

Episode 11: Economic and Social Rights, Living Standards and Poverty

This episode will focus on economic and social rights, living standards and poverty. Recent years have seen a growing understanding of the relationship between poverty and human rights. And increasingly links are being made between human rights, living standards and poverty in the development context. An important example of this is the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

Poverty is, of course, not just a violation of economic and social rights. In its 2001 statement on poverty, the UN Committee on Economic, Social and Cultural Rights defined poverty as 'a human condition characterized by 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'. That said, the very strong connection between economic and social rights and human survival, development and flourishing means that these rights are particularly important when considering poverty from a human rights perspective.

The International Covenant on Economic, Social and Cultural Rights does not include a specific right to be free from poverty. However, many of its provisions clearly correspond to different aspects of poverty and the lived experiences of poor people. One of the key rights from this perspective is the right to an adequate standard of living, including adequate food, clothing, housing and water, and to the continuous improvement of living conditions. Where a government is failing to take the necessary measures to give effect to the right to an adequate standard of living, it is clearly also going to be failing in terms of eradicating poverty. Other Covenant rights are strongly focused on state efforts to address the

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problems faced by poor people. These include the right to social security, which is discussed in episode 8, and the right to protection and assistance for the family which is set out in Article 10 of the Covenant.

Poverty also has an important equality dimension. Globally, women, disabled people, indigenous persons, migrants and members of ethnic minorities are frequently more likely to experience poverty than other social groups. In many instances, people are poor because they are the subject of legal, political and societal discrimination – discrimination that is prohibited by Article 2(2) of the Covenant. According to the Committee, 'discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of [human] rights.' It's important to note here that for a law or policy to constitute discrimination, it just has to have a discriminatory effect – it doesn't have to be intended to do so. So, if a policymaker has adopted a measure which that is neutral on its face but puts one group at a disadvantage in practice, that would be discrimination. An example of this would be where cuts to social protection programmes have a disproportionate impact on specific social sectors – for example, single mothers with children. In international human rights law, this may constitute indirect discrimination on the basis of sex and/or family status, in the context of the right to social security.

Poverty is defined in many different ways. And there is debate internationally about how to measure it. Reflecting this, the Committee on Economic, Social and Cultural Rights does not specify a particular definition or measure of poverty. However, in its guidelines for States preparing reports on their implementation of the Covenant, the Committee asks

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governments to indicate whether they have defined a national poverty line and on what basis it is calculated. Where a state hasn't done so, it is asked to provide detail on the mechanisms used for measuring and monitoring the incidence and depth of poverty. This is done in the context of seeking information on the right to the continuous improvement of living conditions in terms of Article 11(1) of the Covenant.

As is clear from the Committee's definition of poverty that I cited earlier, a human rights understanding of poverty is not just about considering it in terms of poor people having insufficient income to buy a minimum basket of goods and services. Rather it encompasses an understanding of poverty as the lack of basic capabilities to live in dignity, as well as of poverty's broader features, such as hunger, poor education, discrimination, vulnerability and social exclusion. However, just as income can't be the whole story in rights-based anti-poverty work, it still has a very important role to play in terms of internationally accepted definitions of poverty and assessments of poverty levels. Thus, the rejection of income-poverty related targets as a means to address child poverty, as has occurred in the UK for example, is inconsistent with best international practice. Indeed, in its 2016 concluding observations on the UK's state report, the Committee urged the Government to reinstate income-based child poverty targets and expressed concern that the UK did not have a specific definition of poverty.

Just as with measurement of poverty, the Committee does not prescribe one way to address poverty. Rather, it recognises that solutions need to be targeted to specific national contexts. In terms of actions to address poverty, the Committee asks states for information about whether they have adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights. It also asks whether mechanisms and

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procedures are in place to monitor the implementation of the plan or strategy and to evaluate the progress achieved in terms of effectively combating poverty. The Committee also asks about targeted policies and programmes to combat both poverty and the economic and social exclusion of people belonging to disadvantaged and marginalised groups.

This series has looked in-depth at a number of obligations that are strongly linked with combatting poverty. These include the prohibition on retrogressive measures, discussed in episode 5. That episode outlined the strict criteria that economic and social rights-related budget or programme cuts or rollbacks must satisfy. This includes reductions in spending and other support for social security, health and social care services that play a key role in reducing poverty. It is not enough for a government to say these cuts are unavoidable; it must prove that that is the case. Nor can such cuts be justified solely on the assertion that they will ensure the sustainability of economic and social rights-related service provision in the future. This is particularly the case when they impact on the enjoyment of minimum essential levels of rights or result in discrimination. This needs to be borne in mind when considering the extensive 'reforms' made to social protection systems following the recent global financial and economic crises – reforms that in many instances have had a very negative impact on enjoyment of the right to an adequate standard of living. And on the enjoyment of that right by the poorest and most socially vulnerable in particular.