

**Preliminary Draft only**

**The Many Dimensions of Poverty**  
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**Poverty and Human Rights<sup>1</sup>**

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***Abstract***

**Poverty has been reduced by too little, or not at all, in recent years. A fifth, perhaps a quarter, of the world's population are living in extreme poverty. The measurement of the phenomenon, and especially of annual trends in the rates and severity of poverty, is not acceptably precise, consistent, and generally agreed. Nor is policy being analysed and justified in precise correlation with such trend reports as have been published.**

**The first Millennium Development Goal – to halve world poverty by 2015 – has become an unlikely prospect. The reasons lie in the present form of the globalisation of the market, together with continuing preference shown to neo-liberal economic and social policies. If poverty is to be systematically reduced the orthodoxies of definition, measurement, explanation and resolution, which as key elements of the problem necessarily reinforce each other, have to be re-examined and re-formulated quickly.**

**In re-examining approaches to measurement and policy the new human rights instruments must play a vital role. Their potentialities are considerable for the measurement of poverty, deprivation, exclusion, development and related phenomena. But, crucially, they can help to engineer an international, as well as scientific, consensus in the war on poverty.**

**Introduction**

Governments are facing deadlock in the measurement and resolution of poverty. The human rights framework offers the best means of breaking this deadlock.

The primary goal of the United Nations to halve world poverty by 2015 sits uneasily with the current reality of unremitting social polarisation and persisting mass poverty. Expert observers have disagreed about the extent of progress but agree it is insufficient (see, for example, Wade,

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2004; Ravallion, 2001, Pogge and Reddy, 2003). Table 1 provides an illustration. Some in positions of international authority, such as James Wolfensohn, when still President of the World Bank, have declared that few if any of the Millennium Development Goals will be met by 2015. (Wolfensohn and Brown, 2004; Vandemoortele 2003; Robinson, 2003).

**Table 1**  
**Population Living Below \$1.08 per day at 1993 PPP**

Region	Per cent of population in households consuming less than the poverty line		Number of poor (millions)	
	1987	1998	1987	1998
East Asia(incl.China)	26.6	15.3	418	278
East Asia (excl.China)	23.9	11.3	114	65
Eastern Europe and Central Asia	0.2	5.1	1	24
Latin America and Caribbean	15.3	15.6	64	78
Middle East and North Africa	4.3	1.9	9	6
South Asia	44.9	40.0	474	522
Sub-Saharan Africa	46.6	46.3	217	291
<b>Total (incl China)</b>	<b>28.3</b>	<b>24.0</b>	<b>1183</b>	<b>1199</b>
<b>Total (excl. China)</b>	<b>28.5</b>	<b>26.2</b>	<b>880</b>	<b>986</b>

[Source: Townsend and Gordon, 2002, p. 363, drawing on Chen and Ravallion, World Bank Development Research Group, 2001, Table 2.]

The global anti-poverty measures that have been re-iterated for many years are economic growth, debt relief and overseas aid. Added lately has been fairer trade through reform of the WTO. But these four measures are relatively indiscriminate and unpredictable in their distributional effect upon populations, especially upon children. Success depends on whether a sufficient share of additional income and income in kind from these sources happens to reach the poor and how quickly. They are "indirect." This contributes to the failure to reduce poverty.

The four measures are now attracting intense scrutiny and yet, for want of specific kinds of information, are difficult to interpret in their distributional impact. Economic growth is discussed below. Overseas Development Assistance (ODA) accounts on average for

48.5 per cent of gross domestic investment in low income countries<sup>2</sup> but is impossible to trace its effects across populations and locations. ODA may encourage dependency, artificially inflate growth rates, prop up an unpopular regime or free up resources for corruption or excessive military spending; it may be biased by the desires or ideology of donor countries rather than the best interests of people in the recipient country. And the countries receiving aid are expected to meet a large number of conditions imposed by the donors.

Another of the four measures is debt relief. The additions promised in 2005 still depend on detailed negotiations and the extent of relief remains small in relation to annual mounting payments of interest by many of the poorest developing countries. There had been little change in the cost of debt relief under the HIPC Initiative up to April 2003<sup>3</sup> to the 34 countries that were covered compared with the September 2002 costing exercise - the estimated amount standing at US\$37.2 billion in 2001. And by saying in a report of July 2002 that "Debt reduction must be additional to development assistance" - staff of the World Bank's HIPC Unit and the World Bank's External Affairs Department were clearly aware of the insufficient impact of the relief and of the need for a much larger multiple strategy.

### **Strategy: Measurement**

If the extent of world poverty is generally agreed to be vast, the corresponding failure of global strategy to eradicate poverty, and the reasons for failure, are not yet perceived and widely understood. The reasons lie partly in the influential example of the World Bank's programme of work in the last thirty years.

By the early 1990s an uneasy political rather than scientific consensus was reached in the approach to the definition of poverty. Two separate measures were applied to the poor and rich worlds. The two best-known examples are the World Bank's dollar-a-day per person and the European Union's 60 per cent of median household income. Remarkably, both have endured despite searching and, I believe, valid, criticisms. They are not subject to

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<sup>2</sup> Clarke S., Rich A. and Heninger L. (1999), *Building a Common Future: United Nations Work on Financing for Development*, Quaker United Nations Office, 1999.

<sup>3</sup> IDA/R2003-0042/2, Heavily Indebted Poor Countries (HIPC) Initiative Statistical Update, April 11, 2003. HIPC Relief under the enhanced HIPC framework has been agreed for twenty-six countries: Benin, Bolivia, Burkina Faso, Cameroon, Chad, Ethiopia, Ghana, The Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, Tanzania, Uganda, and Zambia, yielding more than \$41 billion in debt service relief over time.

verifiable objective evidence independent of level of income, even if they are convenient measures to apply.

The World Bank's dollar-a-day definition of poverty was an acceptable improvisation at the end of the 1980s as a convenient and understandable temporary standard on which to base investigation and policy. But there were two oversights in keeping that standard in place for two decades and have made it an anachronism that over-shadow the technical work on PPP to update the income required to meet poverty.<sup>4</sup> One was to take 1985 as the base year, and not to foresee that changes in the markets and especially the division between what is free or subsidized and what has to be paid for, and changes in fulfilling individual roles at work, in family and society, with consequences for nutritional and dietary requirements as well as other consumables and services, necessarily affect the average threshold of income required to meet minimum human needs. The changes may not be consequential in a period of two or three years, but after five, ten or fifteen may be substantial. Like the social effects of global warming, the threshold of risk may have to be revised when there have been unanticipated changes in conditions.

The second oversight of the World Bank dates from 1990 when it stated that the correct measure of poverty had two necessary elements but, after introducing the simplest practicable measure of \$1 a day to cover the first element, failed then to explore how the second element could be added. Thus in its 1990 report the World Bank defined poverty as "the inability to attain a minimal standard of living." This minimal standard was said to consist of "two elements" as set out in the figure below (developments from that time may be traced through the 1990s and into the early years of the 2000s – World Bank, 1990, 1993a, 1993b, 1995a, 1995b, 1996, 1997a, 1997b, 2000, 2001):

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<sup>4</sup> Purchasing Power Parity is a method, similar to a cost-of living index, that has been used to adjust incomes in different countries to a standard purchasing power. It does not address the costs of new goods and services, such goods and services that are free in some places but not in others and the changes in the proportion of total income taken up by different groups of need.

## Figure 1

**World Bank** (1990): Poverty is “the inability to attain a minimal standard of living.”

This minimal standard consists of “two elements: the expenditure necessary to buy a minimum standard of nutrition and other basic necessities and a further amount that varies from country to country, reflecting the cost of participating in the everyday life of society” (World Bank, 1990, pp. 26)

During the last 15 years a programme of research and investigation to enable international agencies and governments alike to implement different models of the two-fold objective that was originally approved could have been followed to find which model best satisfied governments and scientists. Various observers have pointed out that “participation” in the everyday life of society is not just a matter of falling in with social customs and activities, but fulfilling the obligations in serving the different roles of worker, parent, neighbour, friend, consumer, carer and so on that govern the scale of resources required, but also the level of food and of other basic necessities of life that are required and are currently provided by the market and other private and public sector sources. In short, necessities include the costs of meeting social obligations.

To these two oversights on the part of the Bank was added the embarrassment of inconsistency. The dollar-a-day standard became tenuous to uphold once the two dollars-a-day standard was adopted for Latin America, and then the four dollars-a-day standard for the transitional economies of the former Soviet Union and Eastern Europe. When these standards were not immediately explained, and thereby justified, in relation to levels of material and social deprivation, it was difficult to give a credible account of measures of poverty across regions and contradict charges of arbitrary discrimination between countries. The inconsistency of measurement became evident.

The problem of incompatibility of regional measurement is now acute. Establishing what are the priorities of international policy depends on being able to justify consistent measurement of the

extent and severity of the problem across regions. The prime objective is to develop a scientific core meaning of poverty across regions and for every country composing a region. This will involve the extension, through new survey research, of truly cross-national social and economic indicators. On the basis of a great deal of research across countries, and including the original World Bank formulation of "two elements" this can be done by measuring objectively different types of material and social deprivation and then looking at the correlation between multiple deprivation and a threshold of income.

### **Measurement: A Poverty Line Determined Independent of Income Itself**

There is a long history in the social sciences of determining a poverty line on the basis of empirical evidence independent of income itself. Figure 2 outlines the principal stages in national and international work, and Figure 3 attempts to complete the outline by distinguishing subjective and collective from predominantly objective measures.

**Figure 2**

**History of Approaches to the Definition and Measurement of Poverty**

1. Scientifically "objective" – i.e. evidence can be collected of conditions associated with level of income

**Subsistence** – income of household or family is "insufficient to obtain the minimum necessities for the maintenance of merely physical efficiency" (Rowntree, 1901, p.86)

**Basic needs** – income is insufficient for both subsistence and "essential services provided by and for the community at large, such as safe drinking water, sanitation, public transport and health, education and cultural facilities" (ILO, 1976, pp. 24-25)

**Relative deprivation** – income is insufficient "to obtain the conditions of life, that is, the diets, amenities, standards and services, which allow people to play the roles, participate in the relationships and follow the customary behaviour which is expected of them by virtue of their customary behaviour in society" (Townsend, 1993, p. 36)

**Figure 3**

**Subjective and Collective Basis for a Measured Poverty Line**

1. **Subjective** – can be representatively individual (opinion poll surveys, random sample surveys) or collective (statements on behalf of groups) about what is the poverty line or a necessary standard of living
2. **Expert/ arbitrary** – choice of a minimum income – usually a fixed income from a particular time (e.g. \$1 a day per person from 1985; 40, 50 or 60 per cent of the median or mean household income in any particular year). Problem of circularity.
3. **Administrative practice** – the standard or minimum income (“benefit” or “minimum wage”) actually paid by a government or lesser administrative authority

**Strategy: Policies - All Roads Lead to Rome**

A re-examination of policies produces an even stronger argument for better measurement. The Bank’s strategy to defeat poverty is three-fold (see Figure 4). All three elements may be considered to be indirect and therefore not immediately helpful in tracing results. The first is economic growth. The difficulty of guaranteeing “trickle-down” (evident from international analysis in the 1980s – for example, Newman and Thompson, 1989) has eventually led to anxious work on “pro-poor growth.” Recent work within the International Poverty Centre has shown that the impact of public works and public service programmes at times of economic crisis, as in Korea, as well as at times of steady growth, and strategies like that in Vietnam of “redistribution with growth” have to be measured and assessed (Kakwani, Khandker and Son, 2004; Vandemoortele, 2003). Because information about trends in poverty have not been available annually in relation to both annual growth and the influence upon growth of the principal policies of governments and international organisations it will be hard to demonstrate how pro-poor growth policies are likely to make a difference.



## Figure 4 The Current Orthodox Strategy

- 1. Broad-based economic growth**
- 2. Development of human capital (education)**
- 3. Safety-nets (or targeting) for vulnerable groups**

[source: World Bank-1996 and 1997 especially]

### **Outcome of Strategy from evidence of trends over 30 years-**

**Unsuccessful:** Among reasons: "trickle-up" growth; conditionality policies for loans; cost-recovery policies in basic social services; cuts in public expenditure; excessive privatisation; unregulated globalisation and unequal terms of trade; enhancement of the power of the global "triumvirate" (G8, TNC's and IFA's)

There is wide agreement about the need to invest in primary schools in developing countries – the main component of the second element of the strategy, investing in human capital. This is desirable for a number of reasons and not only a decline in poverty. But attention must be paid to the indirectness of the objective for a reduction in poverty. Success is postponed to an indefinite future – to a time when a more educated child population has grown up – and long after a relatively small redistribution of world income could have had a big positive impact on the world's living standards.

The third component of strategy is "safety nets for the vulnerable." The problem here is that policies have come to depend on first principles about the small scale, or "affordability" in practice of potential redistribution. Rather than begin with the identification of the location of extreme poverty, and show how the families in question might be reached directly, international institutions and governments have fallen back on general assumptions about the desirability of cuts in public expenditure, tax incentives and de-regulation. The effect of following different optional steps in redistributing income, in particular, have not been examined.

As suggested in Figure 4, despite efforts to re-model the form of these three component strategies, there is small evidence of success.

In debating strategy, so that measurement might become better informed, an alternative strategy, or alternative strategies, have to

be formulated. Figure 5 presents a strategy in outline that draws on a range of research in the 1990s and 2000s.

### **Figure 5 Alternative Strategy**

**1. Equitable tax and incomes policies**  
**2. An employment creation programme**  
**3. "Universal" social security and public social services**  
[satisfying fundamental human rights-e.g. Articles 21,25 and 26 of the Universal Declaration of Human Rights, Articles 9-14 of the International Covenant of Economic, Social and Cultural Rights, and Articles 24.26.27 and 28 of the Convention on the Rights of the Child]

**4. Social /democratic control of transnational corporations and international agencies, and the development of international company law**  
[source: for example, Townsend P. and Gordon D. eds 2002, especially chapter 17 and Appendix A]

**Potentiality:** The strategy offers the possibility of satisfying the principal UN millennium goal of eliminating poverty, and slowing or halting runaway social polarisation; a start in the necessary reconciliation of market globalisation and the demand for human rights; and a feasible way of internationalising development

### **Building a Consensus on Measurement**

For purposes of identifying unambiguous priorities in policy and monitoring developments an international consensus on the definition and measurement of poverty is vital. The agreement reached at the Copenhagen World Summit for Social Development in 1995 can still be regarded as the best precedent on which to build. The declaration and programme of action at the summit was agreed by the Heads of State of 117 countries.

By recommending a two-tier measure of "absolute" and "overall" poverty to be applied to every country, a means was found of bringing all governments together in common purpose. An opportunity was created of exploring the severity of poverty according to standards that seemed to be acceptable everywhere and to link the two-tier measure. Even countries where it was assumed absolute poverty no longer existed found it easier to accept an international two-tier approach that

self-evidently included their own conditions. There was a basis for cross-national measurement. The definitions are given below. Overall poverty occurred "in all countries: as mass poverty in many developing countries, pockets of poverty amid wealth in developed countries, loss of livelihoods as a result of economic recession, sudden poverty as a result of disaster or conflict, the poverty of low-wage workers, and the utter destitution of people who fall outside family support systems, social institutions and safety nets."<sup>5</sup>

### **Figure 6 International Definition of Poverty**

***Absolute poverty is "a condition characterised 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 services."***

***Overall poverty includes "lack of income and productive resources to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments and social discrimination and exclusion. It is also characterised by lack of participation in decision-making and in civil, social and cultural life."***

During the process of enlargement the European Union has continued to make strenuous attempts to keep the measurement of poverty under close review and devise appropriate indicators to monitor developments (see, for example, Atkinson, 2003). Given the multiplying European research into multiple material and social

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<sup>5</sup> Ten years after its publication the report has proved to be prescient. Key recommendations for action are even more relevant to today's conditions. Thus, Chapter 2 on the eradication of poverty remains remarkably up-to-date in its call for "comprehensive provision for the basic needs of all," "investing in infrastructure," "supporting societies disrupted by conflict in their efforts to rebuild their social protection systems and eradicate poverty," and for much stronger efforts to improve the situation and protect the human rights of children in especially difficult circumstances" (UN, 1995, pp.57-78. In the later chapter on Social Integration, action to ensure equality and social justice by universal coverage of basic services, correct the "negative effects" of structural adjustment programmes, promote non-discrimination and as well as otherwise enhance human rights and "reduce inequality and economic disparity" are prominent (see pp. 95-110).

deprivation there is confidence in establishing good criteria independent of income to justify the poverty line. The human rights framework is now assisting this process.

### **The Human Rights Framework of Analysis**

Alternative measures can be built securely on the multiplying number of human rights instruments, and especially the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Rights that free individuals from multiple forms of deprivation and meet their needs for basic social services can be distinguished from fundamental rights to income. Thus, all three instruments include fundamental rights to an adequate standard of living and social security, but also to particular social facilities and services. This affords a basis for measurement via appropriate indicators as well as a basis for moral, and legal, obligation to be laid upon "states parties."

The rising tide of interest in human rights corresponds in some ways with the equivalent tide of interest in welfare at the turn of the Nineteenth Century - which led to the establishment of the Welfare State. The idea has taken root and poses very sharp questions for international relations and development. Organisations in the independent sector recognise the strength of a rights-based approach. "In addition to Oxfam, many northern NGOs - Save the Children, World Vision, and CARE, for example, - are moving towards a rights-based framework for building a global movement for development and change" (Offenheiser and Holcombe, 2003, p. 285). Acknowledgment of the influential role of human rights has spread rapidly among campaigning organisations, departments of state and international organisations of every kind. When fully accepted human rights can give additional leverage for action as well as research in the public interest.

There are particular features of the present framework of discussion that are given in outline in Figure 7 [formulation to be extended].

**Figure 7 The Human Rights framework**

**Cardinal features of the Human Rights Approach:**

1. **Multidisciplinarity** – consequences for each discipline as well as interconnections
2. **Universal** – all states parties/ international agencies, and entire wealth/ income distribution
3. **Equal** – rich and poor; non-discriminatory; redistributive; reciprocity
4. **Provides for basic needs** – income; services; facilities
5. **Enforcement** – role of international and national law; international relations; international organisations and TNCs; the dynamics of democracy
6. **Preventive** – structural; organisational; procedural
7. **Collective** – society; community; multicultural; inter-generational
8. **Thoroughgoing internationalism** – standardisation; measurement; analysis of globalisation

Each of these can be argued at length. Together, they explain human rights as an international and scientific framework of thought and not just a moral force.

This framework provides a means of applying new methods of resolving problems that had seemed intractable. First, there can be reliable measurement of multiple severe material and social deprivation, among children in particular (Gordon et al, 2003), to establish without doubt the true extent of the problem of poverty and to pinpoint priorities for action. This is illustrated below.

Methods of measuring human rights are still in their infancy. The operational definition of rights and therefore violations demands imaginative and sustained quantitative, but also qualitative, methods of investigation. The violations are not those only that end life, or involve extreme abuse, the scale of which have to be assembled in statistical handbooks but those that represent affronts to human dignity and identity. In operationalising definition of rights for people of all ages perhaps there has been too much readiness to adapt the more familiar indicators of human development or health, or economic growth, as single indicators of sometimes complex conditions or entitlements rather than build requirements for survey data about the distribution of extreme conditions within and between populations from scratch.

Some social scientists have been deterred from selecting priorities for examination by the idea of the "indivisibility" of human rights. There has been a reluctance to devise multiple indices of certain general conditions or priorities. And the seeming inflexibility in defining a threshold or line between satisfaction and non-satisfaction of each right listed in the Articles of rights - either the individual has a right or she or he has not - creeps into the use of a single indicator to test whether that right has or has not been fulfilled (because selecting multiple indicators raises a lot of questions about multiple criteria in agreeing a threshold when different individuals are in reality on a point in the scale from extreme non-fulfilment to generous fulfilment).

Only in very recent years have serious efforts been made to organise operational definitions in a form that allows multiple non-realisation of rights to be measured reliably and relatively unambiguously. The noteworthy international examples are the Demographic Health Surveys (DHS) and the Multiple Indicator Cluster Surveys (MICS). Similar use can be made regionally of cross-national panel survey data on material and social deprivation among the elderly. Again, statistical data about limiting long-standing illness, or disability, can be adapted for research into violations of rights in later age - in Europe and more widely in the developing world.

### **Human Rights from a UK and European Perspective**

Economic, social and cultural rights are a core element of international human rights protection. It seems that they have been getting more strongly established in the last two decades. Their formulation is of particular significance in dealing with problems of poverty and inequality. While there have been substantial developments in Latin America, China, India and South Africa as well, the recent history in Europe is particularly significant. For the rights of the International Covenant on Economic, Social and Cultural Rights to be effective in practice, they have to be used as a framework for government policy development. As an international treaty the ICESCR is binding on European states in international law only and has a limited impact on domestic law in most member states.

In the UK, for example, the European Convention on Human Rights was incorporated into domestic law in 1998 and strong recommendations are now being made for the further incorporation into such law of parts if not all of the ICESCR. Thus late in 2004 the Joint Parliamentary Committee on Human Rights concluded that an acceptable model could be found and that the impact of new policies

and legislative proposals on the Covenant Rights and on the obligation to progressively realise those rights should be routinely assessed. The Committee's report considered the application of a rights-based approach to issues of poverty, homelessness and education.<sup>6</sup>

The increasing focus in the UK on economic and social rights is more than matched by developments elsewhere in Europe. A new analytical framework has evolved very rapidly. An example is provided by David Feldman, author of *Civil Liberties and Human Rights in England and Wales* and until late 2003 the legal adviser to the UK Parliamentary Joint Committee on Human Rights. The rights so far incorporated into domestic law are not guaranteed against repeal or amendment by Parliament, and the courts cannot strike down incompatible primary legislation. Nonetheless, following precedents elsewhere, the expressed rights are beginning to have a substantial impact on the law, and also on the activities and thinking of administrators, lawyers and politicians.

One example is the transformation among solicitors in the last ten years in the number professing expertise in human rights (Chambers 1998, Feldman, 2002, p. 1088). Lack of the guarantee of rights is not proving to be the serious weakness feared, partly because of the manner in which the ECHR is being observed in Europe. There is also the fact that justiciable and constitutionally entrenched Acts do not provide a complete answer to the demands of individuals and groups – as shown by the work of the Court of Justice of the European Community and the United States Supreme Court and public reactions to their decisions. Public officials, rights activists, politicians and individual citizens have to share responsibility for acceptance, and institutionalisation, of rights. One of the finest examples of what must and can be done is Jenny Watson's report for the British Institute of Human Rights (Watson, 2002). The problem is how to disestablish and redistribute entrenched powers at the same time. There is a trickle-down but also a trickle-up challenge that can be better organised and followed.

The reports of the Joint Committee on Human Rights<sup>7</sup> give testimony to the influence both of the Act and the way in which certain of the objectives of new UK legislation can be framed better in accordance with human rights and implemented quickly and

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<sup>6</sup> Much of the Joint Committee's work has sought to provide scrutiny of new Government bills and anticipate the implications of conformity and non-conformity with the UK's obligations under the six binding UN Conventions, all of which the UK has signed and ratified (see JCHR, 2004).

<sup>7</sup> In the first four years of the existence of the Joint Committee 87 reports were published, not including subsidiary reports and collections of written evidence (see JCHR, 2005).

effectively without provoking political storms. The Committee came to see and comment routinely on *all* Bills in draft form, which assisted the task of implementing human rights with the agreement of Parliament. The Committee also developed a special programme of work to implement features of the principal Act. It argued successfully for a strategic, rights-based Commissioner for Children and Young People and also for an integrated Equalities Human Rights Commission to work in a more concerted way than was proving possible with an assortment of separate bodies against discrimination in all its forms.<sup>8</sup> It is now being set up as the Commission for Equalities and Human Rights, and non-discrimination by age will become legally enforceable next year.

The UK Act incorporates the ECHR, but the emphasis is on civil and political rights and not also on economic, social and cultural rights. The rights to life, to not being subjected to torture, or inhuman or degrading treatment, or forced labour, to an effective remedy and to non-discrimination raise questions of social protection and reconstruction, and therefore stray into a range of possible social and economic rights but this cannot be pressed strongly in law. But the counterpart of the ECHR is the European Social Charter (ESC, 2002; Samuel, 2002). As many as 30 of the member states of the Council of Europe had signed and ratified the charter by 2001. After the Amsterdam Treaty came into force the revised Charter has become an integral part of the structure of the European Community. Many of the Articles reflect European agreement on the "European Social Model." One development applies to the elderly. Article 4 of the additional protocol of 1988 spells out the right of elderly persons to social protection.

Contracting parties undertake directly or through private or public organisations to take measures

1. "to enable elderly persons to remain full members of society for as long as possible by means of:
  - a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

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<sup>8</sup> "The decision to reorganise the institutional arrangements for the promotion of equality has made it an urgent necessity to consider the institutional arrangements for the promotion and protection of human rights more generally. The Government's decision in principle to establish a new equality commission, which will have to consider human rights issues in the context of its own work, makes it necessary for the Government now to resolve the question of a human rights commission....There is still a long way to go in establishing the culture of respect for human rights, and the momentum from the Human Rights Act is ebbing. If it is not revived, the loss will detract from or adversely affect the conduct and performance of public services, and consequently the well-being of those who use them...We believe an independent commission would be the most effective way of achieving the shared aim of bringing about a culture of respect for human rights." (JCHR) Joint Committee on Human Rights (2003), *The Case for a Human Rights Commission*, Sixth Report of Session 2002-3, vol I, HC 489-I, London, TSO.



- b) provision of information about services and facilities available for elderly persons and their opportunities to make use of them;
- 2. to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:
  - a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
  - b) the health care and the services necessitated by their state;
- 3. to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution."

I give this example to suggest that research surveys that have become familiar in Europe and elsewhere can be linked to the monitoring of human rights violations.

### **The European Convention and the European Social Charter**

The continuing linkage of civil and political rights, on the one hand, and economic and social rights, on the other, can be illustrated in other ways. Member states of the Council of Europe signed the European Social Charter in 1961, and the Charter came into force in 1965. Included are rights to special protection for women, children, and young people in employment, rights to provision for health care, social security, welfare services and care for disabled persons. Unlike the ECHR there is no mechanism of enforcement. Instead, biennial reports on progress in relation to rights have to be submitted to the Secretary General of the Council of Europe. These reports are then examined by a Committee of Experts appointed by a Committee of Ministers, and reviewed by the Governmental Social Committee of the Council of Europe.

Until recently this procedure had not been very influential with the UK and other governments. Like the various ILO Conventions the ESC imposes obligations on states that take effect in international law, but does not confer enforceable rights on individuals. Representative or campaigning organisations, and individuals, do not have rights of participation in, or access to, this process.

Matters "changed dramatically" (Feldman, 2003, p. 119) with the collapse of the Soviet Union Government at the end of the 1980s. The Charter was suddenly perceived as an invaluable instrument for evaluating the performance of the new republics in protecting and enhancing social and economic rights. The Director General of the Council of Europe shifted responsibility for the operation of the Charter to the Council's Directorate of Human Rights, so greatly increasing its existing responsibilities for the ECHR. New proposals

to streamline supervision and accountability were introduced. The UK signed the relevant Protocol, and in 1997 signed the revised version of the Charter – though ratification of these agreements is awaited.

At the same time the Social Chapter of the Treaty establishing the European Community obtained greater importance because an agreement was reached by 11 of the then 12 member states (excluding the UK) as part of the Final Act at the Maastricht Summit conference in 1991, becoming part of the Treaty of European Union 1992, and coming into force in 1993. The UK was alone among 15 member states in objecting to the Charter on grounds that it invaded domestic sovereignty and would make industry less competitive. In 1997 the Labour Government reversed this policy and accepted the Social Chapter – so that it could be incorporated into the body of the Treaty establishing the European Communities by the Amsterdam Treaty of 1997. The EC Social Chapter was therefore a significant step towards converting the aspirations of the ESC into “hard law” applicable in national courts. In particular, the scope of European anti-discrimination law - affecting ageism as well as other forms of discrimination - was enlarged as a result. The EC continues to extend access to economic and social rights and integrate these with other, better institutionalised civil and political rights (for example, the proclamation of the EU Chapter of Fundamental Rights in 2000).

One example of using an index of multiple deprivation as a means for analysis and policy and correlating multiple deprivation with income is given in Table 2. This helps to pinpoint violations of the rights of the elderly in relation to national policies.

**Table 2**  
**Percentage of Elderly, by number of forms of material and social deprivation experienced (Britain, PSE, 2000)**

Necessities of life: Number of which deprived (maximum 31)	All pensioners (60/ 65) %	Male pensioners (65+) %	Female pensioners (60+) %
0	63	66	61
1	14	18	12
2	5	5	5
3	5	2	7
4	4	3	5
5-9	6	4	7
10+	3	3	3
All	100	100	100

Number	406	157	249
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Note: Derived from the survey report by Gordon D. et al, 2000, and secondary analysis by Patsios D. 2005.

A second example arises from directly indexing human rights. This derives from recent work on children, in which I participated. A research team based in the University of Bristol found that different Articles of the Convention on the Rights of the Child (including numbers 6, 13, 17, 19, 20, 23-28 and 31) lent themselves to measurement from familiar survey data, graded from extreme violation through severe and moderate to slight and non-existent violation of different forms of material and social deprivation. The problem was to find data of a relatively standardised kind from many countries. Only in recent years have many relatively standardised surveys been carried out in a large number of countries – key examples being the Demographic and Health Surveys (DHS) and the Multiple Indicator Cluster Surveys (MICS). Fortunately, serious material and social deprivation – reflected in a number of the articles of the CRC – could be categorised and measured, including malnutrition, inadequate shelter, no access or poor access to minimally adequate drinking water, sanitation, health care, education and forms of information. The results proved more reliable, and certainly less disputable, than the crude estimates of dollar-a-day poverty estimated by the World Bank. The next stage has been to apply articles of human rights to the measurement of multiple deprivation among adults. For the elderly we can move in successive stages from the ECHR, through the ESC to the International Covenant on Social Rights. I cannot yet offer the statistical results. What I can do is outline the stages of research.

Table 3 illustrates the use of country surveys to grade severity of violation of rights.

[to be inserted]

Table 4 shows that this empirical approach can produce findings that differ from orthodox supposition. In this case more children are deprived of water, adequate sanitation and shelter than of access to health and education services. The hard empirical evidence is difficult to criticise or reject, especially when different forms of deprivation are multiplied. [to be inserted]

Existing research programmes can be related more directly to various Articles of Human Rights than generally supposed. Figure 6 illustrates possible indicators for the illumination of violations of the ECHR. Use could be made of other Articles, like the right to marry (Article 12 and some of the Protocols, such as Article 5 of Protocol

number 7, on equality between spouses, and Article 1, on safeguards in the expulsion of aliens.

**Figure 8**  
**Types of violations of human rights (ECHR), according to possible measured indicators**

Articles of rights	Indicator
Right to life (Article 2)	Relatively low number of expected years of life/ or Premature deaths, by location, age and gender
Prohibition of torture or "inhuman or degrading treatment or punishment" (Article 3)	Degrading care practices in residential and home care
Right to respect for private and family life (Article 8)	Wish in disability to stay in own home; access to surrounding possessions of a familiar kind
Prohibition of discrimination "on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status" (Article 14)	Acceptance for care services, standardised for disability, by minority or gender status.

Figure 9 offers an illustration of the possible construction of indicators of violation of different Articles of the European Social Charter.

**Figure 9**  
**Types of Violations of Human Rights (ESC), according to possible measured indicators**

Articles of rights	Indicator
Resources adequate for full and active life	Annual subjective/objective survey assessment of amount required to escape poverty/multiple deprivation
Facilities and information to lead an active, participating life	Access to range of public and private services, and facilities providing information
Opportunity to lead a life in a home of their choosing	Type of accommodation by degree of disability and preference
Access to appropriate health care	Frequency and speed of utilisation in relation to degree of disability, degree of material and social deprivation and whether and when need for health care identified
Freedom of action and quality of living conditions in residential institutions	Subjective expression of opportunities to act freely; objective assessment of living conditions in relation to measured degree of disability

The International Covenant on Economic and Social Rights can be used to highlight the question of individual and family resources required on average to escape poverty. There are the twin rights to social security and an adequate standard of living - Articles 22 and 25 of the Universal Declaration of Human Rights, Articles 26 and 27 of the CRC and Articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights (Table 4).

**Figure 10**  
**International Covenant on Economic, Social and Cultural Rights**

International Covenant on Economic, Social and Cultural Rights (1966-1976)	Article 9 – The States parties to the present Covenant recognise the right of everyone to social security, including social insurance	Article 11 (1) – The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and family, including adequate food, clothing and housing, and to the continuous improvement of living conditions
Copenhagen World Summit for Social Development (1995) relevant decisions by 117 countries	Action Programme: 38 – Social protection systems should be based on legislation and ... strengthened and expanded ... to protect from poverty people who cannot work...	Action programme 8: Equitable and non-discriminatory distribution of benefits of growth among social groups and countries and expanded access to productive resources for people living in poverty

**Conclusion**

The world has seen only mixed success for the declared objective in the last 50 years of reducing the violations of human rights, including those that address different forms of severe deprivation and poverty. This paper aims to prompt re-examination of the links between “universalism” or human “rights,” and both comprehensive public social service and social security. Targeting as a strategy in developing countries to reduce poverty has become highly controversial and the forms of targeting that have been adopted are increasingly criticised.<sup>9</sup> Success for programmes intended both to restrict public expenditure and yet relieve extreme poverty by

<sup>9</sup> Reports of persisting poverty and deepening inequality in many countries outweigh the modest results that at best reflect the structural adjustment programmes and their successors, including the social funds that were introduced. In developing countries the Programme of Action to Mitigate the Social Cost of Adjustment (PAMSCAD) was set up in the late 1980s to correct the excesses of structural adjustment programmes but was criticised for being underfunded and lacking direction. Donkor (2002) "Structural Adjustment and Mass Poverty in Ghana," in Townsend P. and Gordon D. *World Poverty: New Policies to Defeat an Old Enemy*, Bristol, Policy Press, pp. 226-228.

targeting resources has turned out to be elusive. Action on behalf of children can be the priority, but huge numbers of elderly and disabled people will also continue to experience violation of their fundamental rights unless comprehensive, and principled, action is taken on behalf of society as a whole.

New problems add to the difficulties of hammering out a transformative anti-poverty strategy. In parts of Sub-Saharan Africa the AIDS crisis has compounded already desperate impoverishment. For much of Africa but also for other major regions of the world impoverishment has been compounded by conflict and oppression. The structural problems of the global market have to be addressed urgently.

Among the widely agreed culprits are protectionist trade barriers, destabilising global financial practices, poorly designed rules for intellectual property, and inadequate development assistance (see, for example, Sachs, 2005). However, the necessary imposition upon transnational corporations of universal rules of practice is missing from much current commentary and analysis. Their growing bargaining power from their bargaining positions in headquarter locations in the rich countries they are creating social and economic disequilibrium. This "institutional hierarchy of power" has to be taken seriously. Recent failures of privatisation schemes, and even of major trans-national corporations such as Enron and WorldCom and parts of the financial services industry, provide lessons that have to be learned and acted upon internationally to restore structural stability. Fresh reports of instances of corporate corruption have paved the way for new calls for collective approaches through law and regulation that go a lot further than the minimal and highly variable expressions so far of "corporate social responsibility."<sup>10</sup>

One initial step would be to oblige the biggest transnational corporations that in the value of their turnover dwarf the gross domestic product (GDP) of all but 18 of the richest countries of the world to document the pay and conditions of all workers in their operations in many countries, including sub-contracted workers,

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<sup>10</sup> Support for that change has come from unexpected sources. The former chief economist at the World Bank, Joseph Stiglitz, has written revealingly about corporate greed. Stiglitz J. (2002a), "Corporate Corruption," *The Guardian*, July 4. And see also, Stiglitz J. (2002b), *Globalisation and its Discontents*, London, Allen Lane. Again, in the wake of the \$4b WorldCom scandal in June 2002 Digby Jones, Director-General of the Confederation of British Industry called for new forms of business leadership and for stronger statements about corporate responsibilities in accountancy and administration. Jones D. (2002), Business and media Supplement, *Observer*, 30 June.

and to report payments of tax and contributions to social security in countries of operation. "Corporate social responsibility" remains an aspiration of the few, rather than a force for good that has international legal backing.

What forms might this take – with international support? Enforcing accountability and public service upon transnational corporations through international and national company law is a must. This alternative, entirely practicable, strategy can also be inferred from the history of so-called developed countries. In and after the industrial revolution, many countries resorted to collective remedial measures that included minimal guarantees of labour conditions and the redistributive arrangements of the welfare state. Poverty in the USA, the UK, Japan, Sweden, the Netherlands, and Germany would be twice or three times what it is but for their redistributive tax and benefit programmes, that account for 16–30% of their GDP. By contrast, the poorest countries are able to commit only 1–8% to such programmes. For them the declared fundamental human rights to social security and an adequate standard of living remain distant promises.

Resources to defeat poverty can also be obtained through potentially practicable international taxation. An international tax backed in law, like the currency transfer tax favoured in the 1970s by the economist by James Tobin, would not need to be punitive, and would provide the resources for a UN-directed investment programme **to subsidise the urgent development of cash and in-kind benefit schemes – like those initiated lately as cash benefits for some children in Brazil and South Africa.** At the turn of the 19<sup>th</sup> Century the industrialising powers imposed necessary social security and social service schemes to ensure social and economic stability during a period of economic upheaval. Following changed laws the market adapted its practices accordingly, and poverty was greatly reduced. Similar concessions have to be sought during the present acceleration of global market developments. Universal cash benefit schemes for children, and disabled and elderly people in particular can be introduced by stages. The administrative infrastructures would become a source of economic and social stability as well democratic government to pit against the unravelling problems of conflict, AIDS, and competitive global avarice.

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