

Universidad Internacional de las Américas
School of Education and Foreign Languages

Graduation Seminar



Thesis Submitted to Obtain the Licenciante in English with Concentration in
Translation

*Analysis and Evaluation of the Translation Procedures Found in the
Documents “Extreme Poverty as a Human Rights Violation” from English to
Spanish a Thesis by César Manso-Sayao Atmetlla; and “Gestión para la
Transformación Social” from Spanish to English for Parque La Libertad*

Thesis Mentor: M.Sc. Dinier Amador Serrano

Thesis Reader: M.Sc. Catalina Guerrero Troyo

Student: Silvia Navarro Morúa

San José, Costa Rica

Abril, 2017

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CHAPTER I

INTRODUCTORY FRAMEWORK

This chapter provides the necessary background for the research. It includes a timeline of the general history of the translation process and its importance for human communication. It also outlines the purpose of the research, along with the limitations that might be encountered during its development.

1.1 Background of the Study

Language is one of the most important parts of human communication. Since human societies come from different cultures and backgrounds, and do not necessarily share the same language, it has always been necessary to have some method to be able to understand each other. It is because of this fact that translation becomes an important part in the human communication process. As said by Italo Calvino, “Without translation, I would be limited to the borders of my own country. The translator is my most important ally. He introduces me to the world” (New York Times, 1983).

The English word "translation" derives from the Latin *translatio* which means "to carry across" or "to bring across". According to Merriam-Webster (2017), the process of translation can be defined as “a rendering of one language to another.” In the simplest terms, translation is defined as the process of transferring what is said in one language, known as the source language (SL), to another, known as the target language (TL). The process can appear to be a straightforward and easy task, but it is important to point out that it does not only transfer the message itself. The process must also transfer to the target language the meaning and intention of the original text to generate a faithful and accurate rendering of the message that, at the same time, creates a translation that is natural to the target language and can be easily understood by the audience for which it is intended.

Benabdelali (2006) mentions that “The task and quality of the translator depends on his ability to overcome the difficulties presented by language diversity and cultural heterogeneity, producing a copy of the original ...by erasing his name to allow the original author to speak another language, without losing his identity” (p.11).

The actual birth of translation remains a mystery to this date. Nevertheless, there are many theories, stories, and beliefs about how it began. The first mention of translation in the western world is a story in the Bible known as the Tower of Babel and it is a part of the book of Genesis. The story is about how the descendants of Noah decided to establish themselves on land after the great flood. Nevertheless, instead of setting up a society to please God, they decided to challenge Him and began to build a tower with the purpose of reaching Heaven. When God realized their plan, he created languages to prevent them from understanding each other and he scattered these languages throughout the earth. This hindered their process since communication became impossible. After this incident, the number of languages increased and people started to look for ways to communicate in order to understand each other. This is believed to be the birth of translation.

Translation, then, is an activity with a long history. There are mentions of the process that can be traced as far back as the Egyptians and Romans. One of the first written evidence of the process was discovered in the Egyptian culture and it was known as the Rosetta Stone. On this stone, a single text was engraved in three scripts: the upper text is Ancient Egyptian hieroglyphs, the middle portion is Demotic script, and the lowest is Ancient Greek. The importance of the stone lies in the fact that, as it presents the same text in all three scripts with some minor differences among them, it provided modern understanding of Egyptian hieroglyphs.

On the other hand, the Roman culture was known as the first culture to practice the process of translation with a system known as enrichment through translation. It was the first to distinguish between word-for-word translation and sense-for-sense translation, a very important fact that would influence significantly the future of the translation process and has been studied thoroughly by many researchers and translators. Since the Romans were famous for adding or eliminating words, this led to the creation of target texts that sometimes were very different from the source texts. Nevertheless, because Romans were bi o even trilingual, this process was considered an accepted practice as they knew that the target text could be an interpretation done by the translator and they could reference the original text in the source language if needed. In this period, the writings of Cicero and Horace would have a significant influence in all related work in the field up until the twentieth century. On this topic, Bassnet-McGuire (1988) states that: “The art of the translator, for Horace and Cicero, then, consisted in judicious interpretation of the SL text so as to produce a TL version based on the principle *non verbum de verbo, sed sensum exprimere de sensu* (of expressing not word for word, but sense for sense), and his responsibility was to the TL readers” (p.52).

The next important period that would have enormous influence in the field would be the fifteenth century and the bible translation process. Christian faith was becoming a growing phenomenon and translators from the period had the important role of spreading and teaching the word of God throughout the world. During this period, the Church wanted to ensure that the correct meaning of the Bible was transmitted, so the translation of the Bible remained subject of much debate for over a thousand years.

Eugene Nida (1959) places the beginning of translation with the production of the *Septuagint* which seems to have been the first translation of the Hebrew Old Testament into

Greek. It was carried out by seventy-two translators, and it provided the basic categories of the history of this practice (p.12).

Another important figure during that time was St Jerome. He is known as the patron saint of translation. According to Nida (1959), his approach was “one of the most systematic and disciplined of any of the ancient translators” (p.13). His translations used Roman procedures and created enormous controversy to the point of even being called heretical interpretations in many cases. Munday (2001) states that “Jerome disparaged the word-for-word approach because, by following so closely the form of the ST, it produced an absurd translation, cloaking the sense of the original” (p.20). St Jerome’s translations made it evident that there was a thin line between interpretation and meaning.

The conflicts on bible translation intensified during the sixteenth century. During this period, an important figure was Martin Luther. Famous for his translation of the New and Old Testaments, he shared St. Jerome’s thoughts on word for word translation and strived to bring meaning to his translated texts. This led to the burning and banning of texts, with claims of heresy because they were so far from the original version.

It was then that translation took on a political role and its purpose was to make the Bible accessible to everyone. According to Bassnet-McGuire (1980) during the period "Translation came to be used as a weapon in both dogmatic and political conflicts as nation states began to emerge and the centralization of the Church started to weaken with the decline of Latin as a universal language” (p.53). This affected the priorities that were imposed on translators and the perspective of translation was altered from one of interpretation to become one of faithfulness to the text as much as possible. This meant making the target text as simple as possible for the reader to understand, without straying from the original source meaning.

During this period, Dolet published the first theory of translation. On this topic, Nida (1959) adapts Dolet's principals in his chapter on the history of translation:

“He summarized the fundamental principles of translation under five headings:

1. The translator must understand perfectly the content and intention of the author whom he is translating.
2. The translator should have a perfect knowledge of the language from which he is translating and an equally excellent knowledge of the language into which he is translating.
3. The translator should avoid the tendency to translate word for word, for to do so is to destroy the meaning of the original and to ruin the beauty of the expression.
4. The translator should employ the forms of speech in common usage.
5. Through his choice and order of words, the translator should produce an overall effect with appropriate tone” (p. 15-16).

This is a big step in the translation process because it mentions for the first time the importance of knowing both languages that the translator is working with, as well as avoiding literalism and emphasizing the importance of using colloquial language in translations that are aimed at a general audience.

The seventeenth century was marked by influential theorists like Sir John Denhom, Abraham Cowley, John Dryden and Alexander Pope. All of them set new standards and processes in the field that would influence and have enormous impact on all future translation works, to the point that many of their theories and procedures are used in current times. Dryden, for example, was famous for his distinction between three types of translation: metaphrase (literal or word for word translation), paraphrase (faithful or sense to sense translation) and imitation (adaptation or free translation). This was an important

distinction that differentiated the purposes or method used by the translators (Bassnet-McGuire, 1980, p. 65-68).

The translation perspective was shifted once again during the eighteenth century. During this period, the translator became an artist with a moral duty to both the work of the original author and the target audience. Numerous re-writings of previous texts were done to make them more fitting to contemporary times during this period. Bassnet-McGuire (1980) states “The right of the individual to be addressed in his own terms, on his own ground, is an important element in eighteenth-century translation and is linked to changing concepts of ‘originality’” (p. 67).

With the enhancement of new theories on the translation process over the years, the study of translation started to be more systematic. This would be of great importance because it would mark a standard for future translators, insisting on the close reading of the original text to be able to translate it in a way to keep its original form alive, while adapting it to current times and audiences. By the end of the century, Alexander Fraser Tytler’s *Essay of Principles of Translation*, written in 1791, became one of the most influential studies published. His belief was that the translator should be careful when using paraphrasing since it might lead to the creation of very loose translations. This meant that, although the translator’s job was to make the text clear and understandable to its current readers, he could not lose focus of the original meaning that the writer was trying to portray. In to Tytler’s words, the translator “uses not the same colors with the original, but is required to give his picture the same force and effect” (p.113).

Tytler’s principles are modern for the time, since he admitted additions if they were fully legitimate and have “connection with the original thought and actually increase its

force” and omissions if they were redundant and “shall not impair or weaken the original thought” (p.22).

Nida (1959) summarizes Tytler’s principles as follows:

1. The translations should give a complete transcript of the idea of the original work.
2. The style and manner of the writing should be of the same character of that of the original.
3. The translation should have all the ease of the original composition (p.19).

Then came nineteenth century, which was characterized by two conflicting tendencies. The first considered translation as a category of thought and saw the translator as a creative genius, who enriched the literature and language into which he was translating. The source language text was perceived as the rough clay from which the target language product was molded. The second saw him through the mechanical function of making a text or an author known. The translator must focus on the source language text primarily and must serve that text with complete commitment. The target language reader must be brought to the source language text through the translation (Bassnet-McGuire, 1980, p. 71).

In the second half of the twentieth century was another important landmark. Studies on translation became an important part of language teaching and learning at schools and this led to the creation of a variety of *methods* and *models of translation*. The period was also characterized by pragmatic and systematic approach to the study of translation. The most famous figures that marked the period were Jean-Paul Vinay, Darbelnet, Alfred Malblanc, George Mounin, John C. Catford and Eugene Nida (Bassnet-McGuire, 1980, p. 79-80).

Nowadays, translation is viewed as a mix of all its predecessors. According to Newmark (1988), a translator works on four levels “Translation is first a science, which

entails the knowledge and verification of the facts and the language that describes them... secondly, it is a skill, which calls for appropriate language and acceptable usage; thirdly, an art, which distinguishes good from undistinguished writing and is the creative, the intuitive, sometimes the inspired, level of the translation; lastly, a matter of taste, where argument ceases, preferences are expressed, and the variety of meritorious translations is the reflection of individual differences” (p. 7).

To conclude, different concepts of translation prevailed at different times throughout history and the function and role of the translator has been altered throughout the course of every period to become what we know today. Because translation enables people to understand each other, it is a service that is being used in all aspects of daily life. The varied audience, and its different languages, encourages writers, businesses and different types of scholars to seek translation for their work to be able to reach a broader spectrum of people. Ideas and forms of culture can be moved and assimilated into other cultures through the works of translators. It is an important field that is growing and evolving every day to meet the fast pace needs of the industry and facilitate communications around the world. This is the reason why it is of great importance to the current global world, since it ensures that people can understand and communicate with each other effectively and efficiently, across borders, cultures and languages.

1.2 Research Question

The present study aims to answer the research question: What are the effects of the most common procedures and methods used in the translation of the texts “*Extreme Poverty as a Human Rights Violation*” a thesis by César Manso-Sayao Atmetlla and “*PLL-Sistematización- Junio Final*” for Parque la Libertad?

1.3 Purpose and Significance of the Study

The role of a translator is to be a mediator, not only between two languages, but also between cultures. The translator does not just replace a word in one language with the same word of the other. Instead, they must have the capacity to improve the readers' understanding by conveying ideas across cultural and national boundaries. This means that translators not only have to be mediators between different languages that they are very familiar and comfortable with, but they also must be intercultural mediators with that same confidence and knowledge of both cultures.

A good translation should read as though it was originally written in the target language and that is sometimes not an easy task. A large amount of concentration and expertise goes into making a translated text flow as smoothly as the original text.

The purpose of this project is to investigate, identify, and analyze the translation procedures used in the translation of the documents, while considering any cultural differences between the languages to successfully convey accurate meaning among them. Since each of the documents presents its own terminology, context, and words pertaining to their field and target audience, the objective is to ensure that the author's message and naturalness is preserved in the final version.

1.4 Objectives

Objectives are of great importance in a research study. They help guide the researcher and narrow the focus of the study to help establish the information that will be collected and facilitate the development of a methodology that will be used during the research.

1.4.1 *General Objective*

- To analyze the procedures and methods used to translate the documents “*Extreme Poverty as a Human Rights Violation*” a thesis by César Manso-Sayao Atmetlla into Spanish and “*PLL-Sistematización- Junio Final*” for Parque la Libertad into English.

1.4.2 *Specific Objectives*

- To translate the documents “*Extreme Poverty as a Human Rights Violation*” a thesis by César Manso-Sayao Atmetlla into Spanish and “*PLL-Sistematización- Junio Final*” for Parque la Libertad into English.
- To apply various translation procedures to the documents in order to achieve communicative texts.
- To analyze the effect of the technical translation techniques applied in the documents.
- To design a glossary with the most relevant terminology found in both texts.

1.5 Limitations of the study

Limitations are defined as “The shortcomings, conditions or influences that cannot be controlled by the researcher that place restrictions on the methodology and conclusions” (Curriculum Design and Writing Team, 2010). The purpose of this section is to mention any limitations that might have an influence in the results of the research to be able to understand and prepare for them ahead of time.

Since this project consists of the translation of two separate documents from two separate purposes and end users, there will be certain factors that may be able to limit the reach and success of the documents in the timeframe in which the project takes place.

First, the topic of the documents that will be translated needs to be considered. The terminology used in the documents might be unfamiliar and new. It is important to get to know this vocabulary and become familiar with it to ensure that the terminology is understood properly, and clarified if necessary, before the translation process begins. This process may take time, but it will guarantee that the correct meaning is transferred to the translated version.

The use of terms or concepts that are standardized, technical, or a norm in each of the documents' fields can be a problem because it is terminology that is not very commonly used and sometimes even technical. This terminology must be identified in order to ensure that it is used properly in the target language. It is important that it is clarified and confirmed beforehand to avoid confusion or mistranslation so that it does not delay the translation process, prevent the proper translation into the target language to take place or mislead the reader with an inaccurate meaning.

Another important factor to take into consideration with the terminology is the purpose with which the document was written, as well as the audience that it is targeted for. Because this research consists of the translation of two separate documents with very similar topics, which might make the translation process a little easier because of shared terminology, the purpose of each of these documents is completely different as well as their audience. This must be considered so that this is also transferred properly into the translation. For this to be possible, it is important to work closely with the people responsible of the documents and get familiarized with their organization and the purpose of the document to be able to convey it to the final version of the translated version as well.

The second important limitation that will always be present throughout the whole process is time. Because there is a very tight timeline that will be worked with, time is very

important. There are many things that need to get done, which means that time will play a key role in the success or failure of the project. A detailed plan and timeline must be created and followed to ensure that every section of the research is given enough time to get accomplished, but, most importantly, this must take into account delays or unexpected circumstances that might affect it in order to not get rushed, pressured with deadlines or fall behind. Schedules must be coordinated with the parties involved to make regular and necessary meetings and updates possible.

Access and availability are other important limitations that need to be considered. Coordinating meeting sessions with the people responsible for the documents at times where all parties involved are available may become difficult or almost impossible. The distance and location of the people in charge, as well as the time difference with thesis writer, are important factors to consider when arranging the schedule and work plan. The use of technology is important and a valuable tool that help facilitate communication. Nevertheless, the response time will always affect the natural flow or timelines of the tasks and this is almost never under the control of the researcher. If a response to a question or request is received late, or not at all, it may have a negative effect on the project schedule, which can cause delays with other steps in the process.

Finally, work and school schedule will also limit the amount of time that is available to coordinate and make all these meetings possible, as well as it will affect the time that can be dedicated to the project itself. All these things must be considered to properly plan and coordinate to avoid any delays and ensure a successful outcome.

CHAPTER II

THEORETICAL FRAMEWORK

Translation has been described as an art. Although translators do not create something out of nothing, like artists or writers do, they are responsible for producing a text that did not exist before. Nevertheless, although it is a new text, it must be accurate and faithful to the original and, to achieve that, the translator must use a series of procedures and techniques that will help to successfully transmit the message into the target language as naturally and faithfully as possible. As stated by Nida (1969), translation consists in “reproducing in the receptor language the natural equivalent of the source language message, first in terms of meaning and second in terms of style” (p. 12).

The purpose of the following chapter is to provide the theoretical background that was used during the translation of the documents, by analyzing the different translation procedures and techniques. It provides a definition of each of them, identifies their purpose, and helps to understand their importance during the translation process. The chapter also includes information related to glossaries, their creation, and their relevance for both the translator and the translation process itself.

2.1 Text Analysis

The first step in the translation process is for the translator to analyze the original text. In order to do so, the translator must first read the original text. This step may seem unnecessary, obvious, or simple, but it is a very important part of translation and it has three purposes: to get familiarized with the original text, to understand the text itself, and to analyze it from the viewpoint of a translator.

To read the text from the viewpoint of the translator does not mean a superficial or quick reading. Instead, it is an analytical process that helps selecting the appropriate

techniques that need to be used in order to transmit the message into the TL successfully and accurately. According to Newmark (1998), “You have to determine its intention and the way it is written for the purpose of selecting a suitable translation method and identifying particular and recurrent problems” (p. 11).

The reading process consists of two types of reading. First, there is a general reading. The translator must read the text completely to understand the overall idea. A translator cannot translate a text without knowledge of the subject matter. Doing so could result in missing or misinterpreting important details, terminology, data, etc. This means that the general reading process includes research on the subject matter as well as to get familiarized with its concepts and terminology. This should be done so that the translator is comfortable and knowledgeable with the subject of the document.

The second part of the reading process is a close reading. The purpose of this stage is to determine the intention of the text and to identify words or phrases (like acronyms, technical terms, names, places, etc.) to be able to understand them in order to convey them to the readers accurately and faithfully.

The reading stage involves lot of investigation and analysis and this means that not all this information will always be needed or used. Nevertheless, it is an important part that cannot be overlooked since it will properly prepare the translator for the translation task. Newmark (1988) mentions that “You can compare the translating activity to an iceberg: the tip is the translation - what is visible, what is written on the page - the iceberg, the activity, is all the work you do, often ten times as much again, much of which you do not even use” (p. 12).

After the text has been read, the actual process of text analysis begins. In this research, the text analysis process used will be focused mainly on Newmark’s text analysis process

(1998) and it consists of four stages: text styles, stylistic scales, text function, and type of translation.

2.1.1 Text styles

The first stage of the process is determining the text style. This is done so that the translator can understand the type of language that is used throughout the text, to successfully transmit it to the TL. According to Newmark (1988), four types of text styles can be found: narrative, descriptive, discussion, and dialogue.

2.1.1.1 Narrative text

A Narrative text is filled with dynamic terminology, which includes verbs and phrasal verbs. Its intention is to entertain, to gain and hold the readers' interest. They usually tell a story and are filled with sequential events in a certain type of chronological order. Within the narrative texts, we can find texts that are imaginary, factual, or a combination of both. They can include texts like: fairy stories, mysteries, science fiction, romances, horror stories, adventure stories, fables, myths and legends, historical narratives, personal experiences, etc.

2.1.1.2 Descriptive text

The descriptive text is filled with static terminology, which include linking verbs and adjectives. It aims to show rather than tell the reader. Its purpose is to create a vivid impression of a person, place, object or event. Its intention is to recreate emotions using sensory description, like sounds, smells and tastes, and help the reader imagine them.

2.1.1.3 Discussion text

The discussion text can be defined as a treatment of an idea. It introduces a problem which will be discussed from different points of view. It is filled with concepts, mental activity, and logical arguments.

2.1.1.4 Dialogue text

The dialogue text emphasizes on colloquialisms and is filled with cultural references and day to day language.

2.1.2 Stylistic scales

The second stage in the text analysis process is to determine the stylistic scales used in the text. These stylistic scales help the translator to identify the type of vocabulary that is used to be able to transmit it properly to the translation. There are three types of analysis: scale of formality, scale of generality, and scale of emotional tone.

2.1.1.1 Scale of formality

This scale will determine the type of audience that the text is directed towards, based on the language style used in the text. Newmark (1988) divides the scale of formality in eight types: officialese, official, formal, neutral, informal, colloquial, slang and taboo.

Officialese is the type of language that is characterized for extremely technical, solemn and formal vocabulary. According to Merriam Webster, it refers to “the characteristic language of official statements: wordy, pompous, or obscure language”. This type of text is a formal and typically wordy style of writing. Its main characteristic is that it has long sentences, is difficult due to the highly complex terminology, and is directed towards people that are involved in these technical and formal fields, not the general public. It also has a preference for vagueness over directness and the passive over the active voice. The purpose of this type of language is to impress the reader, elevate the status of the author by making them more professional, and increase the authority of the document. An example text of this type of language is in the following statement: “*The consumption of any nutriments whatsoever is categorically prohibited in this establishment*” (Newmark, 1988, p. 14).

The next type is the Official. This is the type of text that also uses a much more formal and legal vocabulary, but in lesser degree than what is used in officialese texts. The message is more direct and is clearer to the reader, but it keeps its formality and authority. Documents that contain this type of vocabulary can include: corporate, religious, political or governmental documents that involve solemn vocabulary. An example text of this type of language is in the following statement: “*The consumption of nutriments is prohibited*” (Newmark, 1988, p. 14).

The following type is the Formal text. This is the one related to normal or standard vocabulary, but still using a degree of formality in its form. This type of vocabulary is used in official situations that should convey a degree of formality, but without technical or difficult to understand terminology. It is characterized by being formal, punctual, conventional and natural. According to Joss (as cited by Schaffner, 2002), “A formal text would also be well structured, logically sequenced and strongly coherent; therefore, a formal style provides the audience with an accurate description and understanding of the messages”. An example text of this type of language is in the following statement: “*You are requested not to consume food in this establishment*” (Newmark, 1988, p. 14).

The next type is the Neutral text. This type of style can be used in both informal and formal situations. It is a non-emotional type of text that is used to deliver the facts and does not have evidence of any intention of the author. It uses more every day and basic words and terminology. An example text of this type of language is in the following statement: “*Eating is not allowed here*” (Newmark, 1988, p. 14).

The following type is the Informal style. This type is also called casual or intimate and it is the one used in daily conversations. It uses simple and light vocabulary that is easy to understand and that the reader identifies with and recognizes easily; it can use contracted

forms. An example text of this type of language is in the following statement: “*Please don’t eat here*” (Newmark, 1988, p. 14).

The next type is the Colloquial style. This type is the one used in daily conversation, but includes colloquially used terms, phrases idioms and vocabulary. It has a casual degree of language and is typically used in more relaxed situations. This type of text includes a personal style with subjective language and can include fragments and contracted forms.

An example text of this type of language is in the following statement: “*You can’t feed your face here*” (Newmark, 1988, p. 14).

The following type is the Slang. This is characterized by the use of non-standard words or phrases. It is dialect vocabulary and is common in informal situations. In this type of text, there is a low density of formal words and many idioms that are typically restricted to a particular context or group of people. An example text of this type of language is in the following statement: “*Lay off the nosh*” (Newmark, 1988, p. 14).

The final type of style is the Taboo. In this type of text there is a use of forbidden or politically incorrect words or phrases that can be sometimes offensive towards some readers. An example text of this type of language is in the following statement: “*Lay of the f*ng nosh*” (Newmark, 1988, p. 14).

2.1.1.2 Scale of difficulty

The following type is the scale of generality or difficulty of the text. This scale will determine the complexity of the documents based on the terminology that is used in them. Newmark (1988) stated six different scales of generality or difficulty: simple, popular, neutral, educated, technical, and opaquely technical.

The first type is Simple. This is the standard vocabulary used in daily situations, without complications, technical terms or references. An example text of this type is in the

following statement: "*The floor of the sea is covered with rows of big mountains and deep pits*" (Newmark, 1988, p. 14).

Secondly, there is the Popular Type. This refers to daily vocabulary and texts that address the reason in a popular and easily identifiable way. It is used commonly in the culture and traditional context. An example text of this type is in the following statement: "*The floor of the oceans is covered with great mountain chains and deep trenches*" (Newmark, 1988, p. 14).

The following scale is Neutral Type. This is the type of text that uses basic vocabulary only. This vocabulary is neither complex nor simple, it is just standard. An example text of this type is in the following statement: "*A graveyard of animal and plant remains lies buried in the earth's crust*" (Newmark, 1988, p. 14).

Then there is the Educated Type. This type involves a more elevated and cultivated type of language and the texts are used for educational purposes. It can be found in textbooks, dictionaries, and encyclopedias. It is a little more technical, but it is still directed to the general public. An example text of this type is in the following statement: "*The latest step in vertebrate evolution was the tool-making man*" (Newmark, 1988, p. 14).

Next there is the Technical Type. It has technical content and terminology and involves areas such as sciences, arts and crafts. The reader is still able to understand the text, but there is the use of more technical terms and language that are directed towards a particular field of study. An example text of this type is in the following statement: "*Critical path analysis is an operational research technique used in management*" (Newmark, 1988, p. 14).

Finally, there is the Opaquely Technical. This is directed towards a particular field of study and it is used by experts only. It involves fields such as medicine, biology, and

physics. This type of text is not intended to be understood by the general public; instead, the reader must have a wide knowledge base of the topic that is discussed in order to be able to understand it successfully. An example text of this type is in the following statement:

“Neuraminic acid in the form of its alkali-stable methoxy derivative was first isolated by Klenk from gangliosides” (Newmark, 1988, p. 14).

2.1.1.3 Scale of emotional tone

Finally, there is the scale of emotional tone of the text. This scale will determine the author's tone throughout the text based on the vocabulary used in the text in order to transmit the message. Newmark (1988) suggested four scales of emotional tone: intense, warm, factual, and understatement.

First there is the Intense Tone, also referred to by Newmark as “hot”. This type of tone is present in texts that use many intensifying adverbs to express emotion and passion about what is being described or said. Then, there is the Warm Tone which provides a message some degree of intensifier vocabulary, but in a lesser degree. It is cordial and polite. Next there is the Factual Tone, also referred to by Newmark as “cool”. It is used in texts that do not transmit emotion and are purely facts and information in a straightforward or direct manner. Finally, there is the Understatement Tone, also referred to by Newmark as “cold”. It is used in texts that do not transmit emotion at all and sometimes does not necessarily express the message in its entirety.

2.1.3 Text function

The next stage of the text analysis process is to determine the text function or intention. As stated by Newmark (1988), “the intention of the text represents the SL writer's attitude to the subject matter” (p. 12). The importance of this is for the translator to be able to understand the reason that the text exists, which will help in selecting the appropriate

techniques to transmit this same purpose into the TL successfully. Taking this into account, there are three types of texts: informative, expressive, and vocative.

Newmark (2003) explained the text types and characteristic for each category, as shown in the following table (p. 40):

Function:	Expressive	Informative	Vocative
Core:	Writer	Truth	Relationship
Author's Status:	Sacred	Anonymous	Anonymous
Examples:	Literature	Textbook	Notices
	Autobiographies	Report	Instructions
	Personal Correspondence	Memorandum	Propaganda
	Authoritative statements	Article	Publicity

Table 1: Types of Text. Source: Newmark (2003)

2.1.1.4 Informative text

The informative text is the one that consists of “plain communication facts” (Munday, 2001, p. 73). When it comes to translation, the typical informative texts are those that relate to any types of knowledge area. This means that it is any type of text that transmits information or knowledge to the reader and the content is the most important part of the message.

2.1.1.5 Expressive text

The expressive text is more common in literature. Its purpose is to use the aesthetic part of the language to transmit the writer’s feelings or thoughts. In this text, the author is the most important part of the message. When translating this type of text, “the target text should be able to transmit the aesthetic and artistic form of the source text” (Munday, 2001, p.75).

2.1.1.6 Vocative text

The purpose of the vocative text is to appeal or persuade the reader to act in a certain way. In this type of text, the focus is the reader, so they usually use informal language to be easily understood. When translating this type of text, “the target text should be able to produce the desired response on the receiver” (Munday, 2001, p. 75). If the text does not have the desired response on the reader, then it has not been translated correctly and has missed its purpose.

2.1.4 Types of translation

The final stage in the translation process is to determine the type of translation that the text will need. In this section, two types of translation methods will be discussed: semantic and communicative. In the cases of semantic translation, the translator writes at the level of the author. On the other hand, communicative translation is based on the readers and their needs.

Each type of translation has several important characteristics. Munday (2001) evaluates them in detail according to their focus, culture, characteristics, source text and appropriateness. This analysis will be used loosely in this section as well in order to explain each one.

2.1.1.7 Semantic Translation

Semantic translation attempts to render the exact contextual meaning of the original, as closely as the semantic and syntactic structures of the languages allow. It has certain characteristics.

First, there is the focus of the text. In semantic translation, the central concern of the translation is to convey the meaning of the phrase or sentence. This means that the focus of it is on the author.

In terms of culture, this type of translation remains within the source text culture and only provides meaning guidance to the reader if it is crucial in order to understand the meaning.

Another characteristic is that this type of translation is never fixed in time and space. This means that the translation needs to be constantly updated with every generation in order for it to continue to make sense.

Regarding its relation to the source text, it is always inferior because there is a loss of meaning when the translation is done this way. This is the reason why semantic translation tends to be more rigid, complex and awkward: it is “loyal” to the source text author and does not focus on the target text or its audience. Furthermore, the presence of the translator is more noticeable in the target text because it tends to over translate in order to keep faithfulness to the text.

Finally, there is the appropriateness of its use. This type of translation is used for serious literature where what the author says is important and interpretation would be considered inaccurate and inappropriate. Texts where this is used can be, but are not limited to: autobiographies and any important political, religious or any other type of statement.

2.1.1.8 Communicative Translation

Communicative translation, on the other hand, has the reader in mind. The target audience of these texts does not anticipate difficulties or obscurities and they would expect a generous transfer of foreign elements into their own language as well as their culture where necessary. According to Newmark (1988) this method “Attempts to render the exact contextual meaning of the source language to the target language in a way that both languages and content are acceptable and comprehensible to the readership” (p. 47).

First, there is the focus of the text. In this case, it is subjective and oriented towards the target audience and their specific language and culture. The process attempts to convey accurate meaning from the original document in a proper and natural manner, where both content and language are acceptable and totally comprehensible to the reader.

In terms of culture, the communicative translation transfers foreign elements of the source text into the target language culture in order to assist with understanding and meaning. In relation to the time and original, this type of translation is ephemeral and it is rooted in its own contemporary context.

With regards to its relation to the source text, in this case the translation or target text can be better than the original. It is improved by force and clarity for the reader, even if it does lose semantic content in the process.

Because of this, communicative translation is likely to be smoother, simpler, clearer and more direct. The presence of the translator is not noticeable in the target text since there is a tendency to under translate and use only what is necessary from the source text.

As for its appropriateness, it can be used for the translation of the majority of text types where the author's opinion, tone or feelings are not of importance and the main goal is for the reader to understand the message that it is trying to transmit. These can include, but are not limited to: informative texts, publicity, non-literary writing and popular fiction.

After analyzing the source text, the translator can move on to the actual translation of the text into the target language by using a variety of translation procedures and techniques discussed in the following section.

2.2 Translation techniques

Many differences can be found between languages, both in grammar and vocabulary, that make it difficult for a translator to be able to translate literally from one language to another. This is the reason that translators must use a variety of translation techniques to assist them to accurately translate any given text.

These procedures are tools that help to search for semantic and formal relations between the source language and the target language. According to Gibová (n.d), “when analyzing translations of any sort ... there are certain categories that allow us to examine how the target text (TT) functions in relation to the source text (ST). These categories are widely known as ‘translation procedures’ or ‘translation techniques’” (p. 27).

The purpose of this section is to explain the translation techniques used to analyze the texts and to explain and compare each one. This chapter will cover several of these techniques: literal translation, borrowing, calque, transposition, modulation, amplification, omission, explicitation, adaptation, equivalence, compensation, false cognates, sentence inversion, and punctuation changes.

2.2.1 Literal translation

Literal translation follows closely the form of the source language. It is also known as word-for-word translation. As defined by Munday (2004), it is “a rendering which preserves surface aspects of the message, both semantically and syntactically, adhering closely to source language mode of expression” (p. 344). Moreover, Newmark believed that any type of translation begins with literal translation and considered it to be the basic and first translation procedure. He stated that “literal translation above the word level is the only correct procedure if the SL and TL meaning correspond, or correspond more closely than any alternative” (Newmark, 1988, p. 70).

When and if the translator decides to use this method, they must make sure that the words (or phrases) that will be translated literally have the same meaning, they must refer to the same thing, and have the same type of associations to them to ensure that the overall idea of the text is not affected. As stated by Vinay & Darbelnet (1958), “literal translation is correct and must not be avoided, if it secures referential and pragmatic equivalence to the original.” This process needs to be used carefully and translators must not depend too much on its use.

2.2.2 Borrowing

Borrowing is when a word or expression is taken from the source language (SL) and used in the target language (TL), but in a ‘naturalized’ form. This means that it is made to conform to the rules of grammar or pronunciation of the TL. This method is usually used because the TL has a gap in its lexicon, although the technique can be used for other reasons.

An example of this translation technique can be found in the following translation from English to Spanish: *hotel lobby* > *lobby del hotel*.

2.2.3 Calque

This is when the translator imitates in the translation the structure or manner of expression of the ST. It is known as a special kind of borrowing whereby a language borrows an expression from another, but translates literally each of its elements.

An example of this translation technique can be found in the following translation from English to Spanish: *Football* > *Balompíe*, *Supermarket* > *Supermercado*.

2.2.4 Transposition

Grammatical structures are different among languages, which is why the translator often needs to change word structures from the source language to the target language.

This is called transposition. According to Lopez Guix (1997) it is “the modification of the grammatical category of a part of the sentence, without producing a modification in its general meaning”. In this process, a part of the sentence changes grammatically from one text to another, but this does not affect the message that is transmitted (verb for noun, noun for preposition, etc).

Newark (1988) defines four types of transpositions: from singular to plural; when the grammatical structure of the source language does not exist in the target language; when literal translation is grammatically possible but may not accord with natural usage in the target language and, finally, the replacement of a virtual lexical gap by a grammatical structure (p.86).

It is a shift in grammatical categories and the purpose of this technique is to be able to express naturalness into the target language, without producing a significant alteration.

Examples of this translation technique can be found in the following translations (Vázquez-Ayora, 1971):

<i>With the <u>support</u> of the government</i>	>	<i><u>Apojado</u> por el gobierno</i>
<i>A problem like <u>that</u></i>	>	<i>Un problema <u>de esa índole</u></i>
<i>Whiskey <u>and</u> soda</i>	>	<i>Whiskey <u>con</u> soda</i>

2.2.5 Modulation

In modulation, the translator shifts from one way of thinking to another to translate the same situation. According to Aranda (1984), it is as “A change of point of view or image due to differences between linguistic systems or cultures. For example: *health insurance* > *seguro médico*” (p. 16). This means that this process changes the semantics or the point of view in the source language to translate the same word or phrase in a different way (the

translation is not word for word); but in this shift, the meaning remains the same and the result does not generate awkwardness in target text.

The concept is explained further by Vinay and Darbelnet. They mention that modulation “is justified when literal translation or transposition produce a grammatically correct phrase but that is not natural” They include eleven kinds of modulation, like: abstract for concrete, cause for effect, means for result, a part for the whole, the whole for the part, reversal of point of view, intervals and limits, sense modulation, form-aspect-sauge, geographical change, and change of comparison or symbol (Vinay and Darbelnet, 1958, p. 40).

It is a shift in cognitive categories and the purpose of this technique is to create a more natural phrase for the reader.

An example of this translation technique can be found in the following translation: “*Te lo dejo*” literally means in English “*I leave it to you*” but translates better as “*You can have it*” (Bosco, 2015).

2.2.6 Amplification

This process consists in using more words or extending the terminology to help the reader understand the text. According to Deslile (1999), amplification happens “when the translator uses more words in the TL than the one present in the SL in order to re-express the idea or to reinforce the sense of a word because its correspondence in the TL cannot be expressed as concisely”.

An example of this translation technique can be found in the following translation from English to Spanish: *penalty* (in soccer) > *tiro de penal*. Also, from Spanish to English: *Una hoja en blanco* > *A blank sheet of paper*.

2.2.7 Omission

Omission, on the other hand, is the deletion or reduction in the number of elements of the text. It results in concision and economy of the TT. According to Munday (2004), it is defined as a “deliberate or accidental absence of a source text or aspect of sense in the target text” (p. 345). This procedure should respect the principle of relevance, that is, the translator should make sure that no crucial information is dropped in translation.

An example of this translation technique can be found in the following translation from English to Spanish: *computer science* > *informática*. Also, from Spanish to English: *Proyectos económicos que sirvan para estimular* > *Economic plans to stimulate*.

2.2.8 Explicitation

The most commonly used and accepted definition of explicitation was provided originally by Vinay and Darbelnet (1958). They define explicitation as a “stylistic translation technique which consists of making explicit in the target language what remains implicit in the source language because it is apparent from either the context or the situation” (p. 342).

Munday (2004) has a simpler definition when he states that explicitation can be defined as “an explanation in the target language that renders the sense or intention clearer than that in the source language” (p. 339). This means that translated text is usually more robust than the original text, when it comes to grammatical links and semantic content, because it is given a more ample and clear meaning for the reader.

The purpose of this technique is to introduce information from the ST that is implicit from the context or the situation.

An example of this translation technique can be found in the following translation from Spanish to English: *Olla de carne* > *Beef stew (traditional Costa Rican dish)*.

2.2.9 Adaptation

It is used in those cases where the type of situation being referred to by the SL message is unknown in the TL culture or does not work. In such cases, translators must create a new situation that can be considered as equivalent. According to Vázquez-Ayora (1977), “a same message is expressed with another equivalent situation” (p. 322). It can be described as a special kind of equivalence because the translator seeks to render the SL into the TL while ensuring it is just as relevant and meaningful as the original was, without creating confusion or obscurity. Imagine the ST mentioned something that was so undeniably English and that translating it into Spanish would have absolutely no meaning, or vice-versa. At that point the translator must use adaptation.

It is considered a shift in cultural environment and the purpose of this technique is to express the same message using a different situation.

An example of this translation technique can be found in the following translation from Spanish to English: *El torero rubio que hablaba andaluz con acento inglés* > *The blond bullfighter that spoke Spanish with an English accent*. The meaning of “andaluz” can be lost in the English translation so it is adapted for the reader to understand.

2.2.10 Equivalence

This procedure is used when the same situation can be rendered by two texts using completely different stylistic and structural methods. According to Vázquez-Ayora (1977), “the same situation is expressed in a different way” (p. 322)

Vinay and Darbelnet explain equivalence as something almost inherently cultural, using the example of someone expressing pain. In English, the term "ouch!" is used, while in Spanish, a literal rendering of the sound would be of no use to the reader. Instead, the

equivalent of "ouch!" in Spanish is ";ay!". Both words would immediately indicate to readers that there is some level of pain involved. (Vinay and Darbelnet, 1988, p. 38).

Equivalence also relates to idiomatic expressions, whereby all the lexical and grammatical elements are there but translating literally would leave a reader confused. According to Vinay and Darbelnet (1958), “[...] equivalences, more often than not, are of a syntagmatic nature and affect the whole of the message. As a result, most equivalences are fixed and belong to a phraseological repertoire of idioms, clichés, proverbs, nominal or adjectival phrases, etc.” (p.38). With this in mind, it is an especially difficult technique since it is based essentially on language knowledge. The translator needs to identify the idiom in the SL and know how to translate the phrase into the TL.

It is considered a shift in cultural environment as well, but the purpose of this technique is to express the same message with a completely different phrase. It is used in the translation of proverbs or idiomatic expressions.

An example of this translation technique can be found in the following translation from Spanish to English: *A bird in the hand is worth two in the bush* > *Más vale pájaro en mano que cien volando.*

2.2.11 Compensation

In general terms, compensation can be used when something cannot be translated and the meaning that is lost is expressed somewhere else in the translated text. It involves making up for the loss of a source text effect by recreating a similar effect in the target text through a situation that is specific to the target language. This means that the translator can add information to the TL to compensate for a loss of meaning and make it clearer for the reader.

A common example of this translation technique can be found in the translation from many languages into to English. According to Fawcett (1997), “the use of “you” in Spanish depends on the level of familiarity between the people speaking” (p. 32). In Spanish, for example, “usted” and “tu” are used to mark the difference in familiarity between speakers. Nevertheless, there is no such difference in English, as it is only expressed as “you”. In this situation, the translator must compensate this something else to get this desired effect.

An example of this translation technique can be found in the following translation from Spanish to English: *Usted no tiene compasión alguna* > *You, sir, have no compassion whatsoever.*

2.2.12 Sentence inversion

It is also known as permutation and it is an alteration of the organization of lexical/syntactic units, or words/sentences. This means a reversal of position, order, form, or relationship in words or phrases. This procedure is used when the translator must move a word or a phrase in the source text to another place in a sentence or a paragraph in the target text, so that it reads naturally in the target language.

An example of this translation technique can be found in the following translation from Spanish to English: *Pack separately for convenient inspection* > *Para facilitar su inspeccion, empaque por separado.*

2.2.13 Punctuation changes

There are differences in the punctuation rules between languages that the translator must be familiar with to correctly translate the text. For example, in the case of English and Spanish. First, in English there is only punctuation at the end of a sentence, whereas in Spanish when asking a question or expressing excitement, punctuation is placed at both the beginning and the end of the sentence. Second, when writing out numbers in Spanish, a

period will separate numbers by the thousands instead of a comma, and a comma will separate whole numbers from decimals. Finally, there are a few simple differences in capitalization between the two languages. Days of the week, months of the year and languages are not capitalized in Spanish.

2.2.14 False cognates

False cognates are words similar in appearance, but different in meaning from one language to another. This similarity can be either written, spoken or both. Aranda (2007), explains that languages have “words that look similar in form and have the same meaning, for example: admire > admirar; on the other hand, there are words that look alike but have a different meaning such as “haber > have” (p. 44).

Some examples of these words are listed below. In Table 2, the English word appears with its correct translation, as well as the false cognate that it can be confused with and the translation of the false cognate. These are some example that can commonly create confusion and translators must be on the lookout for these types of words to prevent their incorrect use.

English Word	Correct Spanish Word	Confused With	English Translation
actually	en realidad	actualmente	currently
assist	ayudar	asistir	to attend
carpet	alfombra	carpeta	folder
choke	estrangular	chocar	to collide
deception	engaño	decepción	disappointment
embarrassed	avergonzado	embarazada	pregnant
exit	salida	éxito	success
idiom	modismo	idioma	language

Table 2: False Cognates. Source: SpanishCognates.org

2.3 Glossaries

Meaning is an important part of the translation process. It is because of this that the use of dictionaries is a common practice when translating. However, as Child (2010) mentions, “dictionaries do not translate, they only give the equivalences between specific words in both languages, and dictionaries do not deal with the background meaning” (p. 83). This is the reason why, many times, the dictionary becomes an unreliable tool because it lacks context, culture and in depth equivalence and meaning is lost in the translation process.

It is important that the translator has a tool that not only provides brief meaning, but also deep meaning. Glossaries have become this tool. According to Merriam Webster, a glossary can be defined as “a list that gives definitions of the hard or unusual words found in a book” and as “a dictionary of the special terms in a particular field/ job”.

2.3.1 Relevance for the Translator

Glossaries are an important tool that ensure that the correct meaning of a word or phrase is used in a translation, but also throughout it. In many cases, there are multiple words that have similar meaning and choosing a right word to use in a translation is a difficult process that is tied to preferences, meaning, and purpose. Once it is done, the translator may forget to use the chosen word consistently throughout the text. The glossary helps the translators make sure that, each time a particular key term appears, it is used consistently and correctly throughout the target text. For example, the words “laptop” and “notebook computer” are synonyms. In this case, the translator should make sure to use just one of these terms throughout the whole text to give it consistency and to avoid confusion.

Glossaries are an enormous help to translators and the translation process because generate an important difference in the quality and consistency in a translation by: eliminating uncertainty, helping in the selection of the appropriate terms during translation,

minimizing the amount of time spent on the research and correction of similar terms throughout the document, helping make the text content understandable for the reader and the translator, reducing errors when it comes to understanding the texts, and ensuring that the work is consistent and accurate across the whole document.

2.3.2 Relevance for the Translation Process

The glossary makes the translation more efficient and effective, since it holds terms that will be used throughout the text easily and efficiently and has relevant information that helps support the translation and meaning given by the translator in the text.

The importance of the glossary lays in the fact that a glossary contains only terminology that is specific to the documents that are being translated. This means that the glossary is unique to each document and it must describe sentences and phrases that are used throughout it. It should not contain terms that can be easily found in other glossaries or dictionaries. With this in mind, a glossary contains similar patterns to a dictionary, but it is more specific in its definitions and purpose, and can be used as future reference for other translators.

2.3.3 Steps to Create a Glossary

Compiling a glossary involves a series of steps for it to be successful and useful in the translation process. A glossary can become very complex and extensive, so it is important to think about the process and its creation. According to the Lionbridge Glossary Manual (2013), there are certain characteristics that are crucial in order to generate an effective glossary: it should be an organized reference, it should contain only terms that are related to the topic, it should be brief, and it should provide context as well as definition.

The following sections explain the steps to create a glossary, based on the study elaborated by Gapper (2008) with the process and steps defined in her research paper.

2.3.3.1 Defining the nature of the glossary

The first step is to determine the purpose of the glossary. Here, it is important to define: whom the glossary is for, what it will be used for, and when it will be used.

2.3.3.2 Defining the glossary content

This process has two important steps: define the terminology that will be included in the glossary and define the information that will be included with each of the terms included. The terminology included can be, but is not limited to, terms of a particular topic or field, terminology that has not been found in regular dictionaries, terminology that is crucial to understanding the topic or abbreviations, acronyms, etc. For a specialized glossary, the importance and frequency of the terms used within a text should be considered. It is also important to mention that the type of entries in the glossary can include single words (like within a dictionary), but, in many cases, the entry can be composed of phrases, since it will allow most concepts and meanings to be included.

As for the information that should be included with each of the terms, there are several aspects to be considered: the actual word or phrase, its definition, its grammatical category, its equivalent in the target language, idioms related to the terminology and synonyms or antonyms. It is important to take into consideration that if the information is not necessary, then it should not be included. The purpose is to make it easier for the reader to understand, not to confuse. Excessive information can slow down the look up process or generate a longer glossary than what is needed.

2.3.3.3 Defining its format

Here the translator must define the format in which the glossary information will be presented: how the terminology will be organized, how each of its parts will be presented and what format will be used for each. The first thing that needs to be considered is the

amount of space that is available and that will be used for this purpose. It is important to remember that the glossary is a tool that will help with understanding and, if it is too long or too complicated, this can be affected.

Another important aspect is the format of the actual terms that will be included in the glossary. They all must have the same formatting for it to be easily understood by the reader. It is important to define the use of underlined, italic or bold fonts to indicate grammatical categories or other characteristics. The use of capitalization, parenthesis, abbreviations, etc. must also be defined and made clear.

Finally, the alphabetical order that will be used must be defined. This is especially important for terminology that has more than one word. To do so, the translator must decide if prepositions and articles will be considered for this order or if it will only be defined by the main noun contained in the phrase. Gapper (2008), gives the example of “target language, target text and target culture” for this type of situation. The translator must define how these will be organized and this is crucial for the glossary to be developed in an orderly manner and will help the readers find the entries they are looking for more easily.

CHAPTER III

METHODOLOGICAL FRAMEWORK

The methodological framework is the systematic and theoretical analysis of the methods applied to a field of study. This chapter defines the methods that will be used to conduct the research and their characteristics, to establish how they are used to develop a proper analysis; it describes the population, institutions and sample to be used; and it describes the strategies implemented for the research.

3.1 Research Method

Depending on the purpose and methodology, there are three methods that can be used in an investigation: the quantitative approach, the qualitative approach, and the mixed approach.

The first research method is the Quantitative Research. It focuses on gathering numerical data and generalizing it across groups of people to describe, explain, and predict situations or phenomena for the researcher. It uses structured research methods to generate results which are based on larger sample sizes and that are representative of a population. Hernandez (2006, p. 3) defines it as an objective type of research that uses deductive types of logic (from the general to the specific) to generate cause-effect analysis based on numeric measurement and statistical analysis. Its results are usually expressed as scores and measures, which yield numerical data that is often arranged in tables, charts, figures, or other non-textual forms. Creswell (2008) recommends using quantities research when, “The problem is best addressed by understanding what factors or variables influence an outcome” (p. 99).

The second research method is the Qualitative Research. It focuses on the qualities of entities and on processes and meanings that are not examined or measured in terms of

quantity, amount, intensity, or frequency. One of the main characteristics of this type of research is that the researcher focuses on the relationship among many variables, which are examined in smaller sample sizes, and significance is extracted from the data that is not supported by statistics. Hernandez (2006, p.3) mentions that its subjective and deductive logic is applied (from specific to general) and it also focuses on exploring phenomena in an in-depth way by describing, understanding, and interpreting it through the perceptions and meanings that are produced by the participant's experiences.

The last research method is the Mixed Research Approach and it is defined as a combination of the two previous main approaches. Creswell (2008) states that this type of research is used when "A need exists to both understand the relationship among variables in a situation and explore the topic in further depth" (p. 100).

The purpose of this paper is to generate a descriptive research of the translation process, based on observation and deduction, to include: what happened, what was used, and the reasons for its use. The research will be generated based on two selected documents, which are a specific and small sized sample, in order to explain the translation process by describing, understanding, and interpreting what was done during the process. There will be no numerical data or statistics used during this process and the deductions that will be made are based solely on the documents that will be analyzed. It is meant to explain the process that was used to understand it, not to generate predictions or rules for the future.

Based on the description of each of the methods, and the objectives of this research mentioned above, the research method selected for this paper is the Qualitative Research Method. This method is ideal in order to observe and describe the translations of the documents provided and to analyze the methods and techniques used for their creation based on the documents provided.

3.2 Selection and Description of the Institutions, Population and Sample

3.2.1 Description of the Institutions

The analyzed documents were provided by two separate entities that required assistance with translating documents into either Spanish or English.

The first document was provided by the *Parque La Libertad* institution. This institution is a park created in 2008 that seeks to improve the quality of life of the surrounding communities through its economic, social, and environmental development through human security and social inclusion. It fosters human development and ensures that children, young people, and adults discover that creativity has no limits. Its vision is to become a focus of development for the populations in their area of influence and its mission is to be a public space that is self-sustainable and inclusive and that, with its varied academic offer of excellence and quality, becomes an integrating force that enhances its social, economic, and environmental development alongside the communities that surround it. Its values include: excellence, transparency, sustainability, and tolerance.

The second document is a thesis written by Cesar Manso-Sayao Atmetlla. It was presented for the University of Barcelona to obtain a Master in Citizenship and Human Rights: Ethics and Politics. The Master Programme at this university is done in English in order for the students to have interaction with other international students. However, because Spanish is the author's native language and because of his identification with his cultural context, there was an interest to have the research work also available in a Spanish version. It will allow him to expand the possibilities of where and to whom the work and the ideas contained in the thesis can be distributed, which can contribute to the urgent and necessary discussions that must be held regarding the issue of extreme poverty in the context of a globalized world.

3.2.2 Description of Population

Research among different NGO's and contacts was done to search for documents that needed translation into the specific languages and that fit the scope of the research as well. The two entities described in the previous section provided documents that were revised and approved to be used as the subject of investigation for this research.

Both documents have very similar topics, since they contain information about social transformation, communities, human security, and poverty. Nevertheless, they both have very different purposes.

Parque La Libertad's "*Gestión para la Transformación Social*" has been translated from Spanish into English. This document was created by the Parque La Libertad Foundation and aims to document the experiences gathered over the years of managing Parque La Libertad in Costa Rica and to provide methodological elements as input for local governments, civil organizations, the private sector, or other entities, that seek to improve people's quality of life in similar areas through culture, technology, education, and sports. The Foundation required the document to be translated into English so that it could be used by international organizations as well as during visits of international entities.

The thesis "*Extreme Poverty as a Human Right Violation*" has been translated from English into Spanish. This document was a Master Thesis Paper that aims to provide important and current information about extreme poverty worldwide, gathered from a variety of different and official sources, and to establish arguments that intend to prove that it must be considered a violation of human rights.

3.2.3 Description of Sample

The documents that were translated are at least 50 pages long. The sample that will be analyzed in this research will only be a fragment of each of these documents to facilitate the

process. Each of the fragments has been separated by language and they consist of 15 paragraphs per language. Each paragraph contains approximately 100-130 words that have been worked with and analyzed.

3.3 Implemented Strategies

The strategy used during this research is based on a color coding process. The purpose of this strategy is to identify and classify the procedures described in Chapter II that were implemented during the translation of each of the documents. The researcher will be able to use this instrument for an in-depth analysis of these procedures in Chapter V of this paper.

Table 3	
<i>Color Coding</i>	
Translation Procedure	Code
Literal Translation	Blue text
Borrowing	Red text
Calque	Green text
Transposition	<u>Underline</u>
Modulation	[Enclose]
Amplification	Highlight
Omission	{Enclose}
Explicitation	Highlight
Adaptation	Highlight
Equivalence	Highlight
Compensation	Highlight
Sentence Inversion	<u>Underline</u>
Punctuation Changes	(Enclose)
False Cognates	Highlight

Table 3. Codes that represent each translation procedure during the analysis. Source: Researcher's creation.

3.4 Data Collection Instruments

This section describes the data collection instruments used during the research to establish their function and format. They serve the purpose of collecting, storing and organizing the information of the research so it can later be compared and analyzed.

The main instruments used on this thesis are two: text analysis table and the glossaries by language. Each of these instruments intends to help the research reach the objectives of this research, which were described in detail in Chapter I.

The grid below establishes when and where each of these instruments and strategies will be used in the research and for what purpose.

Table 4 Objectives and Research Questions	
<u>Objectives and Research Questions</u>	<u>Instruments</u>
<p>Specific Objective 1 To translate the documents “<i>Extreme Poverty as a Human Rights Violation</i>” from English to Spanish and “<i>Gestión para la Transformación Social</i>” from Spanish into English.</p> <p><i>Subordinate question 1</i> How to translate the documents “<i>Extreme Poverty as a Human Rights Violation</i>” from English to Spanish and “<i>Gestión para la Transformación Social</i>” from Spanish into English?</p>	<p>Text analysis table</p> <p>Color coding</p>
<p>Specific Objective 2 To apply various translation procedures to the texts to obtain communicative documents</p> <p><i>Subordinate question 2</i> How to apply various translation procedures to the documents to obtain communicative documents?</p>	<p>Qualitative observation and analysis of the documents</p> <p>Color coding</p>
<p>Specific Objective 3 To evaluate the effect of the technical translation techniques applied in the documents</p> <p><i>Subordinate question 3</i> How to evaluate the effect of the technical translation techniques applied in the documents?</p>	<p>Qualitative observation and analysis of the documents</p> <p>Color coding</p>

<p>Specific Objective 4 To create a glossary with the most relevant terminology found in both documents.</p> <p><i>Subordinate question 4</i> How to create a glossary with the most relevant terminology found in both documents?</p> <p>General objective To evaluate the procedures and methods used to translate the thesis “<i>Extreme Poverty as a Human Rights Violation</i>” for the author and the document “<i>Gestión para la Transformación Social</i>” into English for Parque la Libertad.</p> <p>Research question How to evaluate the procedures and methods used to translate the thesis “<i>Extreme Poverty as a Human Rights Violation</i>” for the author and the document “<i>Gestión para la Transformación Social</i>” into English for Parque la Libertad?</p>	<p>Glossary from English into Spanish and from Spanish into English</p> <p>Qualitative observation and analysis of the documents</p> <p>Color coding</p>
<p><i>Table 4. Objectives and Research Questions for the research conducted on the analysis of translation procedures. Source: Researcher’s creation.</i></p>	

The first instrument used in this research is a table for the text analysis. This instrument contains the aspects considered for a detailed analysis of a text described in Chapter II. Both translations that were worked with are analyzed and compared using the table below.

<p>Table 5</p>		
<p><i>Text Analysis</i></p>		
<p><u>Text analysis element</u></p> <p>Text Style</p> <p>Stylistic Scale of Formality</p> <p>Stylistic Scale of Generality</p> <p>Stylistic Scale of Emotional tone</p> <p>Text Function</p> <p>Type of Translation</p>	<p><u>Gestión para la Transformación Social</u></p>	<p><u>Extreme Poverty as a Human Right Violation</u></p>
<p><i>Table 5. Text analysis of "Gestión para la Transformación Social" and "Extreme Poverty as a Human Right Violation". Source: Researcher’s creation</i></p>		

The glossaries are the final instruments used to guide the researcher during the translation process and to organize data and results. Two glossaries have been prepared and included, one for each language, because vocabulary was found in both documents that needed attention, meaning review, and a clear definition when translating,

The first glossary includes vocabulary from English to Spanish classified in the table below.

Table 6			
<i>English to Spanish Glossary</i>			
<u>English Term</u>	<u>Spanish Term</u>	<u>Gramatical Category</u>	<u>Definition</u>

Table 6. English to Spanish Glossary used to define terminology during the analysis process.
Source: Researcher's creation.

The second glossary includes vocabulary from Spanish to English and is classified in the table below.

Table 7			
<i>Spanish to English Glossary</i>			
<u>Spanish Term</u>	<u>English Term</u>	<u>Gramatical Category</u>	<u>Definition</u>

Table 7. Spanish to English glossary used to define terminology during the analysis process.
Source: Researcher's creation.

CHAPTER IV

TRANSLATIONS

4.1 English to Spanish

INTRODUCCIÓN

El flagelo de la pobreza ha preocupado a la humanidad desde tiempos inmemoriales y continúa ejerciendo un profundo y devastador efecto en nuestras sociedades sin un final visible. La pobreza extrema en particular es sin duda el fenómeno inhumano de más amplia difusión que afecta al mundo en la actualidad. El sufrimiento humano que esta conlleva se vuelve aún más escandaloso debido a su considerable persistencia, a pesar del continuo crecimiento económico mundial, el progreso tecnológico y el desarrollo del discurso y de las instituciones de derechos humanos.

El capítulo I de esta investigación iniciará con un enfoque conceptual al analizar los conceptos de pobreza extrema basados tanto en ingresos, como multidimensional. Una vez que se entiende la pobreza extrema en su concepto multidimensional, esta puede ser contextualizada dentro del influyente Enfoque de las Capacidades de Amartya Sen, así como también dentro del prevalente Enfoque Basado en los Derechos Humanos (EBDH). De acuerdo con este enfoque, el carácter interdependiente e interrelacionado de los derechos humanos son principios importantes que resultarán ser relevantes en varias instancias a lo largo de esta investigación.

Una vez establecido como un problema de derechos humanos, la segunda sección del capítulo I analizará el marco de derecho internacional relacionado con la pobreza extrema. Se empezará por llevar a cabo un análisis individual sobre derechos básicos específicos, los cuales pueden ser deducidos a partir del derecho más general a un nivel de vida adecuado. Esto incluirá no solo un análisis de las normas que contienen los instrumentos de derechos

humanos, sino que también las interpretaciones y el desarrollo más a fondo de estos derechos emitidos por el Comité de Derechos Económicos, Sociales y Culturales (CESCR, por sus siglas en inglés). El otro aspecto importante que se analizará dentro del marco de derecho internacional está relacionado con las obligaciones nacionales e internacionales que cada estado tiene con respecto de los derechos económicos, sociales y culturales. La delimitación sobre la naturaleza y el alcance de estas obligaciones también serán informados, tanto por medio de las normas de derechos humanos internacionales, como también por la opinión de expertos del CESCR.

El capítulo II se enfocará en la conceptualización de la pobreza extrema como una violación a los derechos humanos. La primera sección analizará esta premisa de acuerdo con varias interpretaciones de pobreza extrema dentro del discurso oficial sobre derechos humanos en el ámbito de las Naciones Unidas (ONU), donde la pobreza extrema no se considera una violación a los derechos humanos *per se*, a pesar de cierta ambigüedad que podría implícitamente apuntar en esta dirección.

La segunda sección analizará el informe de Thomas Pogge sobre pobreza extrema como una violación a los derechos humanos. Esta tesis se basa en un recuento mínimo sobre derechos humanos, donde el concepto central de derecho negativo es estar libre de pobreza extrema y los deberes negativos que esto conlleva. La visión de Pogge también establece el rol que juega el orden global institucional en la creación y mantenimiento de la carencia severa.

En la tercera sección, se analizarán los deberes positivos que propone Pogge en relación con este derecho negativo junto con otros informes influyentes sobre deberes positivos relacionados con la pobreza extrema, como los que contiene el Enfoque de Capacidades de Amartya Sen y la concepción de derechos básicos de Henry Shue.

La cuarta y última sección de este capítulo se centrará en el principio de la responsabilidad de proteger (conocido como R2P por sus siglas), que se ha convertido en el paradigma prevaleciente en el ámbito del derecho internacional con respecto de las intervenciones humanitarias. Mediante la revisión inicial de la conceptualización de R2P como fue formulada por la Comisión Internacional sobre la Intervención y Soberanía de los Estados (CIISE), que se basa en el paradigma de seguridad humana (SH), se proporcionará una evaluación crítica sobre el reducido ámbito de aplicación de la R2P, el cual se limita actualmente al genocidio, los crímenes de guerra, la depuración étnica y los crímenes contra la humanidad.

Con base en las diferentes conceptualizaciones de pobreza extrema como una violación a los derechos humanos que se desarrollan en esta investigación, se presentará un argumento para ampliar el ámbito de aplicación de la R2P para incluir la extrema pobreza entre las atrocidades masivas que puedan desencadenar su activación en la comunidad internacional. Esta es una idea novedosa sobre la que existe muy poca literatura a mano. Sin embargo, en mi opinión, ofrece un área de discusión provocativa y prometedora para un debate más a fondo, al que espero que pueda hacer algún tipo de contribución esta investigación.

CAPÍTULO I: LA POBREZA EXTREMA Y LOS DERECHOS HUMANOS

A. Enfoque conceptual de la pobreza extrema

Como se menciona en los comentarios iniciales, la pobreza es sin duda el fenómeno inhumano más extendido que afecta nuestro mundo. En las palabras de Louise Arbour, el Alto Comisionada de las Naciones Unidas para los Derechos Humanos (ACNUDH), es “*el más grave desafío de derechos humanos que enfrenta el mundo de hoy*”. Algunas de las repercusiones de este fenómeno global que se pueden cuantificar estadísticamente serán

mencionadas a lo largo de esta investigación. Sin embargo, la magnitud del sufrimiento humano que esta conlleva es inconmensurable y proyecta una sombra oscura sobre cualquier grado de desarrollo humano y progreso experimentado en los tiempos modernos. Como ha señalado también la Oficina del ACNUDH, *“en un mundo caracterizado por un nivel sin precedentes de desarrollo económico, medios tecnológicos y recursos financieros, es un escándalo moral que millones de personas vivan en extrema pobreza”*.

La pobreza no es sólo un problema en su forma empírica y en sus consecuencias para la vida real, sino también en el nivel conceptual. Los desafíos etimológicos presentes en cualquier tema parecen magnificarse cuando se trata de la noción de pobreza. Paul Spicker lo dice elocuentemente en los siguientes términos:

“Los debates sobre la pobreza han estado encapsulados por un formalismo académico artificial, el cual ha insistido en que debe existir un núcleo común de significado. Así se tomaron ejemplos de usos contradictorios de términos que demostrarían que algunos eran “correctos” mientras que otros eran “erróneos” y que el desacuerdo estaba basado, no en una diferencia de interpretación o de contenidos, sino en la imposibilidad de comprender la naturaleza del problema. Sin embargo, la pobreza no tiene un significado único. Contiene una serie de significados relacionados a través de una serie de similitudes [...] En ciencias sociales, la pobreza es entendida en al menos doce sentidos específicos. Los sentidos se superponen unos sobre otros; dos o tres definiciones distintas del mismo término pueden encontrarse simultáneamente en una misma posición en el debate sobre la pobreza. Los sentidos propuestos son específicos, ya que son lógicamente distinguibles, de modo que las características asociadas a un sentido no lo están necesariamente a otros”.

1. Concepto basado en ingresos

A pesar de este obstáculo insuperable, hay algunos modelos comunes que se pueden utilizar para empezar el acercamiento conceptual de la pobreza que son relevantes para el propósito de esta investigación. Un primer paso es diferenciar entre lo que se entiende como pobreza absoluta y pobreza relativa. El término "pobreza absoluta" fue acuñado inicialmente por la ONU como *“una grave privación de elementos de importancia vital para los seres humanos: comida, agua potable, instalaciones de saneamiento, atención de salud, vivienda, enseñanza e información. Esas situaciones dependen no solo de los ingresos, sino de la posibilidad de acceder a los servicios sociales”*. Sin embargo, lo que comúnmente se denomina como pobreza absoluta en la actualidad se basa en una línea de pobreza internacional de ingreso establecida por el Banco Mundial. Esta línea fue actualizada recientemente en el 2015 y pasó de ser US \$1,25 al día basado en los precios de 2005 a US \$ 1,90 al día con relación a los precios de 2011.

La idea detrás de este umbral es establecer un valor que permanezca constante entre todos los países, bajo el supuesto de que la supervivencia mínima implica esencialmente la misma cantidad de recursos en cualquiera de ellos y que debe haber un estándar para permitir comparaciones significativas en cuanto a políticas y progreso. Este es precisamente el indicador utilizado para evaluar los datos relativos a los Objetivos de Desarrollo del Milenio (ODM) y ahora es utilizado para medir el progreso hacia los Objetivos de Desarrollo Sostenible (ODS). En el 2012, según las estimaciones más recientes, 896 millones de personas vivían con menos de US \$1,90 dólares por día (un número menor que los 1,95 mil millones de personas en 1990), lo que equivale al 12,7% de la población mundial (en contraste con el 37% en 1990).

Por otra parte, la pobreza relativa tiene que ver con el nivel mínimo de ingreso requerido para satisfacer adecuadamente las necesidades básicas en un país específico. Por lo tanto, además de la línea de pobreza internacional, cada país tiene su propia línea de pobreza que también es establecida por el Banco Mundial y que toma en cuenta el nivel particular de ingresos y costos dentro de cada país. Este indicador es más relevante para analizar problemas en países desarrollados, donde el problema de la privación económica no es producto tanto de los efectos de la pobreza en su forma absoluta, sino más bien tiene que ver con la desigualdad y el contraste entre la vida de los pobres y nivel de vida promedio en su contexto social y económico específico. Las líneas pobreza nacionales son ampliamente utilizadas por diversas organizaciones de las Naciones Unidas, entre ellas el Programa de las Naciones Unidas para el Desarrollo (PNUD), el Fondo de las Naciones Unidas para la Infancia (UNICEF) y la Organización de Cooperación y Desarrollo Económicos (OCDE).

Sin embargo, esta investigación se enfocará en la pobreza absoluta. Como explica Thomas Pogge, a pesar de que los países ricos tienen poblaciones considerables que sufren desventajas sociales y exclusión debido a la desigualdad económica, el análisis de la pobreza relativa sólo sería relevante “*en aquellos casos extremadamente raros en los que tales personas son tan pobres en sentido absoluto que su acceso a las necesidades básicas es tan incierto como el de los muy pobres del mundo en desarrollo*”. Justifico mi alcance bajo la misma premisa.

La pobreza absoluta es un concepto que principalmente se utiliza en el contexto para distinguirlo de la pobreza relativa. Sin embargo, los indicadores que se derivan de ella, como la línea de pobreza internacional, se utilizan para medir lo que comúnmente se

conoce como pobreza extrema. Esta es la terminología que se utiliza con mayor frecuencia, entre otros sinónimos como la pobreza severa, la pobreza grave, la miseria o la penuria.

2. Concepto multidimensional

Sin embargo, la línea de pobreza internacional no es el único enfoque conceptual de este fenómeno. Se le critica con frecuencia por estar estrechamente basada en los ingresos y, por lo tanto, no toma en cuenta otros servicios e indicadores de desarrollo importantes. Desde la perspectiva basada en los ingresos, la noción predominante es que *“si bien la pobreza es ampliamente aceptada como un fenómeno multidimensional, no existe un consenso universal sobre si se deben y cómo se deben agregar las múltiples dimensiones de la pobreza en una sola medida de bienestar”* al reconocer que *“las medidas de pobreza multidimensional pueden proporcionar perspectivas complementarias útiles sobre la dinámica de la pobreza en el tiempo”*. Entre éstas, la medida más influyente es el Índice de Pobreza Multidimensional (IPM), desarrollado por el PNUD y la Iniciativa de Pobreza y Desarrollo Humano de Oxford en el 2010, y que sustituyó el Índice de Pobreza Humana (IPH).

Como indica su nombre, el IPM va más allá de los datos de ingresos. Evalúa la pobreza en el nivel individual y toma en cuenta diez factores ponderados, clasificados en tres categorías: educación, salud y nivel de vida. Los diez factores específicos son: nutrición, mortalidad infantil, años de escolaridad, asistencia escolar, combustible de hogar, instalaciones sanitarias, agua potable, electricidad, suelo y bienes. La privación en un tercio o más de diez indicadores ponderados clasificará a la persona como pobre dentro del IPM. El índice está diseñado para medir la pobreza severa (término utilizado comúnmente en la literatura IPM), que se refiere a dos características principales:

*“Primero, incluye a las personas que viven en condiciones que no alcanzan los estándares mínimos en indicadores de **funciones** básicas acordados internacionalmente, como estar bien nutridos, tener una educación o beber agua limpia. En segundo lugar, se refiere a personas que viven en condiciones en las que no alcanzan los estándares mínimos en varios aspectos al mismo tiempo”.*

3. Enfoque de capacidad

El término *funciones* de la cita anterior es una referencia al influyente enfoque de capacidad del economista Amartya Sen. Sen estuvo a la vanguardia en el desarrollo del paradigma multidimensional de la pobreza y su trabajo junto con Mahbub ul Haq fue fundamental en el desarrollo del Índice de Desarrollo Humano (IDH). La base para la creación del IPM fueron precisamente las tres grandes dimensiones de la salud, la educación y el nivel de vida inicialmente establecidas por el IDH. Sin embargo, el IDH sólo utiliza indicadores únicos para cada categoría de pobreza, mientras que el IPM, incluye los indicadores múltiples anteriormente enumerados. Como consecuencia, a pesar de sus limitaciones con respecto de la gama de indicadores, el IDH todavía puede aplicarse de manera más universal, ya que los datos relevantes para el cálculo de un IPM no siempre están disponibles en muchos países.

El enfoque de capacidad de Sen es una teoría económica que fue concebida por primera vez en la década de ochentas como un enfoque alternativo a la economía de bienestar. En términos generales, la capacidad se enfoca en las cosas valiosas que una persona puede hacer y ser. Sen ofrece la siguiente explicación para la relación entre capacidad y funciones:

“Los diversos logros en el funcionamiento humano que se pueden valorar son muy variados. Van desde estar bien nutridos o evitar la mortalidad prematura hasta

participar en la vida de la comunidad y desarrollar la habilidad para perseguir planes y ambiciones relacionados con el trabajo. La capacidad que nos interesa es nuestra habilidad para lograr diversas combinaciones de funciones que podemos comparar y juzgar entre ellas en términos de lo que tenemos razones para valorar”.

De acuerdo con este enfoque, la pobreza es una privación de capacidad y se aborda la noción de pobreza extrema como “*el fracaso de las capacidades básicas en alcanzar niveles mínimos aceptables*”. Esta idea no sólo va más allá de las nociones basadas en el ingreso, sino que también amplía la concepción de Rawls sobre bienes primarios, que se define ampliamente como “*lo que las personas necesitan durante una vida completa en su condición de ciudadanos libres e iguales y como miembros normales y plenamente cooperadores de la sociedad*”. Aunque Sen admite que el enfoque de Rawls en los bienes primarios es más inclusivo, señala las insuficiencias en la identificación entre pobreza e ingreso con las siguientes reservas:

“...en el análisis de Rawls, la identificación de los bienes primarios sigue siendo guiada por su búsqueda de medios generales para todos los fines, de los cuales el ingreso y la riqueza son ejemplos particulares -y particularmente importantes-. Sin embargo, diferentes personas pueden tener oportunidades muy diferentes para convertir los ingresos y otros bienes primarios en características de una buena vida y en el tipo de libertad valorada por la vida humana. Así, la relación entre los recursos y pobreza es variable y profundamente contingente en las características de las respectivas personas y el medio en el que viven, tanto natural como social”.

Sen no solo “*ha hecho más que nadie por ampliar el concepto de pobreza*” y ha contribuido al desarrollo de medidas multidimensionales de pobreza, sino que se le considera el vínculo entre la pobreza y el EBDH prevaleciente al desarrollo a través su

enfoque de capacidad. De acuerdo con el Marco Conceptual de Derechos Humanos y Reducción de la Pobreza del ACNUDH:

“La mayoría de los derechos humanos están relacionados con los derechos de la persona humana a determinadas libertades fundamentales, entre ellas las libertades de evitar el hambre, la enfermedad y el analfabetismo. Y el enfoque de la capacidad exige que la adecuación de las disposiciones sociales se juzgue en función del florecimiento de las libertades humanas. La prioridad a la libertad humana es pues el elemento común que conecta los dos enfoques. La consideración de la pobreza desde la perspectiva de la capacidad debe, por consiguiente, tender un puente para cruzar de la pobreza a los derechos humanos”.

4. Enfoque basado en los derechos humanos

El EBDH se remonta a la Declaración y Programa de Acción de Viena que fue aprobada por la Conferencia Mundial de Derechos Humanos en Viena el 25 de junio de 1993.

Respondiendo al compromiso solemne de todos los Estados de cumplir con sus obligaciones de promover, observar y proteger los derechos humanos, establece que *“el carácter universal de esos derechos y libertades no admite dudas”*. Además de reafirmar la universalidad de los derechos humanos, este documento señala también que deben ser considerados indivisibles e interdependientes y que están relacionados entre sí. Esto busca cerrar la brecha conceptual e ideológica entre los derechos civiles y políticos y los derechos económicos, sociales y culturales.

A raíz de esta declaración, y en el contexto del Programa de Reforma de las Naciones Unidas lanzado en 1997, el Secretario General de las Naciones Unidas (SGUN) hizo un llamado a todas las Agencias del Sistema de las Naciones Unidas con el fin de encauzar los derechos humanos en sus diversas actividades y programas en el marco de sus respectivos

mandatos. Sin embargo, cada organismo tendía a formular su propia interpretación del enfoque y cómo debía ser aplicado, lo que llevó a la formulación de "Un enfoque de la cooperación para el desarrollo basado en los derechos humanos hacia un entendimiento común entre las agencias de las Naciones Unidas" (Entendimiento Común) basado en el Segundo Taller para los organismos de la ONU en Stamford, Estados Unidos en mayo del 2003.

De este texto, surgieron los siguientes Principios Rectores para la programación de los derechos humanos en todas sus etapas. Entre estos principios de derechos humanos, se encuentran la universalidad y la inalienabilidad; la indivisibilidad; la interdependencia y la interrelación; la no discriminación y la igualdad; la participación y la inclusión; la responsabilidad y la obligación de rendir cuentas (*accountability*) y el imperio de la ley.

El significado y la importancia del EBDH, así como la influencia que ha ejercido sobre la pobreza en el nivel conceptual, se resume bien en términos de la Nota de Práctica de la Reducción de la Pobreza y los Derechos Humanos del PNUD de 2003:

“¿Qué significa un enfoque basado en derechos? Significa una comprensión clara de la diferencia entre derecho y necesidad. Un derecho es algo a lo que se tiene derecho únicamente por virtud de ser una persona. Es lo que le permite al individuo vivir con dignidad. Un derecho puede hacerse cumplir y conlleva una obligación por parte del gobierno. Una necesidad, por otra parte, es una aspiración que puede ser muy legítima, pero no necesariamente está asociada con una obligación de parte del gobierno de atenderla. La satisfacción de una necesidad no se puede hacer cumplir. Los derechos humanos hacen la diferencia entre ser y meramente existir”.

La definición de pobreza está en constante movimiento hacia una visión basada en los derechos humanos que destaca una multitud de causas subyacentes. Existe una mayor

conciencia de cómo el respeto a los derechos humanos es una condición esencial para los resultados socioeconómicos y esto pone en tela de juicio la propuesta de que los ingresos deben usarse como un buen y suficiente indicador representativo para medir la pobreza.

Sin embargo, según la EBDH, la definición de pobreza debe abordar el incumplimiento de estos derechos y, al mismo tiempo, no estar totalmente desvinculada de las limitaciones por recursos económicos. Una vez más, se piensa que la concepción de Amartya Sen sobre la pobreza satisface estas dos exigencias. En este sentido, desde una perspectiva basada en los derechos, la pobreza implica bajos niveles de capacidad, pero no todos los tipos de capacidad, porque si *“la pobreza denota una forma extrema de privación, lo se considerarían como pobreza las insuficiencias de la capacidad que se estiman básicas siguiendo cierto orden de prioridad”*. Al mismo tiempo, al incorporar el enfoque de la capacidad, la concepción de la pobreza basada en los derechos humanos se aleja aún más de la que se basa en ingresos, ya que *“los ingresos no son una capacidad y, por tanto, no son un aspecto del bienestar en sí, aunque pueden contribuir al logro de las capacidades.”*

Al basarse en esta premisa, el EBDH prefiere el uso del término *“disposición de recursos económicos”* más que ingresos. Este es un concepto más amplio donde el ingreso personal es sólo una posible fuente y toma en cuenta recursos como bienes y servicios públicos o administrados comunamente, entre otros. Además, permite otras afectaciones de capacidades que no son causales de ingreso o incluso de recursos, sino que tienen que ver con algún tipo de discriminación presente en las prácticas socioculturales o en los marcos político-jurídicos, donde la falta de disposición de recursos económicos desempeña un papel meramente mediador. En resumen, *“la pobreza se puede definir de manera equivalente como la falta de libertades básicas – desde la perspectiva de las capacidades –, o bien como la no realización de los derechos a esas libertades – desde la perspectiva de*

los derechos humanos,” con la condición de que los derechos humanos involucrados deben equivaler a las capacidades que consideradas como básicas y que la falta de disposición de recursos económicos desempeña un papel en la cadena causal que conduce a su no cumplimiento. Como explican los Principios y Directrices del ACNUDH para un Enfoque de Derechos Humanos a las Estrategias de Reducción de la Pobreza:

“31. Puesto que la pobreza denota una forma extrema de privación, sólo debe considerarse pobreza la falta de realización de las posibilidades que se consideren básicas en atención a cierto orden de prioridades. Como las distintas sociedades pueden tener prioridades diferentes, la lista de posibilidades básicas puede diferir de una sociedad a otra.

32. Ahora bien, la observación empírica apunta a un conjunto común de posibilidades que se pueden considerar básicas en la mayoría de las sociedades. Son, entre otras: la alimentación adecuada, la protección contra la morbilidad y la mortalidad prematura prevenibles, la vivienda adecuada, la educación básica, la seguridad personal, el acceso equitativo a la justicia, la posibilidad de vivir con dignidad, de ganarse la vida y de participar en la vida comunitaria. Estas Directrices versan sobre ese conjunto común”.

El EBDH se puede categorizar como una concepción holística, no sólo por los elementos mencionados anteriormente relacionados con la pobreza multidimensional, las libertades, las capacidades y los derechos humanos; sino también en el sentido de que los derechos humanos se consideran universales, interdependientes e interrelacionados. Al mismo tiempo, la naturaleza holística de este enfoque se refleja en la relación paralela y complementaria que comparten los derechos humanos con la noción de desarrollo y con los diferentes programas, organismos e instrumentos de derecho internacional en este campo.

Este EBDH holístico a la pobreza, que puede ser muy inclusivo por su amplio alcance, también puede estar plagado de clichés y vaguedad. Sin embargo, se ha dado un cierto grado de especificación, como se puede observar en los elementos doctrinales discutidos anteriormente y los conceptos establecidos en ellos. Los acontecimientos recientes incluyen los “Principios Rectores sobre la Pobreza Extrema y los Derechos Humanos” aprobados por el Consejo de Derechos Humanos (CDH) por consenso el 27 de septiembre de 2012. Este instrumento desarrolla el EBDH a la pobreza, pero introduce un desarrollo conceptual adicional en la noción de pobreza extrema, que es un subconjunto particular de la formulación más general de la pobreza y es fundamental para el propósito de esta investigación. Comienza por reconocer la definición de pobreza dada por el Comité de derechos económicos, sociales y culturales (CESCR, por sus siglas en inglés) que la establece como *“una condición humana que se caracteriza por la privación continua o crónica de los recursos, la capacidad, las opciones, la seguridad y el poder necesarios para disfrutar de un nivel de vida adecuado y de otros derechos civiles, culturales, económicos, políticos y sociales”*.

Sin embargo, elabora una concepción de la pobreza en su forma más seria al reconocer la definición de pobreza extrema por Arjun Sengupta, un experto independiente en materia de derechos humanos y extrema pobreza, ofrecida en su informe titulado “Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo”, que es la siguiente:

“Por consiguiente, la extrema pobreza se puede identificar con las personas que padecen la pobreza de ingresos (al estar por debajo de un nivel acordado de ingresos disponibles mínimos o los gastos necesarios para llevar una vida sostenible) y las personas que padecen la falta de desarrollo humano (sin acceso a determinados bienes

y servicios básicos o sin su disponibilidad, necesarios para que puedan llevar una vida cabal), así como las personas socialmente excluidas (sin seguridad básica de llevar una existencia social adecuada, dependiente de la estructura de las relaciones sociales)”.

Los Principios Rectores desarrollan esta definición al añadir una premisa adicional que fue adoptada a partir de la definición de pobreza extrema presente en el “Informe final sobre derechos humanos y extrema pobreza” presentado a la Comisión de Derechos Humanos del Consejo Económico y Social por el relator especial Leandro Despouy. Teniendo en cuenta ambas premisas, el texto de los Principios Rectores define la pobreza extrema como la combinación de pobreza de ingresos, pobreza de desarrollo humano y exclusión social donde *“una falta prolongada de seguridad básica afecta a varios ámbitos de la existencia al mismo tiempo, comprometiendo gravemente las posibilidades de las personas de ejercer o recobrar sus derechos en un futuro previsible”*.

Como su nombre lo indica, uno de los principales enfoques de este instrumento es el establecimiento de una serie de principios fundamentales para un EBDH, específicamente en el campo de la pobreza. Estos son los principios que propone y elabora:

- Dignidad, universalidad, indivisibilidad, relación mutua e interdependencia de todos los derechos
- Disfrute en condiciones de igualdad de todos los derechos humanos por las personas que viven en la extrema pobreza
- Igualdad entre hombres y mujeres
- Derechos de los niños
- Capacidad de actuación y autonomía de las personas que viven en la extrema pobreza

- Participación y empoderamiento
- Transparencia y acceso a la información
- Rendición de cuentas

Estos desarrollos nos llevan a lo esencial del tema que es determinar cuáles son los derechos humanos específicos que están involucrados en la evaluación conceptual de la pobreza extrema. Los Principios y Directrices para un Enfoque de los Derechos Humanos de las Estrategias de Reducción de la Pobreza explican los derechos que serán relevantes en el contexto de la pobreza y los fundamentos detrás de su relevancia, que pueden ser constitutivos o instrumentales:

“En el lenguaje de los derechos, puede afirmarse que una persona vive en la pobreza si no disfruta de una serie de derechos humanos, como son los derechos a la alimentación, a la salud y a la participación política, entre otros. Tales derechos tienen pertinencia constitutiva para la pobreza si la carencia de recursos económicos de las personas es un elemento que interviene en la no realización de esos derechos. Algunos derechos humanos tienen la particularidad de que su realización contribuirá al disfrute de otros derechos humanos que guardan relación constitutiva con la pobreza. Por ejemplo, gozar del derecho al trabajo contribuye al disfrute del derecho a la alimentación. Puede decirse entonces que esos derechos tienen pertinencia instrumental en lo que se refiere a la pobreza. Naturalmente, un mismo derecho humano puede tener ambos tipos de pertinencia. En las presentes Directrices se abordan los derechos que se consideran particularmente relacionados con la pobreza de acuerdo con su importancia constitutiva o instrumental”.

Los nuevos argumentos y circunstancias justificarán la relevancia de los diferentes derechos debido a la interdependencia e interrelación de los derechos humanos en el

EBDH. Las directrices mencionadas anteriormente ofrecen una lista de derechos cuyo disfrute es particularmente limitado y obstaculizado por parte de la población que sufre de extrema pobreza y con los cuales las políticas estatales han demostrado ser a menudo inadecuadas o contraproducentes. Estos se analizarán en la siguiente sección dentro del marco de derecho internacional sobre la protección de los derechos humanos, desde donde podemos extraer el derecho a estar libre de pobreza, el cual será parte importante de los argumentos desarrollados más adelante en esta investigación.

Esta sección de la investigación ha ilustrado cómo puede haber enfoques conceptuales muy diferentes de la pobreza al depender del alcance y los temas a mano. De la misma manera, la cantidad de personas en el mundo que se considera que viven en esta condición y los efectos estadísticos que podemos derivar de ella varían dependiendo de la definición y el enfoque de la pobreza extrema que se obedece. Para ciertas estrategias de reducción de pobreza y desarrollo social, una visión basada en los ingresos podría ser el único indicador con datos concluyentes u operativos disponibles. Sin embargo, el carácter multidimensional de la pobreza, y su vínculo con los derechos humanos, representa un panorama mucho más completo y debe ser favorecido siempre que sea posible.

En cualquier caso, las ambigüedades conceptuales y técnicas de una definición exacta de la pobreza no son el foco principal de esta investigación. Los argumentos que se pretenden establecer serán válidos para determinar qué es y quién sufre pobreza extrema, a pesar de la concepción específica o el indicador que se elija. Thomas Pogge adopta una postura similar:

“Una definición exacta y aplicable de la pobreza es importante (Reddy y Pogge 2007) para seguir el progreso para lograr los primeros Objetivos de Desarrollo del Milenio

proclamados por las Naciones Unidas, por ejemplo. Sin embargo, una definición tan exacta es menos crucial para las discusiones más filosóficas de este volumen”.

Dicho esto, el carácter multidimensional de la pobreza extrema y el EBDH tienen una amplia aceptación y proporcionan el contexto adecuado para evaluar si la pobreza extrema puede ser considerada como una violación a los derechos humanos. Por el momento, basta con establecer a la pobreza extrema como un problema de derechos humanos. Como consecuencia, esto lleva a la revisión del marco pertinente al derecho internacional de los derechos humanos sobre el tema, lo cual es el tema central de la siguiente sección.

B. Marco legal internacional sobre pobreza extrema

Formalmente hablando, explícitamente no existe un derecho humano de estar libre de la pobreza, ya sea extrema o de algún otro tipo. Sin embargo, es posible derivar este derecho del contenido de la Declaración Universal de los Derechos Humanos (DUDH) y del Pacto Internacional de Derechos Económicos, Sociales y Culturales (PIDESC). Los derechos humanos establecidos en estos influyentes textos han sido desarrollados con instrumentos adicionales sobre temas específicos que han sido generados a partir de su contenido. Otra fuente de desarrollo de los derechos humanos relacionados con la pobreza extrema proviene de las interpretaciones y opiniones oficiales de los órganos competentes como, por ejemplo, el Comité de Derechos Económicos, Sociales y Culturales (CESCR, por sus siglas en inglés) a través de sus Observaciones Generales y las directrices y principios de la oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH) observados en la sección anterior. A su vez, el contenido de estos derechos humanos genera responsabilidades y obligaciones en el nivel estatal e internacional que el CESCR, así como otros instrumentos de derechos humanos, ayudan a informar. Conjuntamente, esto establece el marco legal internacional relevante para la pobreza extrema.

1. Derechos específicos

Para establecer derechos específicos relacionados con la pobreza extrema se puede recurrir a diferentes fuentes y criterios. Una declaración adoptada por el CESCR ofrece una idea de lo que podrían ser los derechos centrales sobre este tema:

“Aunque en el Pacto Internacional de Derechos la pobreza es uno de sus temas recurrentes y siempre ha constituido una de las principales preocupaciones del Comité. Los derechos a trabajar, un nivel de vida adecuado, la vivienda, la alimentación, la salud y la educación, que constituyen la base del Pacto, guardan una relación directa e inmediata con la erradicación de la pobreza”.

Por otra parte, la Oficina del ACNUDH ha enumerado una serie de derechos cuyo disfrute por la población que sufre de extrema pobreza es particularmente limitado y obstaculizado que en su opinión y en relación con los que las políticas estatales han demostrado ser inadecuadas o contraproducentes. Los Principios y Directrices para un Enfoque de los Derechos Humanos de las Estrategias de Reducción de la Pobreza del 2006 proponen una lista no exhaustiva:

- El derecho al trabajo
- El derecho a una alimentación adecuada
- El derecho a una vivienda adecuada
- El derecho a la salud
- El derecho a la educación
- El derecho a la seguridad y a la intimidad
- El derecho a la igualdad de acceso a la justicia
- Libertades y derechos políticos.

Sin embargo, los más recientes Principios Rectores sobre la Pobreza Extrema y los Derechos Humanos del ACNUDH, publicados en 2012, enumeran una lista más amplia de derechos específicos:

- Derecho a la vida y a la integridad física
- Derecho a la libertad y a la seguridad de las personas
- Derecho a igual protección ante la ley, igual acceso a la justicia y medios de reparación efectivos
- Derecho al reconocimiento de la personalidad jurídica
- Derecho a la vida privada y a la protección del domicilio y la familia
- Derecho a un nivel de vida adecuado
- Derecho a la alimentación y nutrición adecuadas
- Derecho al agua y al saneamiento
- Derecho a una vivienda adecuada, seguridad a la tenencia y prohibición del desalojo forzoso
- Derecho al más alto nivel posible de salud física y mental
- Derecho al trabajo y a los derechos en el trabajo
- Derecho a la seguridad social
- Derecho a la educación
- Derecho a participar en la vida cultural y a gozar de los beneficios del progreso científico y de sus aplicaciones.

Estas diferentes listas ilustran la gran variedad de derechos que son relevantes para la pobreza extrema como un fenómeno multidimensional. Estos derechos se pueden centrar principalmente en derechos sociales, económicos y culturales, pero se debe entender que incluyen también derechos civiles y políticos.

Al mismo tiempo, reflejan el carácter interrelacionado e interdependiente de estos derechos humanos, especialmente en la forma en que algunos derechos se formulan de manera diferente o se unen entre sí. Un análisis con profundidad de cada uno de estos derechos supera el alcance de esta investigación. Sin embargo, para obtener una visión panorámica del marco legal internacional relacionado con la pobreza extrema, se establecerá el contenido de un conjunto de derechos fundamentales, identificando sus coordenadas dentro de las normas de los instrumentos de derechos humanos.

La selección de estos derechos fundamentales estará determinada por los derechos que pueden derivarse directamente del derecho a un nivel de vida adecuado. Esto se puede justificar en la investigación por dos razones. La primera razón está relacionada con el hecho de que este es el derecho principal sobre el cual Thomas Pogge basa su exposición sobre la pobreza extrema como una violación de los derechos humanos. La segunda razón tiene que ver con el hecho de que estos derechos fundamentales enmarcan la concepción de pobreza extrema que se considera la más adecuada para establecer una relación con el principio Responsabilidad de Proteger (R2P, por sus siglas en inglés) que es la hipótesis más importante en esta investigación.

a. El derecho a un nivel de vida adecuado

Este es un derecho complejo que incluye muchos derechos específicos relacionados con una amplia variedad de factores. Su formulación es muy general y se podría argumentar que es una formulación positiva del derecho a estar libre de la pobreza. Como lo señala el ACNUDH en los Principios Rectores sobre la Pobreza Extrema y los Derechos Humanos:

“Aunque el derecho a condiciones de vida adecuadas comprende derechos específicos [...] es también un derecho general que abarca los elementos esenciales para la supervivencia humana, la salud y el desarrollo físico e intelectual. La ausencia de un

nivel de vida adecuado está relacionada con medios de subsistencia limitados o inseguros”.

Precisamente al abarcar tanto y ser tan general y abierto en su formulación abstracta, es importante analizar el contenido de las normas específicas del derecho internacional que lo establecen. Fue la DUDH la que primero abordó el derecho a un nivel de vida adecuado y estableció el modelo para su posterior desarrollo en otros instrumentos de derechos humanos. Lo hace en los siguientes términos:

“Artículo 25. Toda persona tiene derecho a un nivel de vida adecuado que le asegure, así como a su familia, la salud y el bienestar, y en especial la alimentación, el vestido, la vivienda, la asistencia médica y los servicios sociales necesarios; tiene asimismo derecho a los seguros en caso de desempleo, enfermedad, invalidez, vejez u otros casos de pérdida de sus medios de subsistencia por circunstancias independientes de su voluntad”.

El PIDESC, aunque muy similar en contenido, no incluye tantas variables, las específicas sólo alimentación, ropa y vivienda adecuadas:

“Artículo 11.
1. Los Estados Partes en el presente Pacto reconocen el derecho de toda persona a un nivel de vida adecuado para sí y su familia, incluso alimentación, vestido y vivienda adecuados, y a una mejora continua de las condiciones de existencia. Los Estados Partes tomarán medidas apropiadas para asegurar la efectividad de este derecho, reconociendo a este efecto la importancia esencial de la cooperación internacional fundada en el libre consentimiento”.

El derecho a un nivel de vida adecuado también ha sido incluido posteriormente en otros instrumentos de derechos humanos sobre temas específicos. La Convención sobre la

Eliminación de Todas las Formas de Discriminación contra la Mujer (CEDAW, por sus siglas en inglés) contiene este derecho en el siguiente artículo:

“Artículo 14.

1. Los Estados Partes tendrán en cuenta los problemas especiales a que hace frente la mujer rural y el importante papel que desempeña en la supervivencia económica de su familia, incluido su trabajo en los sectores no monetarios de la economía, y tomarán todas las medidas apropiadas para asegurar la aplicación de las disposiciones de la presente Convención a la mujer de las zonas rurales.

2. Los Estados Partes adoptarán todas las medidas apropiadas para eliminar la discriminación contra la mujer en las zonas rurales a fin de asegurar, en condiciones de igualdad entre hombres y mujeres, su participación en el desarrollo rural y en sus beneficios, y en particular le asegurarán el derecho a:

(h) Gozar de condiciones de vida adecuadas, particularmente en las esferas de la vivienda, los servicios sanitarios, la electricidad y el abastecimiento de agua, el transporte y las comunicaciones”.

La Convención sobre los Derechos del Niño (CRC, por sus siglas en inglés) también contiene la siguiente referencia explícita a este derecho:

“Artículo 27.

1. Los Estados Partes reconocen el derecho de todo niño a un nivel de vida adecuado para su desarrollo físico, mental, espiritual, moral y social.

2. A los padres u otras personas encargadas del niño les incumbe la responsabilidad primordial de proporcionar, dentro de sus posibilidades y medios económicos, las condiciones de vida que sean necesarias para el desarrollo del niño.

3. Los Estados Partes, de acuerdo con las condiciones nacionales y con arreglo a sus medios, adoptarán medidas apropiadas para ayudar a los padres y a otras personas responsables por el niño a dar efectividad a este derecho y, en caso necesario, proporcionarán asistencia material y programas de apoyo, particularmente con respecto a la nutrición, el vestuario y la vivienda.

4. Los Estados Partes tomarán todas las medidas apropiadas para asegurar el pago de la pensión alimenticia por parte de los padres u otras personas que tengan la responsabilidad financiera por el niño, tanto si viven en el Estado Parte como si viven en el extranjero. En particular, cuando la persona que tenga la responsabilidad financiera por el niño resida en un Estado diferente de aquel en que resida el niño, los Estados Partes promoverán la adhesión a los convenios internacionales o la concertación de dichos convenios, así como la concertación de cualesquiera otros arreglos apropiados”.

La Convención sobre los Derechos de las Personas con Discapacidad (CRPD, por sus siglas en inglés) también reconoce el derecho a un nivel de vida adecuado, en los siguientes términos:

“Artículo 28.

1. Los Estados Partes reconocen el derecho de las personas con discapacidad a un nivel de vida adecuado para ellas y sus familias, lo cual incluye alimentación, vestido y vivienda adecuados, y a la mejora continua de sus condiciones de vida, y adoptarán las medidas pertinentes para salvaguardar y promover el ejercicio de este derecho sin discriminación por motivos de discapacidad.

2. Los Estados Partes reconocen el derecho de las personas con discapacidad a la protección social y a gozar de ese derecho sin discriminación por motivos de

discapacidad, y adoptarán las medidas pertinentes para proteger y promover el ejercicio de ese derecho, entre ellas:

a) Asegurar el acceso en condiciones de igualdad de las personas con discapacidad a servicios de agua potable y su acceso a servicios, dispositivos y asistencia de otra índole adecuados a precios asequibles para atender las necesidades relacionadas con su discapacidad;

b) Asegurar el acceso de las personas con discapacidad, en particular las mujeres y niñas y las personas mayores con discapacidad, a programas de protección social y estrategias de reducción de la pobreza;

c) Asegurar el acceso de las personas con discapacidad y de sus familias que vivan en situaciones de pobreza a asistencia del Estado para sufragar gastos relacionados con su discapacidad, incluidos capacitación, asesoramiento, asistencia financiera y servicios de cuidados temporales adecuados;

d) Asegurar el acceso de las personas con discapacidad a programas de vivienda pública;

e) Asegurar el acceso en igualdad de condiciones de las personas con discapacidad a programas y beneficios de jubilación”.

Estas normas, si se leen de manera integrada en conjunto con otros tratados regionales sobre derechos humanos, apuntan hacia el reconocimiento de un derecho humano en un nivel de vida adecuado, compuesto por un conjunto básico de derechos mínimos. No es posible reducir estos derechos a una lista específica de derechos, particularmente porque cada una de estas normas tiene una formulación distinta de este derecho. Sin embargo, para los efectos de esta investigación, basta con centrarse en los derechos derivados de la formulación inicial de la DUDH, que hace referencia directa al derecho a la salud, la

alimentación, el vestido y la vivienda. El carácter interrelacionado e interdependiente de estos derechos establecerá vínculos con otros derechos humanos y podrá proporcionar un contexto adecuado para los derechos fundamentales relacionados con la pobreza extrema.

b. El derecho a la salud

El derecho a la salud, como se ha señalado anteriormente, se incluye en el Artículo 25 de la DUDH y estipula que el derecho a un nivel de vida adecuado es “*que le asegure la salud y el bienestar*” a una persona. El PIDESC, también mencionado anteriormente, no incluye disposiciones al derecho a la salud en la formulación de un nivel de vida adecuado en el artículo 11, que se centra principalmente en el derecho a la alimentación. Sin embargo, lo hace en el artículo siguiente:

“Artículo 12.

1. Los Estados Partes en el presente Pacto reconocen el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental.

2. Entre las medidas que deberán adoptar los Estados Partes en el Pacto a fin de asegurar la plena efectividad de este derecho, figurarán las necesarias para:

a) La reducción de la mortalidad y de la mortalidad infantil, y el sano desarrollo de los niños;

b) El mejoramiento en todos sus aspectos de la higiene del trabajo y del medio ambiente;

c) La prevención y el tratamiento de las enfermedades epidémicas, endémicas, profesionales y de otra índole, y la lucha contra ellas;

d) La creación de condiciones que aseguren a todos asistencia médica y servicios médicos en caso de enfermedad”.

Además, el derecho a la salud está reconocido por otros instrumentos de derechos humanos sobre temas específicos. Entre ellas, la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial (ICERD, por sus siglas en inglés):

“Artículo 5.

En conformidad con las obligaciones fundamentales estipuladas en el artículo 2 de la presente Convención, los Estados partes se comprometen a prohibir y eliminar la discriminación racial en todas sus formas y a garantizar el derecho de toda persona a la igualdad ante la ley, sin distinción de raza, color y origen nacional o étnico, particularmente en el goce de los derechos siguientes: [...]

e) Los derechos económicos, sociales y culturales, en particular: [...]

iv) El derecho a la salud pública, la asistencia médica, la seguridad social y los servicios sociales”.

La CEDAW, además del artículo 14 (h) citado anteriormente que menciona el saneamiento, contiene también las siguientes disposiciones específicas relativas al derecho a la salud:

“Artículo 11.

1. Los Estados Partes adoptarán todas las medidas apropiadas para eliminar la discriminación contra la mujer en la esfera del empleo a fin de asegurar, en condiciones de igualdad entre hombres y mujeres, los mismos derechos, en particular:

(f) El derecho a la protección de la salud y a la seguridad en las condiciones de trabajo, incluso la salvaguardia de la función de reproducción.

Artículo 12.

1. Los Estados Partes adoptarán todas las medidas apropiadas para eliminar la discriminación contra la mujer en la esfera de la atención médica a fin de asegurar, en condiciones de igualdad entre hombres y mujeres, el acceso a servicios de atención médica, inclusive los que se refieren a la planificación de la familia.

2. Sin perjuicio de lo dispuesto en el párrafo 1 supra, los Estados Partes garantizarán a la mujer servicios apropiados en relación con el embarazo, el parto y el período posterior al parto, proporcionando servicios gratuitos cuando fuere necesario y le asegurarán una nutrición adecuada durante el embarazo y la lactancia”.

El CRC también aborda explícitamente el derecho a la salud en la siguiente norma:

“Artículo 24.

1. Los Estados Partes reconocen el derecho del niño al disfrute del más alto nivel posible de salud y a servicios para el tratamiento de las enfermedades y la rehabilitación de la salud. Los Estados Partes se esforzarán por asegurar que ningún niño sea privado de su derecho al disfrute de esos servicios sanitarios.

2. Los Estados Partes asegurarán la plena aplicación de este derecho y, en particular, adoptarán las medidas apropiadas para:

a) Reducir la mortalidad infantil y en la niñez;

b) Asegurar la prestación de la asistencia médica y la atención sanitaria que sean necesarias a todos los niños, haciendo hincapié en el desarrollo de la atención primaria de salud;

c) Combatir las enfermedades y la malnutrición en el marco de la atención primaria de la salud mediante, entre otras cosas, la aplicación de la tecnología disponible y el

suministro de alimentos nutritivos adecuados y agua potable salubre, teniendo en cuenta los peligros y riesgos de contaminación del medio ambiente;

d) Asegurar atención sanitaria prenatal y postnatal apropiada a las madres;

e) Asegurar que todos los sectores de la sociedad, y en particular los padres y los niños, conozcan los principios básicos de la salud y la nutrición de los niños, las ventajas de la lactancia materna, la higiene y el saneamiento ambiental y las medidas de prevención de accidentes, tengan acceso a la educación pertinente y reciban apoyo en la aplicación de esos conocimientos;

f) Desarrollar la atención sanitaria preventiva, la orientación a los padres y la educación y servicios en materia de planificación de la familia.

3. Los Estados Partes adoptarán todas las medidas eficaces y apropiadas posibles para abolir las prácticas tradicionales que sean perjudiciales para la salud de los niños.

4. Los Estados Partes se comprometen a promover y alentar la cooperación internacional con miras a lograr progresivamente la plena realización del derecho reconocido en el presente artículo. A este respecto, se tendrán plenamente en cuenta las necesidades de los países en desarrollo”.

La Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares (ICRMW, por sus siglas en inglés) estipula lo siguiente:

“Artículo 43.

1. Los trabajadores migratorios gozarán de igualdad de trato respecto de los nacionales del Estado de empleo en relación con: [...]

e) El acceso a los servicios sociales y de salud, siempre que se hayan satisfecho los requisitos establecidos para la participación en los planes correspondientes”.

El derecho a la salud está estrechamente relacionado con la pobreza extrema, tanto como una de las causas, así como una de sus consecuencias. Los Principios Rectores del ACNUDH lo explican bien:

“Los enfermos corren más peligro de convertirse en pobres y las personas que viven en la pobreza son más vulnerables a la enfermedad y a la discapacidad [...] La buena salud es esencial para crear y mantener la capacidad que los pobres necesitan a fin de salir del estado de pobreza. [...] La mala salud es un elemento constitutivo de la pobreza si la falta de control sobre los recursos económicos incide en los factores que la causan”.

Sin embargo, como lo ha especificado el CDESCR en su OG No. 14 sobre el derecho al disfrute del más alto nivel posible de salud, *“el derecho a la salud no debe entenderse como un derecho a estar sano”*. En cambio, el CDESCR enmarca este derecho en relación con una serie de libertades y derechos. Entre las libertades, este derecho incluye el *“derecho a controlar su salud y su cuerpo, con inclusión de la libertad sexual y genésica, y el derecho a no padecer injerencias, como el derecho a no ser sometido a torturas ni a tratamientos y experimentos médicos no consensuales”*.

Los derechos se refieren a cuatro elementos esenciales: disponibilidad, accesibilidad, aceptabilidad y calidad. Por lo tanto, el derecho a la salud implica que los servicios públicos de salud funcionales, bienes y servicios deben estar disponibles en números suficientes dentro de un Estado. También significa que deben ser accesibles sin discriminación para todas las personas. El elemento de accesibilidad incluye varias dimensiones: la no discriminación, así como la accesibilidad física, informativa y económica. Además, todas las instalaciones, bienes y servicios de salud deben ser aceptables, es decir, *“respetuosos de la ética médica y culturalmente apropiados”*.

Finalmente, deben ser de buena calidad, lo cual implica criterios científicos y médicos apropiados.

El CDESCR también establece que el derecho a la salud no se limita al derecho a la atención médica, sino que *“abarca una amplia gama de factores socioeconómicos que promueven las condiciones merced a las cuales las personas pueden llevar una vida sana, y hace ese derecho extensivo a los factores determinantes básicos de la salud, como la alimentación y la nutrición, la vivienda, el acceso a agua limpia potable y a condiciones sanitarias adecuadas, condiciones de trabajo seguras y sanas y un medio ambiente sano”*.

El derecho al agua en particular también ha sido abordado por el CDESCR en su OG No. 15, el cual establece los derechos incluidos en el artículo 11.1 del PIDESC no pretenden ser exhaustivos en su formulación y que *“el derecho al agua se encuadra claramente en la categoría de las garantías indispensables para asegurar un nivel de vida adecuado, en particular porque es una de las condiciones fundamentales para la supervivencia”*. Además, este OG establece una correlación importante entre el acceso al agua potable, el saneamiento y la pobreza, en los siguientes términos:

“Más de 1.000 millones de personas carecen de un suministro suficiente de agua y varios miles de millones no tienen acceso a servicios adecuados de saneamiento, lo cual constituye la principal causa de contaminación del agua y de las enfermedades relacionadas con el agua. La polución incesante, el continuo deterioro de los recursos hídricos y su distribución desigual están agravando la pobreza ya existente”.

Esto conduce al reconocimiento explícito por parte de la Asamblea General de las Naciones Unidas (UNGA, por sus siglas en inglés) del derecho humano al agua y al

saneamiento en 2010, al reconocer que el agua potable limpia y el saneamiento son esenciales para la realización de todos los derechos humanos.

c. El derecho a la alimentación

Como se ha señalado anteriormente, el derecho a la alimentación figura en el Artículo 25 de la DUDH, así como también en el Artículo 11 del PIDESC, que en su sección 2 desarrolla este derecho:

“2. Los Estados Partes en el presente Pacto, reconociendo el derecho fundamental de toda persona a estar protegida contra el hambre, adoptarán, individualmente y mediante la cooperación internacional, las medidas, incluidos los programas concretos, que se necesitan para:

a) Mejorar los métodos de producción, conservación y distribución de alimentos mediante la plena utilización de los conocimientos técnicos y científicos, la divulgación de principios sobre nutrición y el perfeccionamiento o la reforma de los regímenes agrarios de modo que se logren la explotación y la utilización más eficaces de las riquezas naturales;

b) Asegurar una distribución equitativa de los alimentos mundiales en relación con las necesidades, teniendo en cuenta los problemas que se plantean tanto a los países que importan productos alimenticios como a los que los exportan.

Este derecho se ha desarrollado en los Artículos 24 y 27 de la CRC, mencionados anteriormente, así como los siguientes instrumentos específicos de derechos humanos sobre el tema: la Declaración de Roma sobre la Seguridad Alimentaria Mundial y el Plan de Acción de la Cumbre Mundial sobre la Alimentación de 1996; La Cumbre Mundial sobre la Alimentación en 2002; las Directrices Voluntarias de la Organización de las Naciones Unidas para la Agricultura y la Alimentación para apoyar la realización progresiva del

derecho a una alimentación adecuada en el contexto de la seguridad alimentaria nacional en 2004; y la Convención de Asistencia Alimentaria de 2012.

El CDESCR ha abordado este derecho en su OG No. 12 sobre el derecho a una alimentación adecuada, que dice que *“las raíces del problema del hambre y la malnutrición no están en la falta de alimento sino en la falta de acceso a los alimentos disponibles, por parte de grandes segmentos de la población del mundo entre otras razones, a causa de la pobreza”*. Continúa dando una definición del derecho a una alimentación adecuada, al especificar el contenido normativo del Artículo 11 del PIDESC:

“El derecho a la alimentación adecuada se ejerce cuando todo hombre, mujer o niño, ya sea sólo o en común con otros, tiene acceso físico y económico, en todo momento, a la alimentación adecuada o a medios para obtenerla. El derecho a la alimentación adecuada no debe interpretarse, por consiguiente, en forma estrecha o restrictiva asimilándolo a un conjunto de calorías, proteínas y otros elementos nutritivos concretos. El derecho a la alimentación adecuada tendrá que alcanzarse progresivamente. No obstante, los Estados tienen la obligación básica de adoptar las medidas necesarias para mitigar y aliviar el hambre tal como se dispone en el párrafo 2 del artículo 11, incluso en caso de desastre natural o de otra índole”.

Además, esta OG establece dos dimensiones, la adecuación y la sostenibilidad, al contenido básico del derecho a la alimentación, el cual se compone de disponibilidad y accesibilidad. La adecuación *“viene determinado en buena medida por las condiciones sociales, económicas, culturales, climáticas, ecológicas y de otro tipo”*, mientras que la sostenibilidad tiene que ver con la disponibilidad y el acceso a largo plazo. La disponibilidad, según el CDESCR, son *“las posibilidades que tiene el individuo de alimentarse ya sea directamente, explotando la tierra productiva u otras fuentes naturales*

de alimentos, o mediante sistemas de distribución, elaboración y de comercialización que funcionen adecuadamente y que puedan trasladar los alimentos desde el lugar de producción a donde sea necesario según la demanda”, mientras que la accesibilidad incluye tanto la accesibilidad económica como física.

d. El derecho a la vestimenta

El derecho a la vestimenta, como se ha establecido anteriormente, es un componente del derecho a un nivel de vida adecuado según el Artículo 25 de la DUDH, el Artículo 11 del PIDESC, el Artículo 27.3 de la CRC y el artículo 28.1 de la CRPD.

El CESCR ha especificado, en su OG No. 5 sobre personas con discapacidad que *“el derecho a disponer de ropa adecuada también reviste especial significación si se trata de personas con discapacidad que tienen necesidades especiales en materia de ropa para poder desempeñarse plena y eficazmente en la sociedad”*. Asimismo, en relación con el derecho al más alto nivel posible de salud, el CESCR ha recomendado que los Estados garanticen un vestuario de protección adecuado para minimizar el riesgo de accidentes de trabajo en su OG No. 14. Sin embargo, además de estas referencias que son al margen, el derecho a la vestimenta adecuada es el menos desarrollado de todos los componentes del derecho a un nivel de vida adecuado y no se le ha dado mucha importancia en el derecho internacional.

Las razones de la poca importancia que se le ha dado a este derecho pueden relacionarse con el hecho de que haya sido incluido dentro del derecho al refugio y a la vivienda o que puede no ser considerado crítico o tan generalizado en relación con otras privaciones más estrictas que soportan comúnmente aquellos que sufren de pobreza extrema. Otra razón por la que este derecho no se ha desarrollado más puede deberse a variaciones culturales y ambientales. Sin embargo, esto también es cierto para el derecho a

una vivienda adecuada, que, por otra parte, ha sido ampliamente desarrollado. Como dijo Mathew Craven:

“El derecho a la vestimenta, aunque está específicamente incluido en el Pacto, ha recibido poca atención del Comité o de los comentaristas independientes. En lo que respecta al Comité, no se hace referencia a la vestimenta en las directrices para la presentación de informes y sólo preguntas ocasionales han sido realizadas por miembros individuales de los Estados. La impresión que se tiene es que la vestimenta no es un asunto sobre el que el Estado pueda ejercer un gran control, ni tampoco uno que el Comité considere de gran importancia”.

e. El derecho a una vivienda

El derecho a una vivienda, como se ha explicado anteriormente, es también un componente del derecho a un nivel de vida adecuado según el Artículo 25 de la DUDH, el Artículo 11 del PIDESC, el Artículo 14 h) de la CEDAW, el Artículo 27.3 de la CRC y el Artículo 28.1 de la CRPD.

Además, se reconoce el derecho a la vivienda en otros instrumentos de derechos humanos sobre temas específicos. Entre ellos, la ICERD establece:

“Artículo 5.

En conformidad con las obligaciones fundamentales estipuladas en el artículo 2 de la presente Convención, los Estados partes se comprometen a prohibir y eliminar la discriminación racial en todas sus formas y a garantizar el derecho de toda persona a la igualdad ante la ley, sin distinción de raza, color y origen nacional o étnico, particularmente en el goce de los derechos siguientes: [...]

e) Los derechos económicos, sociales y culturales, en particular: [...]

iii) El derecho a la vivienda”.

La ICRMW también contiene una norma que reconoce este derecho:

“Artículo 43.

1. Los trabajadores migratorios gozarán de igualdad de trato respecto de los nacionales del Estado de empleo en relación con: [...]

d) El acceso a la vivienda, con inclusión de los planes sociales de vivienda, y la protección contra la explotación en materia de alquileres”.

El derecho a la vivienda está estrechamente relacionado con la pobreza extrema, tanto como una de las causas, así como una de sus consecuencias. Los Principios Rectores del ACNUDH lo explican bien:

“La mayoría de las personas pobres tienen que afrontar las desventajas y los peligros que para ellas suponen los lugares y las condiciones materiales en que viven. Las viviendas son precarias; sus habitantes tienen que soportar el hacinamiento y la contaminación y, según la estación, pésimas condiciones climáticas, con inseguridad para las personas y los bienes; alejamiento; problemas derivados de la inexistencia o inadecuación de las infraestructuras (por ejemplo, falta de acceso al agua potable); y la estigmatización y marginación. Las malas condiciones de vivienda reflejan y agravan la pobreza”.

El CDESCR ha abordado este derecho en su OG No. 4, al proporcionar una definición amplia del derecho, que va más allá mero hecho de tener un tejado por encima de la cabeza, al afirmar que *“debe considerarse más bien como el derecho a vivir en seguridad, paz y dignidad en alguna parte”.*

El CDESCR desarrolla el contenido de la vivienda adecuada, que incluye una serie de elementos esenciales. La seguridad jurídica de la tenencia, que *“garantice una protección legal contra el desahucio, el hostigamiento u otras amenazas”.* La disponibilidad de

servicios, materiales, facilidades e infraestructura “*indispensables para la salud, la seguridad, la comodidad y la nutrición*”. Gastos soportables que “*deberían ser de un nivel que no impidiera ni comprometiera el logro y la satisfacción de otras necesidades básicas*”. Habitabilidad en términos de proporcionar espacio y protección adecuados contra los elementos naturales, así como de las “*amenazas para la salud, de riesgos estructurales y de vectores de enfermedad*”. Asequibilidad, tomando en cuenta grupos en situación de desventaja y garantizar “*el derecho de todos a un lugar seguro para vivir en paz y dignidad, incluido el acceso a la tierra como derecho*”. Un lugar que permite el acceso al trabajo y los servicios sociales y que no se encuentre “*en la proximidad inmediata de fuentes de contaminación que amenazan el derecho a la salud de los habitantes*”. Por último, la adecuación cultural que permita “*la expresión de la identidad cultural y la diversidad de la vivienda*”.

La OG No. 7 sobre el tema de los desalojos forzosos incluye un importante reconocimiento de la afirmación de la Comisión de Derechos Humanos de que “*la práctica del desalojo forzoso constituye una grave violación de los derechos humanos, en particular el derecho a una vivienda adecuada*”. En los casos que se consideran justificadas según la ley, el CDESCR establece un conjunto de protecciones procesales, que incluyen:

- “a) una auténtica oportunidad de consultar a las personas afectadas;*
- b) un plazo suficiente y razonable de notificación a todas las personas afectadas con antelación a la fecha prevista para el desalojo;*
- c) facilitar a todos los interesados, en un plazo razonable, información relativa a los desalojos previstos y, en su caso, a los fines a que se destinan las tierras o las viviendas;*

- d) la presencia de funcionarios del gobierno o sus representantes en el desalojo, especialmente cuando éste afecte a grupos de personas;*
- e) identificación exacta de todas las personas que efectúen el desalojo;*
- f) no efectuar desalojos cuando haga muy mal tiempo o de noche, salvo que las personas afectadas den su consentimiento;*
- g) ofrecer recursos jurídicos; y*
- h) ofrecer asistencia jurídica siempre que sea posible a las personas que necesiten pedir reparación a los tribunales”.*

Otros instrumentos específicos de derechos humanos relacionados directamente con el derecho a la vivienda son la Declaración de Estambul sobre Asentamientos Humanos, generada en la Conferencia de las Naciones Unidas sobre los Asentamientos Humanos (Hábitat II) y la Declaración sobre las Ciudades y otros Asentamientos Humanos en el Nuevo Milenio.

f. El derecho a la educación

El derecho a la educación merece una mención especial dentro del marco del derecho internacional relacionado con la pobreza extrema. Sin duda, este derecho no está incluido en la formulación del derecho a un nivel de vida adecuado y, en algunos aspectos, podría no ser un derecho directamente relacionado con la supervivencia y el sustento mínimos de un ser humano. Sin embargo, se ha establecido con alta prioridad en los instrumentos de derecho internacional y se incluye en el núcleo mínimo de obligaciones estatales e internacionales determinado por el CESCR que se discutirá en la siguiente sección.

La DUDH reconoce el derecho a la educación en el siguiente artículo, en el que se establece bien el nivel mínimo esencial del derecho, relacionado con la educación elemental gratuita:

“Artículo 26.

(1) Toda persona tiene derecho a la educación. La educación debe ser gratuita, al menos en lo concerniente a la instrucción elemental y fundamental. La instrucción elemental será obligatoria. La instrucción técnica y profesional habrá de ser generalizada; el acceso a los estudios superiores será igual para todos, en función de los méritos respectivos.

(2) La educación tendrá por objeto el pleno desarrollo de la personalidad humana y el fortalecimiento del respeto a los derechos humanos y a las libertades fundamentales; favorecerá la comprensión, la tolerancia y la amistad entre todas las naciones y todos los grupos étnicos o religiosos, y promoverá el desarrollo de las actividades de las Naciones Unidas para el mantenimiento de la paz”.

(3) Los padres tendrán derecho preferente a escoger el tipo de educación que habrá de darse a sus hijos”.

Adicionalmente, el PIDESC elabora este derecho en un artículo e impone obligaciones específicas con respecto de la implementación de la educación primaria gratuita para los Estados Partes en el próximo artículo:

“Artículo 13.

1. Los Estados Partes en el presente Pacto reconocen el derecho de toda persona a la educación. Conviene en que la educación debe orientarse hacia el pleno desarrollo de la personalidad humana y del sentido de su dignidad y debe fortalecer el respeto por los derechos humanos y las libertades fundamentales. Conviene asimismo en que la educación debe capacitar a todas las personas para participar efectivamente en una sociedad libre, favorecer la comprensión, la tolerancia y la amistad entre todas las

naciones y entre todos los grupos raciales, étnicos o religiosos y promover las actividades de las Naciones Unidas en pro del mantenimiento de la paz.

2. Los Estados Partes en el presente Pacto reconocen que, con objeto de lograr el pleno ejercicio de este derecho:

a) La enseñanza primaria debe ser obligatoria y asequible a todos gratuitamente;

b) La enseñanza secundaria, en sus diferentes formas, incluso la enseñanza secundaria técnica y profesional, debe ser generalizada y hacerse accesible a todos, por cuantos medios sean apropiados, y en particular por la implantación progresiva de la enseñanza gratuita;

c) La enseñanza superior debe hacerse igualmente accesible a todos, sobre la base de la capacidad de cada uno, por cuantos medios sean apropiados, y en particular por la implantación progresiva de la enseñanza gratuita;

d) Debe fomentarse o intensificarse, en la medida de lo posible, la educación fundamental para aquellas personas que no hayan recibido o terminado el ciclo completo de instrucción primaria;

e) Se debe proseguir activamente el desarrollo del sistema escolar en todos los ciclos de la enseñanza, implantar un sistema adecuado de becas, y mejorar continuamente las condiciones materiales del cuerpo docente.

3. Los Estados Partes en el presente Pacto se comprometen a respetar la libertad de los padres y, en su caso, de los tutores legales, de escoger para sus hijos o pupilos escuelas distintas de las creadas por las autoridades públicas, siempre que aquéllas satisfagan las normas mínimas que el Estado prescriba o apruebe en materia de enseñanza, y de hacer que sus hijos o pupilos reciban la educación religiosa o moral que esté de acuerdo con sus propias convicciones.

4. Nada de lo dispuesto en este artículo se interpretará como una restricción de la libertad de los particulares y entidades para establecer y dirigir instituciones de enseñanza, a condición de que se respeten los principios enunciados en el párrafo 1 y de que la educación dada en esas instituciones se ajuste a las normas mínimas que prescriba el Estado.

Artículo 14.

Todo Estado Parte en el presente Pacto que, en el momento de hacerse parte en él, aún no haya podido instituir en su territorio metropolitano o en otros territorios sometidos a su jurisdicción la obligatoriedad y la gratuidad de la enseñanza primaria, se compromete a elaborar y adoptar, dentro de un plazo de dos años, un plan detallado de acción para la aplicación progresiva, dentro de un número razonable de años fijado en el plan, del principio de la enseñanza obligatoria y gratuita para todos”.

El derecho a la educación también se reconoce en los Artículos 28 y 29 de la CRC y en el Artículo 10 de la CEDAW, así como en instrumentos específicos de derechos humanos dedicados a él, como la Declaración Mundial sobre Educación para Todos, La Declaración y Marco de Acción de Delhi y el Marco de Acción de Dakar.

A pesar de que el contenido del derecho a la educación está muy bien definido en las normas internacionales de derechos humanos previamente establecidas, el CESCR ha emitido dos OG relacionados con este derecho en particular. La OG No. 11, dedicada a los planes de acción obligatorios para la educación primaria impuestas por el artículo 14 del PIDESC, destaca la importancia y el carácter del derecho a la educación:

“El derecho a la educación [...] es de vital importancia. Se ha clasificado de distinta manera como derecho económico, derecho social y derecho cultural. Es, todos esos derechos al mismo tiempo. También, de muchas formas, es un derecho civil y un

derecho político, ya que se sitúa en el centro de la realización plena y eficaz de esos derechos. A este respecto, el derecho a la educación es el epítome de la indivisibilidad y la interdependencia de todos los derechos humanos”.

Por otra parte, la OG No. 13, que profundiza en el contenido de este derecho, establece sus rasgos interrelacionados y esenciales. Estos incluyen disponibilidad, accesibilidad (lo que implica no discriminación, así como accesibilidad física y económica), aceptabilidad y adaptabilidad.

2. Obligaciones de los Estados Partes e obligaciones internacionales

Los derechos económicos, sociales y culturales, como todos los derechos, imponen obligaciones a diversos niveles. Se entiende que los principales responsables de los deberes impuestos por estos derechos son los Estados, precisamente porque se entienden en términos generales que implican deberes positivos en cuanto a legislación y medidas institucionales. En este sentido, la obligación principal recae en el nivel estatal, que se complementa con las obligaciones de cooperación internacional establecidas en la Carta de las Naciones Unidas y los instrumentos específicos de derechos humanos en este campo.

Sin embargo, es importante tener en cuenta que, de acuerdo con el EBDH, la interdependencia e interrelación de los derechos humanos implica que estos derechos deben ser entendidos en su dimensión más holística. Esto conlleva un amplio alcance respecto de las obligaciones que generan. Actualmente, se entiende que los derechos humanos implican tres subcategorías de obligaciones: obligaciones de respetar, proteger y cumplir. La oficina del ACNUDH lo explica en los siguientes términos:

*“Además, con objeto de aclarar el contenido de las obligaciones de los Estados, éstas se agrupan en ocasiones en tres apartados: **respetar** (abstenerse de interferir en el disfrute del derecho), **proteger** (impedir que otras personas interfieran en el disfrute del*

*derecho) y **realizar** (adoptar medidas apropiadas con miras a lograr la plena efectividad del derecho) los derechos económicos, sociales y culturales”.*

Esta triple dimensión ha sido reafirmada repetidamente por entidades de las ONU, como el PIDESC o la Organización de las Naciones Unidas para la Agricultura y la Alimentación. También ha sido reconocida por las Directrices de Maastricht sobre Violaciones de los Derechos Económicos, Sociales y Culturales que, aunque no es un instrumento de derechos humanos en sí, es una opinión experta influyente emitida por la Comisión Internacional de Juristas. Este documento establece también dos tipos adicionales de obligaciones: obligaciones de conducta y obligaciones de resultado. Esto se explica de la siguiente manera:

“Las obligaciones de respetar, proteger y cumplir incluyen elementos de obligación de conducta y de obligación de resultado. La obligación de conducta exige acciones racionalmente concebidas con el propósito de asegurar el ejercicio de un derecho específico [...]. La obligación de resultado requiere que los Estados cumplan objetivos concretos que satisfagan una norma sustantiva precisa”.

a. Obligaciones de los Estados Partes

Las obligaciones en el nivel estatal que se generan por los derechos económicos, sociales y económicos, están claramente estipuladas en el Artículo 2 del PIDESC:

“Artículo 2

1. Cada uno de los Estados Partes en el presente Pacto se compromete a adoptar medidas, tanto por separado como mediante la asistencia y la cooperación internacionales, especialmente económicas y técnicas, hasta el máximo de los recursos de que disponga, para lograr progresivamente, por todos los medios apropiados,

inclusive en particular la adopción de medidas legislativas, la plena efectividad de los derechos aquí reconocidos.

2. Los Estados Partes en el presente Pacto se comprometen a garantizar el ejercicio de los derechos que en él se enuncian, sin discriminación alguna por motivos de raza, color, sexo, idioma, religión, opinión política o de otra índole, origen nacional o social, posición económica, nacimiento o cualquier otra condición social.

3. Los países en desarrollo, teniendo debidamente en cuenta los derechos humanos y su economía nacional, podrán determinar en qué medida garantizarán los derechos económicos reconocidos en el presente Pacto a personas que no sean nacionales suyos”.

En su OG No. 3, el CESCR ha señalado la relevancia y la importancia de este artículo:

“El Artículo 2 es de particular importancia para una plena comprensión del Pacto y debe considerarse que tiene una relación dinámica con todas las demás disposiciones del Pacto. Describe la naturaleza de las obligaciones jurídicas generales asumidas por los Estados Partes en el Pacto”.

En la primera parte de este artículo, las obligaciones del Estado Parte están condicionadas por el nivel máximo de sus recursos disponibles, que es lo que se conoce como principio de progresiva efectividad. Debido a que la plena realización de estos derechos implica no sólo que los deberes negativos no interfieran con su realización (o, en otras palabras, una obligación de respeto), sino que también los deberes positivos los protejan y los hagan cumplir, los reclamantes a estos derechos encontrarán que su realización está sujeta a las limitaciones impuestas por los recursos disponibles. Esto es considerado por muchos como la diferencia radical entre los derechos civiles y políticos (que normalmente están relacionados con deberes negativos y son de aplicabilidad

inmediata), y los derechos económicos, sociales y culturales (que dependen más de los deberes positivos y cuya realización está condicionada no sólo por los recursos disponibles, sino también por un margen de tiempo para su realización progresiva).

La discusión relacionada con estas diferencias está ideológicamente mancillada y ha llevado a algunos a cuestionar el estatus de los derechos económicos, sociales y culturales como derechos humanos apropiados en lugar de meramente ideales pragmáticos. Sin embargo, esta división entre ambas subcategorías de derechos humanos no es tan clara y simplista como muchos argumentan y, de acuerdo con el derecho internacional y el EBDH prevaleciente, los derechos humanos son universales, interrelacionados e interdependientes, y las divisiones y debilitamiento categórico los derechos económicos, sociales y derechos culturales es inaceptable. Un claro ejemplo de las áreas grises que desacreditan estas tendencias dicotómicas tiene que ver precisamente con las obligaciones en el nivel estatal y la progresiva efectividad de los derechos humanos establecida en el Artículo 2 del PIDESC. El CESCR, en su OG No. 3, también aborda la naturaleza de estas obligaciones y ofrece una importante distinción que aclara la verdadera dimensión de la progresiva efectividad de los derechos económicos, sociales y culturales:

“Aunque algunas veces se ha hecho gran hincapié en las diferencias entre las formulaciones empleadas en esta disposición y las incluidas en el artículo 2 equivalente del Pacto Internacional de Derechos Civiles y Políticos, no siempre se reconoce que también existen semejanzas importantes. En particular, aunque el Pacto contempla una realización paulatina y tiene en cuenta las restricciones derivadas de la limitación de los recursos con que se cuenta, también impone varias obligaciones con efecto inmediato”.

Según el CDESCR, existen dos obligaciones de particular importancia en lo que respecta a las obligaciones en el nivel estatal que deben considerarse de efecto inmediato. La primera tiene que ver con la garantía de que los derechos pertinentes se ejercerán sin discriminación, como se establece en la sección 2 del Artículo 2. Esto implica que la no discriminación es un principio transversal en todo el PIDESC y el derecho a no ser discriminado es inmediatamente aplicable y ejecutable en relación con el respeto, la protección y el cumplimiento de estos derechos. La segunda obligación señalada por el CDESCR tiene que ver con la progresiva efectividad de estos derechos, tal como se formula en la sección 1 del Artículo 2:

“La otra consiste en el compromiso contraído en virtud del párrafo 1 del artículo 2 en el sentido de “adoptar medidas,” compromiso que en sí mismo no queda condicionado ni limitado por ninguna otra consideración. [...] Así pues, si bien la plena realización de los derechos pertinentes puede lograrse de manera paulatina, las medidas tendentes a lograr este objetivo deben adoptarse dentro de un plazo razonablemente breve tras la entrada en vigor del Pacto para los Estados interesados. Tales medidas deben ser deliberadas, concretas y orientadas lo más claramente posible hacia la satisfacción de las obligaciones reconocidas en el Pacto”.

En otras palabras, el Estado Parte tiene una obligación inmediata e incondicional de adoptar medidas deliberadas, concretas y dirigidas hacia el pleno ejercicio de estos derechos al utilizar los medios adecuados y el máximo de sus recursos. La progresiva efectividad de estos derechos debe lograrse mediante esta obligación primaria y directa, que es la única obligación realista que el ICESCR podría imponer, pero sin la cual carecería de importancia. El CDESCR hace hincapié en esto en los siguientes términos:

“La expresión progresiva efectividad” se usa con frecuencia para describir la intención de esta frase. El concepto de progresiva efectividad constituye un reconocimiento del hecho de que la plena efectividad de todos los derechos económicos, sociales y culturales en general no podrá lograrse en un breve período de tiempo. En este sentido, la obligación difiere de manera importante de la que figura en el artículo 2 del Pacto Internacional de Derechos Civiles y Políticos e incorpora una obligación inmediata de respetar y garantizar todos los derechos pertinentes. Sin embargo, el hecho de que la efectividad a lo largo del tiempo, o en otras palabras progresivamente, se prevea en relación con el Pacto no se ha de interpretar equivocadamente como que priva a la obligación de todo contenido significativo. Por una parte, se requiere un dispositivo de flexibilidad necesaria que refleje las realidades del mundo real y las dificultades que implica para cada país el asegurar la plena efectividad de los derechos económicos, sociales y culturales. Por otra parte, la frase debe interpretarse a la luz del objetivo general, en realidad la razón de ser, del Pacto, que es establecer claras obligaciones para los Estados Partes con respecto a la plena efectividad de los derechos de que se trata. Este impone así una obligación de proceder lo más expedita y eficazmente posible con miras a lograr ese objetivo”.

Cabe señalar que este último párrafo establece también una obligación paralela, enmarcada como un deber negativo, que implica la prohibición de incurrir en medidas deliberadamente retroactivas para el pleno ejercicio de estos derechos. Si se adoptaran esas medidas, *“requerirán la consideración más cuidadosa y deberán justificarse plenamente por referencia a la totalidad de los derechos previstos en el Pacto y en el contexto del aprovechamiento pleno del máximo de los recursos de que se disponga”.*

Además, el CDESCR establece que *“que corresponde a cada Estado Parte una obligación mínima de asegurar la satisfacción de por lo menos niveles esenciales de cada uno de los derechos”*. La determinación de estos niveles mínimos esenciales podría, a mi juicio, ser un parámetro objetivo y no basado en ingresos para identificar el umbral de pobreza extrema, de acuerdo con un EBDH. Es lógico deducir que la severa privación implícita de no tener al menos estos niveles esenciales mínimos merece una obligación más estricta, que es menos indulgente que lo que exige el mandato realista de la progresiva efectividad. El CDESCR lo ve de esta manera:

“Así, por ejemplo, un Estado Parte en el que un número importante de individuos está privado de alimentos esenciales, de atención primaria de salud esencial, de abrigo y vivienda básicos o de las formas más básicas de enseñanza, prima facie no está cumpliendo sus obligaciones en virtud del Pacto. Si el Pacto se ha de interpretar de tal manera que no establezca una obligación mínima, carecería en gran medida de su razón de ser”.

Sin embargo, al igual que la adopción de las medidas necesarias para aprovechar al máximo los recursos disponibles podría no bastar para realizar progresivamente el pleno contenido de los derechos económicos, sociales y culturales, tal vez no sea suficiente para garantizar esta mínima obligación fundamental. El CDESCR admite esta posibilidad y la manera en que hace que esta obligación sea más estricta es al establecer una condición reforzada que el Estado Parte debe cumplir para atribuir el incumplimiento de los niveles mínimos esenciales a la falta de recursos disponibles y, por lo tanto, no poder con cumplir sus obligaciones a primera vista. Esta condición implica una obligación adicional de *“demostrar que ha realizado todo esfuerzo para utilizar todos los recursos que están a su*

disposición en un esfuerzo por satisfacer, con carácter prioritario, esas obligaciones mínimas”.

Los niveles mínimos esenciales de los derechos a la salud y la educación, por ejemplo, han sido explícitamente desarrollados por el CDESCR a través de sus OG. Sin embargo, en lo que respecta al derecho a la salud, CDESCR parece dar un paso más en relación con estas obligaciones básicas mínimas. En su OG No. 14, el CDESCR afirma categóricamente que las obligaciones básicas mínimas establecidas en el OG no son derogables y que un Estado Parte no puede justificar su incumplimiento al demostrar la prioridad y el uso de la cantidad máxima de recursos a su disposición:

“Si la limitación de recursos imposibilita el pleno cumplimiento por un Estado de las obligaciones que le impone el Pacto, dicho Estado tendrá que justificar no obstante que ha hecho todo lo posible por utilizar todos los recursos de que dispone para cumplir, como cuestión de prioridad, las obligaciones señaladas supra. Cabe señalar que un Estado Parte no puede justificar su incumplimiento de las obligaciones básicas enunciadas en el párrafo 37 supra, que no pueden suspenderse”.

Este párrafo, al menos en lo que respecta al derecho a la salud, transfiere la rigurosidad de las obligaciones básicas mínimas (al demostrar la prioridad y uso del máximo de recursos disponibles para el cumplimiento de estas obligaciones) a la plena realización de este derecho y establece el incumplimiento por parte del Estado de las obligaciones básicas mínimas como un incumplimiento (ya no sólo a primera vista, sino ahora inevitable) de sus obligaciones en virtud del PIDESC. No obstante, el CDESCR ha reafirmado la naturaleza no derogable de estas obligaciones como regla general (y no sólo relacionada con el derecho a la salud), como se deduce de la siguiente declaración:

“Para evitar malentendidos, el Comité desea recalcar tres aspectos. En primer lugar, como las obligaciones esenciales son inderogables, no se extinguen en situaciones de conflicto, emergencia o desastre natural”.

Es interesante destacar también que, de acuerdo con la OG No. 14 respecto del derecho a la salud y la OG No. 13 con respecto del derecho a la educación, el incumplimiento de los niveles mínimos esenciales que establecen implica no sólo un incumplimiento de estos derechos humanos, sino una violación real a los derechos humanos.

La importancia de estas obligaciones esenciales en relación con la pobreza y las políticas en el nivel estatal también ha sido abordada por el CESCR:

“Así pues, las obligaciones esenciales en materia de derechos económicos, sociales y culturales tienen un papel fundamental en las políticas nacionales e internacionales de desarrollo, hasta en las estrategias para combatir la pobreza. Cuando se las agrupa, esas obligaciones establecen un umbral mínimo internacional que todas las políticas de desarrollo deberían respetar”.

Por último, según el Artículo 16 del PIDESC, los Estados Partes tienen la obligación de informar sobre las medidas adoptadas para el pleno ejercicio de los derechos económicos, sociales y culturales:

“Artículo 16.

1. Los Estados Partes en el presente Pacto se comprometen a presentar, en conformidad con esta parte del Pacto, informes sobre las medidas que hayan adoptado, y los progresos realizados, con el fin de asegurar el respeto a los derechos reconocidos en el mismo.

2. a) *Todos los informes serán presentados al Secretario General de las Naciones*

Unidas, quien transmitirá copias al Consejo Económico y Social para que las examine conforme a lo dispuesto en el presente Pacto;

b) El Secretario General de las Naciones Unidas transmitirá también a los organismos especializados copias de los informes, o de las partes pertinentes de éstos, enviados por los Estados Partes en el presente Pacto que además sean miembros de estos organismos especializados, en la medida en que tales informes o partes de ellos tengan relación con materias que sean de la competencia de dichos organismos conforme a sus instrumentos constitutivos”.

b. Obligaciones internacionales

**CAPÍTULO II: LA POBREZA EXTREMA COMO VIOLACION A LOS
DERECHOS HUMANOS**

- A. La pobreza extrema como una violación de los derechos humanos según el
derecho internacional**
- B. Deberes negativos según Pogge**
- C. Deberes positivos**
- D. La responsabilidad de proteger (R2P)**

CAPÍTULO III: CONCLUSIONS

4.2 Spanish to English

PRESENTATION

The United Nations Development Programme (UNDP) and Parque La Libertad Foundation are pleased to present the publication “*Parque la Libertad, Gestión para la Transformación Social*” (“Parque La Libertad: Management for Social Transformation”).

Parque La Libertad is a project created by the Ministry of Culture and Youth (MCJ, for its initials in Spanish), with the support of the United Nations System. It was created with a public-private partnership to approach human security, culture as an engine for development, and social inclusion. The institution aims to provide opportunities for the economic, social, and environmental development of the of Desamparados, La Unión, and Curridabat cantons, with views to improve the quality of life of their inhabitants.

The UNDP’s main objective is to promote sustainable human development through the strengthening of institutional capacities and the promotion of new options for people to undertake their own life projects, in order to achieve the universal fulfillment of human rights, and strengthen democracy, coexistence, and environmental protection.

The work of both institutions towards meeting these objectives has allowed the creation of this publication, which aims to document the gathered experience over the five years of managing Parque La Libertad and provide methodological elements as input for local governments, civil organizations, private sector, or other entities, that seek to improve people’s quality of life in similar areas through culture, technology, education, and sports.

By systematizing this methodology, it has been possible to identify that Parque La Libertad operates through spirals of social transformation that have three emphases: people, transforming space into centers of excellence, and development of the concept of place, as well as the improvement of the quality of life.

This document is a product of the alliance between UNDP and Parque La Libertad, that dates back to the Joint Program implemented by the Spains' United Nations Fund in order to achieve the Millenium Development Foeals in 2008-2011. Parque La Libertad Foundation is deeply grateful to UNDP, for its technical and financial support in order to carry out this systematization, and to all the people who have made its development possible.

CHAPTER I

A. INTRODUCTION

Parque La Libertad is a project created by the Ministry of Culture and Youth (MCJ, for its initials in Spanish) in a public-private alliance with the Parque Metropolitano La Libertad Foundation. It is oriented towards “developing interactive spaces and managing artistic, environmental, sport, urban culture, technical training, commercial, and entrepreneur opportunity projects.”

It is located “in the convergence of the marginal urban communities of the areas of La Union, Desamparados and Curridabat.” As a whole, these communities make up one of the largest population clusters of Costa Rica’s Greater Metropolitan Area (GMA).

The project consists of four main lines of action (MLAs) that work in a complimentary way: the environmental; the micro, small and medium enterprises (MSMEs); the recreational urban activities (community promotion and development starting in 2016); and the artistic.

Parque La Libertad was founded in 2007 and, from then and until now, it has characterized itself for being a project that incorporates innovative elements in the management of social politics in Costa Rica, while being committed to generating

development in vulnerable communities by using cultural investment, social inclusion, and human security, as central concepts.

That is the reason why, by the end of 2015 and with resources from the United Nations Development Programme (UNDP), a systematization process was developed with the objective of sharing how Parque La Libertad implements its operation and culture as a driving force for development.

This document shows some of the results of this process, so the experience of this project can be used in similar areas elsewhere throughout the country.

B. ABOUT THE SYSTEMATIZATION PROCESS

Systematization is a knowledge management process that is geared towards “recovering what has been lived and reconstructing it historically in order to be able to interpret it and learn lessons.”

Parque La Libertad’s trajectory is extensive in time and in experience. Aspiring to systematize five years’ worth of work for this project would not only be exhausting, but may also end up lacking all the information and knowledge required to nourish the current and future practice of this experience.

Under this understanding, it was essential to design a systematization plan that served as a working path throughout the whole reconstruction and creative thinking process.

The plan defined the following:

1. Objectives of the Systematization Process

- Organize the management model implementation for Parque La Libertad, as a project of social inclusion and human security through its four main lines of action (artistic, environmental, MSMEs, and recreational urban activities), for its use in similar areas.

- Reconstruct the human security and social inclusion methodology that Parque La Libertad has implemented by systematizing chosen experiences.

2. Object of the Systematization Process

The plan defined that this systematization process would focus on seven specific experiences that it has carried out and that exemplify the social inclusion methodology that has been implemented since 2010.

In addition to these experiences, the accountability and collective impact strategies that Parque uses, as part of its methodological tactics, were documented. The experiences to be systemized were as follows:

1. Environmental Line of Action Experience: The Environmental Educational School Program (PEAE, for its initials in Spanish)
2. Micro Small and Medium Enterprise (MSME) Line of Action Experience: Business Training and Update and Program
3. Computer Labs: The Digital Literacy Program for adults from 36 to 59 years old
4. Urban Recreational Activities Line of Action Experience: Youth Programs.
5. Artistic Line of Action Experience with The National Musical Education System (SINEM for its initials in Spanish): The institutional relationship between SINEM and Parque La Libertad
6. Artistic Line of Action Experience with the Center for Technology and Visual Arts (CETAV for its initials in Spanish): Technical expertise programs
7. Artistic Experience line of action (Dance, Theater and Circus School component): Social Circus Workshop

3. Systematization Lines of Action

The following variables of social inclusion, identified by Parque La Libertad as those on they have to work on, were defined as the systematization process lines of action.

- Coexistence:
 - Contact with a variety of people
 - New rules for socialization
- Containment and confidence building networks among risk and vulnerability contexts
- Participation in new environments, both economic and cultural
- Generation of a sense of belonging
- Demonstration effect that begins to shape the experience of new values and allows people to get involved in new social networks as a strategy to break cycles of exclusion
- Empowerment and social transformation
- Collective impact – interagency coordination
- Creativity
- Employment

Based on these aims, the systematization process focused on identifying how these variables are operationalized in the light of the chosen experiences.

CHAPTER II: PARQUE LA LIBERTAD METHODOLOGY: CULTURE, SOCIAL INCLUSION, AND HUMAN SECURITY

Due to the systematization of experiences of each of Parque La Libertad MLAs, it was possible to achieve the systematization experience by abstracting the methodology of human security and social inclusion that this sociocultural project has undertaken since 2010 and over the course of five years.

This chapter is composed of three headers. The first refers to the theoretical and conceptual framework that guides the work of Parque La Libertad; the second corresponds to the methodology obtained from the systematization process; and the third one is the identification of a number of technical and instrumental elements from the activation of each of the lines of action.

A. THREE STARTING THEORITICAL PARADIGMS

Parque La Libertad is organized based on three theoretical and conceptual paradigms:

1. Culture as a Driving Force for Development

This perspective is the historical mandate for the work done at Parque La Libertad.

From the beginning, Parque La Libertad was conceptualized as a development platform for cantons with variable development indexes, which could be integrated and could mutually benefit from the social and economic advantages that the investment in culture provides.

From the social perspective, decentralized culture calls for public spaces. This strengthens democracy and promotes productive meetings that revolve around respect, tolerance, creativity, and the full enjoyment of human rights.

From an economic perspective, creative capabilities at the service of innovation, with the creation of independent industries and markets, favors the diversification of production,

both in services as in products, as well as the generation of income and good quality jobs.

Overall, investment in culture generates GDP contributions for the nations.

From these perspectives, culture was visualized as the driving force to promote social inclusion and favor the material welfare of the communities surrounding Parque La Libertad.

2. Human Security

The human security focus was added to the conceptualization of Parque La Libertad once the analysis of how to implement the project was initiated. This perspective allowed the horizon and scope of Parque La Libertad to broaden in order to move beyond the prevention of violence and advance towards human development and quality of life improvement.

More broadly, human security seeks to “expand the capabilities and choices of individuals, as well as remove obstacles, that include discrimination, inequality, and social exclusion, so that they can undertake a life project of their own.”

“Human security consists of the freedom to live: 1) without fear; 2) without misery or need, and 3) with dignity. The contents of these liberties translate to the possibility and ability to exercise the rights included in the “vital core of all human life” (...) a basic set of rights related to survival, livelihood, and dignity.”

These liberties must be exercised within a safe environment that allows those capabilities to be developed and to experience those options.

In this sense, human security seeks to protect individuals against threats that jeopardize the enjoyment of this basic set of rights, but also aims at empowering them to guarantee the exercise of these rights and move towards the construction of a life with dignity.

In this way, human security is based on the individuals. They are the focus of this approach that proposes actions towards incidence based on human beings' strengths and aspirations.

Therefore, projects with this approach should carry out a prior analysis of the needs and interests of the population, since they are the basis to define the strategies to achieve the three liberties.

All the above allows the identification of five fundamental elements within the scope of human security:

- a) It constitutes a type of security towards freedom
- b) It protects, but also empowers
- c) It provides freedom to guarantee rights and to achieve respectable life projects
- d) It is about the people, their strengths and aspirations
- e) It must be developed within a safe environment that allows the development of abilities to exercise options

3. Social Inclusion

One concrete result of the systematization process was the identification of the variables of social inclusion on which each of the main lines of the actions of Parque La Libertad revolves around.

According to the managers, the social inclusion approach that is implemented in Parque La Libertad consists of the nine variables mentioned in Chapter 1, as systematization lines of action.

B. PARQUE LA LIBERTAD METHODOLOGY: From paradigms to social transformation

The systematization of the experiences chosen from each line of action sought to understand how the variables of social inclusion operate.

This process identified that all the lines of action coincide in three methodological emphases: 1) the emphasis on people; 2) the transformation of space and the construction of the concept of place and; 3) the improvement of the quality of life. In addition, it identified that the three of them coincide with the theoretical paradigms of conceptualization of Parque La Libertad.

1. First Emphasis: Focus on People

At Parque La Libertad, the central aspect of people is addressed from four levels:

a. Protection of their rights:

The protection of rights is based on the work that is done across different institutions. Parque La Libertad takes advantage of and brings communities closer to the resources and experience of other Costa Rican government institutions.

It is therefore a platform within the legitimacy and ability to call upon institutions and organizations to work together to promote human development among the influenced communities. For example, the Coordinating Bureau for the Prevention and Care of Teenage Pregnancy.

Likewise, Parque La Libertad has become a platform to enhance that offer. For example, the scholarships received from CETAV on behalf of the program EMPLEATE (“Employ Yourself” as per in English) have managed to implement a strategy of collective impact.

Little by little it could be close to “developing ecosystems that allow an integral approach to social problems.”

b. Building abilities:

The program offer of Parque La Libertad addresses the following needs and threats of the surrounding communities.

Table 1
Needs and threats that are taken care of at Parque La Libertad

Symbolic Needs (Shortcomings)	Material Needs (Shortcomings)	Threats (Possibility of a potentially disastrous event occurring)
Recreation	Joint interinstitutional coordination	Inability to generate interinstitutional coordination
Places for healthy family coexistence	Generate income: with a vision towards the future with dignified life projects	High-risk urban settlements
Options for positive socializing	Technical training	Student Exclusion: high dropout rates that perpetuate exclusion conditions.
Empowerment		Gangs and drug trafficking
		Family break-up

Source: Research creation product of interviews to the managers (2015)

The design of the educational offer was conceived by getting to know the context, both from objective criteria, as well as from work experience in Parque La Libertad itself, while following up on national development reports and indicators and the development of local assessments on certain topics.

Technical recommendations by managers based on the work experience over the course of these five years, are also taken into account. It should be noted that the entire offer goes beyond just technical training, and aspires towards the empowerment of people.

c. Empowering people to execute options:

This could be the work level that calls for the greatest efforts on behalf of the managers of each of the levels of action of Parque La Libertad. The actions entail attracting the greatest amount of institutional offer, as well as providing the most appropriate technical training with the highest quality. In addition, educational efforts are undertaken to promote

soft values and skills, so that people are able to take ownership of the new technical tools and change their conditions. Much of this empowerment involves the creation of a safe environment that allows the person to achieve self-confidence and take advantage of and freely enjoy the options that may be opening.

d. Working with young people:

Although Parque La Libertad's educational offer could cater to all family members, from children to the elderly, young people are the priority population.

Working with young people is present in all levels at Parque La Libertad. From its re-reading, it is possible to identify the following common strategies:

- i. Promote a sense of ownership: opportunities are offered, so that young people can gain confidence and open themselves up to new learning challenges.
- ii. Academic offer: designed based on needs and interests, as well as by taking advantage of the opportunities that are available from economic funds and inter-institutional coordination.
- iii. Soft skill training: to boost employability and human development for this population.
- iv. Promotion of values and human rights: the activities for young people at Parque La Libertad promote values and human rights, explicitly or implicitly.
- v. Social and affective accompaniment: in the different spaces where young people are cared for, managers and teachers develop actions (formal or informal) for social and affective accompaniment. These include motivating young people to continue in courses or programs, which they are enrolled in, informing them about other offers for their development, as well as inviting them to set new life scenarios goals.

- vi. Promotion of healthy lifestyles: this is done through strengthening their physical abilities, getting to know their own body and the positive use of free time, among others.
- vii. Training in information and communication technologies (ICTs): paired with Parque La Libertad's interest in technology, training opportunities in ICTs are developed specifically for young people.
- viii. Inter-institutional network: Parque La Libertad plays a role in inter-institutional networking directed towards and for the benefit of young people. An example of this is the referring process of people to institutional offers outside it that could benefit them, informing youth populations about local services that are directed towards them and tracking other institutional offers.
- ix. Empowerment: Parque La Libertad's work with young people promotes their empowerment as people with rights.
- x. Accompaniment during the construction of their life project: all or some of the following aspects are worked with: self-knowledge, knowledge of the environment, decision-making, and social commitment.

2. Second Emphasis: Transformation of Space and the Construction of the Concept of Place

Parque La Libertad's terrain has become a territory with a sense of identity and it is beginning to generate its own endogenous dynamics because of the encounters that occur here.

In methodological terms, the element of space has three dimensions:

a. Parque La Libertad as a “safe environment”

The perception of security is based on the sense of security against crime, but also through the generation of trust and openness to learn and meet different and diverse people.

Having a secure environment is extremely important for the creation and exercise of liberties related to the Human Security approach that Parque La Libertad aspires to generate among people: freedom to live without fear, without misery, and with dignity.

b. Linking communities to a new kind of space occupation

At present, an empty and gray space is being occupied, used, and transformed, not only by new or remodeled infrastructure, but by people who are establishing new dynamics oriented towards human development.

This is a symbolic dimension of space, but its transformation is also very important as it generates new types of coexistence and networks of trust that contribute to the support of high social risk communities. It is important to remember that this project has as a priority that communities create a connection with Parque La Libertad.

c. Urban reference

In addition to this transformation of space into a safe environment and a symbol for human security and social inclusion, Parque La Libertad has also transformed the landscape of the area.

This modification has begun to generate a contrasting effect and transforms Parque La Libertad into a new urban reference. According to Parque La Libertad, visitors use phrases like “it's the best place I've visited,” while other users say that “Parque La Libertad has been a reward for these communities after so many humiliations.”

This way, the transformation of space into a safe environment for human development was identified as a fundamental element for exercising the methodology of human security and social inclusion that Parque La Libertad is promoting.

3. Third Emphasis: Improvement of the Quality of Life

This improvement is not only focused on the economic aspect. It is necessary to remember that the three theoretical paradigms that bring together Parque La Libertad's work agree that the welfare of people is an integral subject that goes beyond an economic aspect.

Five variables that characterize the improvement of the quality of life were identified from the perceptions gathered during the process of systematization:

- a. Empowerment
- b. New knowledge and skills
- c. Promotion of healthy lifestyles
- d. Soft skills: with goals towards employability, entrepreneurship, and the construction of one's own life project, among others.
- e. Local development based on people's human development and the creation of new networks with new coexistence styles that encourage participation in new spaces for coexistence and production.

C. PARQUE LA LIBERTAD IMPLEMENTATION MODEL: Social transformation spirals as illustrations of the methodological implementation process

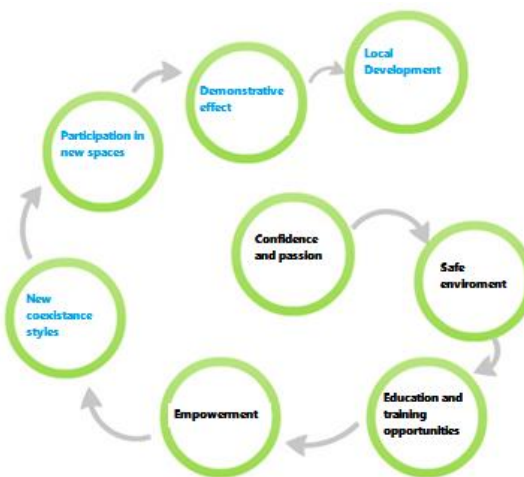
The spiral figure, which suggests social mobility based on variables that are concatenated to promote human development directed towards local development through the improvement of people's quality of life, will be used to illustrate the processes of social

transformation that result from the convergence of the three methodological emphases that have been previously explained.

The spirals are figures that allow understanding of Parque La Libertad's work as processes of virtuous reproduction; each circle feeds the next one in a positive way. This model of social policy implementation does not develop in a vertical way, from the State towards the citizenship or from the citizenship towards the State, nor it is a model that works in a circular way by generating positive conditions only to the people inside Parque La Libertad. It is a dynamic strategy with an alliance among the public and the private sectors, as well as the community sectors.

The model aims to ensure that the virtuous circles that develop through the experience of people within Parque impact the communities and promote local development. These spirals are the opposite of the social exclusion circles that the surrounding communities live in.

The following illustration shows Parque La Libertad's social transformation spiral, which presents the key elements of Parque La Libertad's offer (see black) and what these elements generate from their involvement (see blue).



The variables that are concatenated in this spiral are the following:

a. Passion and trust

The spiral begins its movement from the values of passion and trust, which constitute the energy from which the social transformation begins.

These values are not the only ones that are identified in Parque La Libertad's work, since the space is conceived as an anchor for values such as: love and passion, trust, solidarity, teamwork, discipline, respect, responsibility, transparency, excellence, quality, happiness, and self-improvement.

Passion

The identification of values as key elements of the implementation strategy of Parque La Libertad's methodology, especially trust and passion as central ones, is a discovery that seems to be the innovative element as a social policy project.

This human security and social inclusion project that makes cultural investment the driving force for development is implemented from the sum of the best skills of various sectors of society: State, companies, non-governmental organizations, and communities. It is important to draw attention to the fact that, for the professionals of Parque La Libertad, the communities do not play a passive role as recipients of a particular offer, but are visualized as part of the equation for success in favor of a shared vision of human and social development.

The above is important in order to understand the vital energy that drives the spiral of social transformation. Passion is brought to Parque by the people: passion for music, for entertainment, for sports, etc. Now, this initial and intuitive passion is enhanced and transformed into learning processes in favor of those who want to improve their living

conditions by the other passion that is brought and put in service by the professionals of Parque La Libertad.

The professionals work with passion, convinced of the power to carry out social transformation. Each advance in one of the LOA's indirectly feeds the mood of the others, generating a demonstrative effect that produces "an internal and unique mystique to Parque La Libertad." That passion is also perceived and highlighted by its users, who confirm that "there is human warmth here."

Then, it constitutes a fusion of energy that comes from the participants, who want a personal and collective change, and is then enhanced by the technical capacity and the passion with which the managers of Parque La Libertad work with.

This fusion gives way to the second central value: trust, the source of energy to drive the spiral of social transformation.

Trust

Managers and users agree that the courses offered by Parque La Libertad generate networks of trust and companionship, which is evident in phrases like "we all help" and "we are one big family."

Users claimed that these trust networks make them "not feel ashamed" because "within Parque there are no judgements."

Also, as it was mentioned earlier, the value of trust has also allowed the work of the project to be legitimized by communities, international donors, and other State institutions, and has had a major collective impact.

b. Safe environment

A safe environment is one of the most important dimensions of human security that favors the exercise of liberties.

As noted above, Parque La Libertad is a safe space, since it has been able to impregnate a sense of belonging to the community. The neighbors positively take possession of it and from there they begin their process of human development.

c. Education and training opportunities

Parque La Libertad offers opportunities for people to learn and train in different areas, trying to open possibilities towards employability and entrepreneurship.

d. Empowerment

The training activities offered, from free courses to technical training, have as main priority the empowerment of people developed around training of values and soft skills.

e. New ways of coexistence

From this variable, the spiral begins to open outwards the institution. The immediate influence area is not homogeneous in itself. Parque La Libertad makes possible the contact among diverse people of different interests, habits, communities, and socioeconomic indicators. This is perceived as an opportunity to promote social inclusion and favor new ways of coexistence.

There are rules of socialization within Parque La Libertad that must be met. For example, “People do not scream at each other in Parque,” “Work with respect,” “Skate in the skate park with shirts on,” “Take care of the instruments,” “Study before coming,” “Be responsible with school,” etc.

Parque La Libertad also opens areas where free time can be spent in a positive way; for instance SINEM activities, sports activities of the urban recreational LOA or those generated by the dance, theater and circus school. These spaces are characterized by allowing participants to enjoy learning a discipline and to be part of a team or an empowering network.

f. Participation in new areas

Empowerment, learning, training, and the new ways of coexistence allow people to participate in new areas, thanks to the tools and skills they acquire in the Parque's training processes.

These areas can start on an intimate level, such as family and intergenerational conversations in which they could not participate before and, now thanks to new knowledge and skills acquired, they can be a part of. This can be noticed in the use and access to new technologies; the participation in new social areas, such as networking and business linking services; and the ability to participate in new and better types of job opportunities.

Other ways of participation in new areas are the ones that are strengthened in Parque La Libertad. They allow children from the communities to experience and observe the dynamics of the transformation of the landscape into an urban green lung, respect for nature, and the protection of biodiversity.

g. The demonstrative effect or example as a mechanism for connection

The demonstrative effect is based on what people around Parque La Libertad's participants observe as new ways of socialization and transformation towards decent life projects, which generates the motivation to participate and to be linked to new processes.

Empowered people train, participate in new ways of coexistence, and gradually integrate into new areas. They become examples for their families, friends, and communities.

These variables go beyond the perimeters and internal networks of Parque La Libertad, so it achieves a unique dynamic that affects the communities. Its external nature constitutes a great opportunity to explore how much the new values, ways of coexistence, socialization,

and empowerment promoted by Parque La Libertad within the communities are penetrating.

h. Local development

Since the spiral of social transformation opens outside Parque La Libertad, it impacts the local development of communities. The impact occurs from the human development of the people who come to Parque and the consequent improvement of their quality of life that also affects their families and communities.

D. THE TECHNIQUE: FIVE WORK FORMS AND TEN OPERATIVE PRINCIPLES

In its most operational aspect, the methodology of Parque La Libertad derives from the work based on five “hows” and the application of ten operational principles.

The five “*hows*” or work forms are:

1. There is a connection of different people around common interests.
2. The work is done based on creative and participation methodologies and around values.
3. Empowering networks are built so they can generate a feeling of family.
4. There is an offer with content that promotes skills and competencies to improve employability and entrepreneurship.
5. Dignifying youth and making them responsible for their own development.

The ten operational principles are:

1. *Work to promote values*: in addition to technical knowledge, Parque La Libertad offers the exercise of values and soft skills directed towards decision making for the creation of dignified life projects.

2. *Creativity*: Parque La Libertad's motto is "where creativity has no limits." The way in which creativity is promoted varies within the different LOA's and is presented as an element that allows to look for innovative ways to perform tasks or put challenges in focus. This means, breaking institutional paradigms such as the Environmental Education School Program (PEAE, for its initials in Spanish) of the environmental LOA, where the perception that outdoor school lessons are just walks is changed by demonstrating that they are very valuable research, awareness, and learning strategies.
3. *Freedom*: This project promotes creative freedom. Its offer is diverse and includes, not only educational, but recreational areas where different ways of doing things are recognized. In addition, economic independence is promoted through the teaching of employability skills, which favors the exercise of freedom to live without misery and with dignity.
4. *Quality*. "*The best for the biggest needs.*" The quality of the offer is key to the implementation model of Parque La Libertad. It is based on the fact that the offer should not be of low quality just because it is directed towards a population with low socioeconomic conditions. On the contrary, it is considered fundamental to create an "aspirational offer" that economically favored populations also wish to enjoy. The aim is to offer the best conditions for learning and the development of skills that allow social inclusion and mobility, using high quality buildings, with high quality instruments and equipment and looking for high level teachers for its programs and lectures.

The quality subject also involves dignifying the groups that benefit from the offer of Parque La Libertad, such as poverty-stricken populations, the artistic guild and youth sectors, which have the right to learn and develop with a high-quality offer.

5. *Processes*: The courses, workshops, and activities offered are conceived as processes with medium to long term visions. Parque La Libertad's goal is that a person who comes to take a course can connect it with another academic offer that will allow them to transform and improve their quality of life.
6. *Accountability*: As mentioned throughout this document, accountability has been a fundamental practice in order to generate credibility and trust, and to achieve work with a collective impact.

Four strategies for accountability were identified:

- a. Internal and external audits that are carried out annually.
 - b. Preparation of quarterly reports for the Ministry of Culture and Youth about academic and budgetary activities that have been developed.
 - c. The generation and public presentation of an annual report of work.
 - d. The creation of three work committees that analyze Parque's actions and make recommendations; these are the Environmental Commission, the Advisory Council of CETAV, and the Construction Commission.
7. *The collective impact*: The collective impact is a type of collaboration between different entities. It is characterized by having a common agenda, developing activities that reinforce each other, constant communication and the presence of a central organization. In Parque La Libertad's work with inter-institutional coordination, these collective impact characteristics can be observed.

8. *Focus on youth*: This has been the priority population since Parque La Libertad's concept phase up to today. One of the reasons is that it is the largest population in Parque's area of influence and there are high rates of student exclusion, one of the main threats that perpetuate poverty.
9. *Use of technology*: The subject of technology is focused on two perspectives. On one hand, its relation to the creation of employability conditions for the populations of the neighboring communities; and on the other hand, to contribute in addressing the digital gap, not only in relation to employment, but especially in its relationship with social inclusion and the sense of belonging to a society where technology penetrates most spheres of private life.
10. *Employability*: The generation of tools for employability is an element that is present in all the LOAs with different reaches.

E. SPIRALS OF SOCIAL TRANSFORMATION FOR THE SEVEN SYSTEMATIZED EXPERIENCES

Below are the spirals of social transformation for the seven experiences of Parque La Libertad that were systematized.

1. Artistic Line of Action Experience: SINEM - Parque La Libertad

The mission of the National Music Education System (SINEM, for its initials in Spanish) is to “establish high quality musical training programs throughout the country that are based on the principle of inclusion and serve as a human development tool for the entire national population of children and young people.” The first SINEM in the country was located in Desamparados. It was transferred in 2008 to Parque La Libertad and became the first formal academic offer of this project.

In 2014, with the inauguration of the new building, SINEM Desamparados ceases to exist and is merged to become SINEM – Parque La Libertad. From the beginning, it was conceived as a part of Parque La Libertad, but not as a guest institution, since both entities are mutually strengthened and reinforced by each other and they share the same interest for social transformation by investing in culture as a driving force of development.

In formal terms, SINEM is governed by the rules and guidelines of the SINEM Program, a decentralized body of the Ministry of Culture and Youth. However, thanks to its relationship with Parque, it has acquired special characteristics that differentiate it from the other SINEM music schools in the rest of the country and offers new opportunities to its students.

Table No. 1
SINEM-Parque La Libertad Academic Offer

Objective	Structure	Content	Population
<ul style="list-style-type: none"> Establish high quality musical training programs throughout the country that are based on the principle of inclusion and serve as a human development tool for the entire national population of children and young people. 	<ul style="list-style-type: none"> Annual offer of musical disciplines 	<ul style="list-style-type: none"> 21 lessons 	<ul style="list-style-type: none"> Population between 6 and 17 years of age, primarily from the direct influence area of the Parque La Libertad.

Source: Created with information provided by SINEM - Parque La Libertad.

Being linked to the Parque project has allowed SINEM to have infrastructure conditions and instruments of the highest quality. In 2009, Parque allocated an amount close to \$100,000 to purchase new instruments, which came from the Joint Program of the United Nations in the Culture and Development Window.

The new building, which houses the SINEM, was inaugurated in 2014. It is equipped with classrooms, offices, and an auditorium. This has provided SINEM – Parque La Libertad with high quality standards and has allowed them to increase its enrollment from 60 to more than 600 students annually.

In addition, its location within Parque allows students to engage in new opportunities with other cultural offers and services, which further enhances their human development.

In that sense, SINEM promotes the transformation of different ways of coexistence in the same way that the other LOAs carry it out: “No one screams here, there is respect.” It also fosters new relationships with space: “There is order,” “I come to a beautiful place, that I respect.” Also, “We show them that there are other ways of living... they choose.”

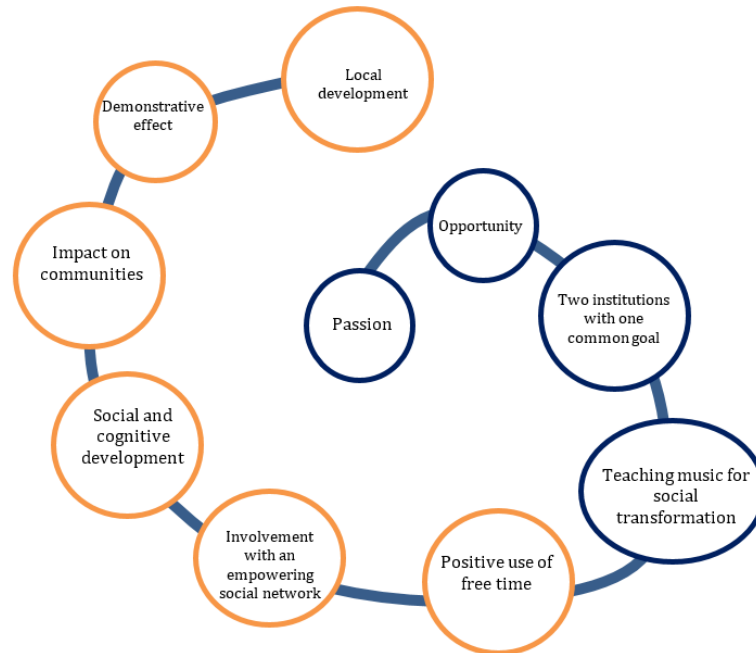
SINEM - Parque La Libertad also share efforts to promote learning a discipline as a driving force for personal and social development aimed towards social transformation.

On an individual level, learning an instrument has positive effects on cognitive development and use of leisure time. In addition, the lessons focus on promoting values such as tolerance, respect, and self-improvement.

In social and socio-affective relationships areas, SINEM - Parque La Libertad serves as a space for participation within an empowering network.

Students at SINEM Parque La Libertad have the opportunity to showcase what they have learned during the concerts held in the communities and become positive role models to their families and friends.

Social Transformation Spiral SINEM- Parque La Libertad:



2. Artistic Line of Action Experience: The Technical Offer of the Center for Technology and Visual Arts (CETAV, for its initials in Spanish)

The CETAV is a technical training center aimed towards the development of soft skills and abilities that allow young people to be inserted into quality jobs in the fields of technology and visual arts.

In 2010, under the Joint Program “Intercultural Policies for Inclusion and Generation of Opportunities” of the United Nations - Spain Fund for the Achievement of the Millennium Development Goals (Culture and Development Window), a series of studies were done to define the training areas of CETAV, according to market demand and the needs and opportunities of the population within the area of influence of Parque La Libertad.

From the results of these studies, three technical specialization programs were designed, which to date have been accredited by INA (National Learning Institute):

- Technician in 3D digital animation
- Technician in web design and development

- Technician in digital editing and post production of image and sound

The selection of students is based on criteria such as skills for technology and digital art, age, area of residence and socio-economic status. The latter is an important factor for student admission to CETAV; since priority is given to young people living in conditions of poverty and extreme poverty and residing in Parque La Libertad's area of influence.

In order to serve this population, Parque La Libertad developed a strategic alliance with the EMPLÉATE program (translates to EMPLOY YOURSELF) of the Ministry of Labor and Social Security.

This relationship is an example of inter-institutional networking in which two institutions reinforce and benefit each other. On one hand, EMPLÉATE provides CETAV with the possibility of **boosting its offer** in the area, since most students who enter this center belong to the surrounding communities. For example, the first generation of students was selected in January 2012 and 75% of it was made up of young people living in Parque La Libertad's immediate influence communities. Most of admission was awarded to young people who received EMPLÉATE subsidies.

Thanks to this subsidy, students and CETAV are provided with many opportunities. First, students have the resources to pay their tuition, income that CETAV can use for financial sustainability, hire teachers, and cover the administrative costs of the teaching process. Second, students have the financial resources to contribute to their homes and/or finance other expenses of the education process. This means that this subsidy allows students to be able to devote themselves full time to their technical training. It is important to point out that some scholarships are also available at Parque for students who, although they did not qualify for the EMPLÉATE grant, their socioeconomic status would not allow them to pay for their training.

This institution has a high labor insertion rate in quality jobs at the end of the training process, which represents a success for all articulated institutions.

The structure of the CETAV courses can be summarized as follows:

Table No. 2
CETAV Technical Offer

Objective	Structure	Content	Population
<ul style="list-style-type: none"> • Encourage human development and training of young people based on technical specialization options aligned with the demands of the audiovisual market. 	<ul style="list-style-type: none"> • 5 full-time quarters 	<ul style="list-style-type: none"> • Technical training and generation of competences for the market. • Training in English. • Training in business management. • Training in transversal areas (creative and critical thinking, and strengthening of soft and life skills) 	<ul style="list-style-type: none"> • 17 to 24 years old (age defined by EMPLATE) that have a completed high school. Priority is given to conditions of poverty and extreme poverty within Parque's area of influence.

Source: www.parquelalibertad.org

CETAV promotes the social transformation from technical training in arts and technology, which generates new work horizons and professional fulfillment. In addition, it enhances student's empowerment as a human beings and citizens with abilities to take on their own life projects and contribute society.

Education provided by CETAV is not only focused on a technical level, like all of the Parque La Libertad's academic offers, soft skills are also promoted. These are focused on learning values such as excellence, responsibility, discipline, and tolerance, which are all competitive advantages towards employability.

Another factor that favors employability is the close relationship between CETAV and the country's audiovisual and digital industries. This allows the institution to forge relationships with potential employers and identify the employment needs and skills required to promote work placement of its students.

These contacts are also strategic for updating the curriculum and identifying teachers. Contact with the industry includes student visits to companies and vice versa, with the

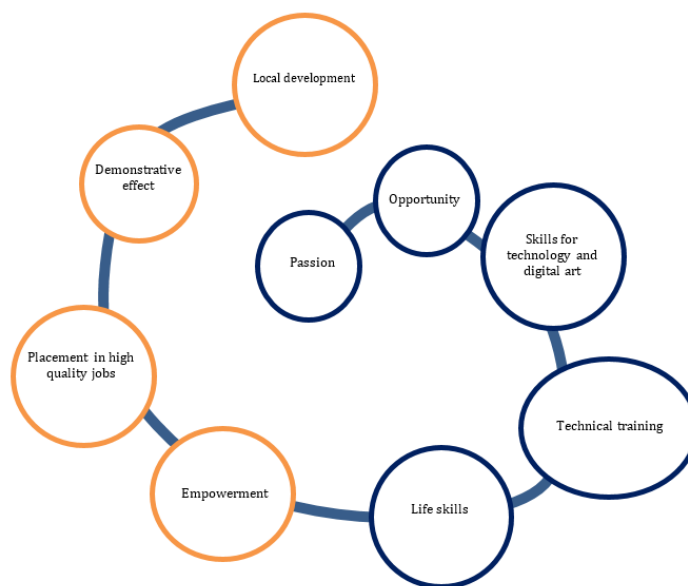
development of classroom projects based on real clients that allow students to develop better skills.

Although the socio-affective stage is not established as part of the CETAV's work, some efforts are made in this regard. For example, individual follow-up sessions with students are provided. Also, parent visits are coordinated for them to get familiarized with CETAV and its scope, which helps to improve the perception that they have towards their children's full-time dedication to the project.

In general terms, CETAV's actions are directed towards:

- High-quality qualified technical training
- Student empowerment
- Job intermediation in the industry for students

Although there are still no indicators to prove it, it seems that students are becoming agents of change, role models and examples in their families and communities (demonstrative effect). An example of this is that the second generation of young people were referred by students of the first generation.



3. Artistic Line of Action Experience: Social Circus Program

The school of Dance, Theater and Circus purpose is to “educate children, teenagers and young people, who are high quality performers, as performers and managers of theater, dance and circus and allow them to provide a significant contribution to the community and national culture.”

The school started its academic offer in 2010 directed towards:

- Artistic, physical, and safely development of the body
- Creation of a social empowerment network
- Systematic academic offer of training in three integrated arts (dance, theater and circus)

At Parque La Libertad, the circus arts are conceived as a mechanism of inclusion and social mobility. This is the reason why the teaching approached used is a social circus that places the person as its center, as opposed to the professional circus whose focus is the technique.

The social circus brings together a group of passionate people and gathers them around a discipline, body knowledge and trust, a requirement that is fundamental to carry out individual and group acrobatics. It also encourages the creation of empowering networks, which means that transformation is directed towards individual development and it looks to generate incidence in social relations, since it drives positive associations. In addition, it privileges the training of contemporary artists working with integrated arts, which allows them greater versatility in terms of work spaces.

The social circus workshop started in 2015 and was taught by international experts. To develop it, Parque opened the workshop for circus arts trainers. Part of the training

dynamics is that students must replicate the training model in communities at risk, which generates a transformation network.

Its structure is the following:

Table No. 3
Social Circus Workshop

Objective	Structure	Content	Population
<ul style="list-style-type: none"> • Generate interest in the training program offered by the school of dance, theater and circus in the future • Make the teenage population interested in the circus arts and that boarder Parque known • Provide a playful and safe space for young people that are interested 	<ul style="list-style-type: none"> • Semester • 2 weekly courses of 3 hours each. 	<ul style="list-style-type: none"> • Floor acrobatics: individual and group. • Juggling: clubs, balls, pins, others • Balance: stilts, unicycle, roll ball • Aerial: trapeze, cloth and others • Promotion of values for social transformation 	<ul style="list-style-type: none"> • Mainly young people between the ages of 15 and 25.

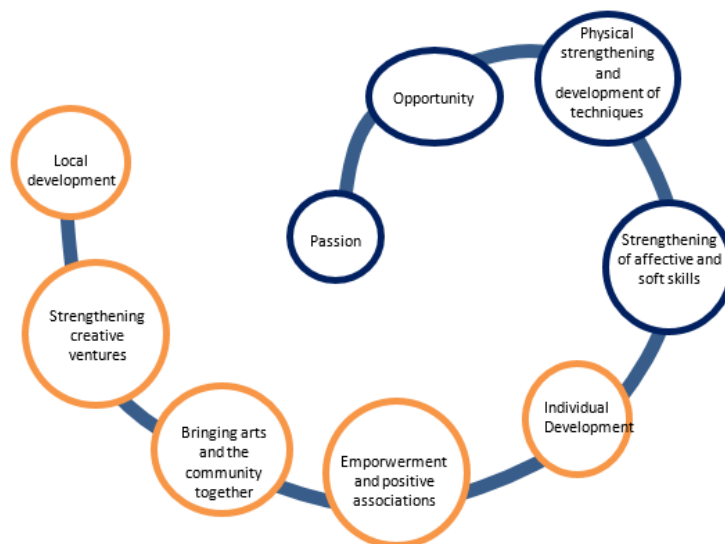
Fuente: Circus Workshop Proposal

The program focuses on generating soft skills, teaching physical skills, and promoting values such as respect, solidarity, responsibility, body awareness, and the importance of staying healthy. These types of workshops strengthen Parque's work by offering the communities a place where playful and affective spaces are made available to foster creativity.

This program is part of the School of dance, theater, and circus strategy to foster creative endeavors, so it has been partnered with the Micro Small and Medium Enterprises (MSME) line of action in the training of independent groups in business management.

For some of the trainers that participate in the Parque's courses, these high-quality spaces, both in infrastructure and with highly qualified teachers, represent an opportunity to dignify the profession that, in some cases, has been stigmatized by society, and gives greater value to their work as professionals.

The social circus model has been imparted to Parque La Libertad and its students by the World Circus Program that is implemented by *Cirque du Soleil*, with whom the Parque La Libertad Foundation has signed an agreement.



4. MSME Line of Action Experience: Business Training and Update Program

Currently the MSME Line of Action Experience directs its actions towards:

- Promoting and/or strengthening entrepreneurship and employability skills
- Developing open training, orientation, and exchange areas for entrepreneurs
- Training and educational programs targeted for specific populations
- Generating alliances with public and private institutions

The Training and Update Business Program started in September 2012 for the population between the ages of 18 and 65, and aimed at all types of business profiles.

This LOA provides an opportunity for people with the desire of undertaking productive projects, as well as for companies to strengthen their businesses by generating knowledge and skills through a high-quality academic offer that would be difficult for this population to have access to if it were not offered at Parque.

This training offer is structured in modules that are reviewed and updated annually. The revisions are made based on the demand from the previous year and research that is carried out in studies and reports of national development, as well as in comparison with other similar offers of training and market requirements.

The program also provides an orientation service for people, which allows them to identify their training needs or business improvement in order to choose the courses or training that are useful according to their different business conditions.

The program can be summarized as follows:

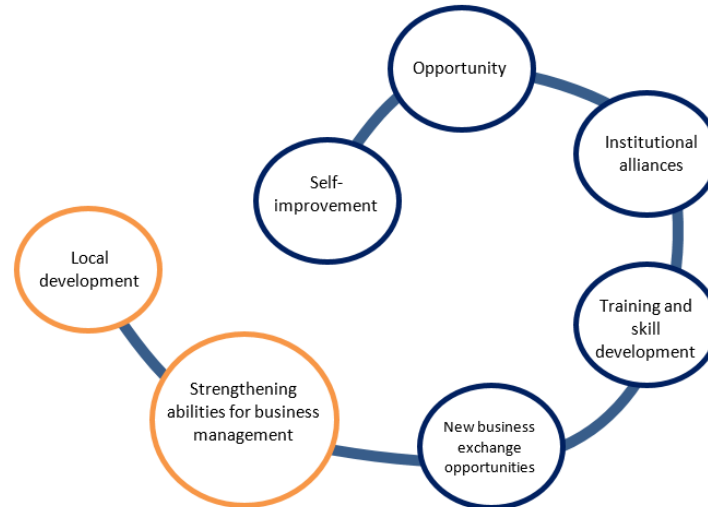
Table No. 4
Business training and update program

Objective	Structure	Content	Population
<ul style="list-style-type: none"> To promote a space for training and exchange between people that are interested in entrepreneurship or improving their current conditions of employability. 	<ul style="list-style-type: none"> Free lecture program 	<ul style="list-style-type: none"> The topics that are dealt with in these lectures are based on the eight basic pillars of the incubation model 	<ul style="list-style-type: none"> Those interested in undertaking a productive project, strengthening their company or seeking to improve their current job.

Source: Created from interviews with managers. (2015)

This LOA nourishes its training offer thanks to inter-institutional networking that allows the experience of experts from the public and private sectors, who are invited to give the lectures.

The program promotes training opportunities, business networks, and commercial connections that are aimed at strengthening companies in the area and their consequent impact on local development, which positions Parque as an area for business exchange.



5. Computer Labs: Digital Literacy Program for Adults

The computer labs focus their efforts towards:

- Teaching tools that help people get a job or improve their current one
- Help with the digital gap
- Strengthen skills for MSME

One of the programs where efforts are focused on is the Digital Literacy Program, which is divided in three age groups:

- 15 to 35 years old
- 36 to 59 years old
- Over 60 years old

For this report, the systemized experience that was analyzed were the courses that was created for adults between the ages of 36 and 59. It started in 2012 and is now one of the oldest programs in the computer labs. It helps 75% of the total population of the computer labs and its academic offer can be summarized as follows:

Table No. 5
Digital Literacy Program for adults between the ages of 36 and 59

Objective	Structure	Content	Population
<ul style="list-style-type: none"> • Provide employability tools 	<ul style="list-style-type: none"> • Three modules • Three quarters. • Weekly lessons 	<ul style="list-style-type: none"> • Module I: Operating systems, basic typing and folder management • Module II: Typing, accessories and internet • Module III: Internet, photo and video editing 	<ul style="list-style-type: none"> • Population between the ages of 36 and 59

Source: Created from interviews with managers. (2015)

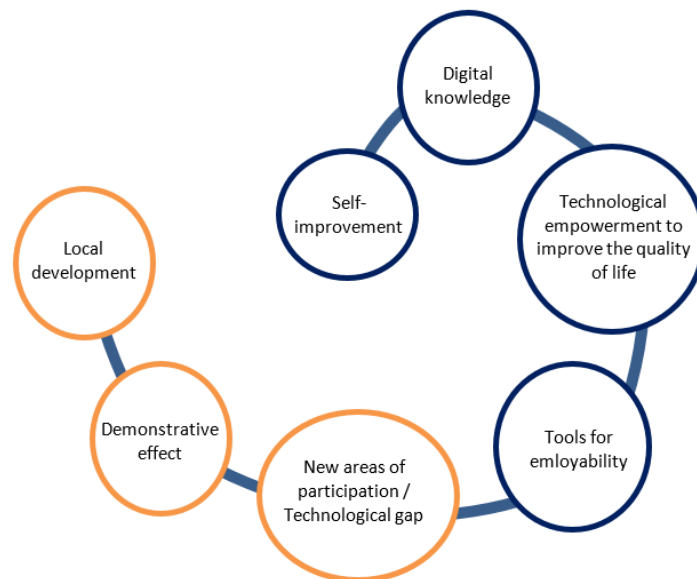
This program seeks to improve the quality of life by promoting social inclusion by addressing the digital divide. It also seeks to improve social mobility by offering education, training, and skill opportunities in computer programs that the labor market demands, which improve conditions of employability and entrepreneurship. Digital literacy is perceived as a growth, self-improvement, and “moving forward” strategy according to its users.

Its teaching model is a mix of teaching the technical knowledge and reading materials, images, and motivational videos that are used at the beginning of each lesson to empower its participants.

The administrative model used in this program is learned and replicated by all of Parque’s LOAs. Its main characteristics are:

- Annual planning of the courses to be imparted
- Establishment of enrollment and pre-registration dates on an annual basis
- Charging a symbolic registration fee that seeks greater commitment from the people who sign up

- Establishing an internal regulation that clearly defines the rules of behavior, evaluation, and operation of the centers
- Evaluation of each course at the end of the semester. Feedback is provided on the work done from this process. Currently, the evaluation is carried out by means of a digital platform
- Developing their own digital handbooks for all courses



6. Urban Recreational Activities Line of Action Experience: Youth programs

The actions of the Urban Recreational Activities LOA are directed towards the following objectives:

- Attract people and communities to Parque's offer
- Create inter institutional alliances
- Become a bridge between the communities and public and private institutions
- Community outreach
- Social development
- Assistance to specific populations

Young people is one of the specific populations which the program directs many of its actions towards.

Working with young people at Parque La Libertad started under the Culture and Development Window Joint Program Framework, where a participatory diagnosis of youth cultures in the area of influence was carried out. The results of this study served as input for the development of the academic offer of the Youth Program.

From 2010 to 2012, the creation and development of the Youth Culture Network took place. In those early years, its strategy was to attract different types of youth groups and urban culture, and formal and informal organizations of young people, and invite them to be a part of Parque La Libertad. This meant that these groups had to participate and interact among themselves.

The program was set up as a space for dialogue and coexistence, in which young people from diverse cultures could freely express themselves. These spaces were taken advantage of as opportunities for a diversity of youth groups to encounter with each other, which favors their integration.

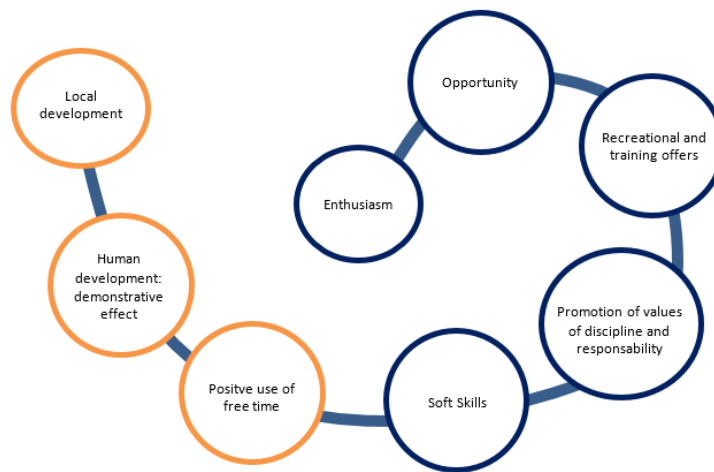
Beginning in 2014, the entrepreneurship and soft skills training programs for young people began. Sports programs for men's soccer, women's soccer, taekwondo, volleyball, and break dance were strengthened and a variety of other free courses were also initiated.

In 2015 the offer was designed based on the results of a diagnosis, where young people were consulted about the courses and workshops that are taught in Parque La Libertad and the ones they would like to be offered in the future.

This program seeks to provide young people with an attractive and high-quality offer that young people can use as a support during the construction of their life project, the

development of skills and competences for employability, as well as to the continuation and conclusion of their primary, secondary, technical, and university education.

The courses and activities in the youth program emphasize on teaching and learning of values, as well as on the positive use of free time. The young people who participate in these spaces appreciate the quality of the courses that are offered, they feel good, they are enthusiastic, and even “lucky” to have the opportunity to learn under the best conditions.



7. Environmental Line of Action Experience: The Environmental Educational School Program (PEAE, for its initials in Spanish)

The Environmental LOA was conceived as a key tool that allows the population to approach and get to know their natural environment, to promote its conservation and value.

From this conception, the objectives of the actions that are developed are to:

- To implement Parque’s Environmental Management Plan
- To transform space
- To promote awareness and education to create environmental culture in the communities and the business sector

The Environmental Education School Program (PEAE, for its initials in Spanish) is one of the programs implemented in this LOA to raise awareness and create an environmental culture. It began informally in 2012 and was formalized in 2013. During the year 2015, the PEAE covered the schools of Fatima, Guatuso, Gravilias, Cristiana de Linda Vista, and Juan Monge Guillen, and it reached 400 children.

The experiences of environmental education in Costa Rica were studied for its design, in order to evaluate methodologies and programs. The principals and teachers of the schools in the area, who were the target population of the PEAE, were also consulted.

This program develops outdoor lessons and its objectives coincide with the curricular contents of the Ministry of Public Education's (MEP, for its initials in Spanish) third and fourth grade science courses. Teachers work with Parque's staff in content planning and site visits, which take place three times during the school year.

The PEAE has a monitoring strategy and a series of actions that are carried out during the process. Also, it has two student's assessments: one at the beginning and one at the end. The latter allows to verify changes in their attitudes regarding nature, as well as the knowledge acquired. It seeks the integration of girls and boys of school age in an informal environment, aimed towards discovery and knowledge application through playful dynamics and possibilities of interaction with nature that are not offered in the classroom.

Table No. 6
Environmental Education School Program

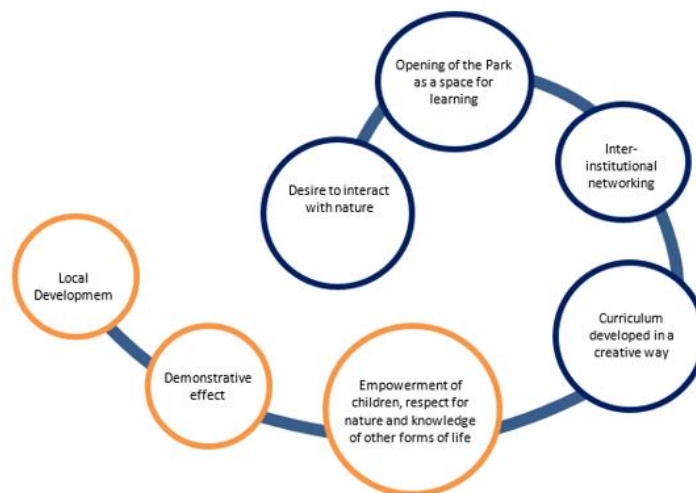
Objective	Structure	Content	Population
<ul style="list-style-type: none"> • Complement the development of objectives that are set in the formal curriculum of the Ministry of Public Education basic general science education program. 	<ul style="list-style-type: none"> • Each group participates in 3 lessons that take place at Parque La Libertad (one for every educational trimester) 	<ul style="list-style-type: none"> • The topic "We are an integral part of Nature" from the formal curriculum of the Ministry of Public Education 	<ul style="list-style-type: none"> • Boys and girls enrolled in third and fourth grade and that attend schools in Parque La Libertad's are of influence

Source: Created from interviews with managers. (2015)

The PEAE shows one of the ways in which Parque works towards the institutional networking. This program allows MEP the opportunity for its students to experience experiential learning, while Parque takes advantage of this opportunity to enhance its work of environmental awareness and education with a view to create environmental culture.

This experience is classified as a type of creative teaching, that breaks paradigms by modifying the perception that outdoor school lessons are just walks without pedagogical content. It shows that these spaces can be an important ally of the school's curricular plan.

The PEAE has a preventive and corrective approach because it seeks to promote values such as appreciation, respect for all forms of life, and environmental responsibility. It aims to have children replicate the acquired knowledge in their homes and become examples and multipliers for mothers and fathers. From this, children not only return to their homes with the experience of having participated in an outdoor lesson, but also are expected to acquire a commitment with their community and the environment around them by recognizing that the environmental aspect is inherent to the human being.



CHAPTER III: INNOVATE ELEMENTS FOR SOCIAL POLICIES

The result of the systematization process was this document, which had as objective to produce a reflection on the practices of five years of work at Parque La Libertad, so that it can be used in other similar spaces. This chapter highlights some elements that are interesting in the light of new ways of conducting social politics in Costa Rica.

A. PARQUE LA LIBERTAD AS A SOCIAL POLITICAL PROJECT

1. *It is the result of the work of people with political and technical leadership:* The idea of **Parque La Libertad** arises from a **dialogue process between multiple parties** with different leadership styles and in different areas of government and non-government political action.
2. *Its concept is born from a public-private alliance:* **This dialogue turns into a public-private alliance**, which means a partnership between the government, international aid, private companies, and non-governmental sectors, as well as the immediate communities. The alliance was formed under an administrative form of a foundation that offers a space, so that the different parties can continue to participate and would allow them to take advantage of the competitive advantages of each of the sectors.
3. *It has been formulated as a positive impact project:* One of the most characteristic and innovative aspects of this project in terms of social policy construction is that it **was created as a project of positive impact** since its beginnings. Parque La Libertad does not work to reduce social exclusion, but to promote social inclusion. It does not seek to attack vicious circles of poverty and exclusion, it promotes virtuous spirals of social transformation, inclusion, and empowerment.

From the start of the project, **Parque La Libertad broke three standards**. On one hand, **the models of the metropolitan parks of the time** because it goes beyond the

priority idea of sports and recreation and mainly promotes creativity and innovation. On the other hand, it breaks off from *the cultural politics style of the moment* and guides towards impacting people's quality of life through joint production. And lastly, **the programmatic offer with high-quality criteria** that would be desirable for the different social strata and with the goal that it would transform its immediate environment, turning it into a space of social inclusion among different and diverse people that offered the opportunity to meet to produce.

In this sense, the fact that it is a project whose immediate area of influence is communities with high vulnerabilities, it did not imply that its offer had to be of low quality. On the contrary, one of the operative principles of Parque La Libertad is to ensure excellence and high-quality in all its academic offers. With this, an attempt was made to eliminate from its users the idea of seeing themselves as beneficiaries and relate them more to the concept of citizenship.

Parque La Libertad seeks to be a pioneer, innovative, attractive, and high quality standard institution that works towards dignifying its surrounding populations.

4. ***It built a clear purpose with a long-term vision:*** Having envisioned Parque La Libertad around positive interests, wishes, or aspirations has allowed it to create a purpose with the future in vision, since it is able to identify goals that can be achieved by **managing the political and social need in order to generate results in the short and medium term, without endangering the overall vision of the future.**

This clear purpose with a vision of the future has allowed Parque La Libertad to have **the support of three government administrations.** Put in other words, it has survived three changes of government.

In addition, its creation and development based on a public-private partnership has allowed the project to transcend government objectives every four years, and has worked to consolidate both a theoretical and process emphasis that is not only based on short-term results.

5. *It has used a collective impact methodology:* Parque Libertad was conceived as a social inclusion and human development project, and it managed to advance towards one of human security. This places Parque **as an entity focused on people and the guarantee of their rights**, either through a high-quality offer that dignifies the spirit of human creation or as a platform for other institutions to develop their offer, and/or to generate joint work on the subject of human rights and development among various parties.

More than creating its own abilities, it has benefited from the sum of efforts. Parque La Libertad promotes **inter-institutional coordination based on a collective impact methodology** that ensures that the population has access to their rights. The connection of the different institutional offers has been gradually and progressively added as the project and its purpose has been implemented.

It is important to point out that **Parque La Libertad is presented as a third instance**, the instance that articulates or with the capacity to positively influence the connection between the offer and exercise of citizen's rights.

6. *It has overcome social politics rigidity in both of its forms (State-Citizenship):* In this sense, an element that stands out is that **the management of its academic offer has overcome the social policy rigidity in its two traditional directions**, from the communities towards the State and/or the State towards the communities. It promotes

work **where processes are more circular and constantly relate the State and the community, and includes other sectors such as the private sector.**

7. *Accountability is fundamental to achieve support and credibility:* The **accountability and transparency strategy implemented by Parque has given it credibility** to the various political actors, including local ones. This is reinforced by the way it works through “small victories” that demonstrate its execution capabilities and the fact that, in a transparent way, actions aimed at local development of the area of influence are being implemented.

Parque’s contact with the communities has taken place from the very beginning and has progressed to the point of being spread through word of mouth, where **evidence and the demonstrative effect have become the main communication strategy, as well as in the impact strategy in local development.**

8. *It addresses some of the causes of poverty from a multidimensional approach:* While its objective is not poverty reduction, Parque addresses some of the causes of poverty from a multidimensional approach. For example, those related to education, internet use, and employment through digital literacy. Its offer was based on the needs and opportunities that were identified. Parque La Libertad seeks **to generate abilities and skills** in the population that allow them to empower themselves and thus improve their own quality of life. In all its offer, it is possible to find promotion and teaching of soft skills directed towards the construction of a **life project, employability, or entrepreneurship.**

9. *It has a passionate and committed technical team:* To conclude, it is important to point out that Parque La Libertad is the result of the work of people who, with their political

and technical leadership, succeeded in managing the project and allowed others to join in a committed and passionate way.

The challenge of managing its academic offer has been given to technically qualified people, but who are mainly committed to the project and feel affectionately connected to it.

CHAPTER IV: GOOD PRACTICES AND LESSONS LEARNED

From the systematization process of the human security and social inclusion methodology of Parque La Libertad the following good practices and lessons learned were identified.

A. GOOD PRACTICES

Good practices were grouped under the following topics: working with institutions, the employability approach, training offer, and attracting of communities.

1. Good Practices: Working with Institutions

- **Management through a foundation:** action and support is articulated through different institutions that permanently render accountability.
- **Public-private networking:** the construction of social and cultural projects. The creation and development story of Parque La Libertad is proof of this.
- **Inter-institutional network:** to generate collective impact where common objectives are identified and mutual reinforcement is worked on.

It is not necessary to be an expert in all subjects, the important thing is to identify where the experience in the various topics is and establish alliances to share that knowledge. This network works in several ways:

- As a platform to bring together institutions and organizations that have a human development offer. An example of this is the Coordinating Bureau for the Prevention and Assistance for Teen Pregnancy. Also the “Promotion of the digital animation industry in Costa Rica and Guatemala” Project.
- As a platform to enhance the institutional offer in service of the communities, for example the subsidies that CETAV receives from the *EMPLEATE* Program and the implementation of *Manos a la Obra* (Hands-on) Programs from IMAS in Parque.
- The mutual strengthening between Parque La Libertad and the institutions or expert organizations which it works with, as is the case of the Ministry of Public Education which reinforces its school curriculum for third and fourth grade thanks to PEAE, while Parque benefits by enhancing its goal of promoting a new environmental culture.
- To strengthen other institutions offers, such as training in business issues in technical high schools offered by the MSME LOA.
- **Make the most out of each established alliance.** Parque creates general alliances with several institutions and each LOA and component should look for ways to make the most out of them, like through the alliance that it has with CINDE, which allowed CETAV to finance the TOEIC.

2. Good Practices: The Employability Approach

- Design the training offer based on the industries or target market needs, a comparison with other training offers, basic skills required by the market, and training in soft skills.

- Choose teachers who are connected to the labor market in the training spaces that promote employment, such as CETAV. This affects the teacher-student relationship because young people are clear that those who grade them are not only their teachers, but also their potential employers.
- Perform job intermediation for employment generation. Throughout the technical training, CETAV works as a job intermediary which provides good results for employment generation for its students.

3. Good Practices: Training Offer

- Design the training offer based on consultation processes about the expectations of the courses offered by Parque, as well as the learning conditions of the population that is served.
- Implement enrollment processes that include selection according to skills, prerequisites, and previous knowledge for the correct assignment of people into the appropriate level of training.
- Design work materials, such as books and manuals, for the courses, in order to take into account the particularities of the people of the area and the country in general.
- Implement evaluation processes at the end of the courses and training.

4. Good Practices: Attracting Communities

- Open Parque La Libertad to multiple uses aimed at different populations. For example, give schools a space to use it as a laboratory, while giving artists a space for them to practice and train.
- Ensuring a high-quality course offer attracts Parque's communities and promotes greater participation from the people.

- Charging a symbolic enrollment amount leads to a greater commitment of the people who enroll.

B. LESSONS LEARNED

With regard to the lessons learned, these were grouped into the following categories: socio-affective accompaniment, training offer, working with institutions, employability approach, attracting communities, and youth focus.

1. Lessons Learned: Socio-affective Accompaniment

- When working with vulnerable populations there must be certain sensitivity when dealing with them.
- Training processes based on the reinforcement of values allow empowering social networks to be created.

2. Lessons Learned: Training Offer

- The teaching and learning strategies must be adapted to the conditions of the target population of each course.
- Preferably, and according to the area of instruction, teachers should have pedagogical knowledge and skills in order to better manage the attention of their students, as it is not only to have technical capabilities on the subject being taught. Ideally, this knowledge should be complemented with pedagogical skills.
- The quality of the teaching-learning offer is a priority and quality must prevail. The structure of the courses should be considered in terms of this factor and if it is necessary to expand the number of modules of a course to achieve a better quality, it should be done.

- When designing the academic offer, validation processes must be established with potential users.

3. Lessons Learned: Employability and Entrepreneurship Approach

- Entrepreneurship must be cultivated from the earliest youth stages.
- Training should not only focus on promoting entrepreneurship, since not all people are interested in being entrepreneurs. It is therefore important to emphasize improving employability conditions like reinforcing soft skills and learning English.

4. Lessons Learned: Working with Institutions

- Although some of the networking actions are managed from local offices, it is sometimes desirable to seek the support of higher authorities to achieve greater institutional support.

5. Lessons Learned: Attracting Communities

- It is convenient to carry out regular activities and presentations in Parque to attract the population to the different activities carried out by the LOAs.
- To achieve greater community participation in activities, the audience should be managed in the same way that events are managed.
- Attracting communities to Parque's offer should be in line with the real assistance capacity, and increase it as spaces and materials and human resources open up, in order to offer the same level of quality.

6. Lessons Learned: Youth

- Promote empowerment and value-oriented leadership such as discipline and freedom with responsibility.
- It is essential that young people be viewed as agents of change in their communities.

CHAPTER V

DATA ANALYSIS

This chapter provides the results of the analysis of the translations of the documents “*Extreme Poverty as a Human Rights Violation*” and “*Gestión para la Transformación Social*.”

5.1 Interpretation of the Results

Several strategies and instruments were used to achieve an analysis of the results based on the objectives established. First, the text analysis of the documents was used to determine the type of vocabulary and text style of the documents. Second, a color coding strategy was used to highlight the different types of procedures used during the translation process. Lastly, there are two glossaries which contain the vocabulary from each of the texts that helped the translator to transmit meaning from one language to the other.

5.1.1 Instrument: Text Analysis

Based on the theory explained in Chapter II, the text analysis table represents the elements considered when analyzing both documents for this research. This analysis was carried on the source language documents to determine their context and communicative aspects to ensure the proper meaning was carried over to the target text when translated.

The first element to analyze is the text style. In both documents, the text style is **descriptive**. There is a strong presence of static terminology. The following element is the scale of formality. In this case, again both texts share similar characteristics and can be described as **neutral**. The communication used in them is neither colloquial (or informal), nor is it too structured (or diplomatic). They are non-emotional documents that deliver facts and that are directed to a general public to help understand the points and ideas that are being expressed.

The next analysis is of the scale of difficulty. Once again, both texts share similar vocabulary, it is neither complex nor simple. Although, there is some technical terminology in both, it is not very predominant and is usually followed by explanations with simpler and more general terms to help the audience with meaning. For this reason, the scale of difficulty can be defined as **neutral**.

The other analysis was of the emotional tone. In both cases, the tone of the documents is **factual**. They are both flat and unemotional texts that aim to inform, as well as to explain processes to the reader. There are very little intensifiers used throughout the texts and the information is provided in a very direct manner to the reader.

Then there was the analysis of the text function. Both texts communicate facts and ideas to the reader, so their purpose is to transmit knowledge. For this reason, both of the texts can be classified as **informative**. The last element of the text analysis is the type of translation. Both documents are **communicative** translations because their purpose is to achieve the complete understanding of the information from their readers.

Table 8		
<i>Text Analysis</i>		
<u>Text analysis element</u>	<u>Gestión para la Transformación Social</u>	<u>Extreme Poverty as a Human Right Violation</u>
Text Style	Descriptive	Descriptive
Stylistic Scale of Formality	Neutral	Neutral
Stylistic Scale of Generality	Neutral	Neutral
Stylistic Scale of Emotional tone	Factual	Factual
Text Function	Informative	Informative
Type of Translation	Communicative	Communicative

Table 8. Text analysis of "Gestión para la Transformación Social" and "Extreme Poverty as a Human Right Violation". Source: Researcher's creation

5.1.2 Strategy: Color Coding

The color coding used for the results can be found on Table 3 of Chapter III. The colors on the table are used on both of the translated documents to identify the different procedures used during the translation process.

Table 4 <i>Color Coding</i>	
Translation Procedure	Code
Literal Translation	Blue text
Borrowing	Red text
Calque	Green text
Transposition	<u>Underline</u>
Modulation	[Enclose]
Amplification	Highlight
Omission	{Enclose}
Explicitation	Highlight
Adaptation	Highlight
Equivalence	Highlight
Compensation	Highlight
Sentence Inversion	<u>Underline</u>
Punctuation Changes	(Enclose)
False Cognates	Highlight

Table 4. Codes that represent each translation procedure during the analysis. Source: Researcher's creation.

5.1.2.1 Color coding: Extreme Poverty as a Human Rights Violation

PARAGRAPH 1

The scourge of poverty is one that has troubled mankind since immemorial times, and continues to have a deep and devastating effect in our societies, with no visible end in sight. Extreme poverty in particular is arguably the most wide-spread inhumane phenomenon which plagues our world in present times. The human suffering it entails becomes even more scandalous due to its substantial persistence despite continuous global economic growth, technological progress, and the development of human rights discourse and institutions. Drawing on the various conceptions of extreme poverty as a human rights violation developed during the investigation, I will make a case for the broadening of R2P's scope to include extreme poverty among the mass atrocities which can trigger its activation among the international community.

El flagelo de la pobreza {} ha preocupado a la humanidad desde tiempos inmemoriales() y continúa ejerciendo un profundo y devastador efecto en nuestras sociedades() sin un final visible {}. En particular(,) la pobreza extrema es sin duda el fenómeno inhumano de más amplia difusión que afecta [al] mundo en la actualidad. El sufrimiento humano que esta conlleva [se vuelve] aún más escandaloso debido a su considerable persistencia(,) a pesar del continuo crecimiento económico mundial, el progreso tecnológico() y el desarrollo del discurso y de las instituciones de derechos humanos. Con base en las diferentes conceptualizaciones de pobreza extrema como una violación a los derechos humanos que se desarrollan {} en [esta] investigación, [se presentará] un argumento para ampliar el ámbito de aplicación de la Responsabilidad de Proteger (R2P, por sus siglas en inglés) para incluir la extrema pobreza entre las atrocidades masivas que puedan desencadenar su activación en la comunidad internacional.

PARAGRAPH 2

As I have stated in my opening remarks, poverty is arguably the most wide-spread inhumane phenomenon which plagues our world. In the words of Louise Arbour, the United Nations High Commissioner for Human Rights (UNHCHR), it “*is the gravest human rights challenge facing the world today.*” Some of the statistically quantifiable repercussions of this global phenomenon will be mentioned throughout this investigation. However, the magnitude of human suffering it entails is incommensurable, and projects a dark shadow on any degree of human development and progress experienced in our modern times. As the Office of the High Commissioner for Human Rights (OHCHR) has also stated, “*in a world characterized by an unprecedented level of economic development, technological means, and financial resources, that millions of persons are living in extreme poverty is a moral outrage.*”

[Como se menciona] en [los] comentarios iniciales, la pobreza es sin duda el fenómeno inhumano más extendido que afecta nuestro mundo. En las palabras de Louise Arbour, el Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH), es “*el más grave desafío de derechos humanos que enfrenta el mundo de hoy*(?)”.) Algunas de las repercusiones de este fenómeno global que se pueden cuantificar estadísticamente serán mencionadas a lo largo de esta investigación. Sin embargo, la magnitud del sufrimiento humano que esta conlleva es inconmensurable() y proyecta una sombra oscura sobre cualquier grado de desarrollo humano y progreso experimentado en [los] tiempos modernos. Como también ha señalado la Oficina del {} ACNUDH, “*en un mundo caracterizado por un nivel sin precedentes de desarrollo económico, medios tecnológicos() y recursos financieros, es un escándalo moral que millones de personas vivan en extrema pobreza*(?)”.)

PARAGRAPH 3

Despite this insurmountable hurdle, there are some commonly shared beacons which we can look to in order to begin the conceptual approach to poverty relevant for the purpose of this investigation. One first step is to differentiate between what is understood as absolute poverty and relative poverty. The term “absolute poverty” was initially coined by the UN as *“a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education, and information. It depends not only on income but also on access to social services.”* However, what is commonly referred to nowadays as absolute poverty, is an income-based international poverty line set by the World Bank, which has recently been updated in 2015, from US\$1.25 a day based on 2005 prices, to US\$1.90 a day with relation to 2011 prices.

A pesar de este obstáculo insuperable, hay algunos modelos comunes que [se pueden] {utilizar} para empezar el acercamiento conceptual de la pobreza que es relevante para el propósito de esta investigación. Un primer paso es diferenciar entre lo que se entiende como pobreza absoluta y pobreza relativa. El término "pobreza absoluta" fue acuñado inicialmente por la Organización de las Naciones Unidas (ONU) como “*{ una grave privación de elementos de importancia vital para los seres humanos(:) { comida, agua potable, instalaciones de saneamiento, atención de salud, vivienda, enseñanza() e información. [Esas situaciones] dependen no solo de los ingresos, sino { de la posibilidad de acceder a los servicios sociales(”.)* Sin embargo, lo que comúnmente [se denomina] como pobreza absoluta en la actualidad() [se basa en] una línea de pobreza internacional de ingreso establecida por el Banco Mundial(.) Esta línea fue actualizada recientemente en el 2015 (y) pasó de ser US \$1,25 al día, basado en los precios de 2005, a US \$ 1,90 al día con relación a los precios de 2011.

PARAGRAPH 4

This investigation, however, will focus on absolute poverty. Despite the fact that affluent countries have considerable populations who suffer social disadvantage and exclusion due to economic inequality, as Thomas Pogge explains, relative poverty would only be relevant in his analysis “*in those exceedingly rare instances where such people are so poor in the absolute sense that their access to basic necessities is as insecure as that of the very poor in the developing world.*” I justify my scope under the same premise. Absolute poverty is a concept mainly used in the context of distinguishing it from relative poverty. However the indicators which stem from it, like the international poverty line, are used to measure what is commonly referred to as extreme poverty.

Sin embargo, esta investigación [se enfocará] en la pobreza absoluta. Como explica Thomas Pogge, a pesar de que los países ricos tienen poblaciones considerables que sufren desventajas sociales y exclusión debido a la desigualdad económica, el análisis de la pobreza relativa sólo sería relevante “en aquellos casos extremadamente raros en los que tales personas son tan pobres en sentido absoluto que su acceso a las necesidades básicas es tan incierto como el de los muy pobres del mundo en desarrollo(”.) [Se justifica] el alcance de esta investigación bajo la misma premisa. La pobreza absoluta es un concepto que principalmente [se utiliza] en el contexto para distinguirlo de la pobreza relativa. Sin embargo(,) los indicadores que [se derivan] de ella, como la línea de pobreza internacional, se utilizan para medir lo que comúnmente [se conoce] como pobreza extrema.

PARAGRAPH 5

However, the international poverty line is by no means the only conceptual approach to this phenomenon. It is commonly criticized due to being narrowly income-based, and therefore not taking into account other important services and development indicators. From the income-based perspective, the prevailing notion is that “*while poverty is widely accepted as a multidimensional phenomenon, there is no universal consensus on whether and how to aggregate multiple dimensions of poverty into a single welfare measure,*” while recognizing that “*multidimensional poverty measures may provide useful complementary perspectives on the dynamics of poverty over time.*” Among these, the most influential measure is the Multidimensional Poverty Index (MPI), which was developed by the UNDP and the Oxford Poverty & Human Development Initiative in 2010, and substituted the previous Human Poverty Index (HPI).

Sin embargo, la línea de pobreza internacional no es { } **el único enfoque conceptual de este fenómeno.** [Se le critica] con frecuencia por estar estrechamente basada en los ingresos y, por lo tanto(,) no toma en cuenta otros servicios e indicadores de desarrollo importantes. Desde la perspectiva basada en los ingresos, la noción predominante es que “*si bien la pobreza es ampliamente aceptada como un fenómeno multidimensional, no existe un consenso universal sobre si se deben y cómo se deben agregar las múltiples dimensiones de la pobreza en una sola medida de bienestar*” al reconocer que “*las medidas de pobreza multidimensional pueden proporcionar perspectivas complementarias útiles sobre la dinámica de la pobreza en el tiempo*”(?.) Entre éstas, la medida más influyente es el Índice de Pobreza Multidimensional (IPM), { } desarrollado por el Programa de las Naciones Unidas para el Desarrollo (PNUD) y la Iniciativa de Pobreza y Desarrollo Humano de Oxford en el 2010, y que sustituyó { } el Índice de Pobreza Humana (IPH).

PARAGRAPH 6

The MPI, as its name suggests, goes beyond income data. It assesses poverty at the individual level, and takes into account ten weighted factors, classified in three categories: education, health, and living standards. The ten specific factors mentioned are the following: nutrition, child mortality, years of schooling, school attendance, cooking fuel, improved sanitation, safe drinking water, electricity, flooring, and assets. Deprivation on one third or more of ten weighted indicators will classify the person as MPI poor. The index is designed to measure acute poverty (the term commonly used in MPI literature), which refers to two main characteristics: *“First, it includes people living under conditions where they do not reach the minimum internationally agreed standards in indicators of basic functionings. Second, it refers to people living under conditions where they do not reach the minimum standards in several aspects at the same time.”*

Como indica su nombre, el Índice de Pobreza Mundial (IPM) () va más allá de los datos de ingresos. Evalúa la pobreza en el nivel individual() y toma en cuenta diez factores ponderados (y) los clasifica en tres categorías: educación, salud() y nivel de vida. Los diez factores específicos { } son: nutrición, mortalidad infantil, años de escolaridad, asistencia escolar, combustible de hogar, instalaciones sanitarias, agua potable, electricidad, suelo() y bienes. La privación en un tercio o más de diez indicadores ponderados clasificará a la persona como pobre dentro del IPM. El índice está diseñado para medir la pobreza severa (término utilizado comúnmente en la literatura IPM), que se refiere a dos características principales: *“Primero, incluye a las personas que viven en condiciones que no alcanzan los estándares mínimos en indicadores de funciones básicas acordados internacionalmente. En segundo lugar, se refiere a personas que viven en condiciones en las que no alcanzan los estándares mínimos en varios aspectos al mismo tiempo(”.)*

PARAGRAPH 7

The term functionings in the previous quote, is a reference to economist Amartya Sen's influential capability approach. Sen was at the forefront in the development of the multidimensional poverty paradigm, and his work alongside Mahbub ul Haq was instrumental in developing the Human Development Index (HDI). It was precisely the three broad dimensions of health, education, and standard of living initially established by the HDI, which the MPI built upon. However the HDI uses only single indicators for each category of poverty, while the MPI, instead, includes the multiple indicators previously enumerated. As a consequence, despite its limitations with regards to the range of indicators, the HDI is still more universally applicable, because the relevant data for calculating an MPI is not available in many countries.

El término (“*funciones*”) de la cita anterior() es una referencia al influyente enfoque de capacidad del economista Amartya Sen. Sen estuvo a la vanguardia en el desarrollo del paradigma multidimensional de la pobreza() y su trabajo(,) junto con Mahbub ul Haq(,) fue fundamental en el desarrollo del Índice de Desarrollo Humano (IDH). La base para la creación del IPM fueron precisamente las tres grandes dimensiones de la salud, la educación y el nivel de vida(,) inicialmente establecidas por el IDH. Sin embargo(,) el IDH sólo utiliza indicadores únicos para cada categoría de pobreza, mientras que el IPM() { } incluye los indicadores múltiples enumerados anteriormente. **Como consecuencia, a pesar de sus limitaciones con respecto de la gama de indicadores**, el IDH todavía puede aplicarse de manera más universal, ya que los datos relevantes para el cálculo de un IPM no siempre están disponibles en muchos países.

PARAGRAPH 8

The definition of poverty is steadily moving towards a human rights-based vision highlighting its underlying multitude of causes. The increased awareness that the respect for human rights is a sine qua non for socio-economic outcomes challenges the proposition that income should be used as a good and sufficient proxy indicator for measuring poverty. However, according to the HRBA, a definition of poverty needs to address the non-fulfilment of these rights, and at the same time not be totally delinked from the constraint of economic resources. Once again, Amartya Sen's conception of poverty is thought to satisfy these dual requirements. In this sense, from a rights-based perspective, poverty implies low levels of capability, but not all kinds of capability.

La definición de pobreza está en constante movimiento hacia una visión basada en los derechos humanos que destaca [una] multitud de causas subyacentes. Existe una mayor conciencia de que el respeto a los derechos humanos es una condición esencial para los resultados socioeconómicos (y) esto pone en tela de juicio la propuesta de que los ingresos deben usarse como un buen y suficiente indicador representativo para medir la pobreza. Sin embargo, según el Enfoque Basado en los Derechos Humanos (EBDH), [la] definición de pobreza debe abordar el incumplimiento de estos derechos() y(,) al mismo tiempo(,) no estar totalmente desvinculada de las limitaciones por recursos económicos. Una vez más, se piensa que la concepción de Amartya Sen sobre la pobreza { } satisface estas dos exigencias. En este sentido, desde una perspectiva basada en los derechos, la pobreza implica bajos niveles de capacidad, pero no todos los tipos de capacidad.

PARAGRAPH 9

Based on this premise, more than income, the HRBA favors for the use of the term “*command over economic resources*,” which is a broader concept in which personal income is only a possible source, and resources like public or communally managed goods and services, among others, are factored in. Additionally, it allows other affectations of capabilities, which are not causally income or even resource based, but might have to do with some sort of discrimination present in sociocultural practices or political-legal frameworks, where lack of command over resources play a merely mediating role. In summary, “*poverty can be defined equivalently as either the failure of basic freedoms – from the perspective of capabilities, or the non-fulfilment of rights to those freedoms – from the perspective of human rights.*”

Al basarse en esta premisa, el Enfoque Basado en los Derechos Humanos (EBDH) prefiere {} el uso del término “*disposición de recursos económicos*” más que ingresos(.) Este {} es un concepto más amplio donde el ingreso personal es sólo una posible fuente() y [se toman] en cuenta recursos como bienes y servicios públicos administrados comunalmente, entre otros. Además, permite otras afectaciones de capacidades() que no son causales de ingreso o incluso de recursos {}, sino que {} [tienen] que ver con algún tipo de discriminación presente en las prácticas socioculturales o en los marcos político-jurídicos, donde la falta de disposición de recursos económicos desempeña un papel meramente mediador. En resumen, “*la pobreza se puede definir de manera equivalente {} como la falta de libertades básicas – desde la perspectiva de las capacidades –, o bien como la no realización de los derechos a esas libertades – desde la perspectiva de los derechos humanos*”.)

PARAGRAPH 10

The Guiding Principles further develop this definition, by adding an additional premise, adopted from the definition of extreme poverty provided in the Final Report on Human Rights and Extreme Poverty, submitted to the Commission on Human Rights of the Economic and Social Council (ESC) by the Special Rapporteur Leandro Despouy. Taking into account both premises, the Guiding Principles text defines extreme poverty as the combination of income poverty, human development poverty, and social exclusion “*where a prolonged lack of basic security affects several aspects of people’s lives simultaneously, severely compromising their chances of exercising or regaining their rights in the foreseeable future.*”

Los Principios Rectores desarrollan {} esta definición() al añadir una premisa adicional() que fue adoptada a partir de la definición de pobreza extrema presente en el (“(Informe final sobre derechos humanos y extrema pobreza)(”) () presentado a la Comisión de Derechos Humanos del Consejo Económico y Social (ESC, por sus siglas en inglés) por el relator especial Leandro Despouy. Al tener en cuenta ambas premisas, el texto de los Principios Rectores define la pobreza extrema como la combinación de pobreza de ingresos, pobreza de desarrollo humano() y exclusión social donde “*una falta prolongada de seguridad básica afecta a varios ámbitos de {} la existencia al mismo tiempo, al comprometer gravemente [las] posibilidades de las personas de ejercer o recobrar sus derechos en [un] futuro previsible(“.*)

PARAGRAPH 11

This section of my research has illustrated how depending on our scope and the issues at hand, there can be very different conceptual approaches to poverty. By the same token, depending on which definition and approach to extreme poverty we adhere to, the amount of people in the world deemed to be living in this condition and the statistical effects we can derive from it will undoubtedly vary. For certain poverty reduction and social development strategies, an income-based view might be the only indicator with concluding or operational data available. However, the multidimensional character of poverty and the link between it and human rights paints a much more complete picture, and should be favored whenever possible.

Esta sección de {} **[la investigación]** ha ilustrado cómo puede haber enfoques conceptuales muy diferentes de la pobreza dependiendo del alcance y los temas a mano. De la misma **manera**, la cantidad de personas en el mundo que se considera que viven en esta condición y los efectos estadísticos que **[se pueden]** derivar {} varían **ya que dependen de {} la definición y el enfoque de la pobreza extrema que **[se obedece]****. **Para ciertas estrategias de reducción de pobreza y desarrollo social, una visión basada en los ingresos podría ser el único indicador con datos concluyentes u operativos disponibles**. Sin embargo, el carácter multidimensional de la pobreza(,) y su vínculo {} con los derechos humanos(,) representa un panorama mucho más completo() y debe ser favorecido siempre **que sea** posible.

PARAGRAPH 12

These different lists illustrate the wide variety of rights which are relevant to extreme poverty as a multidimensional phenomenon, which can be mainly focused on social, economic, and cultural rights, but also must be understood to include civil and political rights as well. At the same time, they reflect the interrelated and interdependent character of these human rights, specially in the way that some rights are differently formulated or coupled together. An in depth analysis of each of these rights exceeds the scope of this investigation. However, to get a panoramic view of the international law framework related to extreme poverty, I will establish the content of a set of core rights, identifying their coordinates within the norms of human rights instruments.

Estas diferentes listas ilustran la gran variedad de derechos que son relevantes para la pobreza extrema como un fenómeno multidimensional(.) Estos derechos [se pueden] centrar principalmente en derechos sociales, económicos() y culturales, pero [se debe] entender que incluyen también derechos civiles y políticos. Al mismo tiempo, reflejan el carácter interrelacionado e interdependiente de estos derechos humanos, especialmente en la forma en que algunos derechos [se formulan] de manera diferente o se unen entre sí. Un análisis con profundidad de cada uno de estos derechos supera el alcance de esta investigación. Sin embargo, para obtener una visión panorámica del marco legal internacional relacionado con la pobreza extrema, [se establecerá] el contenido de un conjunto de derechos fundamentales y [se identificarán] sus coordenadas dentro de las normas de los instrumentos de derechos humanos.

PARAGRAPH 13

These norms, in conjunction with other regional human rights treaties, if read in an integrated manner, point towards the recognition of a human right to an adequate standard of living comprised of a core set of minimal rights. It is not possible to narrow these rights down to a specific list of rights, in particular because each of these norms has a distinct formulation of this right. However, for the purposes of this investigation, it will suffice to focus on the rights derived from the initial formulation in the UDHR, which directly references the right to health, food, clothing, and housing. The interrelated and interdependent nature of these rights will establish links to other human rights, and can provide a suitable enough context for the core rights relevant to extreme poverty.

Estas normas, si se leen de manera integrada en conjunto con otros tratados regionales sobre derechos humanos, apuntan hacia el reconocimiento de un derecho humano en un nivel de vida adecuado(,) compuesto por un conjunto básico de derechos mínimos. No es posible reducir estos derechos a una lista específica de derechos, particularmente porque cada una de estas normas tiene una formulación distinta de este derecho. Sin embargo, para los efectos de esta investigación, bastará con centrarse en los derechos derivados de la formulación inicial de la **Declaración Universal de Derechos Humanos** (DUDH), que hace referencia directa al derecho a la salud, la alimentación, el vestido() y la vivienda. El carácter interrelacionado e interdependiente de estos derechos establecerá vínculos con otros derechos humanos() y podrá proporcionar un contexto adecuado y suficiente para los derechos fundamentales **relacionados** con la pobreza extrema.

PARAGRAPH 14

The entitlements relate to four essential elements: availability, accessibility, acceptability, and quality. Thus, the right to health implies that functioning public health and health-care facilities, goods and services are available in sufficient quantity within a State. It also means that they are accessible to everyone without discrimination. The element of accessibility includes various dimensions: non-discrimination, as well as physical, information, and economic accessibility. Furthermore, all health facilities, goods and services must be acceptable, i.e., “*respectful of medical ethics and culturally appropriate.*” Finally, they must be of good quality, which implies appropriate scientific and medical criteria.

Los derechos [se refieren] a cuatro elementos esenciales: disponibilidad, accesibilidad, aceptabilidad() y calidad. Por lo tanto, el derecho a la salud implica que los servicios públicos de salud {} funcionales y los bienes y servicios deben estar disponibles en números suficientes dentro de un Estado. También significa que deben ser accesibles para todas las personas(,) sin discriminación. El elemento de accesibilidad incluye varias dimensiones: la no discriminación, así como la accesibilidad física, informacional() y económica. Además, todas las instalaciones de salud y los bienes y servicios deben ser aceptables, es decir, “*respetuosos de la ética médica y culturalmente apropiados*(”.) Finalmente, deben ser de buena calidad, lo cual implica criterios científicos y médicos apropiados.

PARAGRAPH 15

The CESCR goes on to elaborate on the content of the adequacy of housing, which includes a series of essential elements. The legal security of tenure, which “*guarantees legal protection against forced eviction, harassment, and other threats.*” The availability of services, materials, facilities, and infrastructure “*essential for health, security, comfort and nutrition.*” Affordability, “*at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.*” Habitability in terms of providing adequate space and protection from the natural elements as well as “*threats to health, structural hazards, and disease vectors.*” Accessibility, taking fully into account the needs of disadvantaged groups, and guaranteeing “*the right of all to a secure place to live in peace and dignity, including access to land as an entitlement.*”

El Comité de Derechos Económicos, Sociales y Culturales (CESCR, por sus siglas en inglés) {} desarrolla el contenido de la vivienda adecuada, que incluye una serie de elementos esenciales. La seguridad jurídica de la tenencia, que “*garantice una protección legal contra el desahucio, el hostigamiento() u otras amenazas(”.)* La disponibilidad de servicios, materiales, facilidades() e infraestructura “*indispensables para la salud, la seguridad, la comodidad y la nutrición(”.)* Gastos soportables “*a de un nivel que no impidiera ni comprometiera el logro y la satisfacción de otras necesidades básicas(”.)* Habitabilidad(,) en términos de proporcionar espacio y protección adecuados contra los elementos naturales, así como de “*las amenazas para la salud, de riesgos estructurales y de vectores de enfermedad(”.)* Asequibilidad, al tomar en cuenta las necesidades de grupos en situación de desventaja por completo() y garantizar “*el derecho de todos a un lugar seguro para vivir en paz y dignidad, incluido el acceso a la tierra como derecho(”.)*

5.1.2.1 Color coding: *Gestión para la Transformación Social*

PARAGRAPH 1

El PNUD tiene como objetivo principal impulsar el desarrollo humano sostenible a través del fortalecimiento de las capacidades institucionales y el impulso de nuevas opciones para que las personas puedan emprender proyectos de vida propios, con el fin de lograr el cumplimiento universal de los derechos humanos, el fortalecimiento de la democracia, la convivencia y la protección del ambiente. El trabajo de ambas instancias hacia el cumplimiento de estos objetivos, ha permitido la consolidación de esta publicación, que tiene como propósito documentar la experiencia acumulada durante cinco años de gestión del Parque, aportando elementos metodológicos como insumo para gobiernos locales, organizaciones civiles, sector privado u otras entidades, que procuran mejorar la calidad de vida de las personas por medio de la cultura, la tecnología, la educación y el deporte en espacios similares.

The United Nations Development Program (UNDP)'s main objective is to promote sustainable human development through the strengthening of institutional capacities and the promotion of new options { } for people to { } undertake their own life projects, in order to achieve the universal fulfillment of human rights, and strengthen democracy, coexistence(,) and environmental protection. The work of both institutions towards meeting these objectives() has allowed the creation of this publication, which { } aims to document the gathered experience over the five years of managing { } Parque La Libertad (and) provide methodological elements as input for local governments, civil organizations, private sector(,) or other entities, that seek to improve [people]'s quality of life through culture, technology, education(,) and sports in similar spaces.

PARAGRAPH 2

Al sistematizar esta metodología, se ha podido identificar que el Parque La Libertad opera mediante espirales de transformación social, basadas en tres énfasis: las personas, la transformación del espacio hacia centros de excelencia y la construcción del concepto de lugar, así como el mejoramiento de la calidad de vida. Este documento es producto de la alianza entre el PNUD y la Fundación Parque La Libertad, que data desde el Programa Conjunto que implementó el Fondo Naciones Unidas-España para el Logro de los Objetivos de Desarrollo del Milenio en el 2008-2011. La Fundación Parque La Libertad agradece profundamente al PNUD, por el apoyo técnico y financiero para llevar a cabo esta sistematización, así como a todas las personas que han hecho posible el desarrollo de la misma.

By systematizing this methodology, it has been possible to identify that Parque La Libertad operates through spirals of social transformation() that have three emphases: focusing on [people], transforming space into centers of excellence(,) and developing the concept of place, as well as improving the quality of life. This document is [a product] of the alliance between the United Nations Development Program (UNDP) and Parque La Libertad Foundation, that dates back to the Joint Program { } implemented by Spains' United Nations Fund in order to achieve the Millenium Development Goals in 2008-2011. The Parque La Libertad Foundation is deeply grateful to UNDP, for [its technical and financial support] in order to carry out this systematization, { } and to all [the people] who have made its development possible.

PARAGRAPH 3

La sistematización es un proceso de gestión de conocimiento que está orientado hacia “recuperar lo vivido, reconstruyéndolo históricamente, pero para interpretarlo y obtener aprendizajes”. La trayectoria del Parque La Libertad es muy amplia, tanto en tiempo como en experiencias. Aspirar a sistematizar los cinco años de trabajo de este proyecto no solo resultaría agotador, sino que podría carecer de toda la información y el conocimiento deseado para nutrir la práctica actual y futura de esta experiencia. Bajo este entendido resultó fundamental diseñar un plan de sistematización, el cual sirvió de ruta de trabajo durante todo el proceso de reconstrucción y reflexión creativa.

{ }Systematization is a knowledge management process that is geared towards “recovering what has been lived () and reconstructing it historically () [in order to] be able to interpret and learn lessons from it(.”) Parque La Libertad’s trajectory is extensive { } [in time and in experience]. Aspiring to systematize five years’ worth of work for this project would not only be exhausting, but may also end up lacking all the information and knowledge required to nourish the current and future practice of this experience. Under this understanding(,) it [was] essential to design a systematization plan() { } that served as a working path throughout [the whole] reconstruction and creative thinking process.

PARAGRAPH 4

Estas libertades deben darse en entornos seguros que permitan desarrollar esas capacidades y ejercer esas opciones. En ese sentido, la seguridad humana procura proteger a las personas frente a amenazas que pongan en riesgo el disfrute de aquel conjunto básico de derechos, pero también aspira a empoderar para garantizar el ejercicio de derechos hacia la construcción de una vida digna. De manera que la seguridad humana pasa por las personas, estas son el centro de acción de este enfoque que propone acciones hacia la incidencia basadas en las fortalezas y aspiraciones de los seres humanos. Por lo tanto, los proyectos con este enfoque deben realizar análisis previos acerca de las necesidades e intereses de las poblaciones, ya que son a partir de éstas que se definirán las estrategias para alcanzar las tres libertades.

These liberties must be exercised within a safe environment that allows those capabilities to be developed and to experience those options. In this sense, human security seeks to protect individuals against threats that jeopardize the enjoyment of this basic set of rights, but also aims at empowering them to guarantee the exercise of these rights and move towards the construction of a life with dignity. In this way(,) { } human security is based on the individuals (.). They are the { } focus of this approach that proposes actions towards incidence based on human beings' strengths and aspirations. Therefore, projects with this approach should carry out a prior analysis of the needs and interests of [the population], since they are { } [the basis] to define the strategies to achieve the three liberties.

PARAGRAPH 5

La protección de los derechos. La protección de los derechos pasa por el trabajo que se realiza interinstitucionalmente. El Parque aprovecha y acerca a las comunidades a los recursos y la experiencia de otras instancias del Estado costarricense. Por ello es una plataforma con la legitimidad y capacidad para convocar al trabajo conjunto con instituciones y organizaciones que promuevan el desarrollo humano entre las comunidades de influencia. Por ejemplo, la Mesa de coordinación para la prevención y atención del embarazo en adolescentes. Asimismo, el Parque se ha constituido en una plataforma para potenciar aquella oferta. Por ejemplo, las becas recibidas por el CETAV de parte del Programa EMPLÉATE han logrado poner en marcha una estrategia de impacto colectivo.

{ } Protection of { } rights. The protection of rights is based on the work that is done [across different institutions]. { } Parque La Libertad takes advantage of and brings communities closer to the resources and experience of other Costa Rican government institutions. It is therefore a platform with the legitimacy and ability to call upon institutions and organizations to work together { } to promote human development among the influenced communities. For example, the (Coordinating Bureau for the Prevention and Care of Teenage Pregnancy). Likewise, Parque La Libertad has become a platform to enhance that offer. For example, the scholarships received from Center of Technology and Visual Arts (CETAV, for its initials in Spanish) on behalf of the program EMPLÉATE (“Employ Yourself” as per in English) have managed to implement a strategy of collective impact.

PARAGRAPH 6

Empoderamiento de las personas para la ejecución de las opciones. Este podría ser el nivel de trabajo que convoque los mayores esfuerzos por parte de los gestores y las gestoras de cada uno de los ejes de acción del Parque. Las acciones coinciden en atraer la mayor cantidad de oferta institucional, así como brindar las capacitaciones técnicas más apropiadas y con la mayor calidad. Además, se realizan esfuerzos educativos para promover valores y habilidades blandas con el fin de que las personas se apropien de las nuevas herramientas técnicas y puedan cambiar sus condiciones. Mucho de ese empoderamiento pasa por la generación de un entorno seguro que le permita a la persona alcanzar confianza en sí misma y aprovechar y disfrutar libremente las opciones que se le podrían estar abriendo.

Empowering {} [people] to execute {} options. This could be the work level that calls for the greatest efforts on behalf of the managers {} of each of the levels of action of Parque La Libertad. The actions entail attracting the greatest amount of institutional offer, as well as providing the most appropriate technical training {} with the highest quality. In addition, [educational efforts are undertaken] to promote values and soft skills(,) {} so that [people] [are able to take ownership] of the new technical tools and {} change their conditions. Much of this empowerment involves creating a safe environment that allows the person to achieve self-confidence {} and take advantage of and freely enjoy the options that may be opening up for them.

PARAGRAPH 7

Trabajo con personas jóvenes. Aunque la oferta formativa del Parque La Libertad podría atender a todos los miembros de las familias, desde niños y niñas hasta las personas adultas mayores, la población prioritaria son las personas jóvenes. El trabajo con juventudes está presente en todos los ejes del Parque. A partir de su relectura, es posible identificar las siguientes estrategias comunes:

- i. Promover sentido de apropiación del espacio: se ofrecen oportunidades para que las personas jóvenes puedan adquirir confianza y abrirse a nuevos retos de aprendizaje.
- ii. Oferta formativa: se diseña a partir del levantamiento de necesidades e intereses, así como del aprovechamiento de oportunidades provenientes de fondos económicos disponibles y la articulación interinstitucional.
- iii. Enseñanza de habilidades blandas: para impulsar la empleabilidad y el desarrollo humano de esta población.

Working with young people. Although Parque La Libertad's educational offer could cater to all family members, from children to { } [the elderly], young people are the priority population. Working with [young people] is present in all levels at Parque La Libertad.

From its re-reading, it is possible to identify the following common strategies:

- xi. Promote a sense of ownership{ }: [opportunities are offered](,) so that young people can gain confidence and open themselves up to new learning challenges.
- xii. Academic offer: [designed] based on { }needs and interests, as well as by taking advantage of the opportunities that come from economic funds that are available and inter-institutional coordination.
- xiii. Soft skill training: to boost employability and human development for this population.

PARAGRAPH 8

Referente urbano. Adicional a esa transformación del espacio en un entorno seguro y en una ocupación simbólica hacia la seguridad humana y la inclusión social, el Parque La Libertad también ha transformado el paisaje de la zona. Esta modificación ha comenzado a generar un efecto de contraste y posiciona el Parque como un nuevo referente urbano. Según el Parque La Libertad, los visitantes recurren a frases como “es el mejor lugar que he visitado”, mientras que otros usuarios aseguran que “el Parque La Libertad ha sido un premio para estas comunidades después de tantas humillaciones”. De manera que la recuperación del terreno en un entorno seguro para el desarrollo humano, se identificó como un elemento fundamental para el ejercicio de la metodología de seguridad humana e inclusión social que está promoviendo el Parque La Libertad.

Urban reference. In addition to [this] transformation of space into a safe environment and { }a symbol for human security and social inclusion, Parque La Libertad has also transformed the landscape of the area. This modification has begun to generate a contrasting effect and [transforms] Parque La Libertad into] a new urban reference. According to Parque La Libertad, visitors use phrases like “it’s the best place I’ve visited(,)” while other users say that “Parque La Libertad has been a reward for these communities after so many humiliations(,)” This way(,) [the transformation of space] into a safe environment for human development() [was identified as a fundamental element] for exercising the methodology of human security and social inclusion that Parque La Libertad is promoting.

PARAGRAPH 9

Con el ánimo de ilustrar los procesos de transformación social fruto de la convergencia de los tres énfasis metodológicos anteriormente explicados, se utilizará la figura de espiral, la cual sugiere movilidad social a partir de variables que se concatenan para promover el desarrollo humano dirigido hacia el desarrollo local a través del mejoramiento de la calidad de vida de las personas. Las espirales son figuras que permiten comprender el trabajo del Parque como procesos de reproducción virtuosa donde cada círculo alimenta al siguiente de manera positiva. Este modelo de implementación de política social no se desarrolla de manera vertical, del Estado hacia la ciudadanía ni de ciudadanía hacia el Estado; tampoco es un modelo que trabaje de manera circular generando condiciones positivas únicamente a las personas dentro del Parque. Corresponde a una estrategia dinámica en alianza entre los sectores públicos y los sectores privados y comunales.

The spiral figure, which suggests social mobility based on variables that are concatenated to promote human development directed towards local development through the improvement of people's quality of life, will be used to illustrate the social transformation processes that result from the convergence of the three methodological emphases that have been previously explained. The spirals are figures that allow understanding of Parque La Libertad's work as processes of virtuous reproduction(;) each circle feeds the next one in a positive way. This model of social policy implementation does not develop in a vertical way, from the State towards the citizenship or from the citizenship towards the State(,) nor it is a model that works in a circular way by generating positive conditions only for the people inside Parque La Libertad. It is a dynamic strategy with an alliance among the public and the private sectors(,) as well as the community sectors.

PARAGRAPH 10

Las profesionales y los profesionales laboran con pasión, convencidos del poder para realizar transformaciones sociales. Cada avance en alguno de los ejes alimenta de manera indirecta el ánimo de los otros, generando un efecto demostrativo que produce “una mística interna y propia del Parque La Libertad”. Esa pasión también es percibida y destacada por los usuarios, quienes afirman que “aquí hay calor humano”. Constituye entonces una amalgama de energía proveniente desde los participantes que desean un cambio personal y colectivo, y potenciada por la capacidad técnica y la pasión con que trabajan los gestores del Parque. Esta suma permite dar paso al segundo valor central: la confianza, fuente de energía para impulsar la espiral de transformación social.

The professionals{ } work with passion, **convinced of the power to carry out social transformation**. Each advance in one of the **LOA's** { } indirectly feeds the mood of the others **and** generates a demonstrative effect that produces “**an internal and unique mystique to Parque La Libertad**(.”) That passion is also perceived and highlighted by **[its]** users, who **confirm** that “there is human warmth here(.”) Then(,) it constitutes a **[fusion]** of energy that comes from the participants(,) who want a personal and collective change(,) and **is then enhanced** by the technical training and the passion with which the managers of Parque **La Libertad** work with. This **[fusion]** { } gives way to the second central value: **trust, the source of energy to drive the spiral of social transformation**.

PARAGRAPH 11

Nuevos estilos de convivencia. A partir de esta variable, la espiral comienza a abrirse hacia fuera de la institución. La zona de influencia inmediata no es en sí misma homogénea; el Parque posibilita el contacto entre diversidad de personas de diferentes intereses, hábitos, comunidades e indicadores socioeconómicos lo que se percibe como una oportunidad para propiciar inclusión social y favorecer nuevos estilos de convivencia. Dentro del Parque hay reglas de socialización que deben de cumplirse. Por ejemplo, “en el Parque las personas no se gritan”, “se trabaja con respeto”, “se patina en el *skate park* con camisa”, “se cuidan los instrumentos”, “se estudia antes de venir”, “se es responsable con la escuela”, etc. El Parque La Libertad abre, además, espacios para ocupar el tiempo libre de manera positiva. Estos espacios se caracterizan por permitir a los participantes disfrutar del aprendizaje de una disciplina y formar parte de un equipo o red empoderadora.

New ways of coexistence. From this variable, the spiral begins to open outwards { } the institution. The immediate influence area is not homogeneous in itself(.) Parque La Libertad makes contact possible among diverse [people] of different interests, habits, communities(.) and socioeconomic indicators(.) This [is perceived] as an opportunity to promote social inclusion and favor new ways of coexistence. There are socialization rules that must be met within Parque La Libertad. For example, “[People] do not scream at each other in Parque La Libertad.(,)” “[You work with respect](,)” “[You skate with shirts on in the skate park](,)” “[You take care of the instruments](,)” “[You study before coming](,)” “[Be responsible with school](,)” etc. Also, Parque La Libertad opens areas where free time can be spent in a positive way. These spaces [are characterized] for allowing participants to enjoy learning a discipline and to be part of a team or an empowering network.

PARAGRAPH 12

Participación en nuevos espacios. El empoderamiento, la formación, la capacitación y los nuevos estilos de convivencia permiten que las personas participen en nuevos espacios, gracias a las herramientas y capacidades que adquieren en los procesos de formación del Parque. Dichos espacios pueden ser desde un nivel íntimo, como son las conversaciones familiares e intergeneracionales en las que antes no podían participar y de las cuales, gracias a los nuevos conocimientos y habilidades, ya puedan formar parte y esto puede notarse en el uso y acceso a las nuevas tecnologías; hasta participación en nuevos espacios para la asociatividad como son el *networking* y los servicios de vinculación empresarial, y la capacidad de participar de nuevos y mejores tipos de empleos. Otras formas de participación en nuevos espacios son aquellas que se potencian en el Parque La Libertad, permitiendo que niñas y niños de las comunidades puedan experimentar y observar la dinámica de transformación del paisaje.

Participating in new spaces. Empowerment, learning, training(,) and the new ways of coexistence allow {} people to participate in new areas, thanks to the tools and skills {} they acquire in Parque La Libertad's training processes. These areas [can start] on an intimate level, such as family and intergenerational conversations in which they could not participate before and {} now (,) thanks to new knowledge and skills acquired, they {} can be a part of(.) This can be noticed in the use and access to new technologies. These areas also include participating in new social areas, such as **networking** and business linking services, as well as the ability to participate in new and better types of job opportunities. Other ways of participating in new areas are the ones that are strengthened in Parque La Libertad(.) They allow [children] from the communities to experience and observe {} [how] the landscape is transformed.

PARAGRAPH 13

El efecto demostrativo está basado en lo que las personas que están alrededor de los participantes del Parque observan como nuevas formas de socialización y transformación hacia proyectos de vida dignos, que genera la motivación en ellas de participar y vincularse a nuevos procesos. Las personas que se empoderan, se capacitan, participan de nuevos estilos de convivencia y se van integrando a nuevos espacios, se convierten en referentes para sus familias, amigos y comunidades. Estas variables que se salen de los perímetros y redes internas del Parque y logra una dinámica propia que incide en las comunidades; su naturaleza externa constituye una gran oportunidad para explorar cuánto están permeando los nuevos valores, los estilos de convivencia, la socialización y el empoderamiento promovidas por el Parque dentro de las comunidades.

The demonstrative effect is based on what [people] {} around Parque La Libertad's participants observe as new ways of socialization and transformation towards decent life projects, which generates the motivation {} to participate and to be linked to new processes. {} Empowered [people] () [train], participate in new ways of coexistence(,) and gradually integrate into new areas(.) [They become examples] for their families, friends(,) and communities. These variables {} go beyond the perimeters and internal networks of Parque La Libertad(,) so they achieve a unique dynamic that affects the communities(.) Its external nature constitutes a great opportunity to explore how much the new values, ways of coexistence, socialization(,) and empowerment promoted by Parque La Libertad within the communities are penetrating.

PARAGRAPH 14

Trabajar para impulsar valores: Además de los conocimientos técnicos lo que se ofrece en el Parque es el ejercicio de valores y habilidades blandas hacia la toma de decisiones para proyectos de vida dignos.

Creatividad: El lema del Parque La Libertad es “donde la creatividad no tiene límites”. La forma en que se fomenta la creatividad varía dentro de los diferentes ejes y se presenta como un elemento que permite buscar maneras innovadoras de realizar las tareas o de enfocar los retos. Esto significa, además; romper con paradigmas institucionales como es el caso del Programa de Educación Ambiental Escolar (PEAE) del eje ambiental, donde se procura cambiar la percepción de que las lecciones escolares al aire libre son solo paseos, demostrando que son estrategias de investigación, concientización y aprendizaje muy valiosas.

Working to promote values: in addition to technical knowledge(,) {} Parque La Libertad [offers] the exercise of values and soft skills directed towards decision making for the creation of dignified life projects.

Creativity: Parque La Libertad’s motto is “where creativity has no limits(.”) The way in which creativity is promoted varies within the different LOA’s and [is presented] as an element that allows to look for innovative ways of performing tasks or to put challenges in focus. This also means, breaking institutional paradigms with programs such as the Environmental Education School Program (PEAE, for its initials in Spanish) of the environmental LOA, where the perception that outdoor school lessons are just walks [is changed] () by demonstrating that they are very valuable research, awareness(,) and learning strategies.

PARAGRAPH 15

Calidad: “Lo mejor para la más alta necesidad”. La calidad de la oferta es central en el modelo de implementación del Parque. Se parte de que no por atender poblaciones con baja condición socioeconómica la oferta deber ser de baja calidad; por el contrario, se considera fundamental crear una “oferta aspiracional” que poblaciones económicamente favorecidas también deseen disfrutar. El objetivo es ofrecer las mejores condiciones para el aprendizaje y el desarrollo de destrezas que permitan generar inclusión social y movilidad, recurriendo a edificios de primera calidad, con instrumentos y equipamiento de alta calidad y buscando profesores de alto nivel para sus programas y charlas. El tema de la calidad pasa también por dignificar a los grupos que se benefician de la oferta del Parque, tales como poblaciones en condición de pobreza, los cuales tienen el derecho de aprender y desarrollarse con una oferta de primera.

Quality. “The best for the biggest needs(.)” The quality of the offer is key to the implementation model of Parque La Libertad. [It is based] on the fact that the offer should not be of low quality just because it is directed towards a population with low socioeconomic conditions(.) On the contrary, [it is considered] fundamental to create an “aspirational offer” that economically favored populations also wish to enjoy. The aim is to offer the best conditions for learning and the development of skills that allow social inclusion and mobility, using high quality buildings, with high quality instruments and equipment and looking for high level teachers for its programs and lectures. The quality subject also involves dignifying the groups that benefit from the offer of Parque La Libertad, { } which have the right to learn and develop with a high-quality offer.

5.1.3 Instrument: Glossaries

The following glossaries serve as a reference for terminology that is frequently used throughout the texts. They helped the translator ensure consistency throughout the translation and helped to identify terminology that required special attention due to its difficulty or, because of the nature and topic of the texts, already had an official translation that should be used with its appropriate abbreviations.

5.1.3.1 English to Spanish Glossary

English Term	Spanish Term	Definition
absolute poverty	pobreza absoluta	Official translation of an international concept
Capability Approach	enfoque de capacidades	Official translation of an international concept
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women	Convención sobre la eliminación de todas las formas de discriminación contra la mujer, CEDAW por sus siglas en inglés.	Proper name of an international convention
CESCR: Committee on Economic, Social and Cultural Rights	Comité de derechos económicos, sociales y culturales	Proper name of an international institution
core rights	Derechos fundamentales	Official translation of an international concept
CRC: Convention on the Rights of the Child	Convención sobre los Derechos del Niño, CRC por sus siglas en inglés.	Proper name of an international convention
CRPD: Convention on the Rights of Persons with Disabilities	Convención sobre los derechos de las personas con discapacidad, CRDP por sus siglas en inglés.	Proper name of an international convention
Entitlements	derecho	Rights
extreme poverty	pobreza extrema	
Functionings	funciones	Taken from the UN definition
GC: General Comment	Observación General (OG)	Official translation of an international concept

HDI: Human Development Index	Índice de desarrollo humano (IDH)	Official translation of an international concept
HDR: Human Development Report	Informe de desarrollo humano Informe	Desarrollo Humano es el término oficial, y en español tiende a no abreviarse para evita la confusión con el Índice.
HPI: Human Poverty Index	Índice de pobreza humana (IPH)	Official translation of an international concept
HRC: Human Rights Council	Consejo de derechos humanos (CDH)	Official translation of an international concept
HS: Human Security	Seguridad Humana (SH)	Official translation of an international concept
Human Rights-Based Approach	Enfoque basado en los derechos humanos (EBDH)	Official translation of an international concept
ICERD: International Convention on the Elimination of All Forms of Racial Discrimination	Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial, ICERD por sus siglas en inglés.	Proper name of an international convention
ICESCR: International Covenant on Economic, Social and Cultural Rights	Pacto Internacional de Derechos Económicos, Sociales y Culturales (PIDESC)	Proper name of an international pact
ICISS: International Commission on Intervention and State Sovereignty	Comisión Internacional sobre Intervención y Soberanía de los Estados (CIISE)	Proper name of an international commission
ICRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Convención internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares, ICRMW por sus siglas en inglés.	Proper name of an international convention
IMF: International Monetary Fund	Fondo Monetario Internacional (FMI)	Proper name of an international institution
MDG's: Millennium Development Goals	Objetivos de Desarrollo del Milenio (ODM)	Official translation of an international concept
MPI: Multidimensional Poverty Index	Índice de Pobreza Multidimensional (IPM)	Official translation of an international concept
NATO: North Atlantic Treaty Organization	Organización del Tratado del Atlántico Norte (OTA)	Official translation of an international concept

ODA: Official Development Assistance	Asistencia Oficial para el Desarrollo (AOD)	Official translation of an international concept
OECD: Organization for Economic Co-operation and Development	Organización para la Cooperación Económica y el Desarrollo (OCDE)	Proper name of an international institution
OHCHR: Office of the High Commissioner for Human Rights	Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH)	Proper name of an international institution
progressive realization	realización progresiva	Official translation of an international concept
R2P: Responsibility to Protect	Responsabilidad de Proteger (R2P, por sus siglas en inglés)	Official translation of an international concept
relative poverty	pobreza relativa	Official translation of an international concept
Scourge	flagelo	Cause of widespread suffering
SDG's: Sustainable Development Goals	Objetivos de Desarrollo Sostenible (ODS)	Official translation of an international concept
Subsume	incluir	Include, swallow up
UDHR: Universal Declaration of Human Rights	Declaración Universal de los Derechos Humanos (DUDH)	Official translation of an international concept
UN: United Nations	Organización de las Naciones Unidas (ONU)	Proper name of an international institution
UNDP: United Nations Development Program	Programa de Naciones Unidas para el Desarrollo (PNUD)	Official translation of an international concept
UNGA: United Nations General Assembly	Asamblea General de las Naciones Unidas, UNGA por sus siglas en inglés.	Proper name of an international institution
UNICEF: United Nations Children's Fund	Fondo de las Naciones Unidas para la Infancia, UNICEF por sus siglas en inglés.	Proper name of an international institution
UNSC: United Nations Security Council	Consejo de Seguridad de las Naciones Unidas, UNSC por sus siglas en inglés.	Proper name of an international institution
UNSG: United Nations Secretary General	Secretario General de las Naciones Unidas (SG)	Proper name of an international institution

*Table 9. English to Spanish Glossary used to define terminology during the analysis process.
Source: Researcher's creation.*

5.1.3.2 Spanish to English Glossary

Spanish Term	English Term	Definition
acompañamiento	accompaniment	Acción de acompañar
alianza	alliance	Acción de aliarse
apalancador	anchor	Make steady, secure
apropiación	appropriation	Quedarse con algo
articulación interinstitucional	institutional networking	Organización, coordinación
Capacidades	abilities	Aptitud
capacitación técnica	technical training	Preparación
Charlas	lectures	Dar una conferencia
confluencia	convergence	De elementos: unión
convergencia	alignment	De ideas, de tendencias
ejes de acción	lines of action (LOA)	Official translation of an international concept
Gestores	managers	Quien posibilita algo
incidencia	influence	Influencia
Mi PYMES	MSME	Official translation of an international concept
Objetivos de Desarrollo del Milenio	Sustainable Development Goals (SDGs)	Official translation of an international concept
Operativizar	put into operation	Hacer algo operativo
Producto Interno Bruto (PIB)	Gross Domestic Product (GDP)	Official translation of an international concept
Programa de las Naciones Unidas para el Desarrollo (PNUD)	United Nations Development Program (UNDP)	Official translation of an international concept
Quehacer	task	Tarea, trabajo corporal
rendición de cuentas	accountability	Responsabilidad por un resultado
seguridad humana	seguridad humana	Traducción oficial de un concepto internacional
sistematizar	systematize	Organizar
Subsidio	subsidy	Ayuda gubernamental
tecnologías de información y comunicación (TICs)	Information and communication technologies (ICTs)	Traducción oficial de un concepto internacional
Vinculación	link	Unión contractual

*Table 10. Spanish to English Glossary used to define terminology during the analysis process.
Source: Researcher's creation.*

CHAPTER VI

CONCLUSIONS AND RECCOMENDATIONS

This chapter includes conclusions and recommendations based on the results achieved in the translation process of both documents and the analysis developed in this research.

6.1 Conclusions

The conclusions are based on the objectives and have been analyzed in this section to determine their fulfillment.

6.1.1 Specific objective number one

To translate the documents “Extreme Poverty as a Human Rights Violation” a thesis by César Manso-Sayao Atmetlla into Spanish and “PLL-Sistematización- Junio Final” for Parque la Libertad into English.

To be able to accomplish this objective, the translation process followed a specific process. First, both documents received a general reading to get familiar with their vocabulary and topic. Afterwards, a close reading was performed, which focused on identifying unknown words and frequent terminology, which would be researched later to ensure a better translation, as well as to conduct a text analysis to determine the language, style, and purpose of each of the documents in order to classify them accordingly for future reference and use during the translation process.

Once this was done, the texts were translated. The translation process was done while taking into consideration the characteristics of the source texts to maintain the original look and feel of each one. Once this stage concluded, both translations were sent to a second party to be reviewed with the purpose of having a second opinion and to correct any mistakes that would improve the translation itself. After the revision, the translations acquired a more structured text and where shaped to give them naturalness and precision in

the final stage. In conclusion, both texts were successfully translated according to the purpose established.

6.1.2 Specific objective number two

To apply various translation procedures to the documents in order to achieve communicative texts.

As mentioned in previous chapters, a proper translation cannot be successfully achieved without the use of translation techniques and procedures, which ensure accuracy, faithfulness, and naturalness. The procedures that were used for these translations were clearly researched in Chapter II and later identified for analysis with the color coding strategy mentioned in Chapter V.

In conclusion, both texts were successfully translated using translation procedure as per the purpose established. Without the use of the translation techniques, conveying proper and exact meaning from the original to the translated text would have been impossible and the translation process would not have been as accurate nor as faithful to the original text.

6.1.3 Specific objective number three

To evaluate the effect of the technical translation techniques applied in the documents.

The translation procedures identified in the previous objective were used, not only to fulfill the translation purpose, but also to find results within the documents and compare the original text to the final translated version.

Table 8 in Chapter V contains the text analysis done for each of the documents based on function, purpose, style, scale of formality, emotional tone, and type of translation. Both source documents were identified and classified according to this information. This process allowed a more accurate translation of the target text.

Furthermore, the use of the fourteen translation procedures were used and identified with the color coding strategy, which was applied to both documents and graphically represents the translation procedures applied to the texts, where they were applied, and how this was done in order to evaluate and compare the results between the languages. In conclusion, the translation procedures of both texts were successfully evaluated as per the purpose established. The use of the different instruments and strategies helped to easily identify these procedures and compare and evaluate them during the process.

6.1.4 Specific objective number four

To design a glossary with the most relevant terminology found in both texts.

Throughout a translations process, the meaning of each word needs to be known and understood by the translator. The creation of two glossaries was carried out by the selection of the frequently used vocabulary of the source texts, to verify them before and during the translation of the documents and be able to convey their proper meaning to the target text.

Furthermore, this tool helped to have consistency and coherence throughout the documents, by making sure the same vocabulary was used throughout the whole document. Finally, the tool was also important to save time. Not having to constantly look up or check the meaning of words that appeared frequently during the texts is important when working on a tight schedule. In conclusion, the creation of these glossaries was successful and became a valuable resource that helped the translation process become more efficient and effective.

6.1.5 Restatement of the Research Question

What are the effects of the most common procedures and methods used in the translation of the texts “Extreme Poverty as a Human Rights Violation” and “Gestión para la Transformación Social”?

This research was based on three main references provided in the theory. The use of procedures and translation stages suggested by Newmark (1988), Vinay and Darbelnet (1958) and Vázquez-Ayora (1977) helped the translation process to accomplish the research question outlined. These references were used in the process of translating, applying procedures, and editing to convey an accurate translation in both documents. The translation methods applied to both documents carried out a natural and versatile translation in order for them to be used by the organizations or end users that required them.

In conclusion, without the use of these procedures, the translated documents would be unacceptable and imprecise, the purpose of the translation to communicate would have been lost and the whole process would have not been successful.

6.2 Recommendations

This section includes recommendations that were developed from the research process and are based on the experience of the translator during the entire process. They can be taken into consideration by readers as a reference; they can also be useful for future translation students that may use this research as reference or that will initiate a translation process in the future. The recommendations have been divided into methodological recommendations and recommendations.

6.2.1 Methodological Recommendations

The methodological recommendations in this research are closely related to the theory developed by Newmark (1998). In his theory, he includes important suggestions for the translation process, which every translator should apply during any translation process in order to obtain a faithful, natural, and accurate translated text.

The first methodological recommendation is to give importance to the reading process. Although it may seem as an unnecessary and time consuming step, this is an important step

at the beginning of the translation process. It will help the translator get to know the text thoroughly and ensures that important details and information are not missed and that the topic and terminology is researched. It will also provide details about the structure, tone, technical vocabulary, and complexity of the text to be translated.

All this information can be useful during the initial stages of the translation process; so that the translator can determine the type of translation that will be used; identify parts of the document that will be included in the text analysis stage, when and if this stage will be necessary; and help to identify difficult vocabulary that may be included in the glossaries. A simple scan of the source text is never sufficient and does not provide enough information and insight for the translation task. The translator must do a general reading of the text, followed by a close reading for every text that will need translation.

The second recommendation is to ensure that the translation procedures are understood thoroughly. Knowledge of the translations procedures is necessary to be able to achieve an accurate and faithful translation and important to recognize the ability of the translator to work with these methods and techniques. If the translator is not familiar enough with the theory, the translation process will be more difficult and can even be inaccurate.

It is very important that the translator knows the translation procedures well and how to use each of them properly to convey proper and accurate meaning to the text. This is especially important when the translator is working on a project for graduation, like this research, or one where they will need to detail and identify the procedures for the reader or audience. A full knowledge of the procedures and how to use them correctly will help make the analysis section a lot simpler and more effective. There are many references and sources where the translator can find examples and explanations for each one and how to use them properly, which leads to the next recommendation.

Another methodological recommendation is the importance of references. Because there is a lot of material about translation and its procedures, styles, and techniques, the researcher will be able to investigate the topic in depth and it is important for them to consider many of these sources for their research and analysis. There are many authors that provide examples and descriptions about the theory and practical applications of the translation procedures that can serve as a guide for the translator. The more knowledge about these procedures, the easier the translation process will be. Since it is important to become familiar with as many of these sources as possible and there are so many resources available, it is important to remember to catalogue them properly in case they are needed in the future for research framework. This will make the citation and reference process a lot simpler and more efficient, since it will save the researcher a lot of time by not having to go back and research the sources again.

Furthermore, when working with international organizations, like the ones presented in this research from the United Nations and other international organizations, it is important to investigate if the citations that are used within the documents already have official translations. This will allow the researcher to simplify the translation process, since they will not have to translate something that already exists. These sources are also important to catalogue properly for future use and also so that they can be included properly as a reference in the target text.

Another recommendation is to research about the field or topic selected. This will provide background information for the translator, that will be of use when establishing the objectives of the project, when executing the analysis, and when applying the translation techniques and procedures. It will also help with the understanding of the topic, which will

make the translation process easier, and will provide them with familiarity on vocabulary and wording that can be used for their texts.

Finally, because every translator has different levels of creativity, the procedures can be applied differently from one translation to another. This means that no two translations will ever be the same. Even though the translator will read the work many times in order to catch any mistakes or make any corrections, it is important to get feedback from a second person about the translation that has been done, so that feedback can be considered and any changes necessary can be made before delivering the final translation.

6.2.2 Further Research Recommendations

The first recommendation is time management. First, it is important to remember that to be able to do a translation successfully, quality time needs to be invested. As in the case with any project or research, developing full, accurate, and professional results takes time. The translation process is long and involves many steps that include reading, checking, and correcting the work. If the researcher wishes to obtain reliable and quality texts, it is important to make enough time for all the steps and avoid rushing the process, which can affect the result.

Second, it is important to focus on the theory that is applied, this is also time consuming since each procedure and technique must be properly catalogued and marked for future use during the analysis. This is important so that the process is carried out in a practical and defined way and does not hinder or delay the deliverables.

Finally, planning is essential and a key factor to ensure success. It is important to consider all the possible time related limitations that can come with the process to be able to plan accordingly and deliver the results on time. Although it is not always possible to plan or account for everything that may come up during the timeframe, taking into every

part of this process, which can include response time of the organization for which the documents are being translated, deadlines that have been established by the University, and the available individual time to work on the translations and develop the research paper itself, is very important. Planning, creating a schedule, and leaving enough time in the backend in case any delays or unexpected situations are encountered is an important step in this process that must not be ignored.

The second recommendation is related to language and communication. The purpose of a translator is to communicate. This means that the role comes with a responsibility to transfer messages accurately and professionally. Language is not static, which means vocabulary and meaning changes constantly. For this reason, it is important that the translator nourishes cultural, technical, and general knowledge on current society topics and fields so that they can generate a large knowledge base that will help with vocabulary, phrases, current idioms, and culture. All this knowledge will benefit the translator and help the translation process.

Another recommendation is about the topic that will be developed during the investigation. First, there is the topics of both documents. Although the translator can work with any document to translate, having similar or related topics in both documents is a great advantage. No two documents will ever be the same and the language used in each of them will vary, but the terminology and overall wording and format can be shared. This makes the process easier on the researcher and it also allows them to work more quickly and efficiently.

Second, the topic of the documents itself. Having a topic of their interest is another important aspect that will allow the researcher to be more successful. If the researcher has a topic that they wish to learn more about or that they are passionate about, they can feel

identified with work that is being done and this will help the whole process be more enjoyable and gratifying.

If none of these recommendations on the topic are possible, it is important that research is done before starting the translation process. Analyzing other sources, background, history, and related topics is necessary to be prepared before the researcher even begins the translation process. This will bring familiarity to the topic before reading the documents and will facilitate the process of looking for vocabulary and terminology when translating.

Finally, the last recommendation is to know and understand the readership. This includes the customer, the organization, and the people for whom the translation is being done. This allows a deeper understanding of the purpose of the text, which will help during the translation, as well. Once the translator gets to know about the background of the organization, is familiar with the intention of the original text, and understands the needs of the organization for the translated document, it will be easier to translate in a way that will be useful to the end user.

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ANNEXES**I. “*Extreme Poverty as a Human Rights Violation*” from César Manso-Sayao Atmetlla****INTRODUCTION**

The scourge of poverty is one that has troubled mankind since immemorial times, and continues to have a deep and devastating effect in our societies, with no visible end in sight. Extreme poverty in particular is arguably the most wide-spread inhumane phenomenon which plagues our world in present times. The human suffering it entails becomes even more scandalous due to its substantial persistence despite continuous global economic growth, technological progress and the development of human rights discourse and institutions.

Chapter I of this investigation will begin with a conceptual approach, reviewing both the income-based and multidimensional conceptions of extreme poverty. Once understood in its multidimensional conception, extreme poverty can be contextualized within Amartya Sen's influential Capability Approach, as well as the prevalent Human Rights-Based Approach (HRBA). The interdependent and interrelated character of human rights according to this approach, are important principles that will prove to be relevant repeatedly throughout this investigation.

Once established as a human rights concern, the second section of Chapter I will review the framework of international law relevant to extreme poverty. I will begin by carrying out an individual analysis of specific core rights which can be deduced from the more general right to an adequate standard of living. This will include not only a review of the norms contained in human rights instruments, but also of the corresponding interpretation and further development on these rights emitted by the Committee on Economic, Social and Cultural Rights (CESCR). The other important aspect that will be reviewed within the international law framework is related to the local and international obligations each State

has regarding economic, social and cultural rights. The delimitation of the nature and extent of these obligations will also be informed by both international human rights norms and the CESCR's expert opinion.

Chapter II will focus on the conception of extreme poverty as a human rights violation. The first section will analyze this premise according to various interpretations of extreme poverty within the official human rights discourse at the United Nations (UN) level, where extreme poverty is not explicitly framed as a human rights violation *per se*, despite certain ambiguity which could implicitly point in this direction.

The second section will review Thomas Pogge's account of extreme poverty as a human rights violation. This thesis is based on a minimal account of human rights, central to which is the conception of a negative right to be free from severe poverty, and the negative duties this entails. Pogge's view also establishes the role the institutional global order plays in the creation and maintenance of severe deprivation.

In the third section I will analyze the positive duties Pogge proposes in correlation to this negative right, alongside other influential accounts of positive duties related to extreme poverty, such as those contained in Amartya Sen's capability approach and Henry Shue's conception of basic rights.

The fourth and last section of this chapter will focus on the Responsibility to Protect (R2P) principle, which has become the prevailing paradigm in the realm of international law regarding humanitarian intervention. By reviewing the initial conception of R2P as formulated by the International Commission on Intervention and State Sovereignty (ICISS), which was based on the Human Security (HS) paradigm, I will offer a critical assessment of the R2P's narrow scope, which is currently limited to genocide, war crimes, ethnic cleansing and crimes against humanity.

Drawing on the various conceptions of extreme poverty as a human rights violation developed during the investigation, I will make a case for the broadening of R2P's scope to include extreme poverty among the mass atrocities which can trigger its activation among the international community. This is a novel idea, on which there is very little literature at hand. However, in my opinion, it offers a provocative and promising area for further discussion, to which I hope this investigation makes some sort of contribution.

CHAPTER I: EXTREME POVERTY AND HUMAN RIGHTS

A. Conceptual Approach to Extreme Poverty

As I have stated in my opening remarks, poverty is arguably the most wide-spread inhumane phenomenon which plagues our world. In the words of Louise Arbour, the United Nations High Commissioner for Human Rights (UNHCHR), it *“is the gravest human rights challenge facing the world today.”* Some of the statistically quantifiable repercussions of this global phenomenon will be mentioned throughout this investigation. However, the magnitude of human suffering it entails is incommensurable, and projects a dark shadow on any degree of human development and progress experienced in our modern times. As the Office of the High Commissioner for Human Rights (OHCHR) has also stated, *“in a world characterized by an unprecedented level of economic development, technological means and financial resources, that millions of persons are living in extreme poverty is a moral outrage.”*

Poverty is not only problematic in its empirical form and real life consequences, but also on a conceptual level. The etymological challenges present in any subject matter seem to be magnified when it comes to the notion of poverty. Paul Spicker eloquently articulates this in the following terms:

“Debates on poverty have been bedevilled by an artificial academic formalism, which has insisted that there must be an agreed core of meaning, that contradictory

examples showed that certain uses were 'right' while others were 'wrong', and that disagreement was based not in a difference of interpretation or the focus of concern, but in a failure to understand the true nature of the problem. Poverty does not, however, have a single meaning. It has a series of meanings, linked through a series of resemblances. [...] In the social sciences poverty is commonly understood in at least twelve discrete senses. The senses overlap; many of the main protagonists in the debate take two or three positions simultaneously. They are discrete because they can be logically separated, so that circumstances which apply in one sense do not necessarily apply in others."

1. Income-Based Conception

Despite this insurmountable hurdle, there are some commonly shared beacons which we can look to in order to begin the conceptual approach to poverty relevant for the purpose of this investigation. One first step is to differentiate between what is understood as absolute poverty and relative poverty. The term "absolute poverty" was initially coined by the UN as "*a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to social services.*" However, what is commonly referred to nowadays as absolute poverty, is an income-based international poverty line set by the World Bank, which has recently been updated in 2015, from US\$1.25 a day based on 2005 prices, to US\$1.90 a day with relation to 2011 prices.

The idea behind this threshold is to set a value that remains constant among all countries, under the assumption that minimal survival implies essentially the same amount of resources in anyone of them, and that there must be an equal standard to enable meaningful comparisons regarding policies and progress. This is precisely the indicator that was used to

evaluate data concerning the Millennium Development Goals (MDG's), and is now used to measure progress towards the Sustainable Development Goals (SDG's). According to the most recent estimates, in 2012, 896 million people lived at or below \$1.90 a day (down from 1.95 billion in 1990), which means 12.7% of the world's population (down from 37% in 1990).

Relative poverty, on the other hand, has to do with the minimum level of income required to adequately fulfil basic needs in a specific country. Therefore, besides the international poverty line, each country has their own poverty line also set by the World Bank, which takes into account the particular level of income and costs within each state. This indicator is more relevant to assess issues in developed countries, where the economic deprivation problem is not so much the effects of poverty in any absolute form, but has more to do with inequality and the contrast between the lives of the poor and the average living standards in their specific social and economic context. National poverty lines are widely used by a variety of United Nations organizations, including the United Nations Development Program (UNDP), the United Nations Children's Fund (UNICEF), and the Organization for Economic Co-operation and Development (OECD).

This investigation, however, will focus on absolute poverty. Despite the fact that affluent countries have considerable populations who suffer social disadvantage and exclusion due to economic inequality, as Thomas Pogge explains, relative poverty would only be relevant in his analysis *“in those exceedingly rare instances where such people are so poor in the absolute sense that their access to basic necessities is as insecure as that of the very poor in the developing world.”* I justify my scope under the same premise.

Absolute poverty is a concept mainly used in the context of distinguishing it from relative poverty. However the indicators which stem from it, like the international poverty line, are

used to measure what is commonly referred to as extreme poverty. This is the terminology which is most frequently used, among other synonyms like acute poverty, severe poverty, destitution or penury.

2. Multidimensional Conception

However, the international poverty line is by no means the only conceptual approach to this phenomenon. It is commonly criticized due to being narrowly income-based, and therefore not taking into account other important services and development indicators. From the income-based perspective, the prevailing notion is that *“while poverty is widely accepted as a multidimensional phenomenon, there is no universal consensus on whether and how to aggregate multiple dimensions of poverty into a single welfare measure,”* while recognizing that *“multidimensional poverty measures may provide useful complementary perspectives on the dynamics of poverty over time”*. Among these, the most influential measure is the Multidimensional Poverty Index (MPI), which was developed by the UNDP and the Oxford Poverty & Human Development Initiative in 2010, and substituted the previous Human Poverty Index (HPI).

The MPI, as its name suggests, goes beyond income data. It assesses poverty at the individual level, and takes into account ten weighted factors, classified in three categories: education, health and living standards. The ten specific factors mentioned are the following: nutrition, child mortality, years of schooling, school attendance, cooking fuel, improved sanitation, safe drinking water, electricity, flooring and assets. Deprivation on one third or more of ten weighted indicators will classify the person as MPI poor. The index is designed to measure acute poverty (the term commonly used in MPI literature), which refers to two main characteristics:

“First, it includes people living under conditions where they do not reach the minimum internationally agreed standards in indicators of basic functionings, such as being well nourished, being educated or drinking clean water. Second, it refers to people living under conditions where they do not reach the minimum standards in several aspects at the same time.”

3. Capability Approach

The term functionings in the previous quote, is a reference to economist Amartya Sen's influential capability approach. Sen was at the forefront in the development of the multidimensional poverty paradigm, and his work alongside Mahbub ul Haq was instrumental in developing the Human Development Index (HDI). It was precisely the three broad dimensions of health, education and standard of living initially established by the HDI, which the MPI built upon. However the HDI uses only single indicators for each category of poverty, while the MPI, instead, includes the multiple indicators previously enumerated. As a consequence, despite its limitations with regards to the range of indicators, the HDI is still more universally applicable, because the relevant data for calculating an MPI is not available in many countries.

Sen's capability approach itself is an economic theory first conceived in the 1980's as an alternative approach to welfare economics. In broad terms, capability focuses on the valuable things that a person can do and be. Sen offers the following explanation for the relation between capability and functionings:

“The various attainments in human functioning that we may value are very diverse, varying from being well nourished or avoiding premature mortality to taking part in the life of the community and developing the skill to pursue one's work-related plans and ambitions. The capability that we are concerned with is our ability to

achieve various combinations of functionings that we can compare and judge against each other in terms of what we have reason to value.”

According to this approach, poverty is a capability deprivation, and he addresses the notion of extreme poverty as *“the failure of basic capabilities to reach certain minimally acceptable levels.”* This idea not only goes beyond income-based notions, but also expands on John Rawls' conception of primary goods, which are broadly defined as *“what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life.”* Sen points out the inadequacies in the identification between poverty and income, and although he concedes that Rawls' focus on primary goods is more inclusive, does so with the following reservations:

“...the identification of primary goods is still guided, in Rawlsian analysis, by his search for general all-purpose means, of which income and wealth are particular – and particularly important – examples. However, different people can have quite different opportunities for converting income and other primary goods into characteristics of good living and into the kind of freedom valued in human life. Thus, the relationship between resources and poverty is both variable and deeply contingent on the characteristics of the respective people and the environment in which they live – both natural and social.”

Sen has not only *“done more than anyone else to broaden the concept of poverty”* and contributed to the development of multidimensional poverty measures, but through his capability approach he is considered to be the link between poverty and the prevailing HRBA to development. According to the OHCHR's Human Rights and Poverty Reduction Conceptual Framework:

“Most human rights are concerned with the human person’s rights to certain fundamental freedoms, including the freedoms from hunger, disease and illiteracy. The capability approach requires that the goodness of social arrangements be judged in terms of the flourishing of human freedoms. The focus on human freedom is thus the common element that links the two approaches. Looking at poverty from the perspective of capability should, therefore, provide a bridge for crossing over from poverty to human rights.”

4. Human Rights-Based Approach

The HRBA can be traced back, most significantly, to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on June 25th 1993. Addressing the solemn commitment of all states to fulfil their obligations to promote, observe and protect human rights, it states that *“the universal nature of these rights and freedoms is beyond question.”* Besides reaffirming the universality of human rights, this document also states that they must be considered indivisible, interdependent and interrelated. This looks to close the conceptual and ideological gap between civil and political rights, and economic, social and cultural ones.

Following this declaration, the United Nations Secretary General (UNSG), in the context of the UN Programme for Reform that was launched in 1997, called on all entities of the UN system to mainstream human rights into their various activities and programmes within the framework of their respective mandates. However, each agency tended to have its own interpretation of the approach and how it should be operationalized, which led to the formulation, in May 2003, of *“The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies”* (Common Understanding) by the Second Inter-agency Workshop in Stamford, United States.

From this text, the following guiding principles for human rights programming in all its phases emerged: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. The meaning and importance of the HRBA, as well as the influence it has exerted on poverty at a conceptual level, is well summarized in the following terms by the 2003 UNDP Poverty Reduction and Human Rights Practice Note:

“What does a rights approach mean? It means a clear understanding of the difference between right and need. A right is something to which one is entitled solely by virtue of being a person. It is that which enables an individual to live with dignity. A right can be enforced and entails an obligation on the part of the government. A need, on the other hand, is an aspiration that can be quite legitimate but it is not necessarily associated with an obligation on the part of the government to cater to it. The satisfaction of a need cannot be enforced. Human rights make the difference between being and just merely existing. [...]

The definition of poverty is steadily moving towards a human rights-based vision highlighting its underlying multitude of causes. The increased awareness that the respect for human rights is a sine qua non for socio-economic outcomes challenges the proposition that income should be used as a good and sufficient proxy indicator for measuring poverty.

However, according to the HRBA, a definition of poverty needs to address the non-fulfilment of these rights, and at the same time not be totally delinked from the constraint of economic resources. Once again, Amartya Sen's conception of poverty is thought to satisfy these dual requirements. In this sense, from a rights-based perspective, poverty implies low levels of capability, but not all kinds of capability,

because if *“poverty denotes an extreme form of deprivation, only those capability failures would count as poverty that are deemed to be basic in some order of priority.”*

At the same time, by incorporating the capability approach, the human-rights based conception of poverty is further removed from an income-based one, since *“income is not a capability and hence not an aspect of well-being in itself, although it may contribute to the achievement of capabilities.”*

Based on this premise, more than income, the HRBA favors for the use of the term *“command over economic resources,”* which is a broader concept in which personal income is only a possible source, and resources like public or communally managed goods and services, among others, are factored in. Additionally, it allows other affectations of capabilities, which are not causally income or even resource based, but might have to do with some sort of discrimination present in sociocultural practices or political-legal frameworks, where lack of command over resources play a merely mediating role. In summary, *“poverty can be defined equivalently as either the failure of basic freedoms – from the perspective of capabilities, or the non-fulfilment of rights to those freedoms – from the perspective of human rights”*, with the condition that the human rights involved must correspond to the capabilities considered to be basic, and that the inadequate command over economic resources play a role in the causal chain leading to their non-fulfilment. As the OHCHR's Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies explain:

“31. Since poverty denotes an extreme form of deprivation, only those capability failures that are deemed to be basic should count as poverty, and these should be rated in some order of priority. As different societies may have different orders of priority, the list of basic capabilities may differ from one society to another.

32. However, empirical observation suggests a common set of capabilities that can be considered basic in most societies. This set includes the capabilities of being adequately nourished, avoiding preventable diseases and premature mortality, being adequately sheltered, having basic education, being able to ensure personal security, having equitable access to justice, being able to live in dignity, being able to earn a livelihood and being able to take part in the life of a community. The present Guidelines deal with this common set.”

The HRBA can be categorized as a holistic conception, not only because of the elements mentioned previously, related to multidimensional poverty, freedoms, capabilities and human rights, but also in the sense that human rights are deemed to be universal, interdependent and interrelated. At the same time, the holistic nature of this approach is reflected on the parallel and complementary relation that human rights share with the notion of development, and the different programs, agencies and international law instruments in this field.

This holistic HRBA to poverty, which can be very inclusive with its wide scope, can also be plagued by platitudes and vagueness. However, there has been some degree of specification, as can be observed by the doctrinal elements previously discussed, and the concepts established in them. Recent developments include the “Guiding Principles on Extreme Poverty and Human Rights” adopted by the Human Rights Council (HRC) by consensus on September 27th 2012. This instrument further develops the HRBA to poverty, but introduces further conceptual development into the notion of extreme poverty, which is a particular subset of the more general formulation of poverty, and is central to the purpose of this investigation. It begins by recognizing the definition of poverty given by the CDESCR, which establishes it 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.”

However, it further elaborates a conception of poverty in its more severe form, acknowledging the definition of extreme poverty offered by the independent expert on the question of human rights and extreme poverty, Arjun Sengupta, in his report titled “Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development”, which is as follows:

“Extreme poverty can therefore be identified with people suffering from income poverty (being below an agreed level of minimum disposable income or expenditure required for leading a sustainable life) and people suffering from human development poverty (without access to, or availability of, certain basic goods and services to make it possible for them to lead a meaningful life) as well as people in social exclusion (without basic security to lead an adequate social existence, dependent on the structure of social relationships).”

The Guiding Principles further develop this definition, by adding an additional premise, adopted from the definition of extreme poverty provided in the Final Report on Human Rights and Extreme Poverty, submitted to the Commission on Human Rights of the Economic and Social Council (ESC) by the Special Rapporteur Leandro Despouy. Taking into account both premises, the Guiding Principles text defines extreme poverty as the combination of income poverty, human development poverty and social exclusion “*where a prolonged lack of basic security affects several aspects of people’s lives simultaneously, severely compromising their chances of exercising or regaining their rights in the foreseeable future.*”

One of the main focuses of this instrument, as its name implies, is the establishment of a series of foundational principles of a HRBA, specifically in the field of poverty. These are the following principles it proposes and elaborates on:

- Dignity, universality, indivisibility, interrelatedness and interdependence
- Equal enjoyment of all human rights by persons living in extreme poverty.
- Equality between men and women.
- Rights of the child.
- Agency and autonomy of persons living in extreme poverty.
- Participation and empowerment.
- Transparency and access to information.
- Accountability.

These developments now lead us to the crux of the matter, which are the specific human rights involved in the conceptual assessment of extreme poverty. The Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies explains which rights will be relevant in the context of poverty, and the rationale behind their relevance, which can be constitutive or instrumental:

“In the language of rights, one may say that a person living in poverty is one for whom a number of human rights remain unfulfilled—such as the rights to food, health, political participation and so on. Such rights have constitutive relevance for poverty if a person’s lack of command over economic resources plays a role in causing their non-realization. Some human rights are such that their fulfilment will help realize other human rights that have constitutive relevance for poverty. For example, if the right to work is realized, it will help realize the right to food. Such rights can be said to have instrumental relevance for poverty. The same human

right may, of course, have both constitutive and instrumental relevance. These Guidelines address the rights that are considered to be particularly relevant to poverty — on either constitutive or instrumental grounds or on both.”

Because of the interdependency and interrelatedness of human rights in the HRBA, new arguments and circumstances will justify the relevance of different rights. The guidelines mentioned previously offer a list of rights whose enjoyment by the population suffering from extreme poverty is particularly limited and obstructed, and in relation to which State policies have often proved to be inadequate or counterproductive. These will be analyzed in the next section, within the context of the international law framework of human rights protection, from where we can derive a right to be free from poverty, which will be central to the arguments developed further on in this investigation.

This section of my research has illustrated how depending on our scope and the issues at hand, there can be very different conceptual approaches to poverty. By the same token, depending on which definition and approach to extreme poverty we adhere to, the amount of people in the world deemed to be living in this condition and the statistical effects we can derive from it will undoubtedly vary. For certain poverty reduction and social development strategies, an income-based view might be the only indicator with concluding or operational data available. However, the multidimensional character of poverty and the link between it and human rights paints a much more complete picture, and should be favored whenever possible.

In any case, the conceptual and technical ambiguities of an exact definition of poverty are not the main focus of this investigation, and the arguments which it looks to establish will be valid despite the specific conception or indicator chosen to determine what is, and who suffers from, extreme poverty. Thomas Pogge takes a similar stance:

“An exact and applicable definition of poverty is important (Reddy and Pogge 2007), for instance in tracking progress toward achieving the first of the Millennium Development Goals proclaimed by the United Nations (UN). Such an exact definition is less crucial for the more philosophical discussions of this volume.”

This being said, the multidimensional character of extreme poverty and the HRBA have a widespread acceptance, and provide the adequate context to evaluate if extreme poverty can be framed as a human rights violation. For now, it suffices to establish extreme poverty as a human rights concern. Consequently, this leads to reviewing the relevant framework of international human rights law on the topic, which is the focus of the following section.

B. International Law Framework on Extreme Poverty

Formally speaking, there is no explicit human right to be free from poverty (extreme or otherwise) *per se*. However, it is possible to derive this right from the content Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The human rights established in these influential texts have been further developed by additional instruments on specific topics which have generated from their content. Another source of development on the relevant human rights for extreme poverty, comes from official interpretations and opinions from competent bodies, namely the CESCR through its General Comments (GC's) and the OHCHR's guidelines and principles observed in the previous section. The content of these human rights, in turn, generate responsibilities and obligations at the State and international level, which the CESCR, as well as other human rights instruments, help to inform. In conjunction, this establishes the international law framework relevant to extreme poverty.

1. Specific Rights

To establish specific rights related to extreme poverty, we can turn to different sources and criteria. A statement adopted by the CESCR offers a glimpse of what the central rights on this topic could be:

“Although the term is not explicitly used in the International Covenant on Economic, Social and Cultural Rights, poverty is one of the recurring themes in the Covenant and has always been one of the central concerns of the Committee. The rights to work, an adequate standard of living, housing, food, health and education, which lie at the heart of the Covenant, have a direct and immediate bearing upon the eradication of poverty.”

The OHCHR, on the other hand, has listed a set of rights whose enjoyment by the population suffering from extreme poverty, in its view, is particularly limited and obstructed, and in relation to which State policies have often proved to be inadequate or counterproductive. The 2006 Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies, propose a non-exhaustive list:

- Right to work.
- Right to adequate food.
- Right to adequate housing.
- Right to health.
- Right to education.
- Right to personal security and privacy,
- Right of equal access to justice
- Political rights and freedoms.

However, the OHCHR's more recent Guiding Principles on Extreme Poverty and Human Rights, published in 2012, lists a broader catalogue of specific rights:

- Right to life and physical integrity.
- Rights to liberty and security of the person.
- Right to equal protection before the law, access to justice and effective remedies.
- Right to recognition as a person before the law.
- Right to privacy and to protection for home and family.
- Right to an adequate standard of living.
- Right to adequate food and nutrition.
- Rights to water and sanitation.
- Right to adequate housing, security of tenure and prohibition of forced eviction.
- Right to the highest attainable standard of physical and mental health.
- Right to work and rights at work.
- Right to social security.
- Right to education.
- Rights to take part in cultural life and to enjoy the benefits of scientific progress.

These different lists illustrate the wide variety of rights which are relevant to extreme poverty as a multidimensional phenomenon, which can be mainly focused on social, economic and cultural rights, but also must be understood to include civil and political rights as well. At the same time, they reflect the interrelated and interdependent character of these human rights, specially in the way that some rights are differently formulated or coupled together. An in depth analysis of each of these rights exceeds the scope of this investigation. However, to get a panoramic view of the international law framework related to extreme

poverty, I will establish the content of a set of core rights, identifying their coordinates within the norms of human rights instruments.

My choice of these core rights will be determined by the rights that can be directly derived from the formulation of the right to an adequate standard of living. This can be justified in my investigation for two reasons. The first reason is related to the fact that this is the primary right on which Thomas Pogge bases his account of extreme poverty as a human rights violation. The second reason has to do with the fact that these core rights frame the conception of extreme poverty that I consider best suited to establish a relation with the R2P principle, which is the most important hypothesis in this investigation.

a. The Right to an Adequate Standard of Living

This is a complex right, which includes many specific rights related to a wide variety of factors. It's very general in its formulation, and one could argue that it is a positive formulation of the right to be free from poverty. As the OHCHR states in the Guiding Principles on Extreme Poverty and Human Rights:

“While the right to an adequate standard of living includes specific rights, [...] it is also an overarching right that encompasses elements essential for human survival, health and physical and intellectual development. Lack of an adequate standard of living is related to limited or insecure means of livelihood.”

Precisely because it is so all-encompassing, general and open ended in its abstract formulation, it is important to analyze the content of the specific international law norms which establish it. It was the UDHR which first addressed the right to an adequate standard of living, and set the blueprint for its subsequent development in other human rights instruments. It does so in the following terms:

“Article 25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

The ICESCR, although very similar in content, does not include as many variables, specifying only adequate food, clothing and housing:

“Article 11.

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.”

The right to an adequate standard of living has also been subsequently included in other human rights instruments on specific subjects. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) contains this right in the following article:

“Article 14.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: [...]

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”

The Convention on the Rights of the Child (CRC) also contains the following explicit reference to this right:

“Article 27.

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to

international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.”

The Convention on the Rights of Persons with Disabilities (CRPD) recognizes the right to an adequate standard of living as well, in the following terms:

“Article 28.

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.”

These norms, in conjunction with other regional human rights treaties, if read in an integrated manner, point towards the recognition of a human right to an adequate standard of living comprised of a core set of minimal rights. It is not possible to narrow these rights down to a specific list of rights, in particular because each of these norms has a distinct formulation of this right. However, for the purposes of this investigation, it will suffice to focus on the rights derived from the initial formulation in the UDHR, which directly references the right to health, food, clothing and housing. The interrelated and interdependent nature of these rights will establish links to other human rights, and can provide a suitable enough context for the core rights relevant to extreme poverty.

b. The Right to Health

The right to health, as has been previously stated, is included in article 25 of the UDHR, which formulated the right to an adequate standard of living as one that is “*adequate for the health and well-being*” of a person. The ICESCR, as has also been previously established, does not include provisions to a right to health in its formulation of an adequate standard of living in article 11, which is mainly focused on the right to food, but does so in its following article:

“Article 12 .

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;*
- (b) The improvement of all aspects of environmental and industrial hygiene;*
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;*
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”*

Additionally, the right to health is recognized by other human rights instruments on specific subject matters. Among these, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):

“Article 5. In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:[...]

(e) Economic, social and cultural rights, in particular: [...]

(iv) The right to public health, medical care, social security and social services;”

The CEDAW, additionally to the article 14 (h) previously noted which mentions sanitation, also contains the following specific provisions as well regarding the right to health:

“Article 11.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: [...]

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Article 12.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”

The CRC also explicitly addresses the right to health in the following norm:

“Article 24.

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and

through the provision of adequate nutritious foods and clean drinking-water; taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.”

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) provides this stipulation:

“Article 43.

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to: [...]

(e) Access to social and health services, provided that the requirements for participation in the respective schemes are met;”

The right to health is closely related to extreme poverty, both as a cause and consequence of it. The OHCHR's Guidelines explain it well:

“Sick people are more likely to be impoverished and people living in poverty are more vulnerable to disease and disability. [...] Good health is central to creating and sustaining the capabilities that the poor need to escape from poverty. [...] Ill health is constitutive of poverty if the lack of command over economic resources plays a role in its causation.”

However, as the CESCR has specified in its GC No. 14 on the Right to the Highest Attainable Standard of Health, that *“the right to health is not to be understood as a right to be healthy.”* Instead, the CESCR frames this right in correspondence with a series of freedoms and entitlements. Among the freedoms, this right includes the *“the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.”*

The entitlements relate to four essential elements: availability, accessibility, acceptability and quality. Thus, the right to health implies that functioning public health and health-care facilities, goods and services are available in sufficient quantity within a State. It also means that they are accessible to everyone without discrimination. The element of accessibility includes various dimensions: non-discrimination, as well as physical, information and economic accessibility. Furthermore, all health facilities, goods and services must be acceptable, i.e., *“respectful of medical ethics and culturally appropriate.”* Finally, they must be of good quality, which implies appropriate scientific and medical criteria.

The CESCR also establishes that the right to health is not limited to a right to health care, but also *“embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe*

and healthy working conditions, and a healthy environment.” The right to water in particular has also been addressed by the CESCR in its GC No. 15, which states that the rights included in article 11.1 of the ICESCR are not intended to be exhaustive in its formulation, and that *“the right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.”* Additionally, this GC establishes an important correlation between access to clean water, sanitation and poverty, in the following terms:

“Over one billion persons lack access to a basic water supply, while several billion do not have access to adequate sanitation, which is the primary cause of water contamination and diseases linked to water. The continuing contamination, depletion and unequal distribution of water is exacerbating existing poverty.”

This leads to the explicit recognition by the United Nations General Assembly (UNGA) of the human right to water and sanitation in 2010, acknowledging that clean drinking water and sanitation are essential to the realization of all human rights.

c. The Right to Food

The right to food, as has been previously noted, is contained in article 25 of the UDHR as well as in article 11 of the ICESCR, which in its section 2 elaborates further on this right:

“2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in

such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”

This right has been further developed in articles 24 and 27 of the CRC previously mentioned, as well as the following specific human rights instruments on the topic: the Rome Declaration on World Food Security and World Food Summit Plan of Action of 1996, the Declaration of the World Food Summit in 2002, the Food and Agriculture Organization of the United Nations Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security in 2004, and the Food Assistance Convention of 2012.

The CESCR has addressed this right in its GC No. 12 on the right to adequate food, which states that *“the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, inter alia because of poverty, by large segments of the world’s population.”* It goes on to provide a definition of the right to adequate food, by specifying the normative content of article 11 of the ICESCR:

“The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core

obligation to take the necessary action to mitigate and alleviate hunger as provided for in paragraph 2 of article 11, even in times of natural or other disasters.”

Additionally, this GC establishes two dimensions, adequacy and sustainability, to the core content of the right to food, which is comprised of availability and access. Adequacy is “*is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions,*” while sustainability has to do with long term availability and access. Availability, according to the CESCR, “*refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand,*” while accessibility includes both economic and physical accessibility.

d. The Right to Clothing

The right to clothing, as has been established previously, is a component of the right to an adequate standard of living according to article 25 of the UDHR, article 11 of the ICESCR, article 27.3 of the CRC and article 28.1 of the CRPD.

The CESCR has specified, in its GC No. 5 on persons with disabilities, that “*the right to adequate clothing also assumes a special significance in the context of persons with disabilities who have particular clothing needs, so as to enable them to function fully and effectively in society.*” Also, in relation to the right to the highest attainable standard of health, the CESCR has recommended that states ensure adequate protective clothing to minimize the risk of occupational accidents in GC No. 14. However, besides these references, which are marginal, the right to adequate clothing is the least developed of all the components of an adequate standard of living, and has not been given much importance in international law.

The reasons for this right to be somewhat overlooked, may have to do with the fact that it has been subsumed within the right to shelter and housing, and it may not be considered critical or widespread in relation to other more stringent deprivations commonly endured by those in extreme poverty. Another reason why this right has not been further developed may be due to cultural and environmental variations. However, this is also true of the right to adequate housing, which has, on the other hand, been extensively developed. As Mathew Craven has stated:

“The right to clothing, although specifically included in the Covenant, has had little attention either from the Committee or independent commentators. As far as the Committee is concerned, no reference to clothing is to be found in reporting guidelines, and only the occasional question has been asked of States by individual members. The impression given is that clothing is not a matter in which the State may exercise a great deal of control, nor one that the Committee feels is of great importance.”

e. The Right to Housing

The right housing, as I have previously explained, is also a component of the right to an adequate standard of living according to article 25 of the UDHR, article 11 of the ICESCR, article 14 (h) of the CEDAW, article 27.3 of the CRC and article 28.1 of the CRPD. Additionally, the right to health is recognized other human rights instruments on specific subject matters. Among these, the ICERD:

“Article 5.

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without

distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...]

(e) Economic, social and cultural rights, in particular: [...]

(iii) The right to housing;”

The ICRMW also contains a norm recognizing this right:

“Article 43.

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to: [...]

(d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents;”

The right to health is closely related to extreme poverty, both as a cause and consequence of it, as the OHCHR's Guidelines well put it:

“Most people living in poverty are disadvantaged and endangered by the places and physical conditions in which they live. They experience precarious shelter; problems caused by overcrowding and pollution; seasonal exposure to the worst conditions; insecurity of person and property; remoteness; problems stemming from non-existent or inadequate infrastructure, including the lack of access to safe drinking water; and stigma. Poor housing reflects—and deepens—deprivation.”

The CESCR has addressed this right in its GC No. 4, providing a broad definition of the right, which goes beyond the mere right to have a roof over one's head, stating that *“rather it should be seen as the right to live somewhere in security, peace and dignity.”*

The CESCR goes on to elaborate on the content of the adequacy of housing, which includes a series of essential elements. The legal security of tenure, which *“guarantees legal protection against forced eviction, harassment and other threats.”* The availability of

services, materials, facilities and infrastructure “*essential for health, security, comfort and nutrition.*” Affordability, “*at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.*” Habitability in terms of providing adequate space and protection from the natural elements as well as “*threats to health, structural hazards, and disease vectors.*” Accessibility, taking fully into account the needs of disadvantaged groups, and guaranteeing “*the right of all to a secure place to live in peace and dignity, including access to land as an entitlement.*” Location which allows access to work and social services, and is not “*in immediate proximity to pollution sources that threaten the right to health of the inhabitants.*” Finally, cultural adequacy which enables “*the expression of cultural identity and diversity of housing.*”

GC No. 7 on the topic of forced evictions includes an important recognition of the Commission on Human Rights' affirmation that “*that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.*” In the cases that, according to the law, they are considered justified, the CESCR establishes a set of procedural protections, which include:

- “(a) *an opportunity for genuine consultation with those affected;*
- “(b) *adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;*
- “(c) *information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;*
- “(d) *especially where groups of people are involved, government officials or their representatives to be present during an eviction;*
- “(e) *all persons carrying out the eviction to be properly identified;*

- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;*
- (g) provision of legal remedies; and*
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.”*

Other specific human rights instruments which are related directly to the right to housing are the Istanbul Declaration on Human Settlements generated from the United Nations Conference on Human Settlements (Habitat II), and the Declaration on Cities and Other Human Settlements in the New Millennium.

f. The Right to Education

The right to education deserves a special mention within the framework of international law related to extreme poverty. To be sure, this right is not included in the formulation of the right to an adequate standard of living, and in some respects it might not be a right that is directly related to the minimal survival and livelihood of a human being. However, it has been established with high priority in international law instruments, and is included in the minimum core of state and international obligations determined by the CESCR which will be discussed in the following section.

The UDHR recognizes the right to education in the following article, in which the minimum essential level of the right, related to free elementary education, is well laid out:

“Article 26.

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.”

The right to education is also recognized in articles 28 and 29 of the CRC and article 10 of the CEDAW, as well as in specific human rights instruments dedicated to it, such as the World Declaration on Education for All, The Delhi Declaration and Framework for Action and the Dakar Framework for Action.

Despite the fact that the content of the right to education is very well determined in the international human rights law norms previously stated, the CESCR has issued two GC's related to this right in particular. GC No. 11, dedicated to the obligatory plans of action for primary education imposed by article 14 of the ICESCR, highlights the importance and character of the right to education:

“The right to education [...] is of vital importance. It has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights.”

On the other hand, GC No. 13, which further elaborates the content of this right, establishes its interrelated and essential features. These include availability, accessibility

(which implies non-discrimination, as well as physical and economic accessibility), acceptability and adaptability.

2. State Party and International Obligations

Economic, social and cultural rights, as all rights, impose obligations on various levels. It is understood that the main bearers of the duties imposed by these rights are States, precisely because they are in broad terms understood to entail positive duties with regards to legislation and institutional measures. In this sense, the primary obligation falls at the State level, which is complemented by obligations for international cooperation, as laid out by the Charter of the United Nations and the specific human rights instruments in this field.

However, it is important to keep in mind that in accordance with the HRBA, the interdependence and interrelatedness of human rights implies that these rights must be understood in their more holistic dimension. This entails a broad scope regarding the obligations which they generate. Human rights are now prevalently understood to imply three sub-categories of obligations: obligations to respect, protect and fulfil. The OHCHR explains this in the following terms:

“Furthermore, in order to clarify the meaning of States’ obligations, they are sometimes put under three headings: to respect (refrain from interfering with the enjoyment of the right), to protect (prevent others from interfering with the enjoyment of the right) and to fulfil (adopt appropriate measures towards the full realization of) economic, social and cultural rights.”

This triple dimension has been repeatedly reaffirmed by UN entities such as the ICESCR or the Food and Agriculture Organization, and has also been recognized by the Masstricht Guidelines on Violations of Economic, Social and Cultural Rights, which is not a human rights instrument *per se*, but is however an influential expert opinion issued by the

International Commission of Jurists. This document also establishes two additional types of obligations: obligations of conduct and obligations of result. This is explained as follows:

“The obligations to respect, protect and fulfil each contain elements of obligation of conduct and obligation of result. The obligation of conduct requires action reasonably calculated to realize the enjoyment of a particular right. [...] The obligation of result requires States to achieve specific targets to satisfy a detailed substantive standard.”

a. State Party Obligations

The obligations at the State level that are generated by economic, social and economic rights, are clearly stipulated in article 2 of the ICESCR:

“Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non- nationals.”

In its GC No. 3, the CESCR has pointed out the relevance and importance of this article:

“Article 2 is of particular importance to a full understanding of the Covenant and must be seen as having a dynamic relationship with all of the other provisions of the Covenant. It describes the nature of the general legal obligations undertaken by States parties to the Covenant.”

In the first part of this article, the State Party's obligations are conditioned by the maximum level of their available resources, which is what is known as the principle of progressive realization. Because the full realization of these rights involve not only negative duties to not interfere with their realization (or in other words an obligation to respect), but also positive duties to protect and fulfil them, the claim holders to these rights will find their realization subject to the constraints imposed by available resources. This is deemed by many to be the radical difference between civil and political rights (which are normally related to negative duties and are of immediate applicability), and economic, social and cultural rights (which rely heavier on positive duties, and which's realization is conditioned not only by available resources, but also by a time margin for their progressive realization).

The discussion related to these differences is ideologically tainted, and has led some to question the status of economic, social and cultural rights as proper human rights instead of mere programatic ideals. However, this divide between both subcategories of human rights is not as clear and simplistic as many argue, and according to international law and the prevailing HRBA, human rights are universal, interrelated and interdependent, and such divisions and categorical undermining of economic, social and cultural rights are unacceptable. A clear example of the grey areas which discredit these dichotomy-driven tendencies, has to do precisely with the State level obligations and progressive realization of

human rights established in article 2 of the ICESCR. The CESCR, in its GC No. 3, also addresses the nature of these obligations, and offers an important distinction which clarifies the true dimension of the progressive realization of economic, social and cultural rights:

“While great emphasis has sometimes been placed on the difference between the formulations used in this provision and that contained in the equivalent article 2 of the International Covenant on Civil and Political Rights, it is not always recognized that there are also significant similarities. In particular, while the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect.”

According to the CESCR, among the obligations which are to be considered as having immediate effect, there are two which are of particular importance with regards to the State level obligations. The first has to do with the guarantee that relevant rights will be exercised with no discrimination, as established in section 2 of article 2. This implies that non-discrimination is a transversal principle throughout the ICESCR, and the right not to be discriminated regarding the respect, protection and fulfilment of these rights is immediately applicable and enforceable. The second obligation pointed out by the CESCR has to do with the progressive realization of these rights, as formulated in section 1 of article 2:

“The other is the undertaking in article 2 (1) 'to take steps', which in itself, is not qualified or limited by other considerations. [...] Thus while the full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant.”

In other words, there is an immediate and unconditioned obligation by the State Party to take deliberate, concrete and targeted steps towards the full realization of these rights, using appropriate means and the maximum of its resources. The progressive realization of these rights must be attained through this primary and direct obligation, which is the only realistic obligation which the ICESCR could impose, but without which it would lack any significance. The CESCR emphasizes this in the following terms:

“The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. In this sense the obligation differs significantly from that contained in article 2 of the International Covenant on Civil and Political Rights which embodies an immediate obligation to respect and ensure all of the relevant rights. Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the raison d’être, of the Covenant which is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal.”

It is worth noting that this last paragraph also sets a parallel obligation, framed as a negative duty, which implies a prohibition to incur in deliberately retrogressive measures towards the full realization of these rights. If these were to be taken, they “would require the

most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.”

Additionally, the CESCR establishes “*a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party.*” The determination of these minimum essential levels could, in my opinion, be an objective and non-income based parameter to identify the extreme poverty threshold, in accordance with a HRBA. It is logical to deduce that the severe deprivation implied in not having at least these minimum essential levels, warrants a more stringent obligation, which is less lenient than what the realistic mandate of progressive realization demands. The CESCR so sees it:

“Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant. If the Covenant were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its raison d’être.”

However, in the same way as taking the necessary steps using the maximum available resources might not suffice to progressively realize the full content of economic, social and cultural rights, they might not be enough to ensure this minimum core obligation either. The CESCR admits this possibility, and the way it makes this obligation more stringent is by establishing a reinforced condition that the State Party must meet in order to attribute the non-fulfilment of minimum essential levels to a lack of available resources, and therefore not be, *prima facie*, failing to live up to its obligations. This condition involves an additional

obligation to “*demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.*”

The minimum essential levels of the rights to health and education, for example, have been explicitly developed by the CESCR through its GC's. When it comes to the right to health, however, the CESCR seems to go one step further regarding these minimum core obligations. In GC No. 14, the CESCR categorically affirms that the minimum core obligations established in the GC are non-derogable, and that a State Party cannot justify its non-compliance by demonstrating the priority and use of the maximum amount of resources available to it:

“If resource constraints render it impossible for a State to comply fully with its Covenant obligations, it has the burden of justifying that every effort has nevertheless been made to use all available resources at its disposal in order to satisfy, as a matter of priority, the obligations outlined above. It should be stressed, however, that a State party cannot, under any circumstances whatsoever, justify its non-compliance with the core obligations set out in paragraph 43 above, which are non-derogable.”

This paragraph, at least with regards to the right to health, transfers the stringency of the minimum core obligations (demonstrating the priority and use of the maximum amount of resources available to it towards complying with these obligations) to the full realization of this right, and establishes the State's non-compliance of minimum core obligations as a (no longer just *prima facie* but now inevitable) failure to discharge its obligations under the ICESCR. The CESCR, however, has reaffirmed the non-derogable nature of these obligations as a general rule (and not just related to the right to health), as can be deduced from the following statement:

“For the avoidance of any misunderstanding, the Committee wishes to emphasize three points. First, because core obligations are non-derogable, they continue to exist in situations of conflict, emergency and natural disaster.”

It is interesting to note also, that according to both this GC 14 regarding the right to health, and GC 13 regarding the right to education, failure to comply with the minimum essential levels they establish, implies not merely a non-fulfilment of these human rights, but actual human rights violations instead.

The relevance of these core obligations with regards to poverty and State level policies has also been addressed by the CESCR:

“Thus, the core obligations of economic, social and cultural rights have a crucial role to play in national and international developmental policies, including anti-poverty strategies. When grouped together, the core obligations establish an international minimum threshold that all developmental policies should be designed to respect.”

Lastly, according to article 16 of the ICESCR, State Parties have obligations to report the measures taken towards the full realization of economic, social and cultural rights:

“Article 16.

- 1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.*
- 2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;*

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts thereof, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts thereof, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.”

b. International Obligations

CHAPTER II: EXTREME POVERTY AS A HUMAN RIGHTS VIOLATION.

A. Extreme Poverty as a Human Rights Violation According to International Law.

Despite the fact that extreme poverty implies the deprivation of many human rights, (both civil and political, as well as economic, social and cultural), the most common conception regarding this phenomenon among international law entities and specialized literature, does not frame it conceptually as a human rights violation. Official UN bodies, like for example, the UNDP, have expressed that *“poverty is a denial of human rights.”* When it comes to extreme poverty, the Vienna Declaration and Programme of Action conceives it as a violation of human dignity:

“The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; [...] The World Conference on Human Rights 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.”

Arjun Sengupta, independent expert on the question of human rights and extreme poverty, observing the criteria in resolutions emitted by the UNGA, shares the same assessment:

“Since 1989, the Commission on Human Rights has been discussing extreme poverty as a major source of deprivation, affecting all human rights. It was felt that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent national and international action was required to eliminate them.”

The OHCHR has expressed that it considers extreme poverty to be a human rights concern, both a cause and a consequence of human rights violations, and a denial of dignity and equality, but falls short of considering it a human rights violation in itself:

“Poverty is an urgent human rights concern in itself. It is both a cause and a consequence of human rights violations and an enabling condition for other violations. Not only is extreme poverty characterized by multiple reinforcing violations of civil, political, economic, social and cultural rights, but persons living in poverty generally experience regular denials of their dignity and equality.”

However, as I have pointed out in the previous section, the CESCR in both GC 13 (on the right to education) and GC 14 (on the right to health), makes use of the term “violation” regarding failures to comply with the minimum essential levels of the right they establish, which can be interpreted as constitutive of extreme poverty. In this sense, GC 13 states:

“When the normative content of article 13 (Part I) is applied to the general and specific obligations of States parties (Part II), a dynamic process is set in motion which facilitates identification of violations of the right to education. Violations of article 13 may occur through the direct action of States parties (acts of commission) or through their failure to take steps required by the Covenant (acts of omission).”

In GC 14, the CESCR exposes the exact same line of argument regarding the right to health, also referring to actions and omissions which configure a direct violation of the specific right:

“When the normative content of article 12 (Part I) is applied to the obligations of States parties (Part II), a dynamic process is set in motion which facilitates identification of violations of the right to health. The following paragraphs provide illustrations of violations of article 12. In determining which actions or omissions amount to a violation of the right to health, it is important to distinguish the inability from the unwillingness of a State party to comply with its obligations under article 12.”

The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, uses the term violation as well. It contains a section titled *“Violation of Economic, Social and Cultural Rights”*, under which it expresses that *“a failure by a State party to comply with an obligation contained in the Covenant is, under international law, a violation of the Covenant.”* In other sections it also makes reference to this term, for example, by stating that *“the systematic violation of economic, social and cultural rights undermines true national security and may jeopardize international peace and security.”*

These are, none the less, exceptional cases. Although they reflect a certain degree of conceptual ambiguity, and may be used as grounds to make a case for extreme poverty as human rights violation, international law and UN entities have not explicitly developed, or been categorical about, the idea of framing extreme poverty or non-fulfilment of economic, social and cultural rights as human rights violations *per se*. UN bodies, however, have reaffirmed, as I have shown previously, that extreme poverty is a violation of human dignity.

The concept of human dignity, in turn, is the founding block upon which the human rights edifice is constructed.

So although it is evidently distinct, both semantically and conceptually, to say extreme poverty is a violation of human dignity, than to say its a human rights violation, this criterion at the very least can be instrumental in making a case for closing this conceptual gap and equating one and the other. This gap, it must be said, none the less still exists at this level. As the independent expert on the question of human rights and extreme poverty, Arjun Sengupta notes in his recommendations for effective poverty eradication strategies:

“A resolution or declaration would be necessary to characterize poverty as a violation or denial of human rights, with the corresponding obligations of both realizing human rights and eradicating poverty. In the absence of such a text, it should nevertheless be possible to go quite far in implementing measures for eradicating poverty based on the instrumental role of human rights;”

Expert opinions on the topic, on the other hand, are varied. For example, a recent report by the Global Citizenship Commission explicitly denies the categorization of extreme poverty as a human rights violation:

“Extreme poverty clearly has direct implications for people’s enjoyment and exercise of the rights they possess. And while deep inequality is not a violation of human rights per se, it is often associated with such violations, inasmuch as it has an impact upon access to political power and also makes discrimination more difficult to resist.”

However, the International Commission of Jurists' Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, as its name implies, uses the term violation throughout its text. The Maastricht Principles on Extraterritorial Obligations of States in the

Area of Economic, Social and Cultural Rights follow suit, asserting, for example, that “*States must ensure the enjoyment of the right to a prompt, accessible and effective remedy before an independent authority, including, where necessary, recourse to a judicial authority, for violations of economic, social and cultural rights.*” Regarding these court mechanisms on the State level, the OHCHR's Human Rights, Health and Poverty Reduction Strategies have observed the following:

“National courts have for many years been mechanisms through which human rights violations are addressed. It is only recently that litigation has been used specifically for economic and social rights. The collective nature of these rights as well as the budgetary implications associated with economic and social policy has made litigating these violations more difficult than action to defend civil and political rights.”

The previous analysis looks to point out that there is no clear consensus regarding extreme poverty itself, or the deprivation of economic, social and cultural rights, as a case of human rights violations that can be equated with the agreement there exists when it comes to civil and political rights. Although there is a widely shared and accepted conception of the universal, interdependent and interrelated character of human rights, based on the prevailing HRBA doctrine, there are undeniable differences between both of these types of rights. These differences are at the heart of the ambiguity regarding the conception of extreme deprivation of economic, social and cultural rights as a human rights violation. The reasons for this are historical and ideological, and therefore, are susceptible to be challenged with doctrinal and technical argumentation.

In the following section, I will mainly focus on Thomas Pogge's account of severe poverty as a human rights violation. This influential author acknowledges the differences I have

pointed out, and makes a strong case for the interpretation of severe poverty as a violation of a negative duty not to impoverish, which is one way of closing this ideological and conceptual gap between economic, social and cultural rights, on the one hand, and civil and political ones on the other. He has published a book specifically on this subject, and has also included a summarized account of his thesis in a paper titled “Severe Poverty as a Human Rights Violation”, which is included in the book “Freedom from Poverty as a Human Right: Who owes what to the very poor?”, which he himself edited.

The fact that this book brings together a wide variety of important scholars which all share an underlying agreement that there is a human right to be free from poverty, or that extreme poverty is a human rights violation, added to the fact that it has been published by UNESCO (the intellectual arm of the UN), could imply that there is an emerging shift of paradigm on this topic. It is possible that this thesis is becoming more convincing or prevalent in the context of a globalized world which slowly, but it seems surely, moves toward a more cosmopolitan one, where the pressing issue of global justice gains greater momentum. This, however, remains to be seen. What is certain, is that this paradigm, radical as it may appear, is by no means a fringe idea at the margins of relevant academic and political discussion. As a token, Mary Robinson, United Nations High Commissioner for Human Rights from 1997 to 2002, has been quoted as saying: *“I am often asked what is the most serious form of human rights violations in the world today, and my reply is consistent: extreme poverty.”*

B. THOMAS POGGE'S ACCOUNT OF NEGATIVE DUTIES

C. POSITIVE DUTIES

D. THE RESPONSIBILITY TO PROTECT

CHAPTER III: CONCLUSIONS

II. “*Gestión para la Transformación Social*” from Parque La Libertad

PRESENTACIÓN

El Programa de Naciones Unidas para el Desarrollo (PNUD) y la Fundación Parque La Libertad, se complacen en presentar la publicación “Parque La Libertad: una gestión para la transformación social.”

El Parque La Libertad es un proyecto creado por el Ministerio de Cultura y Juventud (MCJ), con el apoyo del Sistema de las Naciones Unidas, gestionado en una alianza público-privada, bajo los enfoques de seguridad humana, cultura como motor de desarrollo e inclusión social, que tiene como objetivo ofrecer oportunidades para el desarrollo económico, social y ambiental de los cantones de Desamparados, La Unión y Curridabat, con miras a mejorar la calidad de vida de sus habitantes.

El PNUD tiene como objetivo principal impulsar el desarrollo humano sostenible a través del fortalecimiento de las capacidades institucionales y el impulso de nuevas opciones para que las personas puedan emprender proyectos de vida propios, con el fin de lograr el cumplimiento universal de los derechos humanos, el fortalecimiento de la democracia, la convivencia y la protección del ambiente.

El trabajo de ambas instancias hacia el cumplimiento de estos objetivos, ha permitido la consolidación de esta publicación, que tiene como propósito documentar la experiencia acumulada durante cinco años de gestión del Parque La Libertad, aportando elementos metodológicos como insumo para gobiernos locales, organizaciones civiles, sector privado u otras entidades, que procuran mejorar la calidad de vida de las personas por medio de la cultura, la tecnología, la educación y el deporte en espacios similares.

Al sistematizar esta metodología, se ha podido identificar que el Parque La Libertad opera mediante espirales de transformación social, basadas en tres énfasis: las personas, la

transformación del espacio hacia centros de excelencia y la construcción del concepto de lugar, así como el mejoramiento de la calidad de vida.

Este documento es producto de la alianza entre el PNUD y la Fundación Parque La Libertad, que data desde el Programa Conjunto que implementó el Fondo Naciones Unidas-España para el Logro de los Objetivos de Desarrollo del Milenio en el 2008-2011. La Fundación Parque La Libertad agradece profundamente al PNUD, por el apoyo técnico y financiero para llevar a cabo esta sistematización, así como a todas las personas que han hecho posible el desarrollo de la misma.

CAPÍTULO I

A. INTRODUCCIÓN

El Parque La Libertad es un proyecto creado por el Ministerio de Cultura y Juventud (MCJ), en alianza público-privada con la Fundación Parque Metropolitano La Libertad, orientado a “desarrollar espacios de interacción y gestión de proyectos artísticos, ambientales, deportivos, de cultura urbana, de capacitación técnica, con salidas comerciales y emprendedoras”.

Está ubicado “en la confluencia de comunidades urbano marginales de los cantones de La Unión, Desamparados y Curridabat. Estas comunidades conforman, en su conjunto, una de las mayores aglomeraciones poblacionales de la zona sur del Gran Área Metropolitana (GAM) en Costa Rica”.

El proyecto está compuesto por cuatro ejes de acción que trabajan de manera complementaria: el ambiental, el de Mi PYMES, de actividades urbano recreativas (promoción y desarrollo comunitario a partir del 2016) y el artístico.

El Parque La Libertad se fundó en el 2007 y a partir de ese momento y hasta la fecha, se ha caracterizado por ser un proyecto que incorpora elementos innovadores en materia de

gestión de política social en Costa Rica, ya que apuesta por generar desarrollo en comunidades vulnerables utilizando como eje la inversión cultural, procurando la inclusión social y la seguridad humana.

Es por ello que a finales de 2015 y con recursos del Programa de Naciones Unidas para el Desarrollo (PNUD), se desarrolló un proceso de sistematización con el objetivo de dar a conocer la forma de operación e implementación del concepto de seguridad humana, inclusión social y cultura como motor de desarrollo que implementa el Parque La Libertad.

B. ACERCA DEL PROCESO DE SISTEMATIZACIÓN

La sistematización es un proceso de gestión de conocimiento que está orientado hacia “recuperar lo vivido, reconstruyéndolo históricamente, pero para interpretarlo y obtener aprendizajes”

La trayectoria del Parque La Libertad es muy amplia, tanto en tiempo como en experiencias. Aspirar a sistematizar los cinco años de trabajo de este proyecto no solo resultaría agotador, sino que podría carecer de toda la información y el conocimiento deseado para nutrir la práctica actual y futura de esta experiencia.

Bajo este entendido resultó fundamental diseñar un plan de sistematización, el cual sirvió de ruta de trabajo durante todo el proceso de reconstrucción y reflexión creativa. En dicho plan se definió lo siguiente:

1. Objetivos de la sistematización

- Sistematizar la implementación del modelo de gestión del Parque La Libertad como proyecto de inclusión social y seguridad humana, mediante sus cuatro ejes de acción: artístico, ambiental, Mi PYMES y actividades urbano recreativas con miras a su aprovechamiento en espacios similares.

- Reconstruir la metodología de seguridad humana e inclusión social que ha implementado el Parque La Libertad mediante la sistematización de las experiencias elegidas.

2. Objeto de sistematización

En el plan se definió que el objeto de esta sistematización serían siete experiencias específicas que ha llevado a cabo el Parque y que ejemplifican la metodología de inclusión social que se ha implementado desde el 2010.

Adicional a estas experiencias, se documentaron las estrategias de rendición de cuentas e impacto colectivo que emplea el Parque como parte de su táctica metodológica. Las experiencias por sistematizar fueron las siguientes:

8. Experiencia del Eje Ambiental: El Programa de Educación Ambiental Escolar (PEAE).
9. Experiencia del Eje Mi PYMES: Programa de Capacitación y Actualización Empresarial.
10. Centros de Cómputo: Programa de Alfabetización Digital para adultos entre 36 a 59 años.
11. Experiencia del Eje de Actividades Urbano Recreativas: Programa de Juventudes.
12. Experiencia del Eje Artístico, componente Sistema Nacional de Educación Musical-SINEM: La relación interinstitucional SINEM-Parque La Libertad.
13. Experiencia del Eje Artístico, componente Centro de Tecnología y Artes Visuales (CETAV): Programas de especialización técnica.
14. Experiencia del Eje Artístico componente Escuela Danza, Teatro y Circo: Taller de Circo Social.

3. Ejes de sistematización

Se definieron como ejes de la sistematización las siguientes variables de inclusión social, las cuales fueron identificadas por el Parque La Libertad como aquellas sobre las que se trabaja.

- Convivencia:
 - Contacto entre diversidad de personas.
 - Nuevas reglas de socialización
- Redes de contención y generación de confianza en medio de contextos de riesgo y vulnerabilidad.
- Participación en nuevos espacios tanto económicos como culturales.
- Generación de sentido de pertenencia.
- Efecto demostrativo que comienza a modelar la vivencia de nuevos valores y que permite la participación de las personas en nuevas redes sociales como estrategia para romper el ciclo de exclusión.
- Empoderamiento y transformación social.
- Impacto colectivo - articulación interinstitucional.
- Creatividad.
- Empleo.

Con base en estos ejes, el proceso de sistematización giró en torno a identificar cómo se operativizan estas variables a la luz de las experiencias elegidas.

CAPÍTULO II: PARQUE LA LIBERTAD METHODOLOGY. CULTURE, SOCIAL INCLUSION AND HUMAN SECURITY

Fruto de la sistematización de experiencias de cada uno de los ejes de acción del Parque La Libertad, se logró abstraer la metodología de seguridad humana e inclusión social que este proyecto sociocultural ha ido emprendiendo en el transcurso de cinco años, a partir del 2010.

Este capítulo está compuesto de tres acápite; el primero hace referencia al marco teórico y conceptual que orienta el quehacer del Parque La Libertad. El segundo, corresponde con la metodología obtenida a partir de la sistematización y el tercero consiste en la identificación de una serie de elementos técnicos e instrumentales identificados a partir del accionar de los ejes.

A. THREE STARTING THEORITICAL PARADIGMS

Parque La Libertad se organiza en torno a tres paradigmas teóricos y conceptuales:

1. La cultura como fuerza de desarrollo

Esta perspectiva constituye el mandato histórico del quehacer del Parque La Libertad.

Desde los inicios se conceptualizó el Parque La Libertad como polo de desarrollo para cantones con índices de desarrollo variables, los cuales, podrían integrarse y favorecerse mutuamente desde los beneficios sociales y económicos que produce la inversión en cultura.

Desde la perspectiva social, la cultura descentralizada convoca hacia los espacios públicos y eso fortalece la democracia, favorece el encuentro productivo que gira en torno al respeto, la tolerancia, la creatividad y el disfrute pleno de derechos humanos.

Desde la perspectiva económica, las capacidades creativas al servicio de la innovación, en la concreción de industrias y mercados independientes, favorece la diversificación

productiva tanto en servicios como en productos, así como la generación de ingresos y empleos de buena calidad. En términos generales, la inversión en cultura está generando contribuciones al PIB de las naciones.

Desde esta perspectiva, se visualizó la cultura como el motor para promover la inclusión social y favorecer el bienestar material de las comunidades aledañas al Parque La Libertad.

2. Seguridad Humana

El enfoque de seguridad humana se sumó a la conceptualización del Parque La Libertad una vez que se inició el análisis sobre cómo implementar el proyecto. Este enfoque permitió ampliar los horizontes de alcance del Parque para superar la prevención de la violencia y avanzar hacia el desarrollo humano y el mejoramiento de la calidad de vida.

Más ampliamente, la seguridad humana procura “expandir las capacidades y las opciones de las personas, así como la remoción de obstáculos entre los que se incluyen la discriminación, la desigualdad y la exclusión social para que puedan emprender un proyecto de vida propio”

“La seguridad humana consiste en libertad para vivir: 1) sin miedo; 2) sin miseria ni necesidad y 3) con dignidad. El contenido de estas libertades se traduce en las posibilidades y capacidad de ejercer derechos, contenidos en la “esencia vital de todas las vidas humanas” (...) un conjunto básico de derechos relacionados con la supervivencia, los medios de vida y la dignidad”

Estas libertades deben darse en entornos seguros que permitan desarrollar esas capacidades y ejercer esas opciones.

En ese sentido, la seguridad humana procura proteger a las personas frente a amenazas que pongan en riesgo el disfrute de aquel conjunto básico de derechos, pero también aspira

a empoderar para garantizar el ejercicio de derechos hacia la construcción de una vida digna.

De manera que la seguridad humana pasa por las personas, estas son el centro de acción de este enfoque que propone acciones hacia la incidencia basadas en las fortalezas y aspiraciones de los seres humanos.

Por lo tanto, los proyectos con este enfoque deben realizar análisis previos acerca de las necesidades e intereses de las poblaciones, ya que son a partir de éstas que se definirán las estrategias para alcanzar las tres libertades.

Todo lo anterior permite distinguir cinco elementos como fundamentales dentro del enfoque de seguridad humana:

- a. Constituye un tipo de seguridad hacia la libertad.
- b. Protege, pero también empodera.
- c. Libertad para garantizar derechos y alcanzar proyectos de vida dignos.
- d. Pasa por las personas, sus fortalezas y aspiraciones.
- e. Debe darse en entornos seguros que permitan el desarrollo de capacidades para ejercer opciones.

3. Inclusión social

Un resultado concreto del proceso de sistematización fue la identificación de las variables de inclusión social sobre las que giran las acciones desde cada uno de los Ejes del Parque La Libertad.

Según los gestores y las gestoras, el enfoque de inclusión social que se implementa en el Parque está compuesto por las nueve variables que se mencionaron en el Capítulo 1 como ejes de la sistematización.

B. METODOLOGÍA DE INCIDENCIA DEL PARQUE LA LIBERTAD: De los paradigmas hacia la acción de transformación social

La sistematización de las experiencias elegidas de parte de cada eje de acción procuró comprender cómo se operativizan las variables de inclusión social.

Esta pregunta de trabajo permitió identificar que todas las acciones de los ejes coinciden en tres énfasis metodológicos: 1) énfasis en las personas, 2) transformación del espacio y construcción del concepto de lugar y 3) mejoramiento de la calidad de vida, y los tres coinciden con los paradigmas teóricos de conceptualización del Parque La Libertad.

1. Énfasis 1: Enfoque en las personas

En el Parque La Libertad se aborda la centralidad en las personas desde cuatro niveles:

e. Protección de sus derechos:

La protección de los derechos pasa por el trabajo que se realiza interinstitucionalmente. El Parque aprovecha y acerca a las comunidades a los recursos y la experiencia de otras instancias del Estado costarricense.

Por ello es una plataforma con la legitimidad y capacidad para convocar al trabajo conjunto con instituciones y organizaciones que promuevan el desarrollo humano entre las comunidades de influencia. Por ejemplo, la Mesa de coordinación para la prevención y atención del embarazo en adolescentes.

Asimismo, el Parque se ha constituido en una plataforma para potenciar aquella oferta. Por ejemplo, las becas recibidas por el CETAV de parte del Programa EMPLÉATE han logrado poner en marcha una estrategia de impacto colectivo.

Poco a poco se podría estar acercando a “desarrollar ecosistemas que permitan abordar de manera integral los problemas sociales”.

f. Generación de capacidades:

La oferta programática del Parque La Libertad está atendiendo las siguientes necesidades y amenazas de las comunidades aledañas.

Cuadro No.1
Necesidades y amenazas⁵ que atiende el Parque La Libertad

Necesidades simbólicas (Carencias)	Necesidades materiales (Carencias)	Amenazas (posibilidad de que ocurra un hecho potencialmente desastroso)
Recreación	Articulación interinstitucional	Desarticulación interinstitucional
Espacios para la convivencia saludable y familiar.	Generación de recursos económicos: con una visión de futuro hacia proyectos de vida dignos	Asentamientos urbanos de alto riesgo
Opciones para la socialización positiva	Capacitación técnica	Exclusión estudiantil: altas tasas de deserción escolar que perpetuarán condiciones de exclusión.
Empoderamiento		Pandillas y narcotráfico
		Desarticulación familiar

Fuente: Elaboración propia producto de las entrevistas a los gestores. (2015)

El diseño de la oferta formativa se ideó desde la lectura del contexto, tanto desde criterios objetivos, como desde la misma experiencia de trabajo en el Parque, dando seguimiento a informes e indicadores de desarrollo nacional, así como al desarrollo de diagnósticos locales acerca de determinadas temáticas.

También se toman en cuenta las recomendaciones técnicas de parte de los gestores con base en las experiencias de trabajo a lo largo de estos cinco años. Cabe resaltar toda la oferta trasciende la capacitación técnica como tal y aspira al empoderamiento de las personas.

g. Empoderamiento de las personas para la ejecución de las opciones:

Este podría ser el nivel de trabajo que convoque los mayores esfuerzos por parte de los gestores de cada uno de los ejes de acción del Parque. Las acciones coinciden en atraer la mayor cantidad de oferta institucional, así como brindar las capacitaciones técnicas más apropiadas y con la mayor calidad. Además, se realizan esfuerzos educativos para

promover valores y habilidades blandas con el fin de que las personas se apropien de las nuevas herramientas técnicas y puedan cambiar sus condiciones. Mucho de ese empoderamiento pasa por la generación de un entorno seguro que le permita a la persona alcanzar confianza en sí misma y aprovechar y disfrutar libremente las opciones que se le podrían estar abriendo.

h. Trabajo con personas jóvenes:

Aunque la oferta formativa del Parque La Libertad podría atender a todos los miembros de las familias, desde niños y niñas hasta las personas adultas mayores, la población prioritaria son las personas jóvenes.

El trabajo con juventudes está presente en todos los ejes del Parque La Libertad. A partir de su relectura, es posible identificar las siguientes estrategias comunes:

- iv. Promover sentido de apropiación del espacio: se ofrecen oportunidades para que las personas jóvenes puedan adquirir confianza y abrirse a nuevos retos de aprendizaje.
- v. Oferta formativa: se diseña a partir del levantamiento de necesidades e intereses, así como del aprovechamiento de oportunidades provenientes de fondos económicos disponibles y la articulación interinstitucional.
- vi. Enseñanza de habilidades blandas: para impulsar la empleabilidad y el desarrollo humano de esta población.
- vii. Promoción en valores y derechos humanos: de manera explícita o implícita, las actividades dirigidas a personas jóvenes en el Parque La Libertad promueven los valores y los derechos humanos.
- viii. Acompañamiento social y afectivo: en los distintos espacios donde se atiende a las personas jóvenes, los gestores y los docentes desarrollan algunas acciones

(formales o informales) de acompañamiento social y afectivo que incluyen motivar a los jóvenes a continuar en los cursos o programas en los que están inscritos, acercarlos otras ofertas para su desarrollo, así como invitarlos a trazarse nuevos panoramas de vida.

- ix. Promoción de estilos de vida saludables: esto se hace a través del fortalecimiento de las capacidades físicas, el autoconocimiento del cuerpo y la utilización positiva del tiempo libre, entre otras.
- x. Capacitación en tecnologías de información y comunicación (TICs): en sintonía con el interés del Parque por la tecnología, se desarrollan oportunidades de capacitación específicamente para las personas jóvenes en TICs.
- xi. Articulación interinstitucional: el Parque cumple un papel en la articulación interinstitucional dirigida hacia y en beneficio de las personas jóvenes. Un ejemplo de ello es, la referencia de personas hacia ofertas institucionales fuera del Parque que podrían beneficiarles e informar a las poblaciones juveniles de los servicios locales que se dirigen a ellos y el levantamiento de las otras ofertas institucionales.
- xii. Empoderamiento: el trabajo del Parque con las personas jóvenes promueve su empoderamiento como sujetos de derechos.
- xiii. Acompañamiento hacia la construcción de su proyecto de vida: se trabajan todos o algunos, de los siguientes aspectos: conocimiento de sí mismo, conocimiento del medio, toma de decisiones y compromiso social.

2. Énfasis 2: transformación del espacio y construcción del concepto de lugar

El terreno del Parque ha venido a constituirse en un territorio con sentido de identidad, en donde están empezando a gestarse dinámicas propias y endógenas, fruto de los encuentros que aquí ocurren.

En términos metodológicos, el elemento del espacio tiene tres dimensiones:

a. El Parque como “entorno seguro”

La percepción de seguridad pasa por la sensación de seguridad contra el crimen, pero también por la generación de confianza y apertura para aprender y encontrarse con personas distintas y diversas.

Contar con un entorno seguro es sumamente importante para la generación y ejercicio de las libertades relacionadas al enfoque de Seguridad Humana que el Parque aspira generar entre las personas: libertad para vivir sin miedo, sin miseria y con dignidad.

b. Vinculación de las comunidades hacia un nuevo tipo de ocupación del espacio

Actualmente se está dando la ocupación de lo que fue un espacio vacío y gris, el cual se está aprovechando y transformando, no solo por infraestructura nueva o remodelada, sino por personas que están estableciendo nuevas dinámicas orientadas hacia el desarrollo humano.

Esta es una dimensión simbólica del espacio, pero también muy importante la transformación de él, ya que propicia nuevos tipos de convivencias y redes de confianza que contribuyen en la contención de las comunidades de alto riesgo social. Se debe recordar que este proyecto prioriza la vinculación de las comunidades con el Parque.

c. Referente urbano

Adicional a esa transformación del espacio en un entorno seguro y en una ocupación simbólica hacia la seguridad humana y la inclusión social, el Parque La Libertad también ha transformado el paisaje de la zona.

Esta modificación ha comenzado a generar un efecto de contraste y posiciona el Parque como un nuevo referente urbano. Según el Parque La Libertad, los visitantes recurren a frases como “es el mejor lugar que he visitado”, mientras que otros usuarios aseguran que “el Parque La Libertad ha sido un premio para estas comunidades después de tantas humillaciones”.

De manera que la recuperación del terreno en un entorno seguro para el desarrollo humano, se identificó como un elemento fundamental para el ejercicio de la metodología de seguridad humana e inclusión social que está promoviendo el Parque La Libertad.

3. Énfasis 3: el mejoramiento de la calidad de vida

Este mejoramiento no se centra únicamente en la dimensión económica; hay que recordar que los tres paradigmas teóricos que articulan el trabajo del Parque coinciden en que el bienestar de las personas es un tema integral que va más allá de un tema material.

Desde las percepciones recabadas durante este proceso de sistematización se identificaron cinco variables que caracterizan el mejoramiento de la calidad de vida:

- i. Empoderamiento
- ii. Nuevos conocimientos y habilidades
- iii. Promoción de estilos de vida saludables
- iv. Habilidades blandas: con miras a la empleabilidad, el emprendedurismo y la construcción de un proyecto de vida propio, entre otras

- v. Desarrollo local a partir del desarrollo humano de las personas y la conformación de nuevas redes con nuevos estilos de convivencia hacia su participación en nuevos espacios de encuentro y producción

Estos tres énfasis metodológicos coinciden con los paradigmas teóricos de partida, en el sentido de visualizar la persona como el centro de las acciones de incidencia (fundamento de la seguridad humana), pasando a promover vinculación entre personas diferentes y generando nuevos estilos de convivencia (inclusión social), con la visión de futuro hacia la promoción de proyectos de vida desde aspiraciones y fortalezas humanas (inversión en cultura).

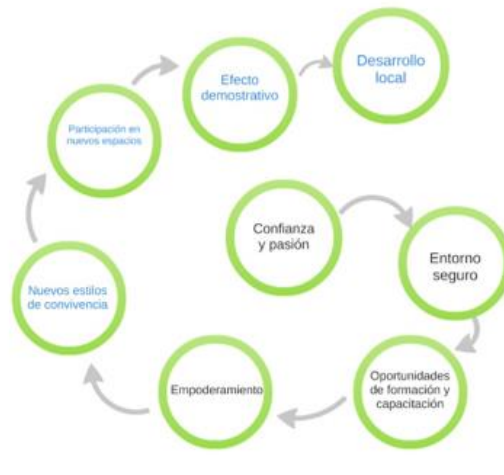
C. EL MODELO DE IMPLEMENTACIÓN DEL PARQUE LA LIBERTAD: Espirales de transformación social como ilustración del proceso de implementación metodológica

Con el ánimo de ilustrar los procesos de transformación social fruto de la convergencia de los tres énfasis metodológicos anteriormente explicados, se utilizará la figura de espiral, la cual sugiere movilidad social a partir de variables que se concatenan para promover el desarrollo humano dirigido hacia el desarrollo local a través del mejoramiento de la calidad de vida de las personas.

Las espirales son figuras que permiten comprender el trabajo del Parque como procesos de reproducción virtuosa donde cada círculo alimenta al siguiente de manera positiva. Este modelo de implementación de política social no se desarrolla de manera vertical, del Estado hacia la ciudadanía ni de ciudadanía hacia el Estado; tampoco es un modelo que trabaje de manera circular generando condiciones positivas únicamente a las personas dentro del Parque. Corresponde a una estrategia dinámica en alianza entre los sectores públicos y los sectores privados y comunales.

El modelo aspira a que los círculos virtuosos que se desarrollan a través de la vivencia de las personas dentro del Parque impacten a las comunidades e impulsen el desarrollo local. Estas espirales son la contraposición a los círculos de exclusión social que viven las comunidades aledañas.

La siguiente ilustración muestra la espiral de transformación social del Parque La Libertad, la cual presenta los elementos clave de la oferta que brinda el Parque (ver en negro) y lo que éstas generan a partir de su involucramiento (ver en azul).



Las variables que se concatenan entre esta espiral son las siguientes:

1. Pasión y confianza

La espiral inicia su movimiento desde los valores de la pasión y la confianza, que constituyen la energía desde donde se inicia la transformación social.

Estos valores no son los únicos identificados en el quehacer del Parque La Libertad, ya que este espacio es concebido como un apalancador de valores, tales como: amor y pasión, confianza, solidaridad, trabajo en equipo, disciplina, respeto, responsabilidad, transparencia, excelencia, calidad, alegría y superación.

a. La pasión

La identificación de los valores como elementos clave de la estrategia de implementación de la metodología del Parque La Libertad, especialmente la confianza y la pasión como los centrales, constituye un hallazgo que pareciera ser el elemento innovador como proyecto de política social.

Este proyecto de seguridad humana e inclusión social tomando como motor de desarrollo la inversión cultural se implementa desde la suma de las mejores competencias de diversos sectores de la sociedad: Estado, empresas, organizaciones no gubernamentales, y comunidades. Importante llamar la atención en el sentido de que para los profesionales del Parque La Libertad las comunidades no cumplen un rol pasivo de receptor de una determinada oferta, sino que se visualizan como parte de la ecuación de éxito en favor de una visión compartida de desarrollo humano y social.

Lo anterior es importante para comprender la energía vital que impulsa la espiral de transformación social. La pasión la trae la gente al Parque: pasión por la música, por la animación, por el deporte, etc. Ahora bien, esta pasión inicial e intuitiva logra ser potenciada y transformada en procesos de aprendizaje en favor de quienes quieren mejorar su condición de vida, por la otra pasión que traen y ponen en servicio los profesionales del Parque La Libertad.

Las profesionales y los profesionales laboran con pasión, convencidos del poder para realizar transformaciones sociales. Cada avance en alguno de los ejes alimenta de manera indirecta el ánimo de los otros, generando un efecto demostrativo que produce “una mística interna y propia del Parque La Libertad”. Esa pasión también es percibida y destacada por los usuarios, quienes afirman que “aquí hay calor humano”.

Constituye entonces una amalgama de energía proveniente desde los participantes que desean un cambio personal y colectivo, y potenciada por la capacidad técnica y la pasión con que trabajan los gestores del Parque La Libertad.

Esta suma permite dar paso al segundo valor central: la confianza, fuente de energía para impulsar la espiral de transformación social.

b. La confianza

Gestores y usuarios coinciden en que los cursos que ofrece el Parque generan redes de confianza y compañerismo, lo que se evidencia en frases como “entre todos ayudamos” y “somos una gran familia”. Los usuarios aseguraron que estas redes de confianza hacen que “no nos sintamos avergonzados”, “dentro del Parque no se juzga”.

Asimismo, como se ha mencionado anteriormente, el valor de la confianza también ha permitido que la labor del proyecto se legitime frente a las comunidades, los cooperantes internacionales y otras instituciones del Estado, y ha producido un importante impacto colectivo.

2. Entorno seguro

El entorno seguro corresponde a una de las dimensiones más importantes de la seguridad humana, para favorecer el ejercicio de las libertades.

Como se señaló anteriormente, el Parque La Libertad es un espacio seguro ya que se ha logrado impregnar de un sentido de pertenencia para la comunidad; los vecinos se adueñan positivamente de él y desde ahí inician su proceso de desarrollo humano.

3. Oportunidades de formación y capacitación

Desde el Parque se dan oportunidades para que las personas puedan formarse y capacitarse en distintas áreas, procurando abrir posibilidades hacia la empleabilidad, el emprendedurismo y la empresariedad.

4. Empoderamiento

Las actividades de formación que se ofrecen, desde cursos libres, hasta la formación técnica, tienen como objetivo prioritario el empoderamiento de las personas, en torno a la formación en valores y en habilidades blandas.

5. Nuevos estilos de convivencia

A partir de esta variable, la espiral comienza a abrirse hacia fuera de la institución. La zona de influencia inmediata no es en sí misma homogénea; el Parque posibilita el contacto entre diversidad de personas de diferentes intereses, hábitos, comunidades e indicadores socioeconómicos lo que se percibe como una oportunidad para propiciar inclusión social y favorecer nuevos estilos de convivencia.

Dentro del Parque hay reglas de socialización que deben de cumplirse. Por ejemplo, “en el Parque las personas no se gritan”, “se trabaja con respeto”, “se patina en el *skate park* con camisa”, “se cuidan los instrumentos”, “se estudia antes de venir”, “se es responsable con la escuela”, etc.

El Parque La Libertad abre, además, espacios para ocupar el tiempo libre de manera positiva; ejemplo de ello son las actividades del SINEM, las actividades deportivas del eje urbano recreativo o bien, las generadas por la escuela de danza, teatro y circo. Estos espacios se caracterizan por permitir a los participantes disfrutar del aprendizaje de una disciplina y formar parte de un equipo o red empoderadora.

6. Participación en nuevos espacios

El empoderamiento, la formación, la capacitación y los nuevos estilos de convivencia permiten que las personas participen en nuevos espacios, gracias a las herramientas y capacidades que adquieren en los procesos de formación del Parque.

Dichos espacios pueden ser desde un nivel íntimo, como son las conversaciones familiares e intergeneracionales en las que antes no podían participar y de las cuales, gracias a los nuevos conocimientos y habilidades, ya puedan formar parte y esto puede notarse en el uso y acceso a las nuevas tecnologías; hasta participación en nuevos espacios para la asociatividad como son el *networking* y los servicios de vinculación empresarial, y la capacidad de participar de nuevos y mejores tipos de empleos.

Otras formas de participación en nuevos espacios son aquellas que se potencian en el Parque La Libertad, permitiendo que niñas y niños de las comunidades puedan experimentar y observar la dinámica de transformación del paisaje hacia la creación de un pulmón verde urbano, el respeto a la naturaleza y la protección de la biodiversidad.

7. El efecto demostrativo o ejemplo como mecanismo de vinculación

El efecto demostrativo está basado en lo que las personas que están alrededor de los participantes del Parque observan como nuevas formas de socialización y transformación hacia proyectos de vida dignos, que genera la motivación en ellas de participar y vincularse a nuevos procesos.

Las personas que se empoderan, se capacitan, participan de nuevos estilos de convivencia y se van integrando a nuevos espacios, se convierten en referentes para sus familias, amigos y comunidades.

Estas variables que se salen de los perímetros y redes internas del Parque La Libertad y logra una dinámica propia que incide en las comunidades; su naturaleza externa constituye una gran oportunidad para explorar cuánto están permeando los nuevos valores, los estilos de convivencia, la socialización y el empoderamiento promovidas por el Parque dentro de las comunidades.

8. Desarrollo local

La espiral de transformación social, al abrirse hacia fuera del Parque La Libertad, impacta el desarrollo local de las comunidades. La incidencia ocurre desde el desarrollo humano de las personas que acuden al Parque y su consecuente mejoramiento de la calidad de vida que incide en sus familias y comunidades.

D. LA TÉCNICA: CINCO FORMAS DE TRABAJO Y DIEZ PRINCIPIOS

OPERATIVOS

En su aspecto más operativo, la metodología del Parque La Libertad se deriva del trabajo a partir de cinco “cómo” y de la aplicación de 10 principios operativos.

1. Formas de trabajo

Los Cinco “cómo” o las formas de trabajo son:

- a. Hay una vinculación de personas diferentes alrededor de intereses comunes.
- b. Se trabaja con metodologías creativas, participativas y alrededor de valores.
- c. Se construyen redes empoderadoras que pueden llegar incluso a generar la sensación de familia.
- d. Hay una oferta con contenidos que promueven habilidades y competencias para mejorar la empleabilidad, el emprendedurismo y la empresariedad.
- e. Dignificación de las juventudes como sujetos de su propio desarrollo.

2. Principios operativos

Los 10 principios operativos son:

1. *Trabajar para impulsar valores*: Además de los conocimientos técnicos lo que se ofrece en el Parque es el ejercicio de valores y habilidades blandas hacia la toma de decisiones para proyectos de vida dignos.

2. *Creatividad*: El lema del Parque La Libertad es “donde la creatividad no tiene límites”. La forma en que se fomenta la creatividad varía dentro de los diferentes ejes y se presenta como un elemento que permite buscar maneras innovadoras de realizar las tareas o de enfocar los retos. Esto significa, además; romper con paradigmas institucionales como es el caso del Programa de Educación Ambiental Escolar (PEAE) del eje ambiental, donde se procura cambiar la percepción de que las lecciones escolares al aire libre son solo paseos, demostrando que son estrategias de investigación, concientización y aprendizaje muy valiosas.
3. *Libertad*: Desde este proyecto se promueve la libertad creativa. Su oferta es diversa e incluye áreas recreativas, no solo formativas, donde se reconocen diversas formas de hacer las cosas. Además, por medio de la enseñanza de las habilidades para la empleabilidad se promueve la independencia económica y esto favorece el ejercicio de la libertad para vivir sin miseria y con dignidad
4. *Calidad*: “*Lo mejor para la más alta necesidad*”. La calidad de la oferta es central en el modelo de implementación del Parque La Libertad. Se parte de que no por atender poblaciones con baja condición socioeconómica la oferta deber ser de baja calidad; por el contrario, se considera fundamental crear una “oferta aspiracional” que poblaciones económicamente favorecidas también deseen disfrutar. El objetivo es ofrecer las mejores condiciones para el aprendizaje y el desarrollo de destrezas que permitan generar inclusión social y movilidad, recurriendo a edificios de primera calidad, con instrumentos y equipamiento de alta calidad y buscando profesores de alto nivel para sus programas y charlas.

El tema de la calidad pasa también por dignificar a los grupos que se benefician de la oferta del Parque La Libertad, tales como poblaciones en condición de pobreza, el

gremio artístico y sectores de juventudes, los cuales tienen el derecho de aprender y desarrollarse con una oferta de primera.

5. *Procesos*: La oferta de cursos, talleres y actividades están concebidas como procesos, con visión de mediano y largo plazo. El Parque La Libertad aspira a que una persona que llegue a tomar un curso se vincule con otra oferta programática que le pueda permitir transformar y mejorar su calidad de vida.
6. *Rendición de cuentas*: Como se ha venido señalando a lo largo de este documento, la rendición de cuentas ha sido una práctica fundamental para generar credibilidad y confianza, y lograr un trabajar con impacto colectivo. Se identificaron cuatro estrategias de rendición de cuentas:
 - i. La realización de auditorías internas y externas que se realizan anualmente.
 - ii. Elaboración de informes trimestrales al Ministerio de Cultura y Juventud de las actividades programáticas y presupuestarias que se han desarrollado.
 - iii. La elaboración y presentación pública de un informe anual de labores.
 - iv. El establecimiento de tres comités de trabajo que analizan las acciones del Parque y hacen recomendaciones; estos son la Comisión Ambiental, el Consejo Asesor del CETAV y la Comisión de Construcción.
7. *El impacto colectivo*: El impacto colectivo es un tipo de colaboración entre diversas instancias que se caracteriza por tener una agenda común, desarrollar actividades que se refuerzan mutuamente, comunicación constante y la presencia de una organización central. En el trabajo de articulación interinstitucional que realiza el Parque La Libertad se observan estas características del impacto colectivo.
8. *Enfoque de Juventudes*: Esta ha sido la población prioritaria desde la conceptualización del Parque La Libertad hasta la fecha. Una de las razones que lo

justifican es que es la población más numerosa del área de influencia del Parque y se presenta altos índices de exclusión estudiantil, una de las principales amenazas que perpetúan la pobreza.

9. *Uso de Tecnología:* El tema de la tecnología está enfocado desde dos perspectivas; por un lado, en su relación con la generación de condiciones para la empleabilidad de las poblaciones de las comunidades vecinas, y por otro, en contribuir con atender la brecha digital pero no exclusivamente en su relación con el empleo, sino que sobre todo en su relación con la inclusión social y el sentido de pertenencia a una sociedad donde la tecnología permea la mayoría de las esferas de la vida privada.
10. *Empleabilidad:* La generación de herramientas para la empleabilidad es un elemento que está presente en todos los ejes, con diferentes alcances.

E. ESPIRALES DE TRANSFORMACIÓN SOCIAL DE LAS SIETE EXPERIENCIAS SISTEMATIZADAS

A continuación, se presentan las espirales de transformación social de las siete experiencias del Parque La libertad que fueron sistematizadas.

1. Eje artístico: SINEM-Parque La Libertad

La misión del Sistema Nacional de Educación Musical (SINEM) es “establecer programas de formación musical de alta calidad en todo el país, basados en el principio de inclusión, que sirvan como herramienta de desarrollo humano, dirigidos a toda la población nacional de niños, niñas y jóvenes.” El primer SINEM del país fue el de Desamparados y en el 2008, fue trasladado al Parque La Libertad, constituyéndose en la primera oferta programática formal de este proyecto.

SINEM- Parque La Libertad surge como tal y deja de ser SINEM Desamparados en el 2014, con la inauguración del nuevo edificio. Desde el inicio fue concebido como parte del

Parque La Libertad y no como una institución huésped, siendo dos entidades que se fortalecen y potencian mutuamente ya que ambas coinciden en su interés por la transformación social a partir de la inversión en la cultura como motor de desarrollo.

En términos formales, el SINEM se rige bajo las normas y directrices del Programa SINEM, órgano descentralizado del Ministerio de Cultura y Juventud. Sin embargo, gracias a su vinculación con el Parque, éste ha adquirido características especiales que lo diferencian de las otras escuelas de música del SINEM en el resto del país y ofrece nuevas oportunidades a sus estudiantes.

Cuadro No. 1
Oferta del SINEM-Parque La Libertad

Objetivo	Estructura	Contenidos	Población
<ul style="list-style-type: none"> • Establecer programas de formación musical de alta calidad en todo el país, basados en el principio de inclusión, que sirvan como herramienta de desarrollo humano, dirigidos a toda la población nacional de niños, niñas y jóvenes 	<ul style="list-style-type: none"> • Oferta anual de disciplinas musicales 	<ul style="list-style-type: none"> • 21 cátedras 	<ul style="list-style-type: none"> • Población entre los 6 y los 17 años de edad, prioritariamente de la zona de influencia directa del Parque La Libertad.

Fuente: Elaboración propia con información brindada por el SINEM- Parque La Libertad.

El estar vinculado al proyecto del Parque le ha permitido al SINEM contar con condiciones de infraestructura e instrumentos de primera calidad. Para el 2009 el Parque destinó un monto cercano a los US \$100.000 provenientes del Programa Conjunto de la Ventana de Cultura y Desarrollo de las Naciones Unidas, para la compra de nuevos instrumentos.

En el 2014 se inauguró el nuevo edificio que alberga el SINEM, el cual cuenta con aulas, oficinas y un auditorio. Esto ha permitido que el SINEM- Parque La Libertad pueda

contar con altos estándares de calidad y haya podido aumentar su matrícula de 60 a más de 600 estudiantes anualmente.

Además, su ubicación dentro del Parque permite a los estudiantes involucrarse en nuevas oportunidades en otras ofertas y servicios culturales, lo que favorece aún más su desarrollo humano.

En ese sentido, el SINEM promueve la transformación de los estilos de convivencia del mismo modo que lo llevan a cabo los distintos ejes, “aquí nadie se grita, se respetan”. También fomenta nuevas relaciones con el espacio, “hay orden”, “llego a un lugar bonito, que respeto”. “Les mostramos que existen otras formas de vivir... ellos eligen”.

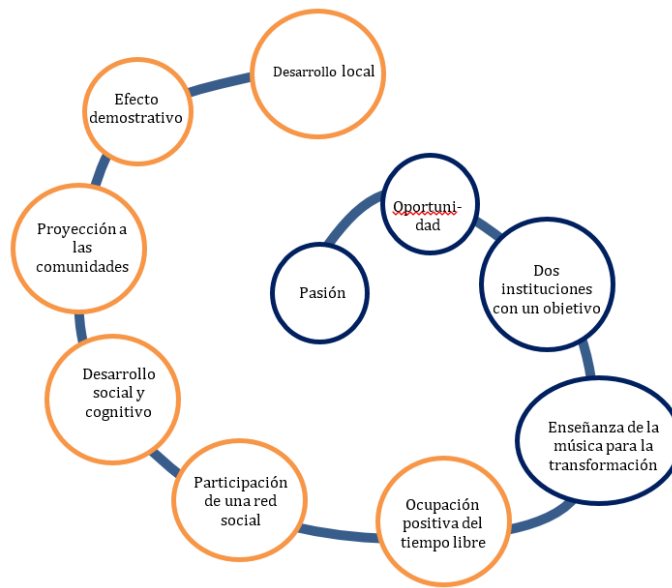
El SINEM Parque La Libertad también coincide en los esfuerzos de fomentar el aprendizaje de una disciplina como motor de desarrollo personal y social hacia la transformación social.

A nivel individual, el aprendizaje de un instrumento tiene efectos positivos en el desarrollo cognitivo y la utilización del tiempo libre. Además, la formación se enfoca en la promoción de valores tales como la tolerancia, el respeto y la superación personal.

En el ámbito de las relaciones sociales y socio afectivas, el SINEM Parque La Libertad trabaja como un espacio de participación en una red empoderadora.

Los estudiantes del SINEM Parque La Libertad tienen la oportunidad de proyectar su aprendizaje durante los conciertos que se realizan en las comunidades, convirtiéndose en referentes positivos entre sus familiares y amigos.

Espiral de transformación del SINEM- Parque La Libertad



2. Eje artístico: La oferta técnica del Centro de Tecnología y Artes Visuales (CETAV)

El CETAV es un centro de formación técnica, orientado hacia la generación de competencias y habilidades blandas, que permitan que personas jóvenes puedan insertarse en empleos de calidad en los ámbitos de la tecnología y las artes visuales.

En el 2010, en el marco del Programa Conjunto “Políticas interculturales para la inclusión y generación de oportunidades”, del Fondo Naciones Unidas- España para el

Logro de los Objetivos de Desarrollo del Milenio (Ventana de Cultura y Desarrollo), se realizaron una serie de consultorías para definir las áreas de capacitación del CETAV de acuerdo a la demanda del mercado y las necesidades y oportunidades de la población del área de influencia del Parque La Libertad. A partir de los resultados de estos estudios se diseñaron tres programas de especialización técnica que a la fecha han sido acreditados por el INA:

- Técnico en animación digital 3D
- Técnico en diseño y desarrollo web
- Técnico en edición y posproducción digital de imagen y sonido

La selección de los estudiantes se realiza basada en criterios tales como las habilidades para la tecnología y el arte digital, la edad, zona de residencia y la condición socioeconómica. Con respecto a esta última, constituye un factor importante en la admisión de estudiantes al CETAV. Se prioriza que sean personas jóvenes que viven en condiciones de pobreza y extrema pobreza, y que residan en el área de influencia del Parque La Libertad.

Para atender a esta población el Parque La Libertad desarrolló una alianza estratégica con el programa EMPLÉATE del Ministerio de Trabajo y Seguridad Social. Esta relación es un ejemplo de articulación interinstitucional en donde dos instancias se refuerzan y benefician mutuamente.

Por un lado, EMPLÉATE tiene en el CETAV la posibilidad de **potenciar su oferta** en la zona, ya que la mayoría de estudiantes que ingresan a este Centro pertenecen a las comunidades aledañas. Por ejemplo, para enero del 2012 se seleccionó la primera generación de estudiantes constituida por un 75% de personas jóvenes residentes en las comunidades de influencia inmediata del Parque. La mayoría de estos cupos se otorgaron a personas jóvenes que obtienen subsidios de EMPLÉATE.

Gracias a ese subsidio, los estudiantes y el CETAV cuenta con la oportunidad de: primero, que los estudiantes cuenten con recursos para pagar su colegiatura, ingresos que el CETAV puede utilizar para su sostenibilidad financiera, contratar profesores y cubrir gastos administrativos del proceso de enseñanza. Segundo, los estudiantes cuentan con recursos

económicos para aportar a sus hogares y/o financiarse otros gastos del proceso de educación. De manera tal que este subsidio permite que los estudiantes logren dedicarse tiempo completo a su capacitación técnica. Importante señalar que desde el Parque también se facilitan algunas becas para estudiantes que, si bien no calificaban para el subsidio de EMPLÉATE, su condición socioeconómica tampoco les permitía pagar por su formación.

Este Centro tiene una alta tasa de inserción laboral en empleos de calidad al finalizar el proceso formativo, lo cual representa un éxito para todas las instituciones articuladas.

La estructura de los cursos del CETAV puede resumirse de la siguiente manera:

Cuadro No. 2
Oferta técnica del CETAV

Objetivo	Estructura	Contenidos	Población
<ul style="list-style-type: none"> Fomentar el desarrollo humano y la formación de jóvenes a partir de opciones de especialización técnica alineadas con las demandas del mercado audiovisual 	<ul style="list-style-type: none"> 5 cuatrimestres a tiempo completo 	<ul style="list-style-type: none"> Formación técnica y generación de competencias para el mercado. Formación en idioma inglés. Formación en gestión de negocios. Formación en áreas transversales (pensamiento creativo y crítico, y fortalecimiento de habilidades blandas y para la vida) 	<ul style="list-style-type: none"> 17 a 24 años (edad definida por EMPLÉATE) y contar con el bachillerato concluido. Prioritariamente en condiciones de pobreza y pobreza extrema de la zona de influencia del Parque La Libertad.

Fuente: www.parquelalibertad.org/

El CETAV promueve la transformación social a partir de la capacitación técnica en arte y tecnología, generando nuevos horizontes laborales y de realización profesional. Además, potencia el empoderamiento del estudiante como ser humano y ciudadano con capacidades para asumir su propio proyecto de vida y aportar al colectivo.

La educación que se imparte desde el CETAV no está enfocada únicamente al nivel técnico. Al igual que toda la oferta del Parque La Libertad, desde este espacio se promueven habilidades blandas dirigidas también al aprendizaje de valores como la excelencia, la responsabilidad, la disciplina y la tolerancia, los cuales constituyen ventajas competitivas hacia la empleabilidad.

Otro factor que favorece la empleabilidad es la estrecha relación del CETAV con la industria audiovisual y digital del país. Esto permite forjar relaciones con potenciales empresas empleadoras, lo que facilita la identificación de las necesidades de empleo y habilidades requeridas para promover la inserción laboral de los estudiantes.

Estos contactos son estratégicos además para la actualización curricular y la identificación de docentes. El contacto con la industria incluye visitas de los estudiantes a las empresas y viceversa, con desarrollo de proyectos de clase basados en clientes reales que permitan desarrollar mejores destrezas en el estudiantado.

Aunque la dimensión socio afectiva no está establecida como parte del quehacer del CETAV, se realizan algunos esfuerzos en ese sentido: sesiones de seguimiento individual con el alumnado y visitas de los padres y madres de familia para que conozcan el CETAV y sus alcances, mejorando la percepción que estos tienen frente a la dedicación a tiempo completo de sus hijos.

En términos generales las acciones del CETAV se dirigen hacia:

- Formación técnica de calidad y calificada
- Empoderamiento de los estudiantes
- Intermediación laboral para los estudiantes con la industria

Si bien no se cuenta aún con indicadores que lo comprueben, tal parece que los estudiantes se están convirtiendo en agentes de cambio, referentes y ejemplos a seguir en sus familias y comunidades (efecto demostrativo); ejemplo de ello es que para la segunda generación llegaron jóvenes referidos por alumnos de la primera.

3. Eje artístico: Programa de circo social

La Escuela de Danza, Teatro y Circo tiene el propósito de “formar niñas, niños, adolescentes y personas jóvenes que se desempeñen con alta calidad como intérpretes y gestores en teatro, danza y circo, que brinden un aporte significativo a la cultura comunal y nacional”.

En el año 2010 la escuela inició con su oferta dirigida hacia:

- El desarrollo artístico, físico y de seguridad corporal
- Creación de una red social empoderadora
- Oferta sistemática de formación en tres artes integradas (danza, teatro y circo)

Desde el Parque La Libertad las artes circenses se conciben como un mecanismo de inclusión y movilidad social; de ahí que el enfoque utilizado para su enseñanza es el del circo social, el cual coloca a la persona como su centro, en contraposición con el circo profesional cuyo eje es la técnica.

El circo social convoca la agrupación de personas apasionadas en torno a una disciplina, al conocimiento del cuerpo y la confianza, requisito fundamental para llevar a cabo las acrobacias individuales y grupales; además fomenta la creación de redes empoderadoras; es decir, se procura una transformación dirigida al desarrollo individual y a la incidencia en las relaciones sociales, ya que impulsa la asociación positiva.

Además, privilegia la formación de artistas contemporáneos que trabajan con artes integradas, lo que les permite mayor versatilidad en términos de los espacios laborales.

En julio del 2015 se inició con un taller de circo social impartido por expertos internacionales. Para desarrollarlo el Parque abrió una capacitación dirigida a formadores en las artes circenses. Parte de la dinámica de capacitación es que los alumnos deben

replicar el modelo de formación en comunidades en riesgo, generando una red de transformación. Su estructura fue la siguiente:

Cuadro No. 2.
Taller de Circo Social

Objetivo	Estructura	Contenidos	Población
<ul style="list-style-type: none"> • Fomentar el interés en el programa de capacitación que ofrecerá la Escuela de danza, teatro y circo en un futuro • Visibilizar la población adolescente aledaña al Parque interesada en las artes circenses • Ofrecer un espacio lúdico y seguro a los jóvenes interesados 	<ul style="list-style-type: none"> • Semestral • 2 clases semanales de 3 horas cada una. 	<ul style="list-style-type: none"> • Acrobacia: de piso individual y grupal. • Malabares: clavos, bolas, diabólos, paracatines • Equilibrio: zancos, monociclo, rola bola • Aéreos: trapecio, telas y lira • Promoción de valores para la transformación social. 	<ul style="list-style-type: none"> • Mayoritariamente jóvenes entre 15 y 25 años

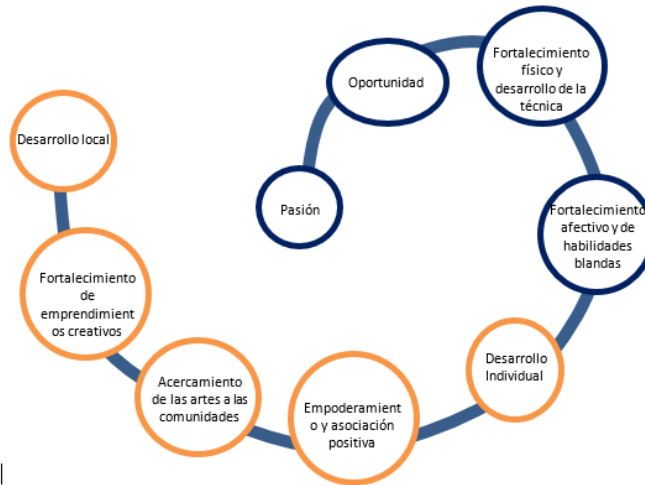
Fuente: Propuesta de Taller del circo

El programa está enfocado en la formación de habilidades blandas, la enseñanza de habilidades físicas y la promoción de valores como el respeto, la solidaridad, la responsabilidad, la conciencia corporal y la importancia de mantenerse saludables. Este tipo de talleres potencia el trabajo del Parque al abrirse a las comunidades como un sitio donde se facilitan espacios lúdicos y afectivos, y sirve para fomentar la creatividad.

Este programa forma parte de una estrategia de la Escuela de danza, teatro y circo, de fomentar los emprendimientos creativos, por lo que se ha aliado con el eje MiPYMES en la capacitación de grupos independientes en gestión empresarial.

Para algunos de los formadores que participan de los cursos del Parque, la apertura de estos espacios de alta calidad, tanto en infraestructura como con profesores muy calificados, representa una oportunidad que dignifica el quehacer, en algunos casos estigmatizado por la sociedad y le da mayor valor a su trabajo como profesionales.

El modelo del circo social ha sido transmitido al Parque La Libertad y sus estudiantes por el Programa Circos del Mundo que implementa el Circo del Sol o *Cirque du Soleil* de Canadá, con quienes la Fundación Parque La Libertad ha firmado un convenio.



4. Eje Mi PYMES: Programa de capacitación y actualización empresarial

Actualmente el Eje Mi PYMES dirige sus acciones a:

- Promover y/o fortalecer el emprendedurismo, la empresariedad y las habilidades para la empleabilidad.
- Desarrollo de espacios abiertos a empresarios, de formación, orientación, e intercambio.
- Programas de formación y orientación dirigidos a poblaciones específicas.
- Generación de alianzas con instituciones públicas y privadas.

El Programa de capacitación y actualización empresarial, inició en setiembre del 2012, orientado a la población entre los 18 y 65 años de edad y dirigido a todo tipo de perfiles empresariales.

Este eje abre la oportunidad para generar conocimientos y habilidades en las personas con deseos de emprender proyectos productivos, así como a las empresas para el

fortalecimiento de sus negocios, mediante una oferta de calidad que de no existir en el Parque sería difícil de acceder para los participantes.

Esta oferta de capacitación se estructura por módulos que se revisan y actualizan anualmente. La revisión se hace en función de la demanda observada el año anterior y la investigación que se realiza con respecto a estudios e informes de desarrollo nacional, así como en comparación con otras ofertas similares de capacitación y necesidades que el mercado esté solicitando.

El programa brinda además un servicio de orientación a las personas, el cual les permite identificar sus necesidades de formación o mejora empresarial para así elegir los cursos o capacitaciones que les pueden ser útiles según sus distintas condiciones empresariales.

El programa puede resumirse de la siguiente manera:

Cuadro No. 3.
Programa de capacitación y actualización empresarial

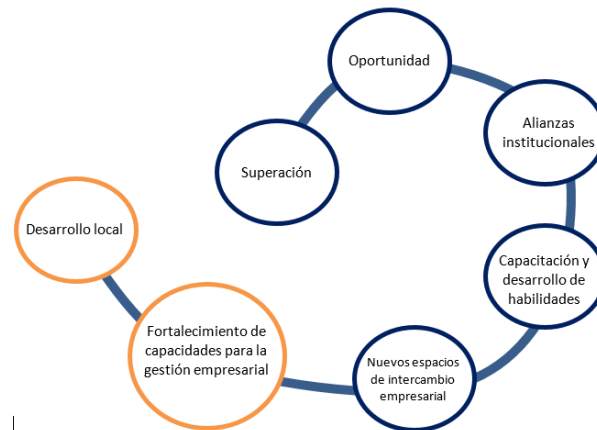
Objetivo	Estructura	Contenidos	Población
<ul style="list-style-type: none"> • Promover un espacio de capacitación e intercambio entre personas interesadas en empresariedad, emprendedurismo o mejorar sus condiciones actuales de empleabilidad. 	<ul style="list-style-type: none"> • Programa de charlas libres 	<ul style="list-style-type: none"> • Las temáticas que tratan estas charlas parten de los ocho pilares básicos del modelo de incubación 	<ul style="list-style-type: none"> • Público interesado en emprender un proyecto productivo, fortalecer su empresa o buscar mejorar su empleo actual.

Fuente: Elaboración propia producto de las entrevistas a los gestores. (2015)

Este eje alimenta su oferta de capacitaciones gracias a la articulación interinstitucional que permite contar con la experiencia de expertos del sector público y empresarial que son invitados a impartir las charlas.

El programa fomenta oportunidades de capacitación, la generación de redes empresariales y el encadenamiento comercial, lo cual está orientado al fortalecimiento de

las empresas de la zona y su consecuente impacto en el desarrollo local, posicionando al Parque como un espacio para el intercambio empresarial.



5. Centros de cómputo: Programa de alfabetización digital para adultos entre los 36 a 59 años de edad

Los Centros de Cómputo orientan sus esfuerzos hacia:

- La enseñanza de herramientas que ayuden a las personas a conseguir un empleo o mejorar el actual.
- Atender la brecha digital.
- Fortalecimiento de capacidades para Mi PYMES.

Uno de los programas mediante los cuales se ponen en práctica estos esfuerzos es el Programa de alfabetización digital, el cual se divide en tres grupos etáreos:

- De 15 a 35 años de edad
- De 36 a 59 años
- De 60 en adelante

La experiencia sistematizada para este informe fue la de los cursos dirigidos a personas adultas entre los 36 a 59 años de edad, el cual inició en 2012 y es el programa más antiguo

de los Centros de cómputo. Atiende alrededor del 75% de la población total de los centros de cómputo y su oferta puede resumirse de la siguiente manera:

Cuadro No. 4.
Programa de alfabetización digital para adultos entre los 36 a 59 años

Objetivo	Estructura	Contenidos	Población
<ul style="list-style-type: none"> • Brindar herramientas para la empleabilidad 	<ul style="list-style-type: none"> • Tres módulos • Tres cuatrimestres. • Lecciones semanales. 	<ul style="list-style-type: none"> • Módulo I: Sistema operativo, mecanografía básica y manejo de carpetas • Módulo II: Mecanografía, accesorios e internet • Módulo III: Internet, retoque de fotos y elaboración de videos 	<ul style="list-style-type: none"> • Población entre los 36 a los 59 años

Fuente: Elaboración propia producto de las entrevistas a los gestores. (2015)

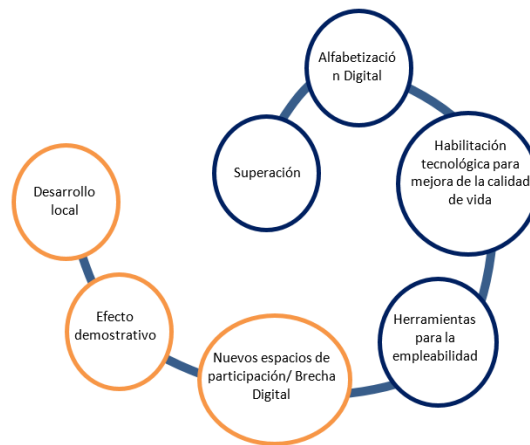
Este programa procura mejorar la calidad de vida al fomentar la inclusión social por medio de la atención de la brecha digital; así como la movilidad social al ofrecer oportunidades de formación, capacitación y habilitación en programas de cómputo que el mercado laboral demanda lo cual mejora las condiciones de empleabilidad, emprendedurismo y empresariedad. La alfabetización digital se percibe como una estrategia de crecimiento, de superación y de “ir hacia delante” según es reconocido por sus usuarios.

Su modelo pedagógico mezcla la enseñanza de los conocimientos técnicos con lecturas, imágenes y videos motivacionales que se utilizan al inicio de cada lección, con la idea de empoderar a los participantes.

El modelo administrativo que ha impulsado este programa, está siendo aprendido y replicado por los ejes del Parque y sus principales características son:

- Planificar anualmente los cursos que se van a impartir.
- Establecer las fechas de matrícula y pre matrícula de forma anual.

- Cobrar una matrícula simbólica buscando un mayor compromiso de las personas que se inscriben.
- Establecer un reglamento interno que defina claramente las reglas de comportamiento, evaluación y funcionamiento de los Centros.
- Cada curso es evaluado al final del cuatrimestre. A partir de los resultados de este proceso retroalimentan el trabajo que desarrollan. Actualmente la evaluación se realiza por medio de una plataforma digital.
- Están desarrollando manuales digitales propios para todos los cursos.



6. Eje de actividades urbano recreativas: Programa de juventudes

Las acciones del Eje de Actividades Urbano Recreativas se dirigen hacia las siguientes líneas:

- Atraer a las personas y comunidades a la oferta del Parque.
- Creación de alianzas interinstitucionales.
- Puente entre las comunidades e instituciones públicas, privadas.
- Extensión comunitaria.
- Desarrollo social.
- Atención a poblaciones específicas.

Una de las poblaciones específicas a las cuales este eje dirige muchas de sus acciones son las personas jóvenes.

El trabajo con personas jóvenes en el Parque inició en el marco del Programa Conjunto de la Ventana Cultura y Desarrollo desde donde se realizó un diagnóstico participativo de culturas juveniles en la zona de influencia; los resultados de este estudio sirvieron de insumo para el desarrollo de la oferta del Programa de juventudes.

Durante los años 2010 al 2012 se trabajó en la creación y desarrollo de la Red de Culturas Juveniles cuya estrategia, en esos primeros años, fue apuntar a la atracción de distintas formas culturales juveniles y urbanas, y las organizaciones formales e informales de personas jóvenes e invitarlas para que formaran parte del Parque La Libertad. Con ello se procuró la participación e interacción de estos grupos entre sí.

El programa fue constituido como un espacio de diálogo y de convivencia, en el que las personas jóvenes de diversas culturas podían expresarse libremente. Se aprovechaban los espacios como oportunidades de encuentro entre diversidad de juventudes, propiciando su integración.

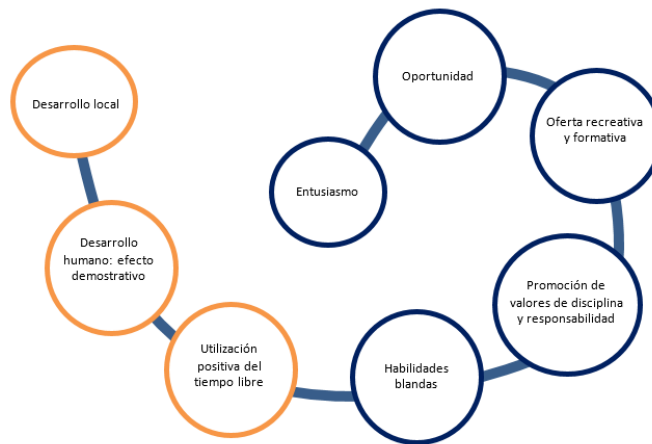
A partir del 2014, se iniciaron los programas de emprendedurismo y de formación en habilidades blandas para personas jóvenes; se fortalecieron los programas deportivos de fútbol masculino, fútbol femenino, taekwondo, voleibol y break dance y se continuó con una oferta variada de cursos libres.

En el 2015 la oferta se diseñó con base en los resultados de un diagnóstico donde se consultó a personas jóvenes su opinión sobre los cursos y talleres que se imparten en el Parque y cuáles les gustaría que se ofrecieran en el futuro.

Este programa procura que por medio de una oferta atractiva y de calidad para las personas jóvenes se les apoye en la construcción de su proyecto de vida, el desarrollo de

habilidades y competencias para la empleabilidad; así como a la continuación y conclusión de su formación académica primaria, secundaria, técnica y universitaria.

Desde el programa de juventudes los cursos y actividades tienen un énfasis en la formación y aprendizaje de valores, así como en el aprovechamiento positivo del tiempo libre. Las personas jóvenes que participan de estos espacios, aprecian la calidad de los cursos que se les ofrecen, se sienten bien, entusiasmadas y hasta “afortunadas” de tener la oportunidad de aprender en las mejores condiciones.



7. Eje ambiental: El Programa de Educación Ambiental Escolar (PEAE)

El Eje Ambiental fue concebido como la “(...) herramienta clave para permitir el acercamiento y conocimiento de la población a su entorno natural, con el fin de promover su conservación y valoración”. A partir de esta concepción las acciones que se desarrollan en este Eje apuntan a:

- Implementación del Plan de Gestión Ambiental del Parque
- La transformación del espacio
- Impulsar la concientización y educación de las comunidades y el sector empresarial para crear cultura ambiental

Uno de los programas que implementa este eje para la concientización y la creación de una cultura ambiental es el Programa de Educación Ambiental Escolar (PEAE), el cual inició informalmente en el 2012 y se formalizó a partir del 2013. Durante el 2015 el PEAE abarcó las escuelas de Fátima, Guatuso, Gravilias, Cristiana de Linda Vista y Juan Monge Guillén alcanzando la participación de 400 niñas y niños.

Para su diseño se estudiaron experiencias de educación ambiental escolar en Costa Rica, con el fin de valorar metodologías y programas; así como consultas con los directores y los docentes de las escuelas de la zona, población meta del PEAE.

Este programa desarrolla lecciones al aire libre cuyos objetivos coinciden con los contenidos curriculares de la asignación de ciencias para tercer y cuarto grado del Ministerio de Educación Pública (MEP). Los docentes trabajan con el personal del Parque en la planificación de los contenidos y las visitas al sitio, las cuales se realizan tres veces durante el año lectivo.

El PEAE cuenta con una estrategia de seguimiento y una serie de acciones que se cumplen durante el proceso; también realiza dos evaluaciones a los estudiantes: una al inicio y otra al final. Esta última permite verificar cambios en sus actitudes respecto a la naturaleza, así como los conocimientos adquiridos. Procura la integración de niñas y niños en edad escolar en un ambiente informal dirigido al descubrimiento y a la aplicación del conocimiento mediante dinámicas lúdicas y posibilidades de interacción con la naturaleza que el aula no ofrece.

Su oferta puede resumirse de la siguiente manera:

Cuadro No 5.
Programa de Educación Ambiental Escolar

Objetivo	Estructura	Contenido	Población
<ul style="list-style-type: none"> • Complementar el desarrollo de los objetivos planteados en el currículo formal del MEP para tercer y cuarto grado de educación general básica para ciencias. 	<ul style="list-style-type: none"> • Cada grupo participa de 3 lecciones en el Parque La Libertad (una por trimestre lectivo) 	<ul style="list-style-type: none"> • El eje temático "Somos parte integrante de la Naturaleza" del currículo formal del MEP 	<ul style="list-style-type: none"> • Niños y niñas de tercer y cuarto grado que asistan a las escuelas de la zona de influencia del Parque La Libertad.

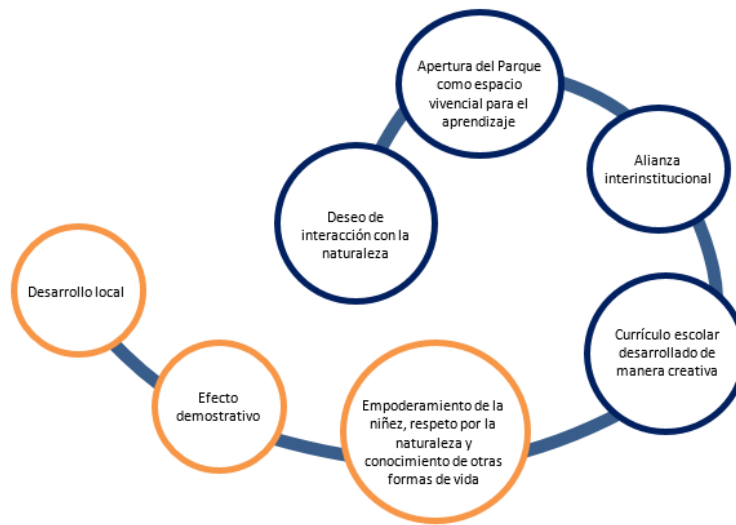
Fuente: Elaboración propia producto de las entrevistas a los gestores. (2015)

El PEAE muestra una de las formas en que el Parque trabaja la articulación institucional. El MEP encuentra en este programa la oportunidad de que sus estudiantes experimenten un aprendizaje vivencial, mientras que el Parque aprovecha esta oportunidad para potenciar su trabajo de concientización y educación ambiental con miras a la creación de una cultura ambiental integral.

Esta experiencia se clasifica como un tipo de enseñanza creativa que rompe paradigmas, al modificar la percepción de que las lecciones escolares al aire libre son paseos sin contenido pedagógico, sino que contrario a esto se demuestra que estos espacios pueden ser un aliado importante del plan curricular de los centros educativos.

El PEAE tiene un enfoque preventivo y correctivo, porque procura fomentar valores como el aprecio, el respeto a todas las formas de vida y la responsabilidad ambiental. Aspira a que niñas y niños repliquen en sus hogares los conocimientos adquiridos y se conviertan en ejemplos y multiplicadores para madres y padres de familia.

A partir de esto, las personas menores de edad no solo vuelven a sus hogares con la vivencia de haber participado en una lección al aire libre, sino que también se espera que adquieran un compromiso con su comunidad y el entorno que les rodea, reconociendo que la dimensión ambiental es inherente al ser humano.



CAPÍTULO III: ELEMENTOS INNOVADORES PARA LA POLÍTICA SOCIAL

En vista de que el objetivo de la sistematización de la que resulta este documento fue producir una reflexión de la práctica de cinco años de trabajo del Parque La Libertad y que sea aprovechable en otros espacios similares, a continuación, se destacan algunos elementos que resultan interesantes a la luz de las nuevas maneras de hacer política social en Costa Rica.

A. EL PARQUE LA LIBERTAD COMO PROYECTO DE POLÍTICA SOCIAL

1. **Es el resultado del trabajo de personas con liderazgo político y técnico:** La idea de *Parque La Libertad surge de un proceso de diálogo entre múltiples actores* con estilos de liderazgo de diverso tipo, en distintas esferas de la acción política estatal y no estatal.
2. **Su concepto surgió de una alianza público-privada:** *Este diálogo resultó en una alianza público-privada*, es decir, vinculación entre el gobierno, la cooperación internacional, las empresas privadas y el sector no gubernamental, así como de las comunidades inmediatas. *La alianza cristalizó bajo una modalidad administrativa de fundación* que ofreciera el espacio para que los diferentes actores continuaran

participando y que permitiera aprovechar las ventajas competitivas de cada uno de los sectores.

3. **Ha sido planteado como un proyecto de incidencia positiva:** Uno de los aspectos más característicos y a la vez innovadores de este proyecto en términos de construcción de política social, es que desde su inicio *fue planteado como un proyecto de incidencia positiva*. El Parque La Libertad no trabaja para reducir la exclusión social, sino para promover la inclusión social. No busca atacar los círculos viciosos de pobreza y exclusión, promueve espirales virtuosas de transformación social, inclusión y empoderamiento.

Desde sus inicios, *el Parque La Libertad como proyecto rompía con tres estándares*; por un lado, *los modelos de los parques metropolitanos de la época*; supera la idea prioritaria del deporte y la recreación e impulsa, principalmente, la creatividad y la innovación. Por el otro, rompe con *el estilo de política cultural del momento* y la orienta hacia la incidencia en la calidad de vida de las personas a través de la producción conjunta. Y el tercero, *la oferta programática debía de contar con criterios de alta calidad* que resultara deseable para los diferentes estratos sociales y que transformara los de su entorno más inmediato, con la aspiración de convertir este espacio en uno de inclusión social entre personas diferentes y diversas, que ofreciera la oportunidad de encontrarse para producir.

En ese sentido, el hecho de que sea un proyecto cuya zona de influencia inmediata son comunidades con altas vulnerabilidades, no implicaba que su oferta tuviera que ser de baja calidad; por el contrario, uno de los principios operativos del Parque La Libertad es el de asegurar la excelencia y calidad en toda su oferta programática. Con ello, se

intentó alejar la visión de los usuarios como beneficiarios y se les relaciona más con una concepción de ciudadanía.

El Parque procura ser pionero, innovador, atractivo y con altos estándares de calidad, aportando hacia la dignificación de las poblaciones aledañas.

4. **Construyó un claro “para qué” con visión de largo plazo:** El hecho de haber visualizado el Parque La Libertad alrededor de intereses, deseos o aspiraciones positivas, ha permitido crear un “para qué” con horizonte de futuro, en vista de que logra identificar metas por alcanzar, manejando *la necesidad política y social de generar resultados a corto y mediano plazo, sin que esto ponga en riesgo la visión de conjunto de futuro.*

Esta claridad del “para qué” con visión de futuro le ha permitido al Parque La Libertad contar *con el apoyo de tres administraciones de Gobierno*; puesto, en otros términos, ha sobrevivido a tres cambios de gobierno.

Además, el hecho de surgir y desarrollarse a partir de una alianza público-privada ha permitido que el proyecto trascienda a los objetivos gubernamentales de cada cuatro años, y ha trabajado en consolidar un enfoque tanto teórico como de énfasis en los procesos y no únicamente en resultados cortoplacistas.

5. **Ha utilizado la metodología de impacto colectivo:** El Parque La Libertad se concibió como un proyecto de inclusión social, desarrollo humano y logró avanzar hacia uno de seguridad humana. Esto *ubica al Parque como una instancia enfocada en las personas y la garantía de sus derechos*, ya sea por medio de una oferta de calidad que dignifique el espíritu de creación humano o sirviendo como plataforma para que otras instituciones desarrollen su oferta y/o para convocar el trabajo conjunto de diversas instancias en torno al tema de derechos y desarrollo humano.

Más que crear capacidades propias ha privilegiado la suma de esfuerzos. El Parque La Libertad promueve la *articulación interinstitucional a partir de la metodología de impacto colectivo*, asegurando el acceso de la población a sus derechos. La vinculación de las diferentes ofertas institucionales se ha ido agregando de manera paulatina y progresiva a medida que el proyecto y su “para qué” se ha ido implementando.

Es importante destacar que *el Parque La Libertad se presenta con la instancia tercera*, la instancia articuladora o con la capacidad de influencia positiva para empatar la oferta de derechos y el ejercicio ciudadano.

6. Ha superado la rigidez de la política social en sus dos formas (Estado-Ciudadanía):

En ese sentido, un elemento que se destaca es que *la gestión de su oferta programática ha superado la rigidez de la política social* en sus dos direcciones tradicionales, ya sea de las comunidades hacia el Estado y/o del Estado hacia las comunidades. Promueve un trabajo donde *los procesos son más circulares relacionando constantemente al Estado y la comunidad, incluyendo otros sectores tales como el privado*.

7. Rendición de cuentas fundamental para lograr apoyo y credibilidad:

La estrategia de *rendición de cuentas y transparencia que ha implementado el Parque le han dado credibilidad* frente a los distintos actores políticos, incluyendo los locales. Esto se ve reforzado con la forma de trabajar por medio de “pequeñas victorias” que demuestran su capacidad de ejecución y el hecho de que, de manera transparente, se están implementando acciones dirigidas al desarrollo local de la zona de influencia.

El contacto del *Parque con las comunidades* se ha dado desde los primeros momentos, y ha ido avanzando al compás de la difusión “boca a boca”, donde la *evidencia y el efecto demostrativo se han convertido en la principal estrategia de comunicación, así como en la estrategia de incidencia en el desarrollo local*.

8. Atiende algunas de las causas de la pobreza desde un enfoque multidimensional: Si

bien su objetivo no es la reducción de la pobreza, el Parque atiende algunas de las causas de este fenómeno desde un enfoque multidimensional. Por ejemplo, aquellas relacionadas con la educación, el uso de internet y el empleo, por ejemplo, por medio de la alfabetización digital. Su oferta partió de la identificación de necesidades y oportunidades. El Parque La Libertad *busca generar capacidades y competencias* en la población que les permitan empoderarlas y así mejorar su propia calidad de vida. En toda su oferta es posible encontrar la promoción y enseñanza de habilidades blandas dirigidas ya sea hacia la construcción de un proyecto de vida, empleabilidad *o el emprendedurismo*.

9. Cuenta con un equipo técnico apasionado y comprometido: Para finalizar es

importante resaltar que el Parque La Libertad es el resultado del trabajo de personas que, con su liderazgo político y técnico, consiguieron gestar el proyecto y han permitido que otras se sumen de manera comprometida y apasionada.

La gestión de su oferta programática ha recaído sobre personas calificadas técnicamente para el reto, pero principalmente están comprometidas con el proyecto y se sienten vinculados afectivamente con él.

CAPITULO IV: BUENAS PRÁCTICAS Y LECCIONES APRENDIDAS

Del proceso de sistematización de la metodología de seguridad humana e inclusión social del Parque La Libertad se identificaron las siguientes buenas prácticas y lecciones aprendidas.

A. BUENAS PRÁCTICAS

Las buenas prácticas se agruparon bajo los siguientes subtemas: trabajo con instituciones, enfoque de empleabilidad, oferta formativa y atracción de las comunidades.

1. Buenas prácticas: trabajo con instituciones

- *Gestión a través de una Fundación:* se articulan las acciones y apoyos con distintas instituciones que permanentemente hace rendición de cuentas.
- *La articulación público-privada:* la construcción de proyectos sociales y culturales. La historia de creación y desarrollo del Parque La Libertad es prueba de ello.
- *La articulación interinstitucional:* para generar impacto colectivo en donde se ubican objetivos comunes y se trabaja en el reforzamiento mutuo.

No es necesario ser experto en todos los temas, lo importante es ubicar en adonde está la experiencia en las diversas temáticas y establecer alianzas para compartir ese conocimiento.

Esta articulación ocurre de diversas formas:

- Como plataforma para convocar instituciones y organizaciones con oferta en desarrollo humano hacia el trabajo conjunto; ejemplo de ello es la Mesa de Coordinación para la Prevención y Atención del Embarazo en Adolescentes. También el proyecto “Potencialización de la industria de animación digital en Costa Rica y Guatemala”.
- Como plataforma para potenciar la oferta institucional en servicio de las comunidades, por ejemplo los subsidios que recibe el CETAV por parte del Programa EMPLÉATE y la ejecución de Programas de Manos a la Obra del IMAS en el Parque.

- Para el fortalecimiento mutuo entre el Parque La Libertad y las instituciones u organizaciones expertas con las que trabaja, como es el caso del Ministerio de Educación Pública que ve reforzado su curriculum escolar para tercero y cuarto grado gracias al PEAE, al tiempo que el Parque se beneficia al potenciar su objetivo de promover una nueva cultura ambiental.
- Para el fortalecimiento de las ofertas de otras instituciones, como son las capacitaciones en temas de empresariedad que ofrece el eje Mypimes a los colegios técnicos.
- *Obtener el máximo provecho de cada alianza establecida.* El Parque realiza alianzas generales con diversas instituciones y cada eje y componente debe buscar la forma de sacar el máximo provecho de ellas como podría ser mediante la alianza que tiene con CINDE, la cual permitió que el CETAV financiara el TOEIC.

2. Buenas prácticas: enfoque empleabilidad

- Diseñar la oferta formativa con base en las necesidades de las industrias o mercados meta, la comparación con otras ofertas formativas, las competencias básicas que requiere el mercado y la capacitación en habilidades blandas.
- Elegir docentes que estén vinculados al mercado laboral en aquellos espacios de formación que promuevan el empleo, tales como el CETAV. Esto incide en la relación profesor-estudiante pues los jóvenes tienen claro que quienes los califican no son solo sus maestros sino también sus potenciales empleadores.
- Realizar intermediación laboral para la generación de empleo. A lo largo de la formación técnica, el CETAV trabaja como intermediador laboral lo cual da buenos resultados en la generación de empleo para sus estudiantes.

3. Buenas prácticas: oferta formativa

- Diseñar la oferta formativa basada en los procesos de consulta sobre expectativas de los cursos ofrecidos por el Parque, así como las condiciones de aprendizaje de la población que se atiende.
- Implementar procesos de matrícula que contemplen la selección según las habilidades, prerrequisitos y conocimientos previos para la ubicación correcta de las personas en el nivel adecuado de formación.
- Diseñar el material de trabajo, como libros y manuales, para los cursos, con el fin de contemplar las particularidades propias de las personas de la zona y del país en general.
- Implementación de procesos de evaluación al finalizar los cursos y las capacitaciones.

4. Buenas prácticas: atracción de las comunidades

- Abrir el Parque a múltiples usos dirigidos a diferentes poblaciones; por ejemplo, darle a los centros educativos el espacio para que lo utilicen como un laboratorio al tiempo que se les brinda a los artistas un espacio para que puedan entrenar y capacitarse.
- Asegurar la calidad de la oferta de los cursos atrae a las comunidades del Parque y promueve una mayor participación de las personas.

- Cobrar un monto simbólico por concepto de matrícula propicia un mayor compromiso de las personas que se inscriben.

B. LECCIONES APRENDIDAS

En lo que respecta a las lecciones aprendidas identificadas, estas fueron agrupadas en las siguientes categorías: acompañamiento socioafectivo, oferta formativa, trabajo con instituciones, enfoque hacia la empleabilidad, atracción de comunidades y enfoque de juventudes.

1. Lecciones aprendidas: acompañamiento socioafectivo

- Al trabajar con poblaciones en condiciones de vulnerabilidad debe existir cierta sensibilidad en el trato.
- Los procesos de formación basados en el fortalecimiento de los valores, permiten crear redes sociales empoderadoras.

2. Lecciones aprendidas: oferta formativa

- Se deben adaptar las estrategias de enseñanza y aprendizaje a las condiciones de la población meta de cada curso.
- De preferencia y según el área de instrucción, los profesores deben tener conocimientos y habilidades pedagógicas con el fin de manejar mejor la atención de sus estudiantes, ya que no es suficiente contar con capacidades técnicas de la materia que se está enseñando. Lo ideal es que ese conocimiento sea complementado con habilidades pedagógicas.
- La calidad de la oferta de enseñanza-aprendizaje es prioridad y debe primar la calidad. La estructura de los cursos debe pensarse en función de este factor y si es

necesario ampliar la cantidad de módulos de un curso para lograr una mejor calidad, debe hacerse.

- En el diseño de la oferta deben establecerse procesos de validación con los potenciales usuarios.

3. Lecciones aprendidas: enfoque empleabilidad y emprendedurismo:

- El emprendedurismo debe ser cultivado desde las primeras etapas de la juventud.
- Las capacitaciones no solo deben enfocarse en promover el emprendedurismo pues no todas las personas tienen el interés por ser emprendedores; por ello es importante enfatizar en el mejoramiento de las condiciones de empleabilidad como reforzar las habilidades blandas y el aprendizaje del inglés.

4. Lecciones aprendidas: trabajo con instituciones:

- Si bien algunas de las acciones de articulación se gestionan desde las oficinas locales, en ocasiones es conveniente buscar el apoyo de autoridades superiores para lograr un mayor soporte de las instituciones.

5. Lecciones Aprendidas: atracción comunidades

- Es conveniente realizar actividades y presentaciones regularmente en el Parque para atraer a la población a las distintas actividades que realizan los ejes.
- Para lograr mayor participación de las comunidades en las actividades, se debe gestionar la audiencia del mismo modo que se gestionan los eventos.
- La atracción de las comunidades a la oferta del Parque debe darse en consonancia con la capacidad de atención real y aumentarla conforme se vayan abriendo los espacios y los recursos materiales y humanos, con el fin de ofrecer el mismo nivel de calidad.

6. Lecciones aprendidas: juventudes

- Promover el empoderamiento y el liderazgo orientado por valores como la disciplina y la libertad con responsabilidad.
- Resulta fundamental que las personas jóvenes sean visualizados como agentes de cambio en sus comunidades.