

Poverty and Human Dignity: A Human Rights Approach

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Abstract: - Poverty-ridden people of human society are not capable to claim any sort of rights. Poverty is not only deprivation of basic needs or material resources but a violation of human dignity. The most injurious and debilitating characteristic of poverty is loss of dignity. In recent years, the International Human Rights Law has acquired a high level of global legitimacy. Human Rights approach to poverty looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights. Human Rights have no meaning unless it begins with the right to life at a tolerable level of existence.

Keywords: *Poverty, Human Rights, Human Dignity, Development*

I. INTRODUCTION

Poverty is a socio-economic phenomenon with multiplicity of dimension and complex. Because of their multidimensional nature, it is difficult to provide a precise definition of poverty and the poor. The awareness of poverty develops with the philosophical myth of progress. During the 16th, to the mid-17th century, the numbers of the poor arose steadily, and thereafter, they have multiplied [1]. Poverty has various levels and layers with varying intensity and impact on man and society. Human history hardly has any example of society completely free from poverty. Poverty is not only a problem of a state, a country or region; it is a worldwide problem where societies are clearly divided between rich and the poor.

The word 'Poor' has been derived from the Latin term 'Pauper', which is close to paucus [2] and the Greek Penes [3] and Penia [4]. It is also related to peina [5] and more distantly to ponos [6] and Poine [7]. The state of poverty is expressed by the Greek word aponia [8]. The Greek roots refer to two positive facts: One the biological hunger; and the other, psychological - perplexity, or embarrassment. The Greek words, thus, have a qualitative connotation whereas the Latin root has the quantitative one.

When the concept of poor and rich are viewed from etymological standpoint, hunger and power appear qualitatively incommensurate, similarly poverty and abundance also fall in the same line. However, enrichment and impoverishment represent motion along that line in opposite directions: they are not contradictory but simply opposites. This accounts for the fact that the two are relative and that there may be intermediate positions. Poverty and wealth are related to this physical and social context, to people's personal attitudes, and to the material and cultural needs of the individuals or the group. Though the extreme cases are easily identifiable, it is not easy to trace a universally acceptable dividing line between them [9].

Extreme poverty prevails in all countries of the world, regardless of their economic, social, and cultural situation and seriously affects the most vulnerable and disadvantaged individual's families and groups who are hindered in the exercise of their Human Rights and fundamental freedom. The great majority of human being live in condition of extreme poverty, not only violates human dignity, in some situation, it constitute a threat to the right to life.

Although identification of the meaning of the poverty needs interdisciplinary depth, not multi-disciplinary width, many social scientists have highlighted different approach to define poverty. Discussion between exponents of different approach not only rival but also create greater confusion than clarity not only because of lack of agreement about the meaning of the word itself. The basic problem is that acceptance of specific definition is tantamount to accepting a particular line of agreement.

Taking all these difficulties into account in defining poverty, one can just consider that "poverty is pain. Poor people suffer physical pain that comes with too little food and long hours of work; emotional pain stemming from the daily humiliations of dependency and lack of power; and the moral pain from being forced to make choices such as whether to pay to save the life of an ill family member or to use the money to feed their children"[10]. Thus, we can say that the very poor pay the price in the form of additional humiliation, dependence, and disdainful attitude for the rights granted to them in bits and pieces[11].

The object of a right and the object of a need are different: the object of a need is conceived as a benefit or a service that can be considered in isolation, while the object of a right is a relation based on a system of rules. In the case of a human right, universal human dignity is at stake as it is a subject and object of law and an

obligor, since every person is an obligor of human rights (HR). A list of basic needs may serve as partial indicators, but never as the justification for a policy, since such needs do not cover the whole field of the relation in rights based on universality [12].

Thus, the relationship between poverty and Human Rights is very important in Human Rights Jurisprudence with the object of the Eradication of the widespread poverty and the full enjoyment of economic, social, and cultural rights with civil and political rights also. Any discussion on Human Rights and Poverty may involve the following points: (1) specific social economic and cultural Human Rights affecting poor as a vulnerable group and effort of the poor to achieve those HR and to participate fully in the development of the society in which they live and (2) the effects of extreme poverty on the enjoyment and exercise of all HR and fundamental freedoms those experiencing it; and (3) the means of ensuring a better understanding of the experience and thoughts of the poor and of working with them. In the light of above the researcher is try to understand the concept of poverty within International Human Rights Law of welfare and different scholars approach to synthesized and concretize definition.

The Human Rights have become synonymous with human life. Rights have no relevance without life. In case of Human Rights, universal human dignity is at stake. Respect for the inherent human dignity of all members of the human family is the foundation of freedom, justice, peace and all human rights. Dignity is the real object of all human rights which can therefore be interpreted only in the light of all other rights. The right to live a dignified life can never be attained unless all necessities of life- work, food, housing and health care and education are adequately available to everyone.

II. INTERNATIONAL HUMAN RIGHTS LAW OF WELFARE

The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 affirms that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the HR of the poorest; and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress. It is essentials for states to foster participation by the poorest people in the decision-making process by the community, in which they live, the promotion of HR and efforts to combat extreme poverty [13] The United Nations (UN) Charter, the Universal Declaration of Human Rights(UDHR) and the International Covenant on Economic, Social and Cultural Rights(ICESCR) are the fundamental sources of International Social Welfare Law and the basis for the concept of programmatic obligations under international law. They provide the starting point for all analysis in this area and the framework within which the issues can be examined. The earliest and most basic of these documents is the U.N. charter, specially its Art. 1 (3), 13 (1b), 55, 56 and 62. The authors of the Charter recognised that the maintenance of international peace and security was not solely a matter of setting disputes or dealing with threats to the peace or acts of aggression. There was also the need to create conditions, other than purely political, favourable to the existence of peace. In addition, quite apart from their interest in peace and security, they recognized the need of international cooperation to promote human welfare in a world, which no longer permits this objective to be achieved by national action alone[14].

The extent to which Art 1(3) imposes obligations on members and provides the legal basis for the U.N. action, particularly on the part of the General Assembly (GA), has arisen especially with respect to proposals for promoting respect for HR and fundamental freedoms. Art. 1(3), together with Art.55 and 56, places an obligation on members to respect HR and fundamental freedoms, that the UNGA may consider alleged violations of rights, such as the right not to be discriminated against on the basis of race, and that members are required to cooperate with the Assembly in carrying out its recommendations by the terms of Art 56 and Art. 55 commits the UN to promote, higher standards of living, employment, and development; solutions to international economic, social and health problems, international cultural and educational cooperation; and respect for HR Art.55 has a central place in total scheme of the charter for promoting economic and social cooperation and respect for HR Art.55 has been most commonly invoked, largely because it is more specific than Art. 1 in defining the responsibilities of the U.N. and also because taken together with Art.56, it creates a firmer commitment of members as well as of the Organization to take necessary measures to achieve the declared purposes. Art 1 emphasizes "International cooperation" while Art.55 stress the UN action, Art.1 refers to the solution of problems of an economic, social, cultural or humanitarian character. Art.55 commits the Organization, if not to specific solutions, at least to achieving specific objectives. Art 1 envisages international cooperation in promoting and encouraging respect for HR and fundamental freedoms, while Art 55 declared the UN should promote universal respect for, and observance of these rights and freedoms [15].

International Human Rights Law has been designed to protect the full range of HR required for people to have a full, free, safe, secure and healthy life. The right to live a dignified life can never be attained unless all basic necessities of life -work, food, housing, health care, educational and culture are adequately and equitably available to everyone. Based squarely on this fundamental principle of the global HR system, international HR

law has established individual and group rights relating to the civil, cultural, economic, political and social spheres [16]. HR is basically a concept not of states, governments and intergovernmental institutions, but a concept of national and international civil society, This should not be surprising as HR puts obligations on the state and the community of states and hence on intergovernmental institutions. These duty-holders naturally are not as enthusiastic about obligations as the beneficiaries of the people. Enlightened representatives of governments, however, who see the state basically at the service of civil society have recognized the importance of HR and supported their entry into international law.

On the national level HR can be found in many constitutions, because civil society has fought for them, states are then based on such constitutions and accountable to them under their respective constitutional laws. Hence, HR precedes the state and holds the state authorities accountable. Internationally there is no constitutional law. HR is included in the UN Charter, international covenants, conventions and resolutions have been passed, but all of these are agreed between states. The procedural possibilities of international civil society to use international HR law on behalf of the victims of oppression are rather limited but slowly growing.

Economic, social and cultural rights are fully recognized by the international community and its implementation depends to a large extent not on legislation but on the social and economic policies of states. Efforts to secure for everyone the right to an adequate standard of living must be given top priority in the years to come. It is not only a moral but also a legal obligation under international human rights law to ensure that all human beings enjoy the basic and adequate food, housing and social services necessary for health dignity and social participation. To achieve this goal national and international action is required. First, attitude must be changed in order to make economic and social policies address the problem of those below poverty line; second specific policies aimed at the realization of economic social and cultural rights must be the central concern of development policies.

There is however, an unfortunate assumption that the realization of economic, social and cultural rights can be achieved through what is loosely called 'welfare', which is understood by many as the transfer of resources through the state to the poor and to everyone else. This is tragic misunderstanding. Most people prefer to take care of most of their own needs, if they have the opportunity to do so, in ways, which allow their dignity and self-esteem to be respected [17].

International legal regulation of economic, social rights does not aim at codifying the legislation of different countries by passing laws, which would establish a uniform legal system ensuring those rights. In view of the existence of states with different social systems, level of economic development class and national structures and historical traditions, such a goal would not be practicable. The international standards, however establish a minimum level of social protection and welfare whose attainment should be sought by all states, whatever their systems or circumstances even if as in the case of the ICESCR the full realization of the rights concerned is envisaged as a result of the progressive development of national policies, legislation and practical action. The standard established by the ICESCR is frequently couched in general terms, which do not delimit the exact scope of the rights concerned. However, among forms of international action aimed at its implementation, the covenant provides for the conclusion of conventions and the adoption of recommendations [18]. More detailed standards adopted under the auspices both the UN and of the specialised agencies may thus constitute valuable sources for spelling out in greater detail what is required for the realization of the rights guaranteed by the covenant.

The lack of economic, social and cultural rights not only paralyses social life, but also makes nonsense of political rights. When all forms of communal life, of collective expression, of affirmation of one's ideas and aspirations are made impossible, what is the point in going to vote: for whom, and for what programme? It is thus clear that all HR are interdependent. For lack of resources, a whole section of the population is unable to play its part in society; people with no recognised address cannot be issued an elector's card, illiterates cannot distinguish between the various political programmes or fill in their ballot papers. A poor family with no roof above its head cannot choose freely where to reside. In certain cases, lack of resources even deprives parents of their freedom of movement, as they cannot afford to go to see children who have been placed in care for away. The poorest do not want separate programmes, quite the contrary. They hope that well-chosen material and human resources will enable them to play their part in general programmes implemented by their fellow citizens. They remind us of the two fold indivisibility HR; first if fundamental rights are established for some people the best organized, the strongest, the best equipped and not for all, they remain privileges, they will not be HR, second if certain civil liberties and economic and social rights are not established simultaneously for a group or a nation they may all be weakened or even remain a dead letter. The linking of Civil and Political Rights with Economic and Social Rights may lead to expecting too much at a time of countries, which are all, in one way or another, facing difficult economic choices, but the very poorest populations are not asking for the impossible. They are simply asking us to see, together with them, just how far we can go, honestly and without evading the essential reality of human solidarity any longer [19].

Economic, social and cultural rights are designed to ensure the protection of people as full persons, based on a perspective in which people can enjoy rights, freedoms and social justice simultaneously. In a world where, according to the United Nations Development Programme (UNDP) a fifth of the developing world's population goes hungry every night, a quarter lacks access to even a basic necessity like safe drinking water, and a third lives in a state of object poverty at such a margin of human existence that words simple fail to describe it the importance of renewed attention and commitment to the full realization of economic, social and cultural rights is self-evident. Despite significance progress since the establishment of the UN in addressing problems of human deprivation, over one billion people live in circumstances of extreme poverty, homelessness, hunger and malnutrition, unemployment, illiteracy and chronic ill-health. More than 1.5 billion people lack access to clean drinking water and sanitation, some 500 million children do not have access to even primary education, and more than one billion adults cannot read and write [20]. This massive scale of marginalization, in spite of continued global economic growth and development, raises serious questions, not only of development but also of basic HR. The reduction of poverty requires development in which access to the benefits of economic progress is a widely available as possible and not concentrated excessively in certain localities, sectors or groups of the population.

In 1993, Vienna Declaration on Human Rights [21] states: "All human rights are universal indivisible and interdependent and interrelated", this tread is, overall, to be welcomed for its potential to promote less legalistic and category-dominated interdependence analysis.

The object of the economic social cultural rights that is common and belongs to the economic logic of the various systems, but the subject of human rights is always the same, the human person, alone or together, who is there, physically with the various aspects of his or her dignity.

The indivisibility of the object of rights may be understood first of all through the spiral of violations, the vicious circle of insecurity. The violation of each human right undermines respect for all the others. Denial of the right to housing leads to a formal and practical incapacity not only to enjoy the majority of civil rights but also, at the very least, to take work to send one's children to school and to experience harmonious family relations. A homeless person repels others and a homeless family is even more a subject to reproach, Indeed, the very presence of the extremely poor is an assault on society, which responds by other forms of violence, particularly measures of placement, classification or confinement, Violence, takes root, leading inexorably to physical exclusion and to the development of a moral straitjacket [22]. Such exclusion is reinforced by arbitrary discrimination between the categories of human rights.

Wresinki, J. [23] envisaged the problem in the following word:

"The very existence of the extremely poor in all continents demonstrates that according civil liberties and political rights without giving the concrete means of assuming those rights may be worse than refusing them. To find oneself automatically allotted a minimum income and some sort of a job or accommodation without being in a position to give one's opinion, to choose to negotiate or to refuse, is once again to be reduced to second class citizenship".

In reality, the resources are available, and much more abundant than is generally believed; but if the poor and their associations are not recognised as being the authors and actors own rights. The indivisibility of rights is at once the indivisibility of their object and the indivisibility of their subject, which in both cases, is human dignity, It is not a roof over one's head, food or the assistance of a lawyer appointed by the court that constitutes the object of a human right but the possibility of living in dignity, keeping body and soul together while upholding one's values, defending the dignity of one's fundamental rights and the related right of other people. Dignity is the real object of each human right, which can therefore be interpreted only in the light of all the other rights. The principle of indivisibility required us to advance from an approach based on the mere cataloguing of rights to the idea of a system, that is to say an approach that would highlight and exploit relations of interdependence.

III. HUMAN RIGHTS AND CAPIBILITY THEORY

Human Rights were born in the institutional environment of the United Nations and have only gradually become accepted as binding laws by a number of states. A total of 150 out of 185 member states of the United Nations have ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). All states have choose to ratify at least one human rights treaty; consequently, they all have some international legal obligation, binding under the law of treaties, in relation to human rights[24].

For ease of reference and coherence in global assessments development agencies often employ quantitative measures of poverty, such as those setting a threshold of one or two dollars a day. Specific indicators relating to certain economic and social factors (Such as infant mortality and literacy rates) are also employed. But, many aspects of poverty, some of which are crucial to a human analysis, are not reflected in the statistical indicators. Economic deprivation-lack of income and basic needs is a standard feature of most

definitions of poverty. But, this in itself does not take account of the myriad of social, cultural and political aspects of the phenomenon. Poverty is not only deprivation of basic needs or material resources but a violation of human dignity too.

The capability theory propounded by Martha Nussbaum [25] in 1992 and the Vienna Declaration and Programme of action [26] in 1993 simplified the defining of poverty in tune with human rights approach. According to the Nussbaum capability theory, "a poor person is one who is deprived of basic capabilities- such as the capability to be free from hunger, to live in good health, to be literate, and so on." There are strong similarities between Nussbaum's conception of capabilities and human rights. The capability for practical reason, for example, provides the basis for protecting freedom of conscience. Nussbaum suggested that the concept of capabilities is both clearer and has more cross-cultural appeal, although she allows that it may provide the justification for rights claim. In the language of rights a poor person is one for whom a number of human rights remain unfulfilled - such as the rights to food, health, education and so on. Therefore the concept of 'capability refers to a person's freedom or opportunities to achieve well-being in this sense.

A human rights definition and understanding leads to more adequate responses to many factors of poverty, responses that do not trample on rights in the pursuit of growth and development. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.

Nobel Prize economist Amartya Sen [27] drawing attention to the fundamental link between development and freedom, emphasized Poverty is term of various forms of "unfreedom" that prevent people from realizing and enlarging their capabilities. In other words, poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of income. Sen's vision of poverty as capability deprivation is thus consistent with the United Nations Development Programme's human development approach of focusing on a process of enlarging people's choices by ensuring a corresponding expansion of their capabilities.

In the most comprehensive and rights-sensitive definition of poverty to date, the United Nations Committee on Economic, Social and Cultural Rights, in its statement on poverty [28], defined poverty as-

"a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights"

So we can say that poverty consists in the non fulfilment of a person's human right to a range of capabilities, resources, choices, security and power to do and be the things he or she has reasons to value. Since poverty denotes an extreme form of deprivation, only those capability failures should count as poverty that deemed to be basic order of priority. As different societies may have different orders of priority, the list of basic capabilities may differ from one society to another.

Every element of human Rights definition of poverty is found in than the two covenants (ICCPR-1966 and ICESCR-1966) already ratified by the states and it is also binding on them. Thus the Human Rights definition of poverty exist in midpoint between a feeble international community and state powers that to varying degrees are capable and willing to make human rights more than aspirations. To the vast majority of the population in the developing world most in need of protection and support, human rights remains unknown or abstract. If human rights are to be an integral element of a development agenda, they must contribute to empowerment so that people become capable of demanding their rights and of dealing with their needs and problems.

Since 1990, the United Nations Development Programme (UNDP) has developed its analysis of human development through an annual report on a composite index of measures reflecting achievements in the most basic human capabilities leading a long life, acquiring knowledge and enjoying a decent standard of living [29]. UNDP reports also include a wealth of information on other important factors, including income and gender inequalities, access to safe water, health services and sanitation, food security and nutrition, crime, political freedoms, human rights and fundamental principles and rights at work.

In its 2000-01 report, the World Bank enlarged its analysis of poverty using the concepts of opportunity, empowerment and security to develop a broader foundation for its thinking [30]. This broader view of well-being and the concept of decent work owe much to the view of development as freedom expounded by Amartya Sen, who analyses poverty in terms of various forms of 'unfreedom' that prevent people from realizing and enlarging their capabilities. This perspective on development is broad and integrated, encompassing both civil and political liberties and economic and social rights as primary goals of development and the principal means of progress.

In other words, poverty entails a reduction of freedom and that as a result a violation of human rights is more likely to occur for those who live in poverty than for those who do not. Given the described relation between rights and freedom, such a conclusion is easily established if we define freedom in terms of the ability

to perform a certain action. Poverty entails the absence of means, or at least a limited access to them. If freedom is defined in terms of ability and thus of means, the probability that a poor person is free to perform a certain action will be much lower than that of the non-poor. Indeed, in case of extreme poverty it can be expected that the relevant probabilities will fall far below the relevant threshold values and we can thus speak of the non-existence of the concomitant material right.

Poverty is most easily measured by a comparison of income or consumption against basic material needs for food, shelter and clothing, and this is the basis for the \$1.25 a day line used by the World Bank and the United Nations to quantify the scale of poverty worldwide[31]. However, fully addressing poverty and relative deprivation requires a wider appreciation of the cumulative effect of a number of other aspects of the lives of poor people. Life expectancy at birth in the least developed countries is under 50 years, compared to 77 in developed countries. According to the World Bank Research Observer, a total of 1.2 billion people lived in poverty [32]. The risk of a woman dying as a result of pregnancy is 50 to 100 times higher in the least developed world than in industrialized countries. Preventable diseases take the lives of 30,000 children per day in developing countries. Of the 155 million school-age children not in school, 94 percent live in developing countries. About 20 percent of the world's population-862 million people-is illiterate. Most live in low-income countries [33].

The UNDP Human Development Report [34], by 2015 the world had achieved some of what seemed to be daunting challenges 25 years ago. Even though the global population increased by 2 billion—from 5.3 billion in 1990 to 7.3 billion in 2015—more than 1 billion people escaped extreme poverty, 2.1 billion gained access to improved sanitation and more than 2.6 billion gained access to an improved source of drinking water. The global under-five mortality rate was more than half between 1990 and 2015—from 91 per 1,000 live births to 43. The incidence of HIV, malaria and tuberculosis declined between 2000 and 2015. The proportion of seats held by women in parliaments worldwide rose to 23 percent in 2016—up 6 percentage points over the preceding decade.

These are some of the more quantifiable aspects of poverty, but others are much harder to measure. Many surveys reveal that the most injurious and debilitating characteristic of poverty is loss of dignity [35] as it seriously weakens relationships within families and communities and with persons in authority and thus the capacity to escape from a cycle of deprivation that can endure for generations.

It is the eradication of the gross disparities between the world's population that there is a talk about 'development' in terms of hunger, wretchedness, deprivation and death. The Brand Commission has referred to moral link between the vast spending on arms and the disgracefully low expenses on measures to remove the hunger and ill health in the Third World [36]. The central point is that a small reduction in military expenditure and a small step away from militarization can be a massive step in the fight against hunger and poverty and in the recognition of fundamental and inalienable HR.

The Third World, where hundreds of millions subsists at the very margin of existence, is concerned primarily with economic and social developments. For the world's poorest, for which the survival is the basic human need, HR has no meaning unless it begins with the right to life at a tolerable level of existence. Individuals in the poor countries are occupied solely with survival and elementary needs. For them, work is frequently not available or, when there is any, salary is very low and conditions barely tolerable. Houses are constructed with impermanent materials, and have neither piped water nor sanitation. Electricity is luxury. Health services are thinly spread in rural areas and rare within short distance. Permanent insecurity is the condition of the poor. There is no public system of social security in the event of unemployment, sickness or death of a wage earner in the family. Flood, drought or disease affecting people or livestock can destroy livelihoods without hope of compensation. Ordinary men and women face other economic problem such as uncertainly, inflation and the fear of unemployment [37]. The combination of malnutrition, illiteracy, disease, high birth rates, underemployment and low income close the avenues of the development. Thus, the international development Strategy, adopted by the UNGA in the 1980, states that the ultimate aim of development is the constant improvement and well-being of the entire population on the basis of full participation in the process of development and a fair distribution of the benefits therefrom [38].

IV. CONCLUSIONS

Poverty is a grave reality not only of today's world but also of the remote past. It has become the gravest human rights challenge facing the world today. The poor are often socially excluded and lacking the basic capability to participate actively in the social, cultural, and political life of their communities. People in poverty need voice to obtain recognition of rights and demand respect. They need representation and participation. They also need good laws that are enforced and work for not against their interests. Without rights and empowerment, the poor will not get out of poverty.

A genuine concern for the implementation and fulfilment of economic, social and cultural rights among human rights defenders and activists is needed in the development context because in addition to personal

protection and integrity these rights are most relevant to the target groups of development efforts. Securing the means of livelihood with access to education, health and housing to every person is the need of the third-world countries. These concerns, often together with those of health and education, are major obstacles in the realization of a dignified life. In a development context, human rights defenders cannot abstain from dealing with these priorities, although they may vary from place to place, precisely because they relate to that core of human rights that concerns dignity.

I find that of the five families of human rights- civil, political, cultural, economic, and social - proclaimed by the Universal Declaration of Human Rights as inherent to the human person, poverty violates the fifth, always; the fourth, generally; often the third; sometimes the second or even the first.

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