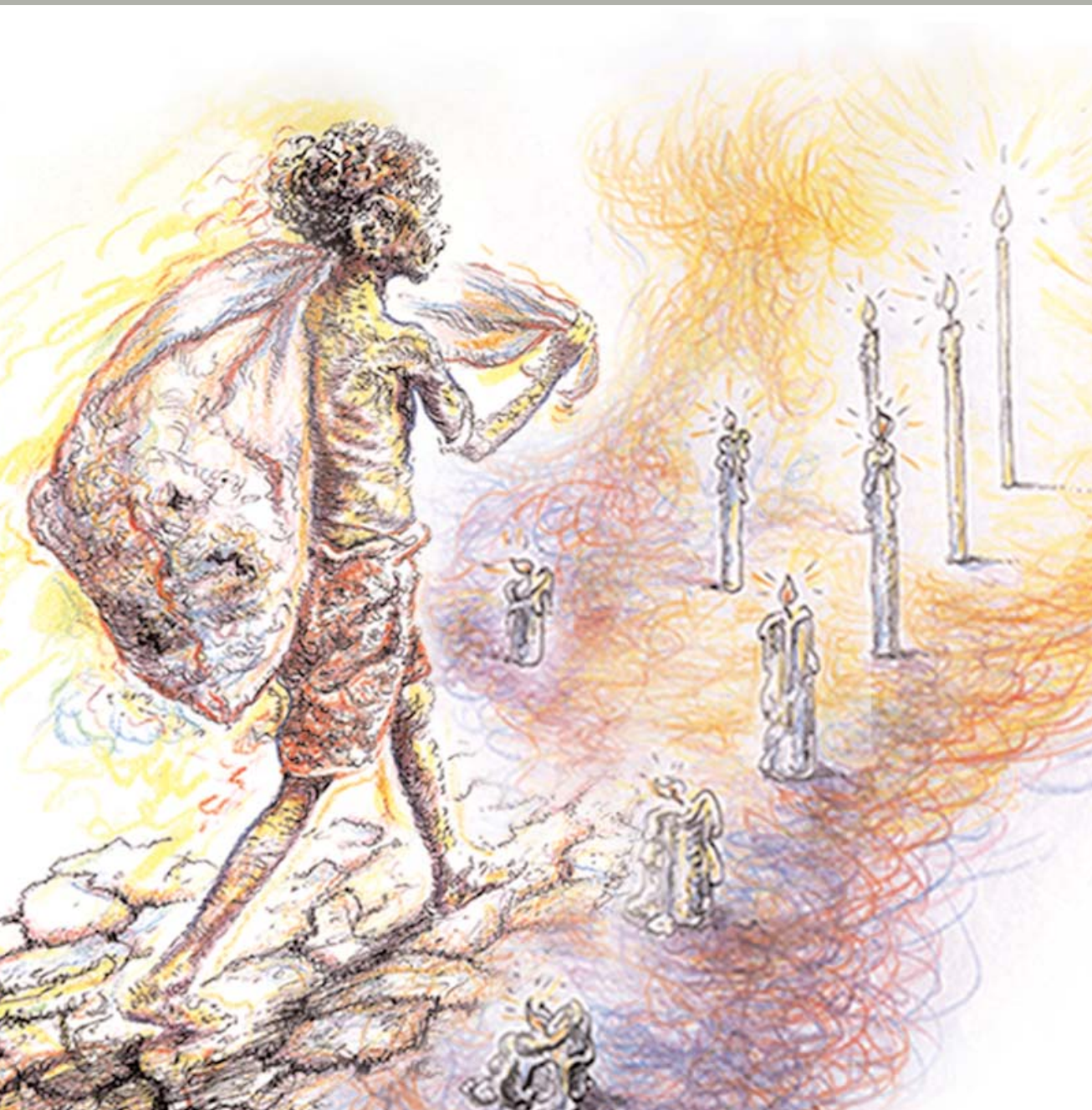


**CHRI's Millennium Report**

# **Human Rights and Poverty Eradication**

**A Talisman for the Commonwealth**



**COMMONWEALTH HUMAN  
RIGHTS INITIATIVE**

**A report by the International Advisory Commission of CHRI, chaired  
by Professor Margaret Reynolds**

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. Over ten years ago, several Commonwealth Associations founded CHRI because they felt that while the member countries had both a common set of values and legal principles from which to work, and also provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Harare Principles, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its biennial CHOGM reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in various Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member-state governments and civil society associations. By holding workshops and developing linkages, CHRI's approach throughout is to act as a catalyst for activity around its priority issues.

The nature of CHRI's constituent groups\* - journalists, lawyers, legal educators, trade unionists, doctors and parliamentarians - ensures for it both a national presence in each country and a local network. More importantly, these are strategic constituencies, which can effectively steer public policy in favour of human rights. By incorporating human rights norms into their own work and acting as a conduit for the dissemination of human rights information, standards and practices, their individual members and collectives are themselves capable of affecting systemic change. In addition, these groups bring knowledge of local situations, can access policy makers, highlight issues, and act in concert to promote human rights. The presence of eminent members of these professions on CHRI's International Advisory Commission assures CHRI credibility and access to national jurisdictions.

Originally based in London, United Kingdom, CHRI moved to New Delhi, India in 1993. It currently has a Trustee Committee Office in London, and a new office in Accra, Ghana.

\* Commonwealth Journalists Association, Commonwealth Trade Union Council, Commonwealth Lawyers Association, Commonwealth Legal Education Association, Commonwealth Medical Association, Commonwealth Parliamentary Association, Commonwealth Press Union and the Commonwealth Broadcasting Association.

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## Human Rights and Poverty Eradication: A Talisman for the Commonwealth

*“I will give you a talisman . . . Recall the face of the poorest and weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? . . . Then you will find your doubts and yourself melting away.”<sup>1</sup>*

Mahatma Gandhi

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## FOREWORD

Human rights advocates will welcome this most timely report which advocates the rights based approach to eradicating the large-scale poverty that currently exists in the Commonwealth. Ten years have passed since the Commonwealth Heads of Government Meeting (CHOGM) adopted the Harare Declaration in 1991, so it is important to evaluate the Commonwealth's will and ability to tackle poverty through its own fundamental principles of good governance and commitment to human rights. As this report reveals there is a disturbing gap between the rhetoric of Commonwealth Communiqués and the reality of people's lives. The evidence presented here starkly highlights the extent to which human rights standards are being ignored throughout the Commonwealth. Commitments made by countries by signing and ratifying the various international human rights treaties and conventions, and reiterated time and again by the Commonwealth are being bypassed or downgraded. Specific groups within our communities are especially vulnerable to abuse and are more likely to be living in poverty. Little has been done to change their situation. Violence and exploitation remain a daily threat for many individuals living in Commonwealth countries.

CHOGM 2001 must respond to the alarming statistics contained in this report. Firstly, Commonwealth Heads of Government need to recognise that poverty itself is an abuse of human rights. Secondly, there needs to be a renewal of commitment to the Harare Declaration, strengthened by a plan of action to implement policies which prioritise economic, social and cultural rights. The Commonwealth values the special relationships between its members, but the Commonwealth cannot maintain this goodwill while there are such glaring inequalities between nations and between its peoples. In order to achieve the success and relevance it desires, the Commonwealth must act internationally as an association that gives a strong voice to poor people and embraces civil society and the innovation and experience it brings.



Margaret Reynolds

Chair, International Advisory Commission, CHRI

## ACKNOWLEDGMENTS

This year's report of the International Advisory Commission is the outcome of teamwork and dedication. It utilises contributions from 26 academics, professionals and activists, all of whom are at the cutting edge of their field. We extend our thanks and our sincere appreciation of their work to: Cathi Albertyn, Kitty Arumbulo, Kevin Bales, Richard Bourne, Jill Cottrell, Alison Duxbury, Patrick Earle, Savitri Gooneskere, Jagdish Gundara, Paul Hunt, Chris Jochnick, Peter Larmour, Sandra Liebenberg, Neville Linton, Erin MacCandless, Allan McChesney, Malini Mehra, Amitava Mukherjee, Binaifer Nowrojee, Ann Pettifor, Margaret Reynolds, Lindsay Ross, Siraj Sait, Amanda Shah, Douglas Tilton and Deepika Udagama.

The concept for the report was developed and refined at consultations with NGOs, experts and activists in New Delhi, Geneva and at a Conference organised at Wilton Park, UK, entitled *Human Rights and the Alleviation of Poverty*. This brought together expert participants and contributors from around the Commonwealth, who we thank for contributing to a rich and fruitful discussion. More particularly we would like to thank the resource people: David Batt, Richard Bourne, Winston Cox, Meghnad Desai, Oronto Douglas, Julia Hausemann, Paul Hunt, Roushan Jahan, Graeme Justice, Allan McChesney, Rose Mwebaza, Carol Narciss, Vusi Nhlapo, Michael Odhiambo, Boniface Oye-Adeniran, Angela Penrose, Bertrand Ramcharan, Margaret Reynolds, Emile Short and Siraj Sait.

In fact, this report has been contributed to by so many people in so many different ways that it would be impossible to thank all of those who have made it possible. However, some deserve special mention.

First among them is Yash Ghai - Sir Y. K Pao Professor of Public Law, University of Hong Kong and presently heading the Kenyan Constitutional Review Commission. He has my special thanks and appreciation for his tireless efforts on behalf of CHRI over the last decade and on behalf of human rights in general for much longer than that. This report owes much to his assistance and contributions.

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I would especially like to express my appreciation of the team in New Delhi and London for: soliciting contributions, researching, writing, organising conferences and meetings, and coordinating the advocacy efforts throughout the development of the report and at the CHOGM. The task of coordinating so international an effort across several time zones would not have been possible without the devotion, professionalism and whole-hearted commitment of Michelle Kagari, Amanda Shah, Kerry Emmonds, Hasit Thankey, Claire Martin, Bibhu Mohapatra, and lately Charlemagne Gomez, Venkatesh Nayak, Anuradha K and Deepika Mogilishetty.

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CHRI assumes full responsibility for the opinions expressed in this report.

**Maja Daruwala**  
**Director, CHRI**  
September 2001

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## INTRODUCTION

The Commonwealth Human Rights Initiative (CHRI) is appalled at the scale and depth of poverty in so many parts of the Commonwealth. The suffering of so vast a majority of people is unacceptable. At the threshold of the third millennium, when sections of the Commonwealth enjoy unprecedented wealth, and when the international community knows well that it has the knowledge, means, stated intention, and legal obligation to ensure the eradication of poverty, it only needs the political will to remove it quickly and forever. Yet, it is a matter of shame for the association, member governments, the commercial sector, and civil society actors that it continues to rely on rhetoric when the social and economic conditions of millions in the Commonwealth are in fact worsening in many ways. Such pervasive poverty mocks the pretensions of the Commonwealth to solidarity, social justice and equity.

The human rights of Commonwealth people have all too often been cast aside either by the rapid pace of an elite-driven globalisation or by corrupt governments and bureaucracies, all of which fail to prevent, or even actively promote, the poverty caused by environmental degradation, HIV/AIDS, oppressive social structures and armed conflicts. The Commonwealth and its member states must act to reverse this trend by taking responsibility for the continuing violation of the rights of the poor. This requires both recognising one's own duty and holding other international actors to account for the continued existence of poverty.

Experience shows that policies and practices of development not based on the norms and procedures of human rights are unlikely to remove poverty or ensure a just society, which is the core value of people-centred development. This alone must guide the structure, work and processes of the Commonwealth Secretariat and national governments. This approach has the force of being based on both moral consensus and legal obligation and clearly identifies the relevant duty-holders. It is also a practical means for policy setting, enabling policy-makers to: choose the most appropriate processes; re-orient public structures; adopt democratic methods of implementation; pinpoint fitting targets and beneficiaries; and evaluate impact in terms of people's enhanced dignity. This report urges that the concepts of human development and human rights be made to work vigorously together, creating the necessary synergy between development and human rights.

Much of the framework for this approach to poverty eradication in the Commonwealth is already in place. The Commonwealth does not need to reinvent the wheel. The human rights of Commonwealth citizens are already protected on the basis of international instruments and numerous mechanisms for their enforcement and supervision. Both the official and the unofficial



Commonwealth should act to support, engage with and improve this framework. There has been significant elaboration of the substance of economic, social and cultural rights, but these rights remain less known and less enforced than civil and political rights. The Commonwealth must be a prime advocate for improvements in the existing legal framework for these rights and be at the forefront of developing ways to improve their enforceability. It must ensure that human rights are mainstreamed in the practice of its official organs and member governments, bringing rights to front and centre of all policy-making.

As regularly as it has indicated its concern for poverty, the Commonwealth has everywhere in its statements and declarations committed itself ritualistically to human rights. However, this has not gone much beyond rhetoric. The Commonwealth must now act immediately and comprehensively to hasten the process of achieving prosperity and human dignity. To do this it must unequivocally recognise that the continuation of poverty anywhere in the association is a serious human rights violation and one that demands a genuine rights based approach as the only effective and immediate solution.

To this end, CHRI urges the Heads of Government meeting at Brisbane to completely re-orient the Commonwealth's workings by committing it and its member states to the urgent eradication of poverty. This requires that it implement, in partnership with its people and civil society, a specific, practical, time-bound plan of action within a framework of human rights that addresses both global and domestic systems of economic inequity. It must commit itself to focusing only on such strategic initiatives that will make the Commonwealth, with its member states acting as a bloc in solidarity with each other, the international spokesperson and leader by example in the global fight to eradicate poverty and to enforce human rights. Without this, the Commonwealth is in danger of becoming increasingly irrelevant to large numbers of its citizens.

The Commonwealth has reached a critical point in its development. The High Level Review Group (HLRG), convened prior to the Brisbane CHOGM, focuses on this need for renewal. The role for an association born out of the victory over colonialism should be characterised by a continued struggle against oppression and the practical realisation of the rights of all its citizens. As an association of poor people, the Commonwealth must ensure that its policy is made both through engagement with, and in the interests of, those people. CHRI believes that the stage is set for the Commonwealth to imbue itself with new relevance for the coming century by becoming known as a champion of poverty eradication and a strong and effective advocate for the all round realisation of human rights.

# POVERTY IN THE COMMONWEALTH



It is no exaggeration to say that we live in a poor Commonwealth. A snapshot of the poverty-related violation of rights shows a grim picture. In a Commonwealth of nearly 2000 million people, a third - or nearly 700 million people - live on less than US \$1 a day.<sup>2</sup> For example, over 40% of Lesotho, India, Ghana, Kenya, Nigeria, Zambia, Tanzania, Uganda, The Gambia and Sierra Leone live below either the national poverty line or below an income of US \$1 a day. That makes the Commonwealth home to over half of the people worldwide who struggle to survive with this paltry income.<sup>3</sup> The majority of Commonwealth citizens (64%) - 1279 million people - live on less than US \$2 a day. In Bangladesh the figure is 78%, which means that a hundred million are trapped in poverty, and in India, the Commonwealth's most populous country, 86% or 860 million people suffer from this poverty of resources.<sup>4</sup>

Poverty forces both women and men into precarious economic and social lifestyles that shape their vulnerability to disease. HIV/AIDS, malaria and tuberculosis (the last two being curable diseases) claim millions of lives, as do infant mortality and maternity deaths. About 60% of HIV cases are found in Commonwealth countries and 4 out of the 9 most affected countries are members of the Commonwealth. Zambia lost 1300 teachers from AIDS in 1998, more than two-thirds of the number of that year's trainee teachers.<sup>5</sup> Almost 60%

of the Commonwealth lacks access to essential drugs and adequate sanitation facilities.<sup>6</sup> In Nigeria 90% of the population cannot obtain essential drugs.<sup>7</sup> 270 million people in the Commonwealth lack access to improved water supplies<sup>8</sup> and perhaps even more people are at risk from arsenic poisoning from drinking water sources than from HIV/AIDS.<sup>9</sup>

There is evidence to indicate that poverty is deepening. In 1997, Botswana, Kenya, Sierra Leone, Vanuatu, Cameroon, Zimbabwe and Zambia had all registered a decadal decline in their Human Development Index - a construct based on income, life expectancy and literacy. One in every two Kenyans now lives below the poverty line on an income of 33 Shillings - less than half a dollar per day - which represents a massive deterioration since the 1980s.<sup>10</sup>

In fact there is an alarming disparity emerging. The share of the world's poorest 20% in global income is only 1.11%, down from 2.3% in 1960. Today, the richest 20% earn 78 times more than the poorest 20%. In 1960 the disparity was only 30 times as much. Even in wealthy Commonwealth countries, there are enclaves of deepening poverty - frequently the result of discrimination against minorities.

Although developed Commonwealth countries are among states with the best records, even within them there are internal disparities. In the UK and Australia, over 13% of the population live below the poverty line.<sup>11</sup> In Canada, the proportion of the population living in poverty is 17.6%<sup>12</sup> and 64% of the national income is in the hands of the richest 30% of the population.<sup>13</sup>

The severity of poverty is highlighted when we focus on the particularly vulnerable sections of society.

## **Women**

Women and children share a disproportionate burden of poverty in the Commonwealth. Women account for 70% of the world's poor.<sup>14</sup> Two-thirds of illiterate people are women. Life expectancy in Africa and Asia is shorter for women than men, contrary to normal expectations elsewhere. 70% of children out of school are girls; malnutrition and mortality rates are much higher among girls than boys. Women have fewer opportunities to develop their skills. Their activities as care-givers and home-makers go unpaid and unrecognised as contributions to national wealth. Outside the home, women usually get less pay for equal work; find themselves mainly restricted to the lower rungs; work long hours in substandard or appalling conditions; and often lack membership in unions, enjoying little legal protection. Discriminatory personal laws and customary regimes add further obstacles to women's ability to pull out of poverty. Amongst other things, many Commonwealth countries continue to retain systems that create disabilities such as those that prevent equal shares in inheritance and prevent women from securing credit. In Cameroon, employers seek a husband's

consent before hiring a woman because he has the right to end his wife's commercial activity or refuse her permission to work in a separate profession on grounds of family interest.<sup>15</sup> Widespread violence against women continues in too many countries but not enough to attract serious public policy attention. Its consequences for women as active political and social beings are myriad and well documented. But for one example, with less control over their bodies, women are particularly vulnerable to HIV or are forced by poverty into situations where risks of HIV/AIDS are high.

### Only When Intolerable

With a woman raped every hour and one of the highest growth rates of HIV/AIDS in the world, Namibia has passed one of the most progressive and comprehensive laws on rape. But not without a battle. Objecting to the idea of marital rape, the South West African People's Organisation's (SWAPO) Secretary General argued that "the victim should only report it to the police when the abuse becomes intolerable."

Under the new *Combating of Rape Act* any person who intentionally under "coercive circumstances" commits a sexual act with another person or causes someone to commit such an act, that person will be guilty of rape. In this broadened definition of rape is included, "coercive circumstances", such as physical force, threats, any physical disability or helplessness in the victim and mental incapacity due to intoxicants. If the perpetrator is more than 3 years older and the victim is under 14, "coercive circumstances" are presumed and attract higher penalties. Penalties go up with successive offences. Severity will depend on: the age of the victim; if the rapist is in a position of guardianship, authority or trust; if there is gang rape; or if the rapist knows he has a serious sexually transmitted disease. Only minority or "substantial and compelling circumstances" will allow for a shorter sentence. Uniquely, marriage or any other relationship is no defence. Boys under 14 years are now legally considered capable of rape and the victim-friendly Act allows evidence of mental trauma and the right to intervene in bail hearings. It removes the caveat against treating allegations with caution; does not allow into evidence the complainant's sexual reputation; and limits public and media access to trials.<sup>16</sup>

### Indigenous Peoples

Of the approximately 250 million indigenous peoples around the world, at least a 100 million live in Commonwealth countries. In 1984 a UN study documented modern discrimination against indigenous peoples and their precarious situation. It concluded that the continuous discrimination against indigenous peoples threatened their very existence.<sup>17</sup>

Wherever they live, from the Aborigines in Australia, to the Amerindians in Belize, from the Jummas in Bangladesh to the Innu in Canada, from the Adivasis in India to the Orang Asli in Malaysia, and from the Bushmen in Southern Africa to the Ik in Uganda, indigenous peoples encounter discrimination, intolerance and prejudice. They must struggle for both their survival and their identity.

Indigenous people's lives are often characterised by poverty, poor health and education, inadequate housing, unemployment and heavy dependence on state institutions for many aspects of their livelihood. In Australia, infant mortality

amongst indigenous people is 2 to 4 times higher and adult death rates are 3 to 4 times higher than other people. In many countries, these people often occupy the most menial posts, facing little prospect of promotion or a more respectable and higher paid job. Despite the *Bonded Labour Abolition Act, 1976*, Adivasis/tribals in India still form a substantial percentage of bonded labour. In Australia, for example, the unemployment rate among Aborigines is approximately 23% compared with the national average of 7%.<sup>18</sup>

India has the largest tribal population in the world (over 70 million). It does not recognise the notion of indigenous people as it applies to tribal groups within the country. However, the Constitution recognises their historical disadvantage and provides for special laws that aim to protect their land, culture and language and assure political representation. In addition, there are overseeing mechanisms to watch over rights and their implementation; development schemes; financial allocations; affirmative action policies in education and employment and experiments in reviving their language and protecting their culture. Despite all this, tribal groups remain the most backward section of society. Implementation has fallen grievously by the wayside. The legal and constitutional frame is defeated by a co-opted leadership, weak political will, poor execution coupled with ignorance, poverty and lack of organisation as an interest group. Everywhere, government welfare services are woefully inadequate, if not downright neglectful.

Education differentials indicate fewer opportunities for indigenous people. In India, for example, at 1991 figures, only 23.03% of tribals/Adivasis were literate as opposed to the national average of 52.21%. The figure for Adivasi women is much lower at 14.5%, which is near one-third the national average for women (39.29%). Most national educational programmes and curricula pose an increasing danger to the cultural identity of indigenous people, since they do not take into account their special needs. In Botswana, the Basarwa/Bushmen children are rarely taught in their own languages. In Canada, in the education of Innu children, the interpretation of history in the mainstream differs significantly from their own. Standard school textbooks seldom show sensitivity or knowledge about the cultural practices of indigenous peoples. Added to this is the dearth of teachers who know the language and cultural history of these people.

In contemporary times, globalisation - the moving frontier of the market in search for forests, minerals and other natural resources - poses further threats. The environment in which indigenous people and tribal groups live has been

### Less at Risk

**In a climate of despondency risk behaviour flourishes. Whilst overall rates for sexually transmitted infections have declined amongst gay men and female sex workers in Australia, they are substantially higher in indigenous populations, “by a factor of 10 to 100”. Despite this, the Commonwealth Government in Australia spends significantly less per head on the health of each Aboriginal person than on the health of each non-Aboriginal person. In 1998 approximately 63 cents per head were spent on health services to Aboriginal and Torres Strait Islander people, for each dollar spent per head on the health of other Australians and “only a portion of the 63 cents is spent on culturally acceptable and effective services to Aboriginal people.”<sup>19</sup>**

degraded and disturbed due to deforestation, mineral exploitation, construction of dams, weapons testing ranges and more. Although they often live in resource-rich areas, indigenous people gain little from the exploitation of these resources - the profits being shared by national elites and trans national corporations (TNCs). Many states and their elites, particularly in Southeast Asia, are dependent upon keeping peripheral communities marginalised in order to exploit their resources.<sup>20</sup> In India, out of the 25 million people displaced due to development projects since 1947, about 10 million are tribals. Their rehabilitation and resettlement has become a deeply divisive and disputed issue. Though the majority of dams built in India are located in Adivasi/tribal areas, only a small part of Adivasi landholdings are irrigated as compared to the national average.

Tribal groups pay a disproportionate amount of the cost of 'progress'. A key cost has been the erosion of their ownership, entitlements and usage of land and other common property resources. A strong relationship with their land is a characteristic shared by all indigenous peoples. For example, the proposed resettlement of the Jarawa of India's Andaman Islands, who number no more than 400 people, may signal an early end for this tribe.

### Progress - A Sampler

- **Guyanese Amerindians have been struggling hard to stop the construction of a road through the centre of their traditional lands.**
- **The Bagyeli in the Cameroon are fiercely opposing the construction of an oil pipeline that will cut through their ancestral lands.**
- **The Ogiek are challenging the Kenyan government over the theft and destruction of their forest homelands.**
- **The Mayan people are struggling to preserve their land rights and to protect the rainforest from the depredations of logging companies in Belize.**
- **The Basarwa/Bushmen and Bakgalagadi peoples in Botswana have been evicted from the Central Kalahari Game Reserve to make way for conservation, tourism and diamond mining, and now face discrimination, harassment and torture as they struggle for their right to remain on their ancestral land.**
- **The Wanniyala-Aetto (Veddah) in Sri Lanka who were evicted from their traditional habitat to make way for the Madura Oya National Park, are systematically losing their cultural identity.**
- **The Mirrar people in the Northern Territory of Australia are actively opposing mining for uranium in Jabiluka, in the Kakadu National Park.**

## Children

Children's vulnerability to rights abuse is extreme given the nature and extent of their needs. About 130 million children worldwide lack access to primary school and around half of those live in Commonwealth countries.<sup>21</sup> Children form a significant part of the labour force in the Commonwealth countries of South Asia where the challenges for primary education, along with sub-Saharan Africa, are also the greatest. Children are often the victims of exploitation and deprivation due to general social and moral negligence. Cameroon, where forced child labour and slaves are a grim reality, has been cited as a major transit point for trafficking as many as 200,000 children. Children are regularly trafficked for labour and into the sex trade in Bangladesh, India, Mozambique, Namibia, Pakistan, South Africa, Sri Lanka, Nigeria and Zambia. Young girls are particularly at risk. An estimated 60% of those trafficked into the sex trade in South Asia are minor girls. About 600,000 Bangladeshi women and children have been trafficked into India, Pakistan and the United Arab Emirates. In Sri Lanka, nearly one million or 21% of all children aged between 5 and 17 are active in the labour force; the International Labour Organisation (ILO) estimates that 80 million working children (32% of the world's total) are in Africa, many of them between 10 to 14 years of age. In Cameroon, 600,000 children work in informal urban activities as well as in agriculture and domestic service, 60% of whom have dropped out of primary school. Trafficking - whether of women or children - has all the hallmarks of slavery as has the thriving system of bonded labour to which many children and adults are mortgaged. This is a particular scourge of Commonwealth countries in Asia and Africa. It is estimated that out of 27 million victims of bonded labour, 15 to 20 million are in India, Pakistan and Nepal.

Slavery - the ultimate denial of human rights - is on the increase. The forces which promote and sustain slavery are so strong that few states or international agencies can counteract them. India and Pakistan have excellent laws against debt bondage. Despite the hundreds of cases brought to light by NGOs in Pakistan, there has not been a single conviction. In India, commitment by the national government is foiled by lack of enforcement at the state level, with slaveholders being regularly tipped off when a police raid is imminent, while rehabilitation grants to those freed from bondage are seldom given or given speedily, so that they continue to remain extremely vulnerable to re-enslavement. Women marry into debt bondage and the debt itself might be carried into a second and third generation, growing under fraudulent accounting by the slaveholder, who may also seize and sell the children of the bonded labourer against the debt.

## Playing with Matches

Sivakasi in Tamil Nadu, India, has perhaps one of the most filmed, written about and researched concentrations of child labour in the world. Despite the dangerous work, exploitation and everybody knowing about it, the lucrative match making and fireworks trade thrives on the backs of some 45,000 children who are bonded to work in repayment of earlier debts and advances given by agents and factory owners to their parents.

Each day children aged between three and a half and fifteen are picked up by factory buses from the surrounding countryside as early as 3 a.m. A study by UNICEF, surveying 33 buses, found 150 to 200 children jammed into a single bus. For the next 12 hours the children work in dark and dingy factories and only get back to their villages after 7 p.m. In the run up to the big Diwali (festival of lights) holiday, the factories go over to extended hours and work seven days a week. The children roll and pack huge quantities of fireworks. The gunpowder mixture is corrosive and over time eats away the skin on a child's fingers. Blisters form and the child can not work as the chemicals burn quickly into the exposed flesh. Blisters heal in five or six days, but staying off work for that long means being fired. So, normally, a hot coal or cigarette-end is applied to the blister, bursting it and cauterising the wound. In time the children's fingertips become a mass of scar tissue. The powdered potassium chlorate, phosphorous and zinc oxides also fill their lungs and lead to breathing problems and blood poisoning. The children work until they are too ill and then get dumped when a new child is ready to work against the debt.

## Fun At The Races<sup>22</sup>

Pakistan, India and Bangladesh, all provide children for rich Gulf States, for entertainment as jockeys for camel racing. Most frequently, relevant labour laws are not enforced, as those who own racing camels and use the children come from powerful local families that are in effect above the law.<sup>23</sup> Police investigate, but despite clear evidence few charges are ever filed.

Small children are smuggled in by organised groups. Children as young as five or six are specially preferred because they are light. Tiny boys are sometimes kidnapped, but often sold by parents or relatives, or taken on false pretences of being given a better home or domestic work. Separated from families, in a country where the people, culture and language are completely unknown, most children are in no position to report incidents of torture and abuse. A few rescued children provide a cruel picture. To make them as light as possible, children are underfed and are subjected to crash diets before a race. They report that regular beatings and serious injuries are not uncommon during races. Terrified children are tied to the backs of camels and their screams add to audience excitement. In August 1999, a four-year-old camel jockey from Bangladesh was found abandoned and close to death in the UAE desert. In May 2000, an employer burnt the legs of his four-year-old Bangladeshi camel jockey for under-performing in a race. The United Nations Special Rapporteur on the sale of children, child prostitution and child pornography notes, that little was being done to stop the use of underage children as camel jockeys which indicates that “the rules are being blatantly ignored.”

The use of children, especially for things like camel racing, is prohibited by the United Nations Convention on the Rights of the Child (CRC) and by the ILO Convention on the Worst Forms of Child Labour. This Convention, requires immediate and effective action to prohibit and eliminate child slavery, debt bondage, prostitution, pornography, forced recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities, and all other work harmful or hazardous to the health, safety or morals of girls and boys under 18 years of age.

Even if ILO member states have not yet ratified Convention No.182, they must, without being bound by each and every one of its provisions, still gear their policies towards the effective abolition of child labour. Till August 2001, India and Pakistan had not ratified the Convention on the Worst Forms of Child Labour.<sup>24</sup>

Child soldiers are becoming an increasing phenomenon wherever there is prolonged armed conflict. Children are cheap, expendable and easier to condition into unthinking obedience and “can become efficient killers”. Both girls and boys are recruited. Girls often end up as camp followers and sex slaves. Sometimes they are also forced to go to battle, “with babies strapped to their backs.”<sup>25</sup>

Conscripted, frequently abducted, by governments and rebels alike, the *Coalition to Stop the Use of Child Soldiers* concludes that about 300,000 children, some as young as seven, are actively fighting in 41 countries, while about 500,000 are recruited into paramilitary organisations, guerrilla groups and civil militias. Child soldiers are common in Uganda, Sri Lanka (frequently used as suicide bombers), Sierra Leone, Mozambique and even the UK. The Coalition has particularly sharp words for the UK as the “only European country to send minors routinely into battle” and which has “persistently objected to raising the international minimum age for voluntary recruitment and participation in hostilities to 18.” There are about 7,000 under-18s in the British armed forces, while paramilitary groups in Northern Ireland are also believed to be recruiting teenagers.



## ILO C138 Minimum Age Convention, 1973<sup>26</sup>

Country	Ratification Date	Status
Antigua and Barbuda	17:03:1983	Ratified
Barbados	04:01:2000	Ratified
Belize	06:03:2000	Ratified
Botswana	05:06:1997	Ratified
Cyprus	02:10:1997	Ratified
Dominica	27:09:1983	Ratified
Gambia	04:09:2000	Ratified
Guyana	15:04:1998	Ratified
Kenya	09:04:1979	Ratified
Malawi	19:11:1999	Ratified
Malaysia	09:09:1997	Ratified
Malta	09:06:1988	Ratified
Mauritius	30:07:1990	Ratified
Namibia	15:11:2000	Ratified
Papua New Guinea	02:06:2000	Ratified
Seychelles	07:03:2000	Ratified
South Africa	30:03:2000	Ratified
Sri Lanka	11:02:2000	Ratified
Tanzania, United Republic of	16:12:1998	Ratified
United Kingdom	07:06:2000	Ratified
Zambia	09:02:1976	Ratified
Zimbabwe	06:06:2000	Ratified

### Workers

Workers in general are of course better off than their counterparts in the past. However, it is a particular irony that after centuries of struggle for rights, in a globalised world, work is increasingly characterised by greater disparity of income, insecurity of tenure, reduced protection in terms of safety and working hours and the dependence of economic systems on sweated labour, migrants, child labour and forced labour, all of which remain stubbornly alive. Even in wealthy countries, and 'hi-tech' industries, employment relations have changed to the detriment of workers in many ways. Contracts are short term, giving rise to alternating periods of employment and joblessness, uncertainty and insecurity, and thus to a work force reluctant to insist on rights. Modern employment structures positively discourage organisation, while the poorest and most

## Damned If You Do and Damned If You Don't

About 88,238 workers - the large majority women - are engaged in over 253 factories in the EPZs in Dhaka and Chittagong. The Bangladesh Export Promotion Zone Authority (BEZPA) oversees their rights. Though subject to the general law and exempt from some, in the absence of any effective monitoring authority trusted by employees, the impression is that the EPZs enjoy blanket exemption from all labour laws. EPZ employers are virtually exempted from providing basic conditions of employment. Management unilaterally decides the classification of workers, working hours, leave time, payment of wages and maternity benefits. Labour unions are not allowed to form or operate.

As early as 1991, AFL-CIO, the largest trade union federation in the USA, petitioned to revoke Bangladesh's general system of preferences (GSP-tariff concessions) for alleged infringement of labour rights, including the denial of freedom of association. The US government continued Bangladesh's privileges, following the government's assurances to allow freedom of association in the EPZs. In June 1999, AFL-CIO again filed for revocation on grounds of Bangladesh's failure to act in accordance with the assurance. Since then, Bangladesh has lived under repeated threats of withdrawal of GSP privileges. On the other hand, the Japanese Ambassador has made it clear that "Japan does not want trade unions in the EPZs at this moment" and expressed satisfaction at the "congenial atmosphere" there. Other investors insist that permitting trade unions would be a breach of contract by the Bangladesh government, which had promised a peaceful atmosphere in these Zones. Caught between the devil and the deep blue sea, the government has to walk a thin line between giving assurances that it will take some measures to protect the interest of the workers and the investors equally, while qualifying this by stating categorically that: "The prime objective of the government is to increase employment opportunities through increased investment". Meanwhile workers continue to be employed at rates unrevised since October 1993. These range from US \$22 to a maximum of US \$63 per month, amounting in many cases to less than the US \$1 per day - the international benchmark used to identify those below the poverty line.<sup>27</sup>

vulnerable workers in the informal sector have additional obstacles to organising. Women are more likely than men to be in the informal sector.

Unionisation as a means of protecting labour rights was always low in the poorer Commonwealth countries with only 9% of the entire workforce in India and 14% of the formal sector in Malawi and Lesotho. But in recent times the rate of unionisation has been decreasing everywhere. In any case the largest number of workers remain outside a union in the unorganised or informal sector and have little protection under labour laws.

The future does not augur well for the Commonwealth workforce. It will have to trim its expectations and its pockets. More people than jobs will ensure that rights will be foregone and entire populations will become more vulnerable to exploitation. Already there are 110 million unemployed workers in developing countries. ILO statistics indicate that "in addition, 500 million workers are unable to earn enough to keep their families above the US \$1 per day poverty line. These are almost entirely in the developing world. And of the workers who are not among the poor, many lack basic job and income security. There is reason to believe that the numbers in this group are growing in many parts of the world." Over the next 10 years two-thirds of all new job seekers will be in Asia, but "fewer than projected will be in Africa because the HIV/AIDS epidemic is having a disastrous impact on the economy and the labour market." Everywhere unemployment rates among young workers are almost twice as high as the average, this in turn will impact on social stability.

The increasingly desperate situation of poor countries like Bangladesh, Lesotho and others forces concessions on rights. This is especially so in Export Promotion Zones (EPZs) which globally employ 27 million people - 90% of them women. Governments in effect withdraw the implementation of protective measures in these territories in order to attract foreign investors. While workers in such zones are therefore by definition not

in the poorest of the poor category, they are indicators of a general level of poverty within the country.

Migrant workers are sometimes 'illegal' and sometimes officially recognised or even encouraged. Recruited mostly to perform unskilled, low paid and unpopular tasks, their very existence reflects the poverty at home and forces them into accepting wages that look high from the 'home' perspective, but are in fact very low. Their immigration status, even if they are 'legal', may be tied to particular jobs, and their bargaining power thus weak, may well be worsened due to their unfamiliarity with the system and perhaps the local language.

The ILO has a system for measuring compliance with the conventions among ratifying states. A study showed that of the 37 states with the worst records in terms of compliance and responsiveness to complaint, the following were Commonwealth members (in ascending order of 'offending'): Ghana, Pakistan, Bangladesh, Sierra Leone, United Kingdom, Malaysia, Jamaica/Singapore/Tanzania (countries separated by slashes being at the same level), Pakistan and Tanzania being among the most 'recidivist'.<sup>28</sup>

Much emphasis has been placed in discussions on global trade and development on the inclusion of a 'social clause' in international agreements. Such a clause seeks to safeguard minimum standards for labour within international trade agreements. However, its inclusion into trade negotiations and linkages to investment has been resisted and is strongly opposed by many developing Commonwealth countries, amongst them Malaysia. Some oppose it because of its potential for becoming an additional conditionality to trade bargains; others because supporting it legitimises the whole globalisation-development paradigm epitomised by the WTO. While still others argue that even if intended to mitigate the impact of globalisation, social clauses would be very difficult to enforce. It could be argued that many Commonwealth countries are already committed by virtue of their ratification of ILO Conventions to courses of action which are best suited to mitigating the plight of the employed poor.

However, in their desperation to become competitive in a buyer's market, many Commonwealth countries are constricting workers' right to associate, for example Swaziland and Cameroon. The Commonwealth has pinned its colours to the mast of democracy; democracy demands the right to associate be safeguarded and not eroded as is happening in many of its member states. The Commonwealth needs to monitor the protection of workers' rights and insist that workers' equity is not hostage to economic compulsions and must come to the aid of workers in both the formal and informal sector.

## The Elderly

Commonwealth societies in the coming years of the new millennium will have to consider another vulnerable segment of society - the elderly; and will have to make provision for their well being and rights. At present, already 60% of above 60 year olds live in developing societies. By the third decade of the century this figure will go up to 70%. Some developing countries which have placed particular stress on health care will by the third decade of the twenty-first century have a higher proportion of over-65s than some developed countries have at present. The majority of the elderly are women.<sup>29</sup>

Medicine and improved public health may have prolonged life but they have not guaranteed a life of general good health or nutrition. Of course developed societies, with better health care, nutrition levels, and social safety nets, have been able to look after the elderly. They are also able to plan for their aging populations and evolve economic responses that are better able to protect rights in the future. Even here though, pensions are being cut back. Developing societies do not have the economic strength nor are they so free from immediate urgent concerns to plan for ageing populations, especially as they are assumed to be economically unproductive. Care of the elderly is left for the most part in the private domain of the community and family relationships. Under pressure of the changing environment, community and family support networks have been breaking down. Like some sort of ethnic minority in the heart of society, the elderly are sidelined socially, politically and economically; they are stereotyped, often undervalued, and overlooked; and increasingly, significant problems of physical and mental abuse of the elderly are coming to light. Yet 'grandparent bashing' has received far less attention than wife-bashing or child abuse. The poor enter old age on very small or non-existent incomes, weakened by a lifetime of recurrent disease, sub-optimal nutrition and poor living conditions and, in the case of women, repeated childbirth, and they may in fact be the victims of malnutrition to a greater extent than even children are - India and Tanzania being two Commonwealth countries where this is shown to be the case.<sup>30</sup>

Yet the elderly contribute to family well-being and the economy. Where both parents work to cope with family expenses and are unable to afford carers, grandparents are being called upon to look after children. The most acute examples of this contribution come from the HIV-devastated societies of sub-Saharan Africa, where grandparents are struggling to compensate for the absence, in many families, of a whole generation of parents. Grandparents - overwhelmingly grandmothers - find that they must farm for, feed, clothe and if possible, educate their grandchildren. This large and growing segment of the world's population still receives very little attention in indices of human development and other research. The future management of poverty in

societies which are likely to have a significant portion of ageing folk, requires more deliberate efforts to take into account their situation.

## The Nature Of Poverty

*“Poverty is like heat: you cannot see it, you can only feel it; so to know poverty you have to go through it.”<sup>31</sup>*

Statistics about poverty only indicate the mass quantity of deprived people, not their life condition. While horrific, they cannot express the individual misery of a life lived in want and fear.

An examination of the nature of poverty draws forth the ways in which poverty negates the realisation or enjoyment of human rights. There is no real possibility of enjoying rights, whether civil, political, social, economic or cultural, without resources such as food security, education, physical safety, health, employment, property, access to justice, and due process - all of which poverty negates.

The concept of human rights, with human dignity as its corner stone, alerts us to the multiple dimensions of the human person that are negated through poverty. Poverty is about physical and economic insecurity, fear of the future and a constant sense of vulnerability. It is the lack of qualities that facilitate a good life, defined in terms of access to the conditions that support a reasonable physical existence and enable individuals and communities to realise their spiritual and cultural potential. It is about lost opportunities - for reflection, artistic creativity, development of and discourse on morality, and contribution to and participation in the political, social and economic life of the community. This dimension is best captured in Amartya Sen's concept of human 'capabilities', which he defines as opportunities to achieve valuable 'functionings' or 'states of being',<sup>32</sup> that represent different facets of well being; physical - such as being fed and housed - but also more complex social achievements such as taking part in the life of the community and being able to appear in public without shame.

Poverty robs self-confidence as much as capability and clings to nations, communities and families from generation to generation, forcing them to remain at subsistence level while others outdistance them in all ways. The massive dependence that arises from poverty generates habits of subservience and docility, reinforcing the hierarchy in social and economic relations. Homelessness, ill-health and lack of education suppresses the development of people's potential, prevents them benefitting from a fair share of development and leads to the waste of desperately needed human resources.

Poverty makes a mockery of the concept of the 'autonomous individual' that lies at the heart of the dominant conception of human rights. Long-

established norms of family life are not possible when one is poor. Children often get sold into bondage and young daughters and sons get forced into migration to distant places, often in dangerous circumstances, in order to send meagre savings back home. Men strained to the limit with the effort of supporting families draw away or simply abandon their responsibilities and go in search of slim opportunities elsewhere, burdening wife and family with additional responsibilities to sustain the family. Unable to bear the burden of continuous starvation, unemployment, debt or illness, families in many poor countries of South Asia are all too often documented in the media as having taken the terrible route of murdering their kith and kin and then killing themselves to end the suffering. In this and other ways, poverty subverts decent and fulfilling family life - this at the same time as the Universal Declaration of Human Rights calls the family the natural and fundamental group unit of society, which is entitled to protection by society and the state.<sup>33</sup>

Yet poverty is not solely the problem of the poor. Poverty affects the rich. It divides societies into groups with opposing interests and thus negates another important objective of human rights - that of human and social solidarity. In the modern age where the images of the life of the wealthy daily assault everyone, poverty poses a major threat to social consensus and political stability. It erodes the moral fibre of rich and poor alike. The consequences of pervasive poverty cannot be restricted to the confines of the state, and cannot be dealt with merely by increasingly stringent bans on immigrants and refugees. While the answer often provided by governments is ever more suppression and calls for enclosing poverty in ghettos, they pay little attention to the fact that widespread poverty leads to the proliferation of diseases and other social ills that can scarcely be contained within the confines of slums and must eventually affect all. The middle class obsession for more and more security conveys its deep-seated fear of tremendous social upheaval, where all the trappings of the affluent society could be swept away by the growing tide of the poor and the deprived. Democratic societies must conjure into being some remedies, which can stem the tide. But the scale, depth and spread of poverty ring a warning bell.