



FES GENEVA REPORTS

REPORT OF THE EXPERT CONSULTATION ON THE DRAFT GUIDING PRINCIPLES ON HUMAN RIGHTS AND EXTREME POVERTY

20–21 MAY, PALAIS WILSON, GENEVA, SWITZERLAND

Tanja Španović

On 20–21 May the Independent Expert on the question of human rights and extreme poverty (IE), Magdalena Sepulveda Carmona, and the Friedrich-Ebert-Stiftung convoked a meeting to discuss the current draft of the Guiding Principles (GP) on Human Rights and Extreme Poverty with experts from national and international levels.

The Draft Guiding Principles (DGP) are meant to be one single document focusing on the rights and needs of people living in extreme poverty. Previously the DGP provisions relevant to the promotion and protection of human rights of persons living in extreme poverty have been scattered in various instruments and documents. The DGP aim to help policy-makers bear in mind the human rights of those who live in extreme poverty as well as strengthen the implementation of human rights instruments. Furthermore the DGP mean to enhance accountability in case of

human rights violations by clarifying the responsibilities by states and other actors. After all the DGP have the potential to reduce extreme poverty and empower those living in extreme poverty.

As part of her mandate, the IE was requested by the Human Rights Council (HRC) to submit a progress report on the GP including recommendations, comments and views of States, National Human Rights Institutions (NHRIs), Non-Governmental Organizations (NGOs) as well as several experts in this field. The progress report will include a new draft of the GP presented to the HRC in September 2010.

Following up on a consultation round in 2008 and a seminar in 2009, this year's meeting is composed of individual experts from diverse disciplines in the field of poverty and human rights coming from as many diverse regions as possible in order to increase the inclusive-

ness of the process and the content of the DGP. This can be achieved by gathering and including country-specific concerns and issued into the discussion. The participants were asked to reflect and comment on the guidelines (GL), propose concrete possible or alternative language and discuss the delivered suggestions. Constructive criticism and concrete proposals for the improvement of the draft were the main aims of the meeting. Discussions on how to ensure that the GL become a practical tool facilitated achieving these aims and strengthened the guiding component of the GL.

Developing a set of principles that seeks to complement already existing documents is confronted with many obstacles and challenges. While stating existing human rights standards no new obligations need to be created. At the same time repetition of previous texts and work of other UN bodies has to be avoided while still ensuring to cover the aspects relating to extreme poverty of all human rights in a few pages. In order to reach the goal of the GP to develop a practical tool and operationalize the idea that states must respect, protect and fulfill the rights of persons living in extreme poverty, a balance between general and specific principles has to be found. The question how specific one can get while staying global without neglecting local particularities and still ensuring that the states of the HRC will welcome such a particularized approach, need to be kept in mind. Types of policies should precisely be defined without falling into instruments as overly concrete, yet global policy prescriptions may not be found helpful by individual states. There is clearly a need to operationalization, however a social policy document or charity approach has to be avoided. Further-

more, a tension exists in addressing human rights valid for everyone and at the same time taking into consideration the special need to realize the rights of the people living in extreme poverty.

Bearing these obstacles as well as the goal of the GL in mind, the structure, format, language and content of the GL were thoroughly discussed and improvements were achieved during the two days. To increase and strengthen the legitimacy of the current draft, references to already existing documents need to be included. While there was an inequality in details in between the GL as some seemed to be very detailed, others a bit vague at times, a middle and consistent way has to be found. To focus on the measures in order to ensure that people can express complaints has been suggested. Including obligations on states and other actors to enhance human rights education would inform those living in extreme poverty and mostly unaware of their rights, about steps to take in case of a human rights violation. It was also suggested to strengthen the role of civil society in the GL.

The outcome of the experts meeting consisted of language suggestions for a new draft of the GL. This will contribute to the goal of the IE to present a restructured and improved document including views of states and non-state actors.

The progress report that will be delivered to the HRC on its 15th session in September 2010 by the IE will systematically consist of comments, earlier discussions and conclusions as well as incorporate further input from regional meetings. Afterwards the HRC will decide on its future procedure aiming for an adoption of the GL until 2012 by all member States.

About the author:

Tanja Španović is a student of Political Sciences and Media at the University of Mainz/Germany and works as an intern for the Friedrich-Ebert-Stiftung, Geneva Office.