Equality, Access to Justice for Dalits in Nepal, Office of the High Commissioner for Human Rights, December 2011, p. 65.

8   Guiding Principles on Extreme Poverty and Human Rights, Preface, p. 2.

9   Guiding Principles on Extreme Poverty and Human Rights, Objectives, p. 4.

key principles for engaging with people living in poverty
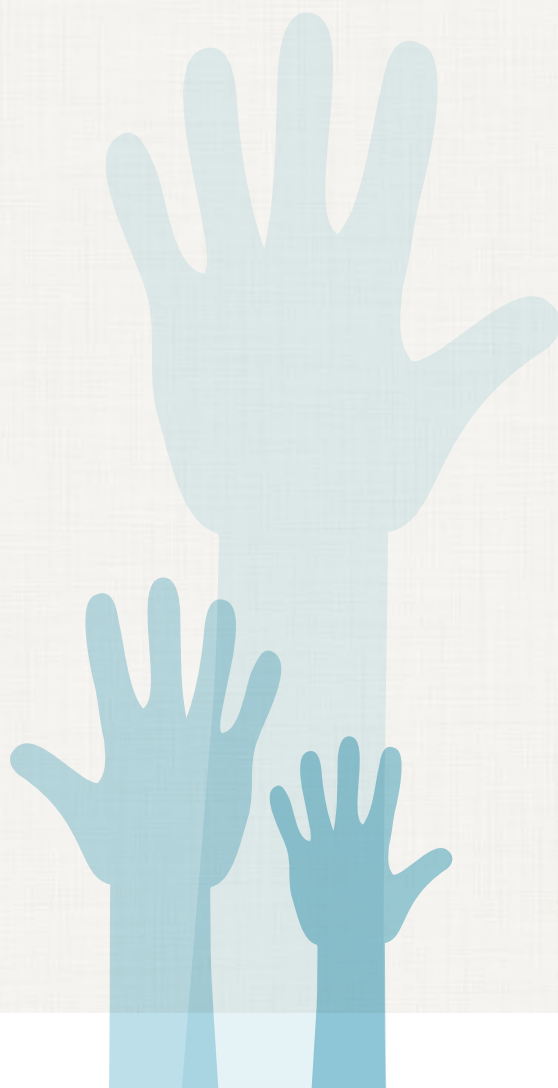
All policies relevant to poverty must be aimed at empowering persons living in poverty. They must be based on the recognition of those persons' right to make their own decisions and respect their capacity to fulfil their own potential, their sense of dignity and their right to participate in decisions affecting their lives.

Guiding Principles on Extreme Poverty and Human Rights, Foundational principles, para. 36, p. 8.

The Guiding Principles are based on good practices collected from governments, national human rights institutions, United Nations agencies, and non-governmental organizations (NGOs) around the world. They are aimed at ensuring the full participation and empowerment of people living in extreme poverty.

GAIN PEOPLE'S TRUST

If you have not worked with a particular person, group, or community before, remember that it is crucial to first gain their trust.

> **If reaching out** to a community, take time to get the perspective of people who are outside of the community, but have access to it.
> **Identify** whether there are any community leaders or representatives. Make contact with them, as entry points for reaching out to individuals and groups in the community.
> **Introduce** yourself and your service or organization and explain what your role is and why you are talking with them; be careful to provide the information in a way they can relate to their lives.
> **Invest** time, talking to individuals, groups, and the community to establish your credibility.
> **Always allow** the persons living in extreme poverty to lead the discussions about issues that are of concern to them. It is also important to ask them what their hopes are for the future.
> **Prioritize** their experiences and views, and be sure to regularly assess your own interventions to avoid imposing a particular perspective or opinion.

REMEMBER
People living in extreme poverty may be distrustful of authorities or outsiders whose intentions are not clear. They may have previously been ignored *or mistreated* by governments or members of other sectors of society.

UNDERSTAND THE DIFFERENT DYNAMICS AND THE RELATIONSHIPS WITHIN THE COMMUNITY

Even when community members appear to face the same challenges, not everyone has the same vulnerabilities. People often react differently to the same situation. Within particular communities some members may be more powerful than others with better links to authorities – both good and bad. They may have more resources or employ other members of the community, who are then dependent on them for their livelihoods. To help assess the situation, you should:

> **Observe** both what is said and what is not said, and other subtleties that allow you to see the power dynamics in the community;
> **Think** about how to safely reach those who may be isolated or outcast from communities, as specific individuals or groups within the community may face discrimination from others.

REMEMBER
In some contexts you have to take into consideration factors such as gangs and other allegiances, organized crime and corruption.

ASSESS AND MITIGATE RISKS TO PERSONS, GROUPS, AND THE COMMUNITY

Continually assess whether you or your actions pose any risk to *those living in poverty*. Does association with you, or your and other organizations or entities, put the person or group at any risk physically, socially, or economically?

To assess risks:

> Who has the most interest in maintaining the current situation? This could include local politicians, local landlords, community elites, gangs or other forms of organized crime, and businesses relying on cheap labour or trying to exploit land and other natural resources.

> What is their capacity and power? What could they do to endanger the people and communities you are working with? Do they employ most of them? Do they have control over the local police?
> What are the vulnerabilities of the people and communities you work with? Are some members more vulnerable than others? What is their capacity to respond to threats? Is there any risk of further social exclusion or stigmatization?
> Are the communities and individual members allowed to speak freely, meet, and organize activities? Make sure you completely review the laws as well as other constraints in this regard.

To mitigate risks:

> **Discuss** in advance (if possible) an appropriate location for any discussions, asking the people concerned to suggest appropriate venues and supporting their wish for confidentiality and privacy.
> **Ensure** that interpreters, if used, are trusted by the persons concerned. Be attentive to gender issues in the choice of interpreters.
> **Establish** a process for deciding when to change strategies or hold back because a risk or threat is intensifying or becoming too great.
> **Discuss** how best to ensure confidentiality through perhaps a private telephone number or email account. You might also want to discuss how the numbers are stored in your phone.
> **Identify** safe houses for people who are at risk of reprisals.
> **Fully brief** the participants about the different processes, including legal processes and mediation, that can be followed if they face reprisals, and inform them of the possible consequences.
> **Be aware** that any urgent follow-up mechanisms can include working with and providing information to larger national, regional, and international organizations. You might also consider contacting the national human rights institution, if one exists in your country.
> **Let people know** that they can say no or can choose which of these processes and mechanisms to use in the event of, or under the threat of a reprisal.

REMEMBER

Possible risks should be regularly discussed with those concerned, who must be able to offer their own ideas of how the risks can best be mitigated. Not everyone is equally vulnerable to a certain risk just by being in the same place or taking up the same issue.

REMEMBER

Community leaders may not represent all community members and so you should always make time to talk to individuals privately and safely. Women may not be able to speak freely in front of men, or to attend community meetings. There also may be some groups or individuals who are marginalized or outside of this community. They will have specific needs and vulnerabilities.

DURING ANY INTERACTION OR DISCUSSION:
> **Respect** people's customs and sensitivities, showing that you care.
> **Be culturally sensitive** about visiting people in their homes: for example, it may not be appropriate for a man to visit a woman.
> **Look** into ways to take into account all viewpoints.
> **Ensure** that people understand the purpose of the discussion and how any information they give will be used (if they agree it can be used).
> **Use clear, simple,** and easily understood language. Preferably speak the local language.
> **Interact** in ways that allow people to speak freely and safely. Be aware of the power balances within the group or community.
> **Be aware** of time constraints. People may be taking time off work to talk to you or they may need to find child care for when they attend meetings. Consult with them on the most appropriate time to meet.
> **Be sure** to keep all those concerned informed of the discussions, and not just those who attend the meetings.
> **Be sure** to leave no one out. Be careful to include those who are isolated or remote.
> **Look** for ways in which people are already supporting each other that can be reinforced and built on. Try to work with existing structures, strategies, and coping mechanisms.

BE SURE YOUR OBJECTIVES ARE CLEAR

Be aware that your presence may create expectations that you can change people's situation. Make it clear that you are there to explore actions that they themselves can take that can bring about change in the long term.

DEFINE AND ENSURE CONFIDENTIALITY

> **Discuss** what confidentiality means to each person, group, or community, including those who may be outside of, or marginalized by, the community.

> If you are speaking to or interviewing specific people about sensitive issues, **do not reveal** their identities to each other or what was said.

> If necessary, **develop** a method for keeping in contact with the person; this can be by identifying a telephone number or email where they can be reached or leaving an address where they can find you. Allow them to stipulate additional conditions they may have for you, such as what to do in the case that you share a telephone with someone else that they do not know.

> **Do not share** contacts without prior consent.

> **Explain** the mechanisms and limitations of confidentiality to everyone. (Who will have access to the information gathered? How will it be stored?)

> Before any discussions, **always ask** for people's consent to record information or to take photographs or videos.

> **Keep** records in a secure location at all times.

> **Create** a safe environment for everyone involved.

INVOLVE PEOPLE AS MUCH AS POSSIBLE IN THE PROCESS

This includes involving them from the first stages of gathering information, to choosing partners, designing projects, and engaging in dialogue with the relevant officials and actors. You should try to gather as much data as possible to support observations and claims.

GOOD PRACTICE

VOICES FOR A CHANGE: FINDING SOLUTIONS TO THE EXPERIENCE OF POVERTY IN LONDON

The ATD Fourth World project, *Voices for a Change*, invited a group of 18 potential participants to become peer researchers. All were living in poverty but had diverse experiences, due to a broad spread of age, ethnicity, gender, and disability. None of them had any experience in research. After initial training sessions in confidence building, public speaking, and interviewing skills, 12 members of the group agreed to be peer researchers.

They met regularly to help design questions that were open and non-threatening and that would give respondents an opportunity to tell their story. They also prepared a leaflet presenting the project and a consent form for respondents.

The interview results were then analyzed and the peer researchers were supported in formulating policy recommendations. In June 2008, two of the peer researchers presented the findings to a conference attended by over 40 policy makers from local and central UK government institutions, and by 20 people with experience of poverty. Two people from the government were invited to respond, followed by small group discussions.

In addition to raising awareness among policy makers, the project also gave the participants the confidence and skills to effect change in their own lives by moving into employment, taking up training opportunities, and volunteering in projects within their own community.

Source: ATD Fourth World, "Voices for a Change: A participatory peer research project to find solutions to the experiences of poverty in London," Great Britain, 2008; see http://www.atd-uk.org/resources/uk/ [accessed on 6 July 2015].

empowering people in extreme poverty to claim their rights
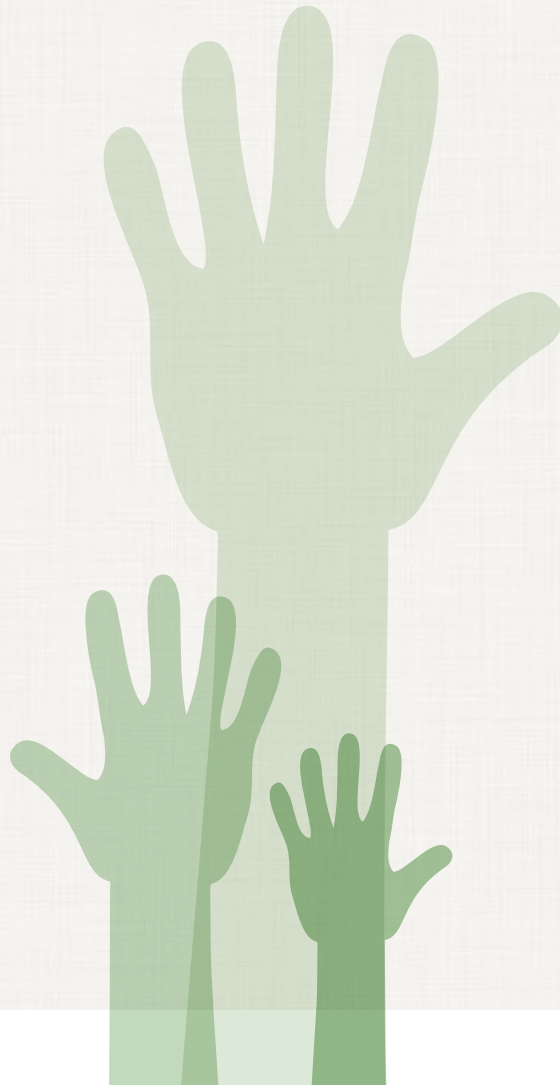
THE RIGHT TO INFORMED PARTICIPATION, KEY TO EMPOWERMENT

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.

Guiding Principles on Extreme Poverty and Human Rights, Foundational principles, para. 38, p. 10.

Everyone should have the right to participate in social, political, and economic affairs, to speak up and take action, to meet and organize. Governments should thus ensure that people are able to organize, meet, express themselves without intimidation or censorship, know the relevant facts and arguments, be conscious of their rights and have the necessary skills and capacity to assert them.

YET THOSE LIVING IN EXTREME POVERTY MAY OFTEN:

> Be unable to participate in decisions that affect their lives; often decisions are taken by other actors who do not understand the situation of those living in extreme poverty nor have their interests at heart;

> Lack information about their rights and the projects and policies being proposed and implemented; this makes it difficult for them to challenge decisions negatively affecting them, or to contribute their experience and knowledge to the decision-making process;

> Be disproportionately affected by any corruption due to discrimination and limited incomes and power;

> Lack the political power to change their situation and be unable or unwilling to call on the justice system or law enforcement officers, increasing their feelings of isolation and powerlessness;

> Hesitate to express their opinions or to claim their rights out of deep feelings of shame;

> If they speak out, face reprisals from government and local authorities, business enterprises, or community leaders and even other community members, including being killed, beaten or imprisoned, and having their homes destroyed.

In Nepal "Dalit communities normally do not have the political influence, substantive representation or power required to challenge the social structure and access justice… Such unequal power structures can expose Dalit communities to intimidation, threats and violence" when they challenge the caste system. This perpetuates the discrimination against them and their experience of poverty.[10]

You can help mobilize and empower those living in poverty to work for their greater participation in affairs that affect them, push for change, and hold governments more accountable. The process often takes time, and so it is important to commit to maintaining relations with the person, group, or community on a long-term basis.

People living in extreme poverty want to bring about change by creating a better understanding of their situation and establishing relations based on cooperation with all those concerned. But they know that this is not always possible.

RECOMMENDED ACTIONS

STEP 1
GATHER INFORMATION

As you get to know the most disadvantaged persons, groups, or communities as described in Part 2, the issues people are facing will begin to emerge. You could ask them questions such as:

> What are some of your main concerns, and what are those of the community?

> What kind of life would you like for your children?

> Do you talk about it together? Are you able to participate in local decision-making processes?

> Have you tried to change the current situation? What impact have you had?

> With what would you like some assistance?

REMEMBER
Sometimes it is difficult for people to respond to a direct question. Allowing them to tell you their story will also bring out their critical concerns.

STEP 2
FACILITATE BRINGING PEOPLE TOGETHER

Facilitate bringing people together to raise awareness, share information, learn about their rights, and reflect on their experiences and their aspirations. This process will involve:

> **Building** and supporting any processes already taking place to legitimately claim people's rights;

> **Maintaining** trust between you and the person, group, or community; this can be done by establishing guidelines for cooperation in a participatory manner with full consultation, including with those outside of or ostracized by the group or community;

> **Informing** people about their rights (see following sections), including those who need it the most;

> **Organizing** meetings and workshops with sympathetic advocates, lawyers, and other professionals on the law, the entitlements of those living in poverty, and the role of the police;

> **Building** leadership and organizing skills within the group or community, taking into consideration any possible risks (see Part 2).

STEP 3
IDENTIFY PARTNERS AND BUILD ALLIANCES

> **Enable** the person, group, or community to establish contacts with similar people or groups and find out whether or not they have the same problems and challenges. The problems that the person, group, or community faces could be a larger concern.

> **Help** develop informal and unified networks. While those living in poverty may already be rich in social networks, they may lack unity and in many cases have not developed much bargaining power with States, private enterprises, and traders.[11] Often their resources are limited, or the pressures and time constraints of daily survival can prevent them from organising more effectively.[12] As indicated above, their status may make it difficult for them to approach people from other parts of society.

"If we aren't organized and we don't unite, we can't ask for anything."[13]
Woman living in poverty, Argentina

© Franciscans International

> **Build** networks could be community-, neighbourhood-, or occupation-based, such as groups of local porters or labourers. Others could be formed around social status or caste or according to gender. Women's groups can help build confidence, raise awareness of issues specifically affecting women, and exchange knowledge and experiences specific to women and their roles in society.

> **Build** strategic alliances with relevant civil society organizations, faith-based organizations, social movements, non-governmental organizations, trade unions, and professionals at local, and, if possible, national and international levels. This can include creating or joining larger networks or coalitions at local, district or regional, and national levels. These alliances can provide communities with legal expertise and advice, support and guide policy proposals, and help promote change. In some instances they could raise international attention and pressure.

HOW TO CHOOSE AND APPROACH POTENTIAL ALLIES

It can be intimidating to approach larger organizations, and there can be many to choose from:

> **Find** out which organizations are working in your area or on the issue you want to raise.

> **Meet** with their members to understand how they function.

> **Highlight** your issues, and discuss how they could help you. If one organization does not have the resources or the mandate to help, ask them for suggestions of other organizations that could help.

It is important to be sure that your message is clear, and that you are working for a common cause.

> In line with the relevant section in Part 2, **discuss** how the issues can be followed up with the relevant authorities or public services staff, including township administrators, police, relevant state ministers, and ministers at the provincial and national level. Seek ways to start a dialogue that involves all interested groups.

STEP 4
GET TO KNOW RELEVANT LOCAL AUTHORITIES

If you do not already know them, get to know the local authorities and the people within them who can make the changes you want. This will include:

> If already part of a government service, **identifying other colleagues** who can support your efforts; this can be either colleagues at a higher level, or colleagues within other relevant services, for a multi-sectoral approach is often required because of the multiple challenges faced by people living in extreme poverty;

> **Knowing** the structure and hierarchy, as well as the strengths and weaknesses of different departments and levels: you may need to go to someone's boss to obtain any results, or in other cases the local authority may be the problem and you need to go to their supervisors at a higher level;

> **Identifying** sympathetic people in the relevant departments who are sensitive to injustice in the society, and to the faults in the systems imposed on government workers;

> **Learning** about existing policies and laws and how they are implemented;

> **Deciding** on the best approach to use; in some situations, it can be useful to also refer to common moral or cultural values, government priorities, or common sense;

> If necessary and possible, **trying** to reach national authorities, who may be more independent; however, they may not know all of the issues and be less willing to get involved.

TIPS FOR FACILITATING MEETINGS (BOTH FORMAL AND INFORMAL) WITH PEOPLE FROM OTHER SECTORS OF SOCIETY

BEFORE THE MEETING

> **Hold** small preparatory group meetings before the event so the issues can be discussed.

> **Work** with the group to decide which issues are the most important and to create an agenda.

> **Ask** the group to choose or elect delegates to voice the messages on behalf of themselves and the group. These persons should be honest, compassionate, trustworthy, supportive of non-violence, and polite and calm. Or, alternatively, make use of videos, photos, posters, etc., to convey the messages.

> **Ensure** practice, provide training, and be on hand during the event to provide support.

IF YOU ARE CHAIRING THE MEETING

> **Set** ground rules for participants, such as speaking in a language everyone understands, avoiding jargon, and not dominating the discussion.

> **Create** equality, placing the participants at an equal level. To do this the meeting could start with a presentation by each group that is represented at the meeting.

> **Be** creative, and use innovative methods; for instance, rather than relying on written presentations, use theatre and pictures to put points across.

> **Allow** space for support workers, but do not let them become spokespersons for an individual or group.

> **Maintain** a balance of participants; ensure there are always several people who have lived in poverty in breakout groups.

> **Break** out into groups and allow for small-group or one-on-one discussions.

> **Encourage** but do not force everyone to speak. It can often be very intimidating for people to ask to take the floor.

> **Check** back with those who were not able or not self-assured enough to participate before any final decisions are taken, to ensure that their points of view are also taken into consideration. Also check that everyone has understood, asking them to summarize key points in their own words.

STEP 5

HELP SOCIETY BETTER UNDERSTAND THE REALITY OF EXTREME POVERTY

> **Work** with local opinion makers to address the negative stereotypes that often result in discrimination and violence against people in poverty. This could include relaying stories about the reality of their lives, the efforts they make to survive and offer a better life for their children, the contributions many make to their communities (often informally), and the obstacles that prevent them from moving out of poverty.

This can be done by:

- **Developing** contacts with local and national media; if you can identify people who are sympathetic to your cause and who do not share the negative stereotypes about people living in poverty, they can help to draw attention to a problem or situation;

- **Working** to get an article or interview in a local or even national paper or on a radio programme, which can often help pressure local and national authorities and politicians to make the necessary changes;

- **Taking** advantage of social media such as Facebook, Twitter, blogs, and Instagram to raise awareness of issues;

- **Using** more traditional means of spreading a message or raising an issue, such as demonstrations, marches, festivals, etc.

> **Provide** and disseminate information to trusted allies on the problems and violations that people living in extreme poverty face, and explore with them possible actions that can be taken.

> **Document** incidents of hate speech against persons living in poverty by media, politicians, and members of the general public. Raise them with the relevant authorities if possible, and otherwise with other influential members of the community who have shown their support for people living in extreme poverty.

REMEMBER
Involving the media must always be done with the informed consent of the person or group, as it can increase the risks they face. Even if journalists are sympathetic, you will need to make sure that they take the time to really understand the issues on which they are reporting and will respect all privacy issues.

REMEMBER
It can take time and innovative methods to change negative stereotypes of people living in extreme poverty.

WORK WITH LOCAL AUTHORITIES OR WITHIN YOUR GOVERNMENT SERVICE TO CREATE REGULAR AND APPROPRIATE SPACES FOR PARTICIPATION

These spaces should:

> **Provide** complete, up-to-date, and easily understandable information on the planned project or services, and the decisions and progress being made at every stage of the process.

> **Arrange** regular meetings between policy makers and the people affected. Invite officials to see your work, and to take part in outreach events to foster a sense of partnership — all working towards common goals.

> **Build** time and flexibility into the process. The constraints to participation should be discussed with the participants ahead of time, and possible solutions found. The resulting mechanisms might, for example, reimburse either immediately or in advance the costs of participation — including childcare and travel — or compensate for any loss of income.

> **Ensure** that the participants know what to expect and how their input will be used.

> ### REMEMBER
> Such spaces should not just rely on written materials, which could exclude illiterate or semi-illiterate people, but instead include other approaches such as theatre or pictograms. They should use a language that can be understood by all participants, and especially the most marginalized and disadvantaged.

"For us, participating means leaving our isolation, breaking our silence, and overcoming our fear... Before, I was afraid, but now I'm strong, not humbled."[15]
Peru

GOOD PRACTICE

ADOPTION OF A LAW ON THE ELIMINATION OF POVERTY IN QUEBEC, CANADA

In Quebec, a coalition of 32 national organizations and 15 regional networks — including trade unions and religious, women's, and anti-poverty organizations — submitted a proposal to the Province's General Assembly and the relevant Parliamentary Commission on the planned law on the elimination of poverty. Extensive consultations were organized with those with direct experiences of poverty, to ensure that the proposal fully reflected their views.

The resulting document proposed that the legislation be based on three concepts derived from human rights principles: 1) the eradication of poverty should be a government priority until Quebec becomes a society without poverty; 2) priority should be given to improving the lives of the poorest fifth of the population; 3) people experiencing poverty and the associations that represent them should be involved in the conception, implementation, monitoring, and evaluation of anti-poverty measures. The proposal also suggested the creation of two new institutions, one of which was an Advisory Committee to the government, in which three to five of the 15 members should be people in situations of poverty. To facilitate their participation, measures were proposed to address practical constraints, such as reimbursement for the time they had to take off from work.

The new law, adopted in 2002, obligates the government to implement anti-poverty measures that are based on the recognition of human rights, to measure the effects of the law and its implementation, and to involve people living in poverty in the process.

Source: Direct communication from ATD Fourth World; for more information and an evaluation of the results, see http://www.pauvrete.qc.ca/IMG/pdf/Historique_critique_et_bilan_Loi.pdf [accessed on 6 July 2015].

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GOOD PRACTICE

CLAIMING HOUSING RIGHTS IN UBERLANDIA, BRAZIL

Thousands of homeless families living in Uberlandia, Brazil, decided to resettle on unused land in their struggle for their right to housing. The owners of the occupied lands requested that the families be evicted.

At the same time, the families started negotiating with authorities in the hope of finding a peaceful and legal solution to the conflict. Many such unoccupied lands are owned by powerful companies.

Franciscan Solidarity and Ecology Action have been carrying out advocacy work and providing training programmes to help the families improve their strategies as they negotiate with the authorities. As a result, the city has taken over areas of land on which so far 6,000 families can be settled.

Source: Direct communication from Franciscans International.

10 *Opening the Door to Equality, Access to Justice for Dalits in Nepal,* Office of the High Commissioner for Human Rights, December 2011, p. 65.

11 Narayan, D., Chambers, R., Shah, M.K., and Petesch, P., *Voices of the Poor, Crying Out For Change*, Oxford University Press, 2000, p. 219.

12 Ibid., p. 232.

13 Ibid., p. 283.

14 Ibid., p. 221.

15 International Movement ATD Fourth World, *Extreme Poverty is Violence: Breaking the Silence, Searching for Peace*, 2012, p. 60.

CREATING A MORE SECURE ENVIRONMENT

States should…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.

Guiding Principles on Extreme Poverty and Human Rights, Right to life and physical integrity, para. 64, p. 15.

Governments should ensure a physically safe and secure environment for everyone. This includes guaranteeing that everyone is protected from harm, such as from threats to their life, liberty, and physical and mental health, in accordance with the law. This means that governments should ensure equal access to justice and put into place processes to hold accountable those who threaten people's security. Governments must also ensure access to secure and safe housing.

YET PEOPLE LIVING IN EXTREME POVERTY MAY OFTEN:

> Be in danger of harassment, violence, and abuse, including sexual abuse, and be unable to access justice. They often are asked to pay bribes that they cannot afford;

> Be frisked, fined, arrested, detained, and imprisoned at higher rates than other members of society, often for actions such as begging, being on the street, or sleeping on park benches; homeless persons in particular are frequently subject to restrictions on their freedom of movement and criminalized for using public space;

> Lack security of tenure and live in constant fear of evictions and expropriation, without the means of upholding their rights in court; they are often evicted without being provided alternative accommodation or compensation;

> Lack access to secure housing, and instead live in housing which is often made out of cardboard or other waste materials and therefore is flimsy and structurally unstable and offers no protection or privacy; it is often overcrowded and unsanitary as well;

> In some countries, live in constant fear of violence and threats from local authorities and law enforcement officials as well as from other members of society, with little means of protecting themselves; they are also more likely to be physically and mentally abused by police and security forces;

> See little presence of the police in their areas, which can result in increased crime and the creation of vigilante groups.

In Rio de Janeiro, Brazil, according to studies, police are twice as likely to shoot to kill in incidents involving residents of favelas (slums or poor areas) than in incidents in other parts of the city.[16]

"If I had an identity card, the police wouldn't have been able to throw me out."[17]
An evicted slum dweller, Hyderabad, India

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, and fear of physical harm seems to be a major concern, you might want to ask the people with whom you are in contact the following questions:

> Do you feel secure at home and in the neighbourhood?

> If not, why? (This question might lead to discussions of violence within the group or community, such as in the case of gangs, violence against women, or acts of violence by others such as the police, landlords, or developers.)

> Do you feel protected by the police? Have you ever been arrested, fined, or detained by police? If so, when and why? And for how long? Were you ever forced to pay a bribe to law enforcement officers?

> Have you tried to make a police report? What happened?

> Are you concerned about being evicted?

> What do you do to try and keep yourself and your family safe?

> What are you doing to try and change the current situation? What impact have you had?

> With what would you like assistance?

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STEP 2
MOBILIZE AND EMPOWER

Raise awareness of people's rights, and among other things on:

> **The responsibility of the police** and other law enforcement agencies to provide security and their rules of procedures — that is, when they are allowed to arrest someone, how long they can hold someone for questioning, and what are the person's rights. If the person, group or community — including its most marginalized members — agree, you could organize a workshop or "question and answer" session with a sympathetic member of the police force.

> **Local housing services** (if there are any), their obligations, their means of operations, and their appeal mechanisms.

> **People's right to legal aid** (if this exists in your country) if they have been arrested by the police or are facing eviction and cannot afford a lawyer.

> **Existing State legislation** and policy directives, and the state of implementation, to identify gaps and specific problems, and the actions needed to remedy them.

Build local networks and alliances with relevant organizations:

> **To work** for reconciliation and build solidarity within and between groups and communities as a way of fighting crime, or to develop neighbourhood watch schemes to keep an eye out for crime.

> **To protest** when a forced eviction or other human rights violations take place, and publicize the event.

> **To help** lobby local and national authorities to make changes.

Find out who are the relevant authorities, and their position on the issues raised, including:

> **The hierarchy** within the police force and who supervises whom, and the ministry in charge of the police, such as the Ministry of Home Affairs;

> **The hierarchy and procedures** within the department for social housing at local and national levels;

> **Those responsible** for monitoring and regulating the activities of the press;

> **Official human rights commissions**, or ombudspersons, with the mandate to take up human rights abuses.

STEP 3
DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local authorities to protect people living in poverty by:

> **Identifying** those groups and households who lack secure housing and are particularly vulnerable to violence;

> **Monitoring** the local housing situation, including the impact of land and property speculation on the availability of affordable housing, and suggesting policies that could help address any resulting issues; this could include housing finance programmes, slum upgrading, regularization of informal settlements, and State credit for housing ownership or subsidies for rent;

> **Identifying** areas where more affordable government housing can be built that also allows access to work opportunities and essential services;

> **Campaigning** for changes in legislation and policy that would allow equal rights to secure tenure and protect people (including those in informal settlements) from forced evictions;

> **Helping** to ensure that the most marginalized and disadvantaged are prioritized in the allocation of safe and secure public or affordable housing;

> At a very minimum, **providing** safe shelters for victims of violence — particularly women and children — as well as people who have been evicted;

> **Exploring** the possibility of setting up counselling and complaint procedures — including informal dispute resolution mechanisms — accessible to children, minorities, people with disabilities, women, people living in poverty, and other disadvantaged people; the procedures must also ensure protection from harassment, prosecution, or any other form of reprisal for complainants, victims, and other persons associated with the submission of a complaint;

> **Developing** spaces where men, women, young people, and children can discuss their worries and problems, since there may be topics or issues that they will discuss only in same-sex or same-age group settings;

> **Identifying** those in poverty who live in areas at risk of natural and environmental disasters, and in particular those with limited mobility such as people with disabilities and elderly persons; in any anticipation of severe flooding or other environmental catastrophe, holding meaningful consultations with the residents to discuss possible relocation plans and other safety measures that could be put in place.

Identifying people within the law enforcement and justice system who are genuinely committed to the fair treatment of people living in poverty, and:

> **Informing** them of the types of violence that are occurring;

> **Offering** to give training on the situation of those in poverty, their everyday living conditions, their coping strategies, and their vulnerabilities and needs;

> **Highlighting** the disproportionate impact of fines and other sanctions on people living in poverty;

> **Reviewing** police and court procedures to help build in safeguards for people living in poverty; this could include ensuring their right to be accompanied if desired in all administrative and judicial proceedings;

> **Designing** a complaints or monitoring mechanism to ensure those in extreme poverty have access to competent lawyers.

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ON THE RIGHT TO ADEQUATE HOUSING

The UN Special Rapporteur on adequate housing (appointed by the Human Rights Council) has produced a set of guiding principles to assist States and other relevant actors in addressing the current crisis in tenure faced by the urban poor in an increasingly urbanized world. Please see: http://www.ohchr.org/EN/Issues/Housing/Pages/StudyOnSecurityOfTenure.aspx [accessed on 6 July 2015].

The UN Office of the High Commissioner for Human Rights (OHCHR) has also produced a toolkit on the right to housing. Please see: http://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx [accessed on 6 July 2015].

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16 *Enhancing Access to Human Rights*, International Council on Human Rights Policy, 2003, p. 13.

17 Narayan, D., Chambers, R., Shah, M.K., and Petesch, P., *Voices of the Poor, Crying Out For Change*, Oxford University Press, 2000, p. 208.

PROVIDING THE BASIC SERVICES REQUIRED FOR GOOD HEALTH

States should… 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.

Guiding Principles on Extreme Poverty and Human Rights, Right to the highest attainable standard of physical and mental health, para. 82, p. 26.

Governments should generate conditions in which everyone can be as healthy as possible. This includes ensuring a healthy environment and access to the essential services required for good health, such as clean, safe, and warm housing; health services; clean water; and access to healthy food, with food assistance if needed. When these services have been privatized, governments should still ensure that they are timely, available, accessible, affordable, and of a good quality.

YET THOSE LIVING IN EXTREME POVERTY ARE MORE LIKELY:

> To suffer physical and mental health problems because they do not have sufficient nutritious food; to lack access to clean water, air, land, and adequate housing and sanitation; and to have to accept poor or even dangerous working conditions;

> Due to stress, hunger and fatigue, to become addicted, along with their children, to substances such as alcohol, tobacco, and illegal or prescription drugs;

> To lack access to quality health services including qualified doctors, nurses, and mental health professionals because they cannot afford comprehensive health insurance or user fees, are far away from clinics and hospitals, or are unaware that they are entitled to free services; women particularly lack access to gynaecological and obstetric care, including maternal health;

> To be treated unsympathetically by some health care professionals, discouraging them from using formal health care systems;

> To resort to self-medication or dangerous or unregulated alternative or counterfeit health treatments;

> To be pushed further into the poverty trap as a result of health care expenditures.

REMEMBER

Girls and women are particularly affected by lack of access to water and sanitation since they often have to collect water from far away, which can prevent them from attending school and often exposes them to sexual violence.[18]

"It's drafty, humid, leaking. Just try living here in winter. Our children have fallen ill. And the adults, too. There are bugs, cockroaches, what have you. It's cold."[19]
Young Roma adults, Krasna Polania, Bulgaria

"The water in the estuary is completely contaminated with solid waste (trash, decomposing animals, etc.) and liquid waste (sewage) and toxic waste from the industries in the port of Guayaquil."[20]
A researcher commenting on problems in Isla Trinitaria, Ecuador.

"Everything is contaminated: land, water, plants, and people."[21]
An indigenous community member, Voluntad de Dios, Ecuador

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask them the following questions, if relevant:

> What are the main health problems in the group or community?

> What do you do, where do you go if you become ill or are unable to work?

> Where is the nearest clinic? Is it private or public?

> Is your housing safe, clean, and warm?
> Do you and your family have any sleeping problems? Do you feel anxious?
> Do women have safe and easy access to medical health services, where they are treated respectfully?
> Are there available and accessible health facilities for persons with disabilities or those with chronic diseases or HIV/AIDS?
> What is your source of water? Is it affordable? Are there indirect costs such as having to take time from income-raising activities or school to obtain clean water? Does the cost of water prevent you from being able to afford other basics such as education or medicine?
> If you are unable to feed yourself, where do you go? Is any assistance available?
> What are the sanitation practices in your community? Do people have access to latrines?
> Have you tried to change the current situation? What impact have you had?
> With what would you like assistance?

STEP 2
MOBILIZE AND EMPOWER

> **Raise** awareness of everyone's rights to be able to easily and safely access the services needed for good health, including safe access to clean water, and to be treated with dignity. The communities should be aware of the procedures for obtaining services so they can identify fraud, corruption, and any discriminatory practices. They should also know the standards that must be respected by those providing the services.

> **Get** to know relevant non-governmental organizations and build alliances with them. They often have a clear idea of what is happening locally and nationally and can help provide information and organize campaigns on specific health issues.

> **Bring** in other international and domestic public health experts who can provide evidence and discussion points to be raised with the relevant government authorities.

> **Become** familiar with the structure of the Ministry of Health and other relevant ministries, such as ones providing social assistance. Identify the relevant author-ities, including the people who are supervising the health services.

STEP 3
DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local authorities, including health care professionals, to:

> **Consult** with local communities about problems and what is needed to address them

> **Map** the different groups, households, and individuals who live in unsafe and unsanitary housing and are particularly vulnerable to lack of food, clean water, and sanitation, and identify the steps that need to be immediately taken to address the situation. This could include:

  – Working with the local community to distribute emergency packs including food parcels in a manner that does not risk alienating or stigmatizing the beneficiaries;
  – Protecting water sources from contamination such as animal defecation or environmental pollution;
  – Identifying and consulting with experts, if more complex technologies are needed;
  – Building better ways of water storage such as rainwater harvesting.

> **In consultation** and partnership with different groups — in particular women, children, and adolescents, but also, if relevant, people with disabilities, or other groups at risk such as migrants, refugees, or those living with HIV/AIDS — determine and assess the problems those in poverty may have in accessing the necessary services including medicines, and identify how these could be remedied.

REMEMBER
Even if it is a private company providing the service, the government must ensure that the service meets certain standards.

REMEMBER
Make sure that women are included in any participatory decision-making process. It is important to address their specific needs. Women are also the most concerned with health-related services since they are the ones who usually collect the water, educate children on good health practices, and take sick children and adults to the health facility and care for them at home.

In Paraguay, national housing programmes are administered through nine regional offices that partner with municipal governments, civil society and private actors to identify the most marginalized and disadvantaged groups and determine appropriate actions.
Defensoría del Pueblo, Paraguay[22]

This could include identifying how local infrastructure and transport links could be improved.

> **Identify resources,** such as local businesses, that could be mobilized to provide better access to health services, water, and sanitation.

> **Identify ways** with the local population of improving nutrition, sanitation practices, and health awareness in forums such as schools and religious festivals. Even local sporting events could be used to spread messages about good health practices.

> **Train** health care staff and other service staff to recognize and respond to the specific needs of people living in extreme poverty, and ensure that the services provided are culturally acceptable and respect the dignity of all service users.

> **Track and document** incidents where people are being misinformed about treatment, and help determine the necessary remedies. This could involve ensuring access to criminal justice where companies or individuals have deliberately misled people for profit.

> **Distribute** easy-to-understand information on how the government and local authorities are ensuring access to services, such as budgets and other details for water and sanitation projects or health facilities, progress reports on implementation, and lists of who is responsible for what. This can help the person, group, or community hold the local authorities — and if possible, the national government — responsible for carrying out their obligations

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A PRACTICAL GUIDE TO THE RIGHT TO WATER

Franciscans International and WaterLex have produced a guide to raise awareness on the importance of the right to water and sanitation and to help those who work with communities living in extreme poverty with practical ways to address the challenges. You can access this publication at the following link: http://franciscansinternational.org/fileadmin/docs/Water_manual/FI_WL_The_Right_to_Water_and_Sanitation_-_a_practical_guide.pdf [accessed on 6 July 2015].

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Working with community leaders to:

> **Highlight** practices that discriminate against disadvantaged people, including girls and women, in access to basic services or in the distribution of food within the community, group, household, or family.

> **Develop** ways to strengthen solidarity with those most in need within the group or community.

> **Devise** a culturally appropriate approach for discussing domestic violence or harmful traditional practices such as early marriage or female genital mutilation.

GOOD PRACTICE

WORKING WITH ROMA POPULATIONS IN STRASBOURG, FRANCE

Since 2003, Doctors of the World have been working with Roma families from Bulgaria, Romania, Hungary and ex-Yugoslavia that were originally living on lands with no access to water, electricity, schools, or health care. The staff contacted the relevant city services — socio-medical centres, social workers, and mother and child health services — regarding the families' specific needs. Slowly the city services integrated the children into the local primary school, and began to regularly vaccinate all of them, in addition to providing maternal health services and childcare centres. At the same time, the families were informed of their rights and entitlements to services.

The city also allocated land for the families with water, electricity, laundries, toilets, and garbage management services, and ensured they had access to interpreters, French instructors, and social workers. Nevertheless, approximately 200 people still live in inadequate housing, and social and health workers lack training on the social and cultural causes and consequences of extreme poverty. There are also difficulties in coordinating the various services required and an increasing number of documents are required to access them. Doctors of the World is thus continuing to institutionalize and strengthen the partnerships that have been developed.

Source: Direct communication from Doctors of the World.

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18   Franciscans International and WaterLex, *The Right to Water and Sanitation: a practical guide*, 2011, p. 12.

19   Narayan, D., Chambers, R., Shah, M.K., and Petesch, P., *Voices of the Poor, Crying Out For Change*, Oxford University Press, 2000, p. 78.

20   Ibid., p. 84.

21   Ibid., p. 85.

22   Leilani Farha, "Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context," UN Human Rights Council, A/HRC/28/62, p. 5. See http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx [accessed on 6 July 2015].

SUPPORTING FAMILIES AND PROTECTING AND RESPECTING THE RIGHTS OF THEIR INDIVIDUAL MEMBERS

States should…allocate the resources necessary for the establishment of registration systems that are accessible to and adequate for persons living in poverty, […] protect persons living in poverty from inappropriate intrusion into their privacy by the authorities, and [...] design and implement appropriate, well-resourced and culturally sensitive family support programmes.

Guiding Principles on Extreme Poverty and Human Rights, Right to recognition as a person before the law, para. 70, p. 19, and Right to privacy and to protection for home and family, para. 72, p. 20.

Governments should respect and protect the rights of each individual member of the family. This includes ensuring everyone's legal identity through effective civil registration systems, without which persons are more vulnerable to harm, including being separated from their family, abduction, illegal adoption, and trafficking. Governments should also ensure that families are able to meet their members' basic needs and to care for vulnerable members including children, individuals with mental and physical health problems, and older persons. Providing basic support to families also helps prevent child and bonded labour.

YET THOSE WHO LIVE IN POVERTY ARE MORE LIKELY:

> To be excluded from national civil registration systems that record births, marriages, and deaths; this is due to distance from registration offices, difficulties in understanding complex administrative processes, or the lack of funds to pay the necessary fees or bribes;

> To lack legal documents, which makes it difficult to access education, health, land titles, voting rights, and nationality; it often also deprives them of State support such as social services and assistance; children without birth certificates are more vulnerable to child marriage, child labour, trafficking, being recruited into armed groups, and other forms of exploitation, and the lack of legal documentation makes family reunification very difficult;

> To experience intrusions in their lives and breaches of their privacy by law enforcement officials and, in some countries, by social services; they often do not receive the support they need, and their children are more likely to be separated from their families by authorities and placed in alternative care;

> To suffer family breakdown prompted often by inadequate or overcrowded housing, serious illness, and lack of access to effective health care, education, and social welfare services, among others; this can lead to children living on the street, or becoming unaccompanied children crossing national borders into other countries;

> To be unable to leave physically or sexually abusive family members due to a lack of financial independence and fear of stigma and discrimination;

> To be single-parent families, usually headed by women, who as well as having care responsibilities within the home, are frequently employed in precarious jobs without adequate social security coverage; they are often particularly vulnerable to austerity measures, and in civil unrest and other conflicts;

> Be disproportionately affected by cuts in social services and austerity measures;

> Due to the parents' inability to earn sufficient income, to often have to send their children to work in order for them to survive.

REMEMBER
Poverty alone should never be a reason for authorities to separate children from their families and place them into alternative care.

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the persons, group, or community as described in Part 2, you might want to ask those living in extreme poverty the following questions, if relevant:

> What legal documents do you have? If none, why not? Has it stopped you or your children from accessing any services?

> Do you want legal documents? If so, what would help you to get them?

> Has any official threatened you for any reason, disrupting your family life?

> Do you have any fears for your family?

> What support would help you better care for your family? With what would you like assistance?

> Do the children have to work? If so, in what kinds of jobs?

> Are there any factors that make it difficult to keep and raise a child?

> What are you doing to change the current situation? What impact have you had?

STEP 2
MOBILIZE AND EMPOWER

Around civil registration:

> **Assess the obstacles** for the person, group, or community regarding registration programmes. In some countries the government does not want to provide official recognition to migrants or particular minorities or ethnic groups.

> If it does not put people at risk, **raise awareness** among both the community and local authorities of:

 – The government's obligation in ensuring civil registration systems and a legal identity, and its importance;

 – The purposes for which the information would be used; many fear being identifiable will increase their risk of persecution.

> **Build alliances** with relevant organisations both to help campaign for, and facilitate, birth and other forms of civil registration. At the international level, for technical advice and campaigning you could get in touch with relevant non-governmental organizations and UN agencies such as the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF), the UN Development Programme (UNDP), and UN Women.

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Around support for the family and protection for the rights of its members:

> **Highlight** the different forms of assistance the family can receive in terms of childcare, financial support, short respite care for persons with disabilities, and social assistance for alternative housing. Also collect and share best practices from other countries.

> **Raise** awareness of the roles and responsibilities of law enforcement, State service providers, and other State officials: what they can and cannot do in relation to families, and if possible, the complaint procedure if someone feels the official has acted inappropriately.

> **Establish** networks and contacts with family lawyers, or organizations that can offer advice and assistance.

STEP 3

DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, ON WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Helping local authorities to improve registration by:

> **Reviewing** civil registration processes to ensure that they are accessible and not overly time-consuming and expensive for people, including, for instance, those with disabilities and elderly persons; consult with children and adolescents when designing registration schemes for minors;

> **Developing** innovative birth registration methods such as using cell phone texts or mobile units;

> **Carrying** out campaigns to highlight the need to register all unregistered children and provide legal identity papers to adults in all geographic regions;

> **Training** local officials, social workers, and midwives on how to register births and the necessary procedures to be followed;

> **Harnessing** local knowledge and systems such as using traditional registration systems.

GOOD PRACTICE

ACCESS TO THE RIGHT TO BIRTH REGISTRATION IN SENEGAL

Despite the Senegalese government carrying out a nation-wide campaign in 2004 using fairs, cultural activities, and theatre to raise awareness about birth registration, many families living in poverty were not registering their children's births. According to home interviews by ATD Fourth World, this was because of the family's preoccupation with survival and the lack of time to go through the heavy formalities; lack of funds to pay the hospital fees, which led to the hospital's refusal to issue a birth certificate; the requirement for both parents to have identity cards in order to register their child; and the number of home births where the parents either were not aware of the need to register the child or simply did not have the means to do so.

ATD Fourth World met with officials to sensitize them to the special obstacles faced by families living in poverty, and then organized meetings between the people and the relevant government officials. It provided practical support to families, such as going with them to get birth certificates, both for themselves and for their children.

As a result, the administrative procedures were simplified and there was an increase in birth registrations. After the first group of people successfully went through the process despite not being able to fulfil all of the criteria (such as both parents being present or each parent needing to have an identity card), others then came forward.

Source: Direct communication from ATD Fourth World.

GOOD PRACTICE

USING INNOVATIVE APPROACHES TO ENCOURAGE BIRTH REGISTRATION

A survey by the Franciscans International team in the rural Andean communities of Cochabamba revealed that to encourage birth registration in rural and indigenous communities, the Civil Registry needed to coordinate with the community's own organizations so that people would all be ready and waiting for the civil servant team when it arrived.
As a result, in certain zones the Civil Registry authorities organized a competition between communities to see which one obtained the best results in registering births while avoiding discouraging complications such as waiting lines. The winning community won a llama.

Source: Franciscans International and FI Bolivia, Interview with *Tribunal Electoral Departamental de Cochabamba*, Bolivia, included in report on "Good practices in ensuring universal birth registration."

Assisting local authorities to support families and respect and protect the rights of their individual members by:

> **Discussing** with affected communities and individuals ways of supporting families and preventing their breakdown, and helping to design appropriate and culturally sensitive family support systems as part of child welfare and protection policies. The authorities should make sure they have particularly consulted with mothers and other female members of the family who most commonly are the care providers. Such discussions could include identifying and addressing:

– **Problems** accessing services such as health, including gynaecological and obstetric care; psychological support to deal with issues such as violence, anger management, and addiction; and parent education;

– **Gaps** in service provision, such as daytime childcare if both parents have to work, or day care for older members or family members with disabilities;

– **Ways** of preventing material poverty that could, for instance, include social assistance programmes, free school meals, and better wages or improved means of livelihood (this is dealt with more fully in sections 5 and 6);

> **Creating** family focal points within each local authority that can help coordinate assistance and advice;

> **Ensuring** child protection and social workers have a clear understanding of the realities of people living in extreme poverty, and working with them as necessary to simplify procedures for accessing family support services;

> **Creating** accessible complaint systems that allow those living in extreme poverty to appeal should they feel that an official acted or behaved inappropriately, including, and especially, if a child has been removed from his or her family;

> **Establishing** an effective mechanism that guarantees that all possible means of keeping children with their parents or wider (extended) family have been examined before the children are admitted to the alternative care system; this includes helping the family with appropriate services and assistance;

> **Designing** and developing accessible mechanisms and support services that enable those (most often women) experiencing abuse or violence in a family setting to leave safely with their children, if appropriate. This includes ensuring a safe house and providing emotional and financial support if necessary.

GOVERNMENT MEASURES IN SUPPORT OF FAMILIES

For more information, see *Moving Forward: Implementing the Guidelines for the Alternative Care of Children*, available at: http://www.unicef.org/protection/files/Moving_Forward_Implementing_the_Guidelines_English.pdf [accessed on 6 July 2015].

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23 The Guardian, "Burma census is not counting Rohingya Muslims, says UN agency," 2 April 2014. See http://www.theguardian.com/world/2014/apr/02/burma-census-rohingya-muslims-un-agency [accessed on 6 July 2015].

24 See International Federation for Human Rights, Press Release, July 2014 https://www.fidh.org/International-Federation-for-Human-Rights/asia/burma/15707-burma-end-the-prosecution-of-rohingya-human-rights-defender-kyaw-hla-aung [accessed on 6 July 2015].

SECTION 5

REALIZING THE RIGHT TO FOOD: FIGHTING HUNGER AND MALNUTRITION

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.
Guiding Principles on Extreme Poverty and Human Rights, Right to adequate food and nutrition, para. 75, p. 22.

Governments should respect, protect, and fulfil people's right to quality and nutritious food on a sustainable basis. In some cases, ensuring its availability and affordability is related to income, which is covered in Section 6, whereas in others, it involves having access to the resources necessary to produce or obtain it such as water, forests, and land. This also includes respecting and protecting people's choices of how to produce and consume nutritious food, thereby respecting and protecting their food sovereignty.

HOWEVER, THOSE WHO LIVE IN EXTREME POVERTY MAY OFTEN:

> Be forced, through food assistance programmes or market forces, to eat cheap food products that consist mainly of fats and sugars that can lead to obesity and hidden hunger; obesity can then very often lead to stigmatization, discrimination, and considerable health problems such as diabetes;

Hidden hunger is a type of malnutrition in which people, despite often being overweight, do not have the needed nutrients to stay healthy.

> Be particularly affected by drastic changes in food prices caused by speculation in the financial markets on staple foods such as wheat, maize, and soy; this makes healthy and nutritious food unaffordable, and pushes families into further poverty as they use up savings, sell assets, and go into debt to pay for food;

> Rely on food-banks, which can limit their ability to choose appropriate food for the family, and so result in a loss of autonomy, as well as being stigmatizing and humiliating;

> Be more vulnerable to — and the most affected by — environmental degradation due to, among other things, extreme weather events such as storms, flooding, and droughts, and have only limited ability to prepare for, or adapt to, climate change and its effects;

> Be more dependent on natural resources such as fertile land, forests, or water to feed themselves and their families, yet have only limited or unreliable access to such resources;

> If they are part of an indigenous population, or are small farmers, pastoralists, or fisher folk, be at particular risk of losing their traditional sources of income without consultation or adequate compensation;

> If a woman, be unable to inherit or control land or other productive resources.

> Live with hunger or undernourishment on a daily basis. This leads to fatigue and physical and mental health problems. Children who are malnourished are often not able to enjoy adequate physical and mental development, and under-perform in schools.

> Experience great anxiety in not knowing when and what their families will be able to eat, making them vulnerable to political and other kinds of manipulation.

REMEMBER
Women are normally responsible for taking care of food and water, and are the most affected by violations of the right to food and nutrition.

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE AND GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask families and individuals the following questions:

> Do you have access to adequately nutritious food? Do you produce your own food or do you purchase it, and if so, from where?

> What food do you typically eat and how often?

> Are you noticing frequent changes in prices? How is this affecting you?

> Do you have secure access to productive and affordable resources such as land (and seeds), water, or jobs that allow you to feed your family? If not, why not? What would help?

> Are you being affected by changes in climate or increased incidents of droughts or flooding?

> Do women and girls have equal access to food and resources within the households and communities (you might want to discuss this separately with the women)? Are women able to own and control land?

> What access do you have to nutritional information? Are your children learning healthy food preferences at school or elsewhere?

> To have a clear idea of their nutritional situation, you could ask them to keep 24-hour records of food intake.

STEP 2
MOBILIZE AND EMPOWER

> **Raise** awareness of the right to food and nutrition, and how the government and local authorities are implementing it. This includes relevant legislation such as laws and policies governing access to natural resources and social assistance.

> **Develop** alliances with grass-roots movements and national organizations working on related issues, such as small farmers' organizations.

> **Support** the person, group or community in organizing to claim their right to food and nutrition. This could include legal training and developing contacts and relationships with lawyers.

STEP 3
DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local authorities to protect and ensure access to food and nutrition by:

> **Identifying** those most vulnerable to hunger and malnutrition and, with their full participation, discussing actions and policies that could help them, such as developing communal gardens;

> **Analyzing** the effectiveness (or absence) of existing measures to address the food and nutrition situation of these people, groups, or communities;

> **Identifying** those most vulnerable to climate change and increasingly severe weather patterns, and discussing and determining possible prevention, adaptation, or mitigation strategies;

> **Ensuring** that rehabilitation after disasters contributes to greater security for those living in extreme poverty, allowing them to maintain their autonomy;

> In a participatory manner, **monitoring** food prices, particularly those of healthy staples, and documenting the nutritional status of communities and the impact of changes;

> **Providing** guidance to local authorities on weaknesses in existing legislation and policies, and if necessary and possible, campaigning and networking at the national level;

> **Discussing** strategies that can make nutritious food more affordable through better regulation and taxing of foods high in saturated fats, salt, and sugar, and overhauling subsidies that can make these foods cheaper at the expense of fruits and vegetables (again, this may need action at the national level);

> **Improving** nutritional education within schools and the wider community;

> **Examining** the issues of inequality in land distribution, identifying where there are areas of land not being used, and assessing whether agrarian or other reform is needed to enable people living in extreme poverty to produce the food they need (again, this might require campaigning and networking at the national level);

> **Determining** the access to forests and water, and whether policies need to be put into place to ensure access for people and communities who rely on it to feed themselves;

> **Identifying** the main threats to existing access to resources, such as land grabbing and pollution, and assisting local communities in developing solutions;

> **Helping** to create spaces for affected communities to fully participate in the formulation of food policies at the local level, including plans of action to address gaps in the right to food;

> **Identifying** ways of supporting and strengthening local food production, especially agro-ecology production, and improving links between local farmers and consumers to promote access to healthy, fresh, and nutritious foods. Public policies must facilitate consumer access to fresh and nutritious foods.

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GOOD PRACTICE

STRUGGLE FOR LAND TO FEED THEMSELVES, LAS PAVAS COMMUNITY, COLOMBIA

With no alternative means of subsistence, in 1997 the Las Pavas community began to peacefully occupy unused land for farming, as part of their struggle for their right to food and nutrition. However, in 2009 they were evicted by the police at the request of two palm-oil producing companies. The community repeatedly suffered criminalization and harassment, including attacks by paramilitary groups and the destruction of crops and food. In response, the families formed the Buenos Aires Peasant Association (ASOCAB) and filed complaints requesting a reversal of the judicial decision ordering their eviction.

Recently, the Colombian Constitutional Court found that the actions leading to the forcible eviction of the families of Las Pavas were illegal, and ordered a reassessment of the question of land possession. Provided the reassessment is carried out legally, the peasant community will eventually be granted their right to the land — and their means to feed themselves will be guaranteed.

Source: Direct communication from Franciscans International.
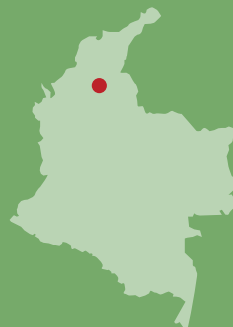
In 2005, in the **UK** a prominent chef on television highlighted the high fat content and low nutritional value of school meals. After national coverage, and educating and training other television chefs and the public, many of whom were not aware of the issue, school dinners in the UK are now more regulated and can contain fried food only twice a week; soft drinks are no longer available. Several researchers have noted that better school meals have helped improve educational performance and reduce the number of pupils' sick days.[25]

Food security in low-lying **Kiribati** is threatened by climate change in three ways: saltwater intrusion, loss of land due to flooding, and changes in rainfall, which affect the crops. The rise of sea levels and the increase in storm surges makes Kiribati particularly vulnerable to complete submersion. Kiribati's main island, Tarawa, is already seeing the effects, with people losing both their homes and varieties of vegetation that they rely on for food.[26]

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RIGHT TO FOOD METHODOLOGICAL TOOLBOX

For more information on the implementation of the right to food and nutrition, see: http://www.fao.org/righttofood/knowledge-centre/rtf-methodological-toolbox/en/ and consult www.fian.org [accessed on 6 July2015].

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25   Williams, R., "Jamie Oliver's school dinners shown to have improved academic results," in *The Guardian*, 29 March, 2010. Available at http://www.theguardian.com/education/2010/mar/29/jamie-oliver-school-dinners-meals [accessed on 6 July 2015].

26   Direct communication from Franciscans International.

ENSURING RIGHTS AT WORK AND AN ADEQUATE STANDARD OF LIVING

… the right to an adequate standard of living… is an overarching right that encompasses elements essential for human survival, health and physical and intellectual development.
Guiding Principles on Extreme Poverty and Human Rights, Right to an adequate standard of living, para. 73, p. 20.

Most governments have committed themselves to respect, protect, and ensure people's means of livelihoods — their means of providing themselves and their family with food, housing, water, and clothing. If people are unable to do this, the government should help by providing people with the necessary assistance, regardless of their social and economic status.

HOWEVER, THOSE WHO LIVE IN POVERTY MAY OFTEN:

> Rely on limited, insecure, or demeaning means of livelihood, often in the informal sector, without labour protection, and for minimal pay; the work is also often unsafe, and takes place in poor or unhealthy conditions;

> Be driven for survival into activities that are illegal (such as poaching, logging, and salvaging refuse) and often dangerous or antisocial (such as theft, drug dealing, and sex work);

> Even in the formal sector, be affected by labour laws that fail to effectively ensure decent working conditions: in some countries, for instance, employers are allowed to introduce zero-hour contracts that place no obligations on the employer to guarantee any hours of work at all each week;

> Have problems accessing credit due to unreasonable collateral demands and high interest rates; they are often forced to take expensive loans with exploitative conditions;

> Be in situations of bonded labour, where persons have pledged their labour or services — often for an undefined period — in exchange for the payment of a debt; debt bondage can be passed on from generation to generation;

> Be unable to keep up with rising living costs and often have to resort to using food banks to feed themselves and their families, or, because of rent increases, become homeless even though they are working;

> Pay more for basic necessities, since they cannot afford to buy in bulk or are forced to purchase items through smaller monthly payments;

> Be victim to bribery, corruption, and illegal forms of "taxes" and fees from wealthier and more powerful local elites;

> Not receive the assistance they need because they lack birth registration or other official documents, do not know their rights, or face stigmatization and are shamed by local officials;

> Have to live on minimum, and often inadequate, social benefits that condition receipt on certain behaviour and thus control many aspects of their lives. There are also often severe sanctions for non-compliance, including having the benefit withdrawn. Those receiving benefits are also often misrepresented as lazy and wasting public money.

In a number of countries, governments have recently begun to focus heavily on fraud, using what some might regard as inflammatory language such as "declaring war on benefit cheats," in spite of evidence that a significant percentage of people never request the assistance to which they are entitled.[27]
In some cases, this has resulted in violence and discrimination against those on benefits or marginalized and disadvantaged groups. Persons with disabilities have reported having been taunted on the street, with passers-by accusing them of faking their disability.[28]

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE AND GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask them the following questions, if relevant:

> What is preventing you from earning enough to provide you and the family with safe and secure housing and food? In your opinion, what kind of help do you need to improve your situation?

> Do you have any unpaid responsibilities that take up your time and make it difficult for you to find work (caring for family members, child-rearing, etc.)? How could you be better supported with these tasks?

> Do you have a written work contract? If not, why not? If so, are you satisfied with the conditions?

> Is your work place safe? If not, why not?

> Have you tried to make a complaint against unfair labour practices? What happened?

> Have you been threatened or abused at work?

> Are you entitled to and can you access any help from the authorities if you are unable to provide for yourself? If not, why not? If yes, is the assistance sufficient?

> Do you face any discrimination or stigmatization in accessing means of livelihood or social protection?

STEP 2
MOBILIZE AND EMPOWER

> **Become informed** about the relevant authorities, and their role and responsibilities. This could include the ministries (and their subsidiaries) responsible for social security and assistance, urban planning, employment, and agriculture and rural development.

> **Document** the adequacy of social assistance and whether it is enough to cover essential goods and services. If it is not enough, gather clear examples to present to local and national authorities.

> **Raise awareness of**:

  – **Governments' obligations** and what the local authorities should be doing to improve and protect livelihoods, such as legislating labour standards, allocating available resources to vocational training, and ensuring the rights of indigenous peoples to the land and resources they have traditionally occupied or used;

  – **Relevant labour** and employment standards and laws, the rights of employees and small business owners, and complaint mechanisms if someone feels they are being exploited or working in unfair or dangerous conditions.

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> **Establish local networks**, including profession-based groups, to build solidarity and encourage better sales prices or increased wages and better working conditions.

> **Build alliances** with relevant organizations; this could include trade unions to help ensure and protect workers' rights.

> If needed and possible, **organize campaigns** at the national level to encourage the government to change or improve legislation and its implementation in relation to access to resources, housing, and employment.

STEP 3
DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local authorities to:

> **Promote livelihoods by**:

  • **Identifying** activities that can promote and protect livelihood opportunities and create jobs, and seeking local support, including in the business community, for these activities. This could include:

    – **Apprenticeship schemes** to help develop practical skills and provide participants with appropriate and relevant tools such as sewing machines, looms, computers, etc.

    – **Training opportunities** that provide licenses or technical degrees that lead to increased opportunities or salaries

    – **New ways** of matching employers or available jobs with job seekers.

  • **Evaluating** whether social services such as childcare or other care services would help vulnerable communities, groups, and individuals access employment

REMEMBER

Regardless of legislation, if those in bonded labour or other exploitative situations have no alternative means of surviving, they will stay in their situation.

- **Identifying** how persons living in poverty can better access markets and sell their products
- **Examining** and demonstrating how more reasonable, fair, and secure credit schemes could be introduced
- **Identifying** the infrastructure needed to improve access to better energy and technology options, and to ensure that people living in poverty have access to new scientific developments and products that can improve their standard of living
- **Determining** who is employed for what job, with attention paid to women, children, and people with disabilities. Are there imbalances favouring certain population groups? Are affirmative action programmes needed?
- **Helping** ensure that employers pay a living wage that allows employees to live with dignity. This might include working with authorities at the relevant level to revise legislation regarding minimum wages and to review the budgeting of public funds.

> **Protect from abuses by:**

- **Identifying** instances of bonded or child labour and working with local authorities and employers to eradicate it; this could include providing subsidies to enable children to attend school rather than working, providing alternative employment or means of subsistence to the families, or affirmative action policies to secure employment for them;
- **Designing** accessible and safe complaint mechanisms for people working in difficult working or abusive conditions, including in the informal sector;
- **Discussing** with partners the possibility of undertaking national campaigns for increasing the minimum wage, and addressing any unfair labour laws that regulate the formal sector;
- **Improving** relevant regulation such as on speculation in housing markets.

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> **Monitor the cost of living**, and prevent the costs of essential items from rising beyond the reach of those in extreme poverty by:
  - **Measuring** changes in the cost of living, particularly of essential items such as food, housing, water, and energy, and their accessibility;
  - **Promoting** more affordable and sustainable outlets for food, clothing, and energy.

> **Implement social protection, when such programmes are in place, by:**
  - **Identifying** those in need of social assistance and protection and providing them with information in an accessible manner;
  - **Ensuring** that social protection is accessible and deliverable to those in need by providing information on existing obstacles and working with social workers and local authorities to overcome them;
  - If necessary, **helping** individuals living in extreme poverty to get the necessary documentation to access services, including proof of age (see also Part 3, Section 4);
  - **Proposing** accessible complaint mechanisms — such as scorecards or hotlines — that involve the relevant communities in their development and review.

> REMEMBER
> You should obtain the consent of those involved before providing information to authorities.

GOOD PRACTICE

EMPOWERING YOUNG PEOPLE FROM MUKURU SLUM, KENYA

Following their participation in the World Social Forum in 2007, with the support of Franciscans International, representatives from the Youth Alive group in the Mukuru slum of Nairobi created with other young people a think tank on how to improve their living conditions. They involved relevant actors and organized exchanges with youth from the landless movement in Brazil and from migrant families in Germany. As a result, the Mukuru youth developed a project to sensitize their peers on water and sanitation issues. They also organized sport activities and meetings for young people to share their difficulties, including being threatened or arrested by the police, experiencing violence in their families, and dealing with drugs and alcohol. Once the required network and alliances were established, the organizers addressed these concerns, put forward recommendations, and suggested action plans to local and national political leaders. In addition, because they now had a global view of water and sanitation issues and the role of the different UN mechanisms, the youth also reached out to international actors.

The Mukuro youth group is now a key interlocutor for local authorities when deciding on issues related to living conditions in the slum.

Source: Direct communication from Franciscans International.

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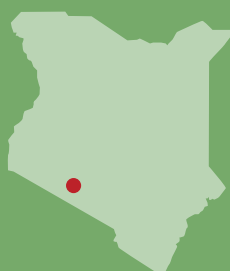
27 ATD Fourth World, *En finir avec les idées fausses sur les pauvres et la pauvreté*, Editions Quart Monde, 2014.

28 P. Walker, "Benefit cuts are fuelling abuse of disabled people, say charities," *The Guardian*, 5 February 2012. See: http://www.theguardian.com/society/2012/feb/05/benefit-cuts-fuelling-abuse-disabled-people [accessed on 6 July 2015].

29 For more information see http://www.jrf.org.uk/.

ENSURING FULL ACCESS TO QUALITY EDUCATION

States should ensure that all children, including those living in poverty, are able to enjoy their right to free and compulsory primary education […] and […] take measures to progressively introduce free education for secondary and higher levels.

Guiding Principles on Extreme Poverty and Human Rights, Right to education, paras. 88a and 88d, pp. 30-31.

Governments are responsible for ensuring that everyone can safely access quality education. It must ensure that primary education is free, within safe reach, and without indirect costs. It must also take steps to ensuring as quickly as possible that quality secondary education is available, financially and physically accessible, acceptable to all, and of a good quality. Access to quality education is paramount to escaping systematic poverty.

YET CHILDREN AND YOUNG PEOPLE LIVING IN EXTREME POVERTY ARE MORE LIKELY TO:

> Leave school early to help their families survive or because of discriminatory and abusive treatment, or, in some countries, never to have attended school;

> Have no quality schools nearby that are easily accessible, especially for children with special needs;

> Be suspended or expelled from school, and their parents may feel powerless or may lack information to defend them from discriminatory actions by school officials or bullying by other children;

> Have few opportunities to benefit from vocational training and steady employment, leaving some vulnerable to enter into low-paid, sometimes dangerous, and often informal work, or sometimes gang recruitment or drug trafficking.

Girls are more commonly denied their right to education due to families giving priority to boys, counting on girls to help with household chores, or marrying them at an early age. Boys, however, may also be forced to work at an early age outside of the home, making them vulnerable to violence and exploitation.

Despite economic hardship and other barriers to education, parents and their children living in poverty often have a strong desire for education as a way out of the cycle of poverty.

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask families the following questions, if relevant:

> Are your children able to go to school? If not, why not?

> What was your experience in school?

> Do you think education is important for all your children — girls and boys?

> Do you have to pay for your children to go to school? Are there any indirect costs such as uniforms, books, or transportation? Can you afford it?

> Are they treated well at school? And do you have a positive contact with the teachers?

> What are they taught? What would you like them to be taught?

> Are you able to talk to the teachers about your child's progress or problems?

> Does your child have special needs? Do the schools meet these needs?

> Do you need your children to stay at home to do chores or to work to earn money?

> Are there any language or cultural barriers that keep your children out of school or create challenges for them at school?

> What happens if kids misbehave?

STEP 2
MOBILIZE AND EMPOWER

> **Raise awareness** of children's right to free and quality education, and their rights at school, including:

> – **The standards** set for schools and other educational facilities, their outreach to the local community if any, their policies on parental involvement, their approach to bullying and stigmatization, and disciplinary procedures including appeals;

> – **Any entitlements** to free transport, school uniforms, meals, and books.

> **Develop alliances** with pupils' associations, parents' associations, and teachers' associations and unions, or with community-based organizations working with youths, or promoting human rights or multiculturalism; at the national level — and in some countries, at the provincial level — alliances could be built with UN agencies such as UNICEF.

> **Become informed** on the relevant authorities and their areas of responsibility. This includes those responsible for schools and educational policy such as local or provincial education departments, accrediting institutions, school administrators, school boards, and school inspectors.

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DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local school authorities to:

> **Expand** the educational infrastructure in areas where people live in poverty by:

– **Identifying** possible sites for new schools in areas where some children have no access or limited access to schools;

– **Helping** to develop pre-school opportunities, especially for disadvantaged families;

– **Developing** more flexible timetables such as holding classes in the evening rather than the mornings;

– **Discussing** possible incentives such as special grants to encourage well-qualified teachers to serve in schools in poorer areas.

> **Work** to increase enrolment rates and reduce drop-out, suspension, and expulsion rates equally for boys and girls by:

– **Consulting** with children on what would help them attend school; this could include measures such as separate toilets for girls or an anti-bullying policy;

– **Involving** parents in finding ways to make school a meaningful and relevant experience for their children, including through vocational training and skills training to improve future employability;

– **Tracking** those students that drop out or misbehave, including their gender, age, ethnicity, caste, and health and economic status, and identifying the reasons for their behaviour;

– **Determining** whether any assistance is necessary, such as grants for books and uniforms, free school meals, special support for children with disabilities, and accommodation for girls or children from remote areas;

– **Establishing** links, and eventually partnerships, between parents, the community, and the school, so that the children's education becomes a joint venture;

– **Ensuring** quality professional training for teachers, including their sensitization to the challenges faced by children from marginalized and disadvantaged groups;

– In neighbourhoods with indigenous or migrant populations who do not speak the language of instruction, in consultation with the parents **developing** ways to provide special support to the children if needed.

> **Include** human rights education in the school programme and set in place a programme that addresses youth violence and violence against children, encourages solidarity among all pupils, and promotes cooperation rather than competition.

> **Develop** literacy programmes for adults.

GOOD PRACTICE

ADVANCING THE RIGHT TO EDUCATION IN LIMPOPO, SOUTH AFRICA

South Limpopo is a rural province in northern South Africa with high levels of poverty and unemployment, and some of the worst performing schools in the country. Many schools do not have access to key components of the right to basic education, such as toilets, drinking water, desks, paper, chalk and even classrooms. In 2012, when a new curriculum was introduced for children in Grades 1, 2, 3 and 10, the schools in this region did not have the necessary learning materials, including textbooks.

In February 2012, a public interest law centre visited schools in Limpopo and confirmed the government's failure to ensure the delivery of textbooks to the schools due to mismanagement. The centre gathered evidence on the government's compliance with standards, in order to be able to use litigation as its primary tool to hold the government accountable. These efforts were supported by media work, direct lobbying of the government including the Department of Education, and engagement with parents, school governing bodies and local community organizations. The law centre mobilized and raised awareness about the Limpopo textbook crisis by organizing demonstrations outside the court, holding workshops on the right to education, releasing press statements, holding press conferences, writing opinion pieces and providing updates on the case through social media. The media played an effective role in generating public awareness by reporting on developments and exposing the political corruption that had led to the crisis.

At the end of 2012, almost all students in Limpopo had received their textbooks, and the delivery system continued to improve in 2013 and 2014.

Source: Right to Education Project; see http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Success_Story_Limpopo_2014_en%20_0.pdf [accessed on 6 July 2015].

MANUAL ON RIGHTS-BASED EDUCATION

The Right to Education Project, supported by ActionAid International, Amnesty International, Global Campaign for Education, Save the Children, and Human Rights Watch, offers a range of materials on advancing the right to education. See: http://www.right-to-education.org.

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ENABLING SOCIAL INCLUSION THROUGH CULTURAL PARTICIPATION AND COMBATING STIGMATIZATION

States should … recognize and value the diversity of cultural heritage present in their territories…, including the cultural heritage of persons living in poverty

Guiding Principles on Extreme Poverty and Human Rights, Rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications, para. 90a, p. 31.

Governments should respect, protect, and promote people's cultural heritage — with the exception of harmful traditional practices — and their access to cultural life. The expression of values, experiences, and beliefs through culture and the arts enables people to express their humanity and the meanings that they give to their lives. Cultural activities also enables marginalized groups to show to other sectors of society the reality of their lives and to promote partnerships with them. Governments should also ensure that everyone is able to enjoy the benefits of new technologies that can benefit their lives.

YET THOSE WHO LIVE IN EXTREME POVERTY ARE OFTEN MORE LIKELY TO:

> Have restricted ability to participate in the cultural life of the society in which they live due to lack of resources, time, or stigmatization because of their appearance or language; this undermines their sense of belonging and reinforces their isolation;

> Have their cultures and languages ignored, misunderstood, or subjected to negative stigmas; people may prefer either to isolate themselves or to hide their cultural identities to avoid harassment, discrimination, or threats;

> Lack information or access to scientific progress and new technologies that could improve their living conditions, such as solar energy or access to the internet.

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask its members, including those most marginalized and disadvantaged, the following questions, if relevant:

> Do you participate in any cultural activities?

> Do you have any problems accessing cultural events, goods, services, and institutions?

> Are there some people who are more isolated than others?

> Is anything undermining your cultural heritage and preventing you from participating in cultural activities? (This could include government tourism policies that actually undermine people's culture, or if they are indigenous, result in having their land taken away.)

> Is the government helping you to preserve and promote your culture?

> Are there any negative stereotypes about your culture that keep you from accessing services or improving your standard of living?

> Do you feel free to express or dress as you wish, according to your culture or heritage?

> Are there new technologies that would be useful in improving your situation?

STEP 2
MOBILIZE AND EMPOWER

> **Discuss people's aspirations**, and allow ideas for collective action to emerge.
> **Raise awareness** of the government's obligations in ensuring access to cultural events and activities and protecting cultural diversity.
> **Contact associations** that work to protect indigenous, minority, or local cultures.
> **Get to know** who at the local and, if possible, national levels are responsible for promoting social integration, as well as regulating the media, establishing school programmes, and encouraging tourism.

STEP 3
DISCUSS AND AGREE WITH THE PERSON, GROUP, OR COMMUNITY, INCLUDING ITS MOST MARGINALIZED AND DISADVANTAGED MEMBERS, WHAT NEEDS TO BE DONE; THIS CAN INCLUDE:

Assisting local authorities to:

> **Create** opportunities for people living in poverty to participate in, access, and contribute to cultural life; this could include identifying:
  - **Ways** to make cultural goods and services such as libraries, museums, and cinemas available and accessible to people living in poverty; this could include sensitizing the personnel to the rights of all persons to be welcomed, developing mobile libraries or museums for those living in remote areas, or using local radio to share information on culture for those in isolated areas;
  - **Public space** to be made available for cultural activities organized by associations working with disadvantaged groups;
  - **People** who may require special attention, and the special measures needed to promote their access to cultural activities.
> **Examine** how the local community's own culture and that of others have been incorporated into the school curriculum and make suggestions for improvement.
> **Understand** the link between indigenous peoples' access to and control over land and their right to take part in cultural life, and raise awareness of any threats to their cultural life and of measures needed to protect their access to land.
> **Preserve** existing cultural expression by working with community members to document their own cultural practices.
> **Better understand** how people living in poverty may be stigmatized for their culture or unable to express it, and the actions required, including better legislation that defines and prohibits negative stereotyping, and increasing public awareness of the experiences of people living in poverty.

Working with local leaders to:

> **Recognize** and value cultural diversity;
> **Respect** and protect the cultural heritage of people living in poverty;
> **Promote** inclusive cultural practices.

RESOURCES FOR IMPLEMENTING CULTURAL RIGHTS

For more information on cultural rights, see: http://www.unesco.org/new/en/culture/resources/online-materials/publications/ [accessed on 6 July 2015].

ENSURING THAT HUMAN RIGHTS ARE RESPECTED BY BUSINESS CORPORATIONS

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, that 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.

Guiding Principles on Extreme Poverty and Human Rights, Role of non-State actors, including business enterprises, para. 99, p. 34.

Governments are responsible for ensuring that businesses do no harm through their actions, services, and products. Governments can regulate what a business can and cannot do, by regulating access to natural resources, creating environmental safeguards, passing labour laws, and developing norms for inspections, permits, and licences. States have the obligation to prevent, investigate, punish, and ensure remedies for abuses caused by corporations with headquarters in their countries, including for abuses caused abroad, which is often the case for multinational corporations. Governments have additional and specific obligations and responsibilities towards people who share a collective identity and a special relationship with their territory (indigenous peoples, ethnic or racial minorities, peasant communities) that can be affected by business operations.

YET THOSE WHO LIVE IN EXTREME POVERTY ARE OFTEN MORE LIKELY TO:

> Be victims of unequal distribution of natural and financial resources.

> Struggle for their already poor livelihoods against big corporations.

> Lack the political power and financial means to challenge the activities of businesses. They lack access to legal representation and collective bargaining, and work in precarious circumstances. On the other hand, large businesses and corporations have strong political and economic power to influence decision makers.

> Be unable to meaningfully participate in any consultation mechanism that would prevent harm, because of lack of information, power, financial means, and time, as well as fear of reprisals.

> Face increased risks of reprisal and threats to their lives, including killings and disappearances, when opposing businesses projects that seriously impact their lives.

> Lack easy and safe access to justice and other mechanisms that allow them to ask for compensation for abuses. This is due to financial, physical, social and legal barriers. They also may not know of the existence of such mechanisms.

> Often receive little compensation at an unjust price for the loss of their lands due to business activities.

Global Witness has reported that the killings of people protecting the environment and rights to land increased sharply between 2002 and 2013. It noted, "between 2002 and 2013, 908 people in 35 countries are known to have been killed because of their work on environment and land issues."[30]

"I worked six years in a company that did not pay me correctly. So I sued them and they threatened to kill me. I had to hide."[31]
A man living in poverty, Sacadura Cabral, Brazil

In Guatemala, in March 2012, affected communities in San José del Golfo and San Pedro Ayampuc organized a peaceful resistance — La Puya — to oppose the El Tambor mining project that is challenging their right to land and preventing them from continuing to practice their traditional livelihoods. In addition, the project was authorized without prior consultation with the local communities.

Eight members of the movement were arrested and charged with criminal activity. On 23 May 2012, members of the civil police and special forces forcibly evicted members of the movement, including women and elderly men. On 13 June 2012, a local woman protesting against the negative economic and health effects of the mining project in her community was shot at while driving home from a protest outside the El Tambor site in San José del Golfo and San Pedro Ayampuc.[32]

RECOMMENDED ACTIONS

STEP 1
TALK TO THE PEOPLE, GATHER INFORMATION

After getting to know the person, group, or community as described in Part 2, you might want to ask them the following questions:

> What are the main business activities in your region? Are they undertaken by local, national, or international companies?

> How are their activities affecting your lives? Are they providing good livelihood and good employment opportunities? Are they helping you improve your situation in the long term?

> Have they invested in the good of the community? Are the benefits and resources coming from business shared equitably?

> Do business activities pollute the air, water, or land?

> What was your life and the life of the community like before the business started operating in your area?

> Have the business activities particularly affected women's lives or children's lives?

> Have the community livelihoods and traditional way of living been impacted? Are you still able to earn your living and livelihoods through land and farming, fishing, etc.?

> Have you been informed by local governments and authorities about the planned activities? Were you consulted or contacted at any time by the authorities or business representatives?

> Do the businesses have private security forces or police to counter any community opposition? Do they use violence or threats?

> Where are the businesses' headquarters?

> Are you able to complain about their activities that adversely affect you and your rights, including the community's rights? Can you easily access legal aid to seek remedies?

> How do the businesses relate to other groups with influence in the community (politicians, police, government agencies, illegal groups, industry collectives, religious or civic organizations, etc.)?

STEP 2
MOBILIZE AND EMPOWER

> **Raise awareness** of the government's obligations and what the local and national authorities should be doing, such as regulating and monitoring the impact of businesses on local communities.

> **Identify** whether the community shares a collective identity. Cohesion strengthens the possibility their demands will be heard by government, and therefore businesses often try to split the community.

> **Establish contact** with relevant authorities and key individuals, such as lawyers, who may be sympathetic to your concerns and provide information, expertise, and assistance.

> **Identify** whether the business activity is having similar adverse effects elsewhere; the more people and the larger the movement that can be built, the likelier it is that change can be achieved.

> If the business has its headquarters in another country or if they are producing goods directly or indirectly for a transnational corporation, **identify organizations** in that country that can support your cause both legally and by helping to sensitize public opinion and by mobilizing social movements. Contacts with media (local, national, and international) can be key in raising public awareness and putting pressure on both the company and the government to take action.

> **Build alliances** with other groups, civil society organizations, trade unions, and media. If dealing with a transnational corporation, given their power, it is very important to raise awareness on any human rights abuse at the international level with human rights organizations and UN agencies.

> **REMEMBER**
> **Minimize the risks**.
> Challenging the activities of businesses is often dangerous for persons living in poverty and for those working with them, who lack political and economic power. This is especially true if the business wants to have access to natural resources, as the stakes are high. See Part 2.

STEP 3
DISCUSS AND AGREE ON THE STRATEGY; IT COULD INCLUDE:

Working with local authorities to:

> **Develop** norms that businesses must implement to ensure that they respect the rights of affected communities and their defenders, the environment, and the workers; this should include identifying and assessing any actual or potential impacts on human rights posed by the company's own activities and by business partners associated with those activities.

> **Design** safe consultation mechanisms to avoid or mitigate adverse human rights impacts of activities.

> **Determine** the direct and indirect impacts of business activities, policies, or employment practices, including by requiring an independent human rights and environmental impact assessment.

> **Develop** proposals to effectively address these abuses and plan strategic advocacy actions with key policy makers. Map good practices or good legislation.

> **Ensure** that victims of abuse have access to a prompt, accessible, and effective remedy, including, where necessary, recourse to justice, with free legal aid if needed.

> **Develop** meaningful participatory channels that address the needs of the people, group, or community. This includes ensuring that business corporations make available information on their current and future activities.

<aside>
REMEMBER

Before releasing information to the media, obtain the consent of those affected, as there can be significant repercussions against them.
</aside>

<aside>
REMEMBER

There are national and international organizations specializing in investigating the activities of large corporations. You can call on them for assistance, if the people concerned so agree.
</aside>

GOOD PRACTICE

PEOPLE'S RESPONSE TO MINING IN THE PHILIPPINES

As of 2014, there were some forty large-scale metal mining companies operating in the Philippines. The Franciscans, through their Justice, Peace and Integrity of Creation offices and with local movements and networks, have been working to address the negative impact of mining on local communities, including indigenous peoples in areas such as Mindanao, Cagayan Valley, Samar, and Leyte. The coalition works alongside victims to demand justice from the authorities, and the revoking of the Philippines Mining Act of 1995. It has also drafted a proposed Alternative Mining Bill and a People's Mining Bill, which have been submitted to Parliament through friendly parliamentarians.

When the coalition realized that more pressure needed to be placed on the national government, they sought the help of Franciscans International and other international networks to strengthen their national campaign as well as to draw international attention to the situation through UN mechanisms. The result has been an ongoing coordination between Franciscans International and national partners to maintain a high level of international attention through joint advocacy efforts, the submission of reports and appeals to the UN, and the delivery of public statements. Their efforts are focused on requesting the Government of the Philippines to implement the principles of free, prior, and informed consent and mandatory consultations[33] of affected communities by the mining industry.

Due to this ongoing advocacy at both national and international levels, the Parliament and Senate of the Philippines have agreed to review the 1995 Mining Act. Since 2013, both chambers have been considering the two civil society proposals for a new act. The coalition is closely monitoring this parliamentary process to ensure that the future mining bill will correct the weaknesses of the previous one.

Source: Direct communication from Franciscans International.

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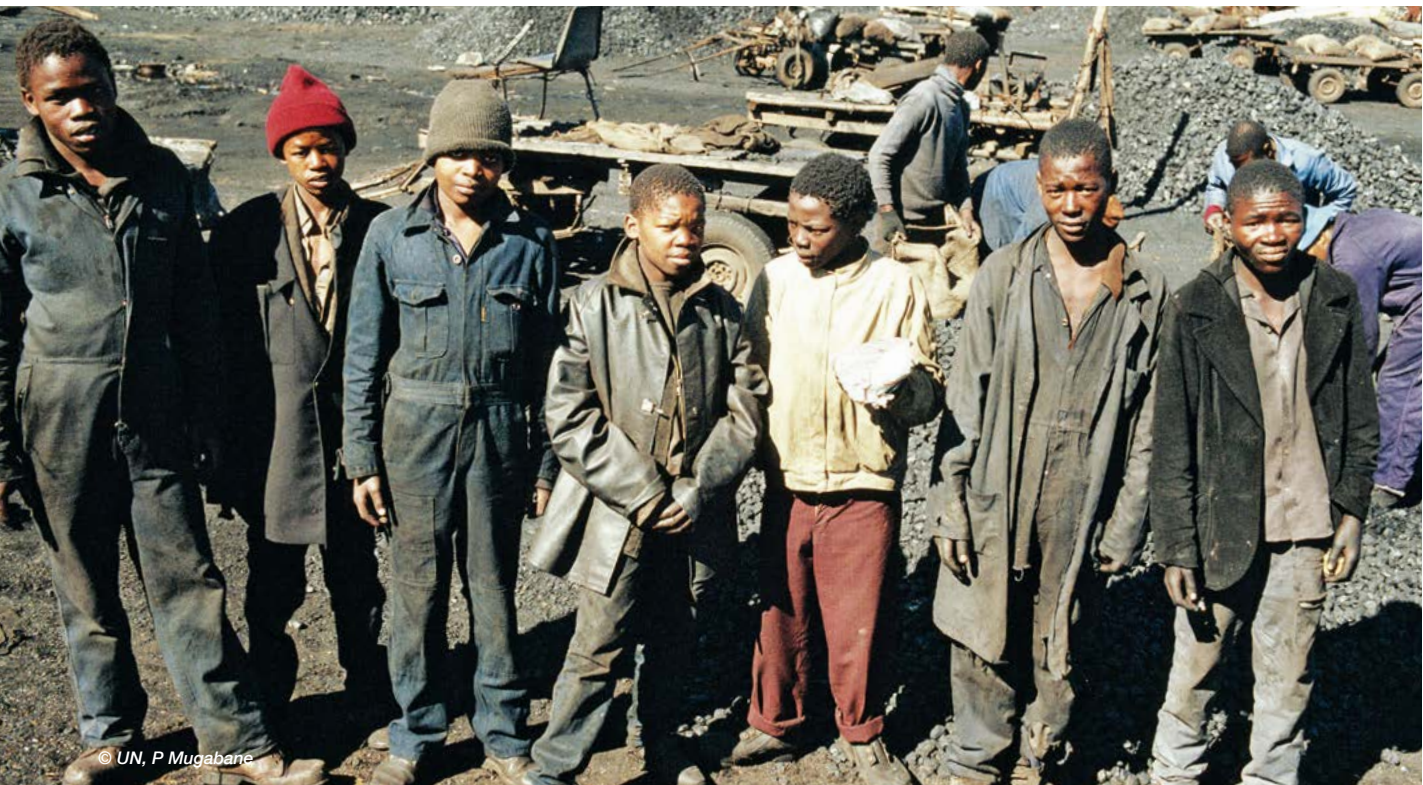
© UN, P Mugabane

30 *Deadly Environment, the dramatic rise in killings of environmental and land defenders*, Global Witness, 2014

31 Narayan, D., Chambers, R., Shah, M.K., and Petesch, P., *Voices of the Poor, Crying Out For Change*, Oxford University Press, 2000, p. 54.

32 Franciscans International, direct communication with local communities and information provided by local partners.

33 United Nations Declaration on the Rights of Indigenous Peoples, Article 10, see http://www.ohchr.org/Documents/Issues/ IPeoples/ UNDRIPManualForNHRIs.pdf [accessed on 6 July 2015].

34 Adapted from Franciscans International and the Mining Working Group at the UN.

A USEFUL TOOL

A checklist on the impact of business activities[34]

STEPS	PRINCIPLES	ASSESSMENTS
1	DO NO HARM	> To what extent can business activities be carried out without impacting human rights, including the rights to life, health, water, food, work, cultural life, and to self-determination (including free participation and informed consent) and control over productive resources? > To what extent can the activities be carried out without damaging vital ecosystems or threatening the earth's capacity? > Are disadvantaged or marginalized groups particularly vulnerable to these impacts in a way that their human right to non-discrimination is affected? > What measures can be taken to protect the population from the human rights abuses which tend to accompany large-scale activities, including human trafficking, land grabbing, insecurity, and armed conflict?
2	ERADICATE ROOT CAUSES OF POVERTY	> Does the local community benefit from a greater enjoyment of their human rights as a result of the development activities? > Do the positive contributions of the business activity prioritize the promotion of human rights among the most disadvantaged or marginalized groups, with a particular attention to possible gender impacts? > Does this activity effectively contribute to eradicating poverty?
3	PEOPLE AS RIGHTS-HOLDERS	> Do potentially affected people and communities have sufficient access to information and policy-making spaces, to effectively participate in assessing the activity? > Are there conditions that allow affected communities and human rights defenders to fully exercise their rights? > Is effective remedy guaranteed if harm does occur?
4	SUSTAINABILITY	> What are the potential effects of planned activities in the immediate or short term? > Based on all available evidence, how will this business activity affect the rights of future generations mid- and long-term? > For activities that may have an adverse impact on the environment, can those undertaking the action prove that they have taken every possible precaution to prevent harm to the environment?

monitoring and ensuring accountability
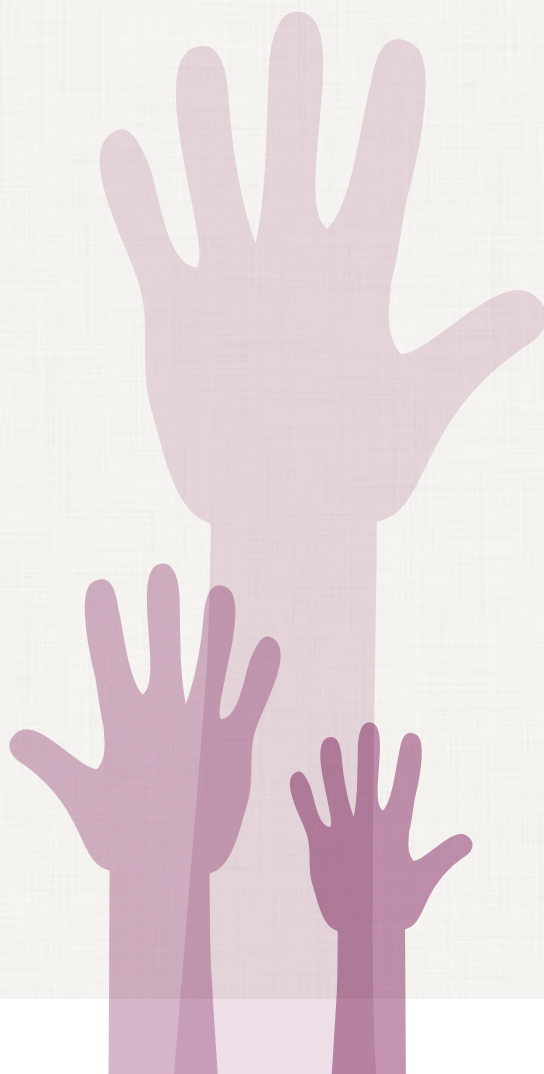
National plans of actions should integrate all administrative levels and identify and accord priority to the needs of those living in poverty. Plans must provide a framework for all public services and programmes to respect, protect and fulfil the human rights of persons living in poverty and set out indicators, benchmarks and timetables by which progress can be monitored.

Guiding Principles on Extreme Poverty and Human Rights, Implementation and monitoring, para. 104, p. 34.

Governments have legal obligations to address the issues raised in this handbook. They are not policy options. The progress made in implementing and addressing the issues should be systematically monitored and evaluated. If satisfactory progress has not been made, or the situation has worsened, if possible the issue should be raised again with the authorities at an increasingly senior level, including with media action if necessary. In some situations, it might be more effective or safer to organize campaigns with larger organizations, up to the international level. This helps to ensure that the government is held accountable for what it is doing and not doing.

Accountability means ensuring that people and institutions that hold power are held responsible for the implementation of their obligations.

TO MONITOR, YOU SHOULD:

Measure progress in ensuring that people, groups or communities living in extreme poverty can enjoy their rights, by:

> **Identifying** how the government and local authorities are respecting, protecting, and fulfilling human rights; this could include gathering information by undertaking many of the suggested activities listed in this handbook;

> **Setting** a clear and concrete baseline — a description of the current situation — against which you can compare any progress made;

> **Engaging** in regular dialogue with the people, groups, or communities affected. Have they seen any improvements, have the local authorities or government taken any action?

> **Designing** scorecards that can help persons monitor any improvement in services; this could include checking the availability, accessibility, acceptability (culturally respectful), and quality of services such as education, health, and social assistance;

> **Compiling** a checklist of the actions agreed upon with the local authorities or the government and determining whether they have been done; if not, you should ask for a time-frame for implementation;

> **Identifying** whether the measures being taken by the authorities are SMART: Specific, Measurable, Attainable, Relevant, and Time-bound, with a clear plan with a medium-term and a short-term action plan;

> **Developing** relevant indicators and benchmarks to see whether the action taken is having an effect or if there have been any backward steps;

HUMAN RIGHTS-BASED INDICATORS

Specific indicators and benchmarks are tools that can help measure the implementation of human rights. The UN Office of the High Commissioner for Human Rights has produced a guide on human rights indicators. For more information see: http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf [accessed on 6 July 2015].

> **Accessing** both official and unofficial data, including from the government and the UN; with new technologies, there is more and more access to data, which can allow for more creative and effective social accountability;

> **Identifying** other organizations engaged in the same type of work to see what is happening at the regional and national levels.

REMEMBER
States should always:
1 *Respect human rights*
by not taking any measures that prevent people from enjoying their rights.
2 *Protect human rights*
by adopting measures that protect people's human rights from the actions of third parties such as businesses or armed groups.
3 *Fulfil human rights*
by proactively engaging in activities aimed at promoting and enhancing people's rights.

Examine the way in which the local and national authorities are implementing their obligations:

It is not just what they do that is important — it's also how they do it.

Local and national authorities must ensure that measures taken comply with the PANTHER standards, that is, that any activities respect the principles of Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment, and Rule of Law. As the Guiding Principles on Extreme Poverty explicitly recognize, "Persons living in poverty must be recognized and treated as free and autonomous agents."[35]

Questions to consider:

> Are the local and national authorities pro-active in implementing policies? Are the authorities involving those living in poverty in initiatives in an informed way? Do affected persons meaningfully and effectively participate in decision making? Are the policies contributing to the empowerment of the local communities and individuals living in poverty?

> Is there transparency in their policies, activities, and programmes? Do the beneficiaries understand the processes and who can be provided with what? Is there access to information?

> How are the authorities raising money? Are they unfairly taxing the most marginalized and disadvantaged?

REMEMBER
Be alert for any unintended effects of government action that may have adverse effects such as entrenching gender inequality.

REMEMBER
If people living in poverty cannot genuinely participate, even the actions of well-meaning governments can have negative effects on them.

GOOD PRACTICE

RIGHT TO INFORMATION ACT IN INDIA

Civil society in India campaigned heavily for the drafting, adoption, and now implementation of the Right to Information (RTI) Act. Often those in poverty did not have information on their access to entitlements such as social assistance.

The RTI Act required all authorities to appoint public information officers and to respond to requests for information within 30 days. Government officials who withhold information are fined. Following a large outreach programme, people are now aware of the law and use it, for instance, to ask why a road has not been finished, to access subsidized housing loans without having to pay a bribe, or to determine whether public health workers are actually showing up at their clinics. For many in India, the RTI Act helped provide legal empowerment by giving ordinary citizens the feeling that the government is accountable to them.

Source: World Justice Project; see: http://worldjusticeproject.org /blog/india%E2%80%99s-landmark-right-information-act-under -threat-will-it-still-be-world%E2%80%99s-largest-democracy- [accessed on 6 July 2015].

MORE DETAILED METHODOLOGIES FOR MONITORING HUMAN RIGHTS

Several non-governmental organizations have developed more detailed methodologies for monitoring economic, socia,l and cultural rights. These include the OPERA methodology developed by the Center for Economic and Social Rights, available at www.cesr.org.

The UN's human rights office has also provided a guide on monitoring economic, social, and cultural rights: http://www.ohchr.org/Documents/Publications/Chapter20-48pp.pdf [accessed on 6 July 2015].

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IN ADDITION, TO HELP ENSURE ACCOUNTABILITY YOU CAN:

> **Document** progress and lack of progress with evidence, examples, and data. This can help back up your observations and be more persuasive.

> **Reward** good behaviour; let officials know when they have been helpful and efficient in realizing their duties.

> **Develop** a proactive relationship with the local authorities by inviting them to your project, or have them sit in on meetings with the people concerned (where appropriate) so they begin to understand their needs and feel like part of a team.

> If possible, continually **raise** with increasingly senior government officials any failure by either individuals or a government office to carry out their duties.

> **Communicate** any worsening in the situation of those living in poverty, ideally explaining the reasons and proposing actions to be taken.

> **Identify** and, if appropriate, use different accountability channels such as complaint mechanisms, courts, local and national elections, public hearings, and human rights commissioners or national human rights institutions. (The latter should be independent bodies, and able to monitor State activities and issue recommendations on the implementation of human rights treaties. Local human rights organizations should be able to advise on the effectiveness of the institution.)

> Increasingly **publicize** the situation to wider audiences that you know are supportive, to create more pressure (as long as the person, group, or community agrees). Social media can also be a useful tool.

THE PARIS PRINCIPLES AND NATIONAL HUMAN RIGHTS INSTITUTIONS

The Paris Principles, a set of international standards that frame and guide the work of National Human Rights Institutions (NHRIs), were drafted at an international NHRI workshop in Paris in 1991. They were adopted by the United Nations General Assembly in 1993.

INTERNATIONAL ACCOUNTABILITY MECHANISMS

Once you have exhausted accountability mechanisms at the local and national levels, it can often be possible to raise issues at the regional and international level. Local and national human rights organizations can assist you in this regard.

Depending on your region, there may be regional mechanisms that receive and respond to individual complaints or monitor implementation of regional human rights treaties — for example, the African Commission on Human and Peoples' Rights, the European Court of Human Rights, and the Inter-American Court of Human Rights. For information on how to connect with these processes, see http://www.ijrcenter.org/courts-monitoring-bodies/#Regional_Human_Rights_ Systems [accessed on 3 August 2015].

At the international level, the UN has various human rights mechanisms that can be used, such as human rights experts (called "special procedures") that can raise human rights violations and issues at the international level and in intergovernmental institutions such as the UN Human Rights Council. Many of the bodies monitoring the implementation of human rights treaties will also receive individual complaints about violations.

For more information, see www.ohchr.org.

Your local human rights organizations should be able to provide more information on all of these.

GOOD PRACTICE

MONITORING THE IMPLEMENTATION OF BENIN'S OBLIGATIONS IN RELATION TO CHILD POVERTY

In Benin, particularly in the impoverished and remote Northern regions, infanticide is a persisting issue. Girls and so-called *witch children* are abandoned by their parents and communities, or even killed.

Through capacity-building and networking, Franciscans International has empowered its local partners (who later became *Franciscains-Benin*) in Benin to engage in local, national, and international advocacy work on the issue of abandoned children. Franciscains-Benin and Franciscans International brought the issue to the attention of the international community in Geneva by organizing conferences, reporting to UN human rights mechanisms, and enabling Franciscans to testify on abuses as a result of child poverty. With the support of Franciscans International, *Franciscains-Benin* are closely monitoring the implementation of the UN recommendations on the ground, working on joint action plans with civil society organizations, media, and key authorities, as well as influencing legal reforms.

In December 2014, the French Embassy in Benin awarded the Prize for Human Rights to *Franciscains-Benin* to recognize its work in the promotion of human rights.

*Source:* Direct communication from Franciscans International.

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35   Guiding Principles on Extreme Poverty and Human Rights, para. 36, p. 8.

> "This excellent and comprehensive handbook developed by a coalition of NGOs under the leadership of ATD Fourth World and Franciscans International is extremely timely, given the current political commitment of world leaders to ensure that the situation of those living in extreme poverty is addressed... in a way that fully respects their rights and dignity.

Magdalena Sepúlveda Carmona
United Nations Special Rapporteur
on Extreme Poverty and Human Rights
(2008-2014)

Franciscans International
A voice at the United Nations
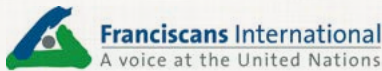
Franciscans International (FI) is an international non-governmental organization with general consultative status with the United Nations, working for the promotion, protection, and respect of human rights, as well as social and environmental justice. Since its establishment in 1989, FI has used advocacy as a tool to combat and curb human rights abuses. FI relies on the expertise and first-hand information of a large network of partners working with the most vulnerable strata of society. From its offices in Geneva and New York, FI works together with grassroots movements and national and international civil-society organizations to advocate for structural changes addressing the root causes of injustice.

ATD FOURTH WORLD

ATD Fourth World (All Together in Dignity) is an international non-governmental organization which works with people living in extreme poverty to promote their human rights. Founded in 1957, ATD Fourth World also carries out research on the causes and consequences of extreme poverty and social exclusion; it advocates for the experience of people living in extreme poverty to be taken into consideration in the formulation of policies and programmes at local, national and international levels; and it works to build public support for the eradication of extreme poverty throughout the world. ATD Fourth World is present in all regions of the world, with a network of contacts in more than 100 countries through its Forum on Overcoming Extreme Poverty. It has general consultative status with the United Nations, with no religious or political affiliation.