



## LEGAL MEASURES TO ERADICATE RURAL POVERTY

*'In adopting the 2030 Agenda for Sustainable Development, world leaders resolved to free humanity from poverty, secure a healthy planet for future generations, and build peaceful, inclusive societies as a foundation for ensuring lives of dignity for all.'*

UN Secretary-General, The Sustainable Development Goals Report (2017).

### BACKGROUND

Despite global efforts, it is estimated that around **1.3 billion** people still live in poverty (UNDP and OPHI, 2019, p. 1). According to the World Bank (2018), putting an end to poverty is proving to be one of the greatest human rights challenges the modern world faces. The 2030 Agenda's Sustainable Development Goals (SDG) include SDG 1 to end poverty as a number 1 goal.

In 2018, about 30.1 percent (185 million people) of the regional population lived below the poverty line, while 10.7 percent (66 million people) lived below the extreme poverty line. These figures have been on the rise in the last five years and it is foreseen that this trend will continue due to the COVID-19 pandemic. The groups most affected by poverty are children, women, indigenous people and Afro-descendants.

(ECLAC, 2019, pp. 96-97, 104-110)

The SDGs were approved unanimously on 25 September 2015 by 193 member states after a long process of negotiation and consultation involving different stakeholders, including governments and civil society. Built upon progress from the **Millennium Development Goals**, and guided by respect for human rights and the

rule of law, the 17 goals and 169 targets focus on ending hunger and poverty, and building a fairer and more sustainable world for all, striking a balance between economic, social and environmental development and leaving no-one behind. To achieve the SDGs in Latin America and the Caribbean, prosperous and inclusive rural territories are necessary: "78 percent of the 169 targets of the SDGs s depend exclusively or mainly on actions undertaken in rural areas of the world".<sup>1</sup>



<sup>1</sup> Opening remarks from the Regional Representative for Latin America and the Caribbean, Julio Berdegué, in the master lecture given during the regional launch of the Decade of Family Farming 2019-2028 in the Dominican Republic, from 25 to 27 August 2019. (also available at: <http://www.fao.org/americas/noticias/ver/es/c/1205803/>).



In relation to indigenous people and Afro-descendants, it should be noted that 13 percent of the total rural population in Latin America recognize themselves as indigenous and 33 percent as Afro-descendant.

The **indigenous rural population** is significantly affected by illiteracy, in big contrast with the rural non-indigenous population. In all the countries of the region, the rural non-indigenous population has a higher average of years of education. Only in Colombia and Nicaragua are average lengths of education close to being the same. Although the region presents very diverse situations, the prevailing trend for rural indigenous populations shows worse health and housing conditions (Angulo, Solano and Tamayo, 2018, p. 74).

In some countries of the region, there are notable differences between the **Afro-descendant rural population** and the non-Afro-descendant one, mainly in the areas of education and health (Angulo, Solano and Tamayo, 2018, p. 75).

Under SDG 1, countries pledge to **end extreme poverty**, among others, through the implementation of social protection systems; ensuring equality in access to economic resources, to ownership and control over land, to new technologies and to basic services; and by building the resilience of the poor to reduce their vulnerability to climate, economic or other shocks. Enhanced resource mobilization and sound policy frameworks, based on pro-poor and gender-sensitive development strategies, are recommended.

*"Wherever we lift one soul from a life of poverty, we are defending human rights. And whenever we fail in this mission, we are failing human rights."*

Kofi Annan, United Nations Secretary-General

Poverty is understood not just as lack of income, resources and services such as health, education and housing, but also as deprivation of capabilities and choices as well as social discrimination and exclusion that impede the enjoyment of adequate standard of living and other human rights (United Nations, 2008, para. 13 ).

## STATES' RESPONSIBILITIES

Poverty has been described as a human rights issue. States have legally binding obligations relating to the eradication of poverty, such as duties to progressively realize rights to an adequate standard of living, including food and housing, to the highest attainable standards of health and to social security, that derive from international law. The **International Covenant on Economic, Social and Cultural Rights**, as well as regional human rights instruments such as the **American Declaration of the Rights and Duties of Man**, the **American Convention on Human Rights** ("Pact of San Jose") or the **Additional Protocol to the American Convention on Human**

## Rights in the area of Economic, Social and Cultural Rights ("Protocol of San Salvador") are applicable.

Some Latin American countries have introduced **legal measures to improve women's rights**. This includes laws that allow women to own property and protect women from discrimination and from harmful cultural practices.

Some examples are the 1996 Law of the National Institute of Agrarian Reform of Bolivia; the 1999 Law on Equal Opportunities for Women of Panama; the 2015 Law for the National Programme of Solidarity Credit for Rural Women of Honduras; the 2016 Law on Areas of Interest for Rural, Economic and Social Development (ZIDRES) of Colombia; the 2016 Law of Rural Land and Ancestral Territories of Ecuador; and the 2018 General Law for Equality between Women and Men of Mexico.

The 2015 Law of Public Policies for Rural Women of Paraguay is of special interest. It follows a broad and comprehensive approach to the subject, while also focusing on rural aspects.

Moreover, some countries have constitutional provisions that guarantee women's rights over productive resources, such as land, and protect them against discrimination.

In contributing towards the achievement of SDG1, States should consider how pro-poor strategies, including a combination of policies and legislation, can serve to combat the causal elements of poverty and facilitate transformational change in their economies, ensuring that **no-one is left behind**. Such strategies should be multidimensional, including increasing responsible and pro-poor investment, developing rural infrastructure, promoting technology transfer and capacity development, diversifying rural employment, ensuring the responsible governance of tenure, improving access to health, education, water and sanitation services; promoting gender equality and decent work; and improving access to social protection programmes. Policy and legislative frameworks can, among others, facilitate institutional coordination and collaboration across government, provide incentives for responsible private sector engagement, and foster multi-stakeholder mechanisms and participatory governance platforms.

There should be inclusive processes in the elaboration of pro-poor policies and legislation, bringing all actors to the table and applying a human rights-based approach throughout. Rural women need to be recognized as critical actors in food and nutrition security as they make crucial contributions to agriculture and rural economies for little gains. Empowering women is one of the most effective ways to multiply general well-being, with evidence showing that when women are given equal access to resources, income opportunities, education and social protection, agricultural output and food availability increases and the number of poor and hungry declines (FAO, 2011).

Eradication of extreme poverty, reduction of inequalities and promoting inclusive growth are feasible, if there

are rational laws, policies and programmes that have adequate budgets and oversight, in order to improve livelihoods and resilience of people living in poverty. If actions are not taken to fight rural poverty, Latin American and Caribbean countries face the risk of more serious and widespread regression in terms of reduction of poverty, of urban-rural gaps remaining unchanged or even growing, and that inequalities between rural territories persist (FAO, 2018).

## LEGAL MEASURES

Combating poverty needs the elaboration and adoption of effective laws, as well as policies and programmes, and their proper implementation. Institutions should also be strengthened. How far the law can serve to reduce poverty depends to a large extent on whether the law responds to the specific needs and circumstances of the people, whether the potential beneficiaries have been fully consulted and have participated in the development of the law and its implementation, as well as factors such as respect for the rule of law, and political will.

### Examples of social security legislation

In Brazil, the Law of Social Assistance; in Costa Rica, the Family Housing Bond Subsidy Law; in Colombia, the Families in Action Programme Law; and in Mexico, the General Law of Social Development and the Law of Social Assistance.

Multiple factors cause and sustain poverty, but specific legal interventions can be prioritized to aid poverty reduction measures. For example:

- **Protecting tenure rights:** providing gender-equitable recognition and protection of the tenure rights of the rural poor to natural resources such as land, forests and fisheries is key to improving their wellbeing. Ensuring the responsible governance of tenure in natural resources through consistent and coordinated policy, legal, institutional and operational interventions can contribute to the elimination of rural poverty.
- **Social protection systems:** mechanisms for social security, including social insurance and social assistance, can provide both income protection and increased investments. Special and targeted legislative measures can be taken to counter the susceptibility of some groups to poverty, such as women, children (especially in the first 1000 days), the elderly, people with disabilities, refugees, subsistence farmers and fishers. Because mainstream social security legislation in developing countries concentrates on urban populations in formal employment, their application should be extended to rural communities and those in informal employment. The sustainability of safety net programmes (often *ad hoc* and donor-driven) in

many developing countries could be strengthened through the adoption of appropriate legal frameworks that set entitlements, responsibilities and budgetary commitments.

- **Agricultural inputs and support to farmers:** States may develop legislative frameworks that promote access to agricultural inputs, such as fertilizers, seeds and pesticides, and other services that can increase the productivity of small-holders and protect their related rights. They may also introduce or strengthen laws on warehouse receipts, permissible agricultural support, public private partnerships and contract farming, which can increase the productivity and income of rural households and contribute to food security and nutrition. Legislation on rural organizations such as agricultural cooperatives can also contribute to increasing the benefits of the men and women that are engaged in the sector. Legislation on agricultural insurance against risks that threaten the income of farmers and agricultural workers, including natural and man-made disasters can strengthen the resilience of agricultural systems.
- **Rural employment and regeneration:** legislative measures to boost decent rural employment, including the implementation of labour standards in agriculture and related sectors, can lead to poverty reduction. Employment creation programmes to the benefit of the rural poor, responsible investment programmes and innovative technology aimed at improving sustainable productivity in agriculture, can offer greater opportunities to rural youth and women, particularly when supported by legislative frameworks that define long-term commitments. They can also help to reduce migration from rural areas to cities.

### High-level Political Forum on Sustainable Development – Recommendations to fight against extreme poverty

Countries need:

- Inclusive economic growth, which guarantees the right to work and fair and favourable conditions.
- Investment in people, particularly women and children; basic infrastructure, health, education, access to clean water and sanitation, good-quality physical and social infrastructure, including digital technology.
- Social protection base for the poor and most vulnerable to protect them from crises such as environmental disasters, epidemics, volatility of food prices and economic crises.

(United Nations, 2019)

- **Non-discrimination measures:** poverty disproportionately affects women who frequently lack access to productive resources, are denied the benefits of their labour, and are often the targets of abuse, exploitation and violence. Prominence should be given to legal measures to improve the well-being of women and to enable their inclusion in

all aspects of social, cultural, economic and political life. Giving women access to and use and control over land and other productive resources, as well as avoiding discriminatory laws and practices in terms of inheritance rights, for example, are vital elements that can raise their living standards and help end poverty.

- **Address governance deficits:** poverty is exacerbated by weak governance due to incompetence, waste and corruption. Taking legislative measures to enhance the transparency and accountability of institutions and public officials should increase their effectiveness in the implementation of poverty reduction measures.
- **Right to adequate food:** adopting legislation to recognize and guarantee the right to food for all, including provision for school food and nutrition, tied in with local procurement, can place higher value on local community sustainable production and provide the poor with judicial redress in case of violations of their rights.
- **Identity documents:** the absence of identification documents, such as identity cards and birth certificates, impairs access to services and support to the poor, particularly indigenous peoples, minorities and immigrants, in many developing countries. Legal measures can be taken to enable the poor to have an identity document and have access to goods and services they need, even without such documents.

Poverty reduction interventions cut across all spheres of life - economic, social, cultural, environmental and political. There is no one measure alone that will end poverty. On the contrary, a favorable political and legal environment and socio-economic development are needed. Legal measures are vital to provide guarantees, certainty, and long-term governmental commitments; they also establish rights and entitlements of the people, and failure to meet them on the part of an authority can be challenged through administrative and judicial procedures. Legislative obligations lay the ground for the provision of adequate funding to support policy action on combatting poverty. Given that the nature of poverty is cross-cutting, it should be addressed using a comprehensive institutional apparatus for poverty reduction, enabling the coordination of actions and providing for inclusive and participative involvement on the part of all sectors of society and particularly the poor, the marginalized and the most vulnerable.

## PARLIAMENTARY ACTION CHECKLIST

The **Parliamentary Front against Hunger in Latin America and the Caribbean** (PFH LAC) is a permanent and plural parliamentary network, composed of 21 national parliaments<sup>2</sup> and four regional or sub-regional parliaments that promote legislative processes aimed at eradicating hunger and malnutrition for the achievement of SDG2. The PFH LAC provides a space to foster participation, connect interested parties, enhance transparency, and promote technical assistance and awareness-raising. Its alliance with FAO, the Spanish Cooperation and the Mexican Agency for International Development Cooperation (AMEXCID) opens the possibility for parliamentarians and their advisors to participate in trainings, exchange of experiences and public information and media campaigns to generate greater impact. The PFH LAC pays special attention to the right to adequate food and nutrition, especially in the context of the COVID-19 pandemic (FAO, 2020a) and the new challenges countries will face in the post-pandemic period.

Taking into account the link between hunger, malnutrition and poverty, the participation of parliamentarians in poverty reduction measures is vital. Parliament has the role of approving laws and budgets, providing a legislative basis and resources for policy implementation and holding the executive to account. Parliament is accountable to the people and can make an important contribution to ending poverty for all. The following actions can be considered:

- Consider joining one of the national chapters of the Parliamentary Front against Hunger and Malnutrition in your country, or forming one of these fronts if your country does not have one, to promote legislative and other actions to reduce poverty, food insecurity and malnutrition; build consensus on poverty reduction measures at the national and regional levels; and consider national and regional parliamentary commitments towards the achievement of SDG1.
- Support governments to establish national pro-poor priorities and targets and seek the engagement of all actors concerned in processes and dialogue around law-making, budget approvals and oversight.
- Engage in the review of legislation, policies and programmes, for example, those on natural resources tenure, social protection, rural employment, gender equality and right to adequate food, to determine gaps and opportunities for poverty reduction

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<sup>2</sup> *The following 21 countries have parliamentary fronts: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Granada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Saint Vincent and the Grenadines and Uruguay.*

strategies and seek to initiate legislative processes and approve adequate budgets to support such measures.

- Seek alliances with experts, such as those in academia, technical cooperation, civil society and associations of lawyers to support the elaboration of draft legislation that contributes to the eradication of poverty, and ensure wide consultation with all sectors of society, particularly their constituencies, for crucial evidence to support legislative processes.
- Advocate to strengthen national statistical institutions to produce data for global, regional and national indicators and support governments to report on results achieved and challenges faced.
- Participate in budgetary meetings to secure available global and regional funding opportunities to support the achievement of the SDG targets.
- Support the adoption and implementation of international and regional standards that can help reduce poverty.
- Seek to disseminate information on the SDG1 targets as widely as possible, participate in capacity building activities and advocate for the achievement of SDG1 in parliament as well as other public fora.
- Consider opportunities for South-South Cooperation: could your country's experience benefit other countries or could your country benefit from the support by other countries?

## REFERENCES/RESOURCES FOR FURTHER INFORMATION

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