



the global voice of  
the legal profession

## INTERNATIONAL BAR ASSOCIATION HUMAN RIGHTS INSTITUTE COUNCIL RESOLUTION ON POVERTY AND HUMAN RIGHTS

**Adopted on 27 May, 2010**

The Council of the International Bar Association's Human Rights Institute,

*Recalling* the Human Rights Institute's mandate to work for "the promotion, protection and enforcement of human rights under a just rule of law," the "implementation of standards and instruments regarding human rights" and the "acquisition and dissemination of information concerning issues related to human rights",

*Recognising* that poverty is a chronic global problem,

*Recognising further* that the manifestations of poverty are addressed by international instruments such as the *Universal Declaration of Human Rights*, the *Declaration on the Rights of Indigenous Peoples*, the *United Nations Convention on Corruption* and the *International Covenant on Economic, Social and Cultural Rights* and in regional instruments such as the *African Charter on Human and Peoples' Rights*,

*Noting* that despite the conceptual and jurisprudential difficulties in classifying poverty itself as a breach of human rights and in implementing the international instruments relating to economic rights, the United Nations Committee on Economic, Social and Cultural rights has stated that there are immediate obligations to take steps towards the full realisation of the rights in the Covenant, and a duty not to discriminate in the fulfilment of economic, social and cultural rights,

*Realising* that while it may be difficult to establish that each case of poverty is in itself a violation of a fundamental right, it is nevertheless accompanied by violations of fundamental rights and is an affront to human dignity, and is a persistent danger to global peace, security and economic equity within and amongst nations, despite the technological advances and economic growth in many countries created by expanding trade and production opportunities,

*Recognising* that opinions on the justiciability of economic rights are continually changing,

*Accepting* that members of the legal profession and the judiciary in all countries have special responsibilities for the attainment and implementation of human rights, including economic rights, as well as for combating the systemic problem of corruption in many countries which is an obstacle to overcoming profound poverty,

*Remembering the 1998 IBA Resolution on Non-Discrimination in Legal Practice* which recognises that all people are born equal in dignity and that all members of the legal profession should treat all people with whom they come into professional contact without discrimination, including on the grounds of social origin, property, caste, birth or other status,

1. Resolves to adopt a policy favouring the recognition of severe, endemic and chronic poverty as a violation of human rights,
2. Resolves to commit itself to acting as a bridge to lead all lawyers to an appreciation of the importance of the issues of economic, social and cultural rights, and to the realisation that many of these rights are justiciable and suitable for legal attention
3. Authorises the Human Rights Institute to:
  - a) Publicise this policy by all available means;
  - b) Facilitate bar associations to set up their own committees to act upon issues of poverty and human rights;
  - c) Encourage bar associations to submit their own reports to the UN Committee on Economic, Social and Cultural Rights when periodic review of their own country under the International Covenant occurs;
  - d) Encourage IBA member firms to indicate, and reflect upon, their own internal policies and programs relating to these issues;
  - e) Hold sessions at IBA and other conferences for members of the legal profession to address these issues;
  - f) Investigate and report on the enforcement of economic and social rights at the international level (such as through the Optional protocol to the Covenant on Economic, Social and Cultural Rights) and at the regional and domestic level through the courts;
  - g) Seek funding for the establishment of a Task Force to investigate the links between severe, endemic and chronic poverty and human rights, and to investigate what bar associations and the legal profession are doing, and should be doing, to use human rights to tackle poverty;
  - h) Undertake appropriate follow-up activities;
  - i) Do anything else reasonably necessary to facilitate the implementation of this policy.