

Human Rights and Tackling UK Poverty

Report of roundtable meeting, 17 January 2008



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Introduction

This report provides a record of presentations and discussions at a roundtable meeting on Human Rights and Tackling UK Poverty held on the 17 January 2008.

The meeting was organised by the British Institute of Human Rights, Joseph Rowntree Foundation, Oxfam and Amnesty International to bring together individuals and civil society organisations working on poverty and human rights to:

- Explore the relevance and potential of human rights for poverty eradication in the UK; and
- Identify areas and opportunities for further dialogue and collaboration.

The day included:

- Context setting presentations on key current UK poverty challenges and on human rights
- Inputs from, and discussion with, leading thinkers and practitioners on:
 - What is the potential for current human rights legal and policy frameworks to be better used in tackling poverty?
 - What can human rights offer to practice on the ground that aims to empower people experiencing poverty?
 - What can human rights bring to efforts to communicate the experience of poverty and build public support for poverty eradication?

A range of key individuals and organisations working in the fields of human rights, poverty and across both attended with a view to exploring and sharing each other's perspectives at a time of significant relevant legislative, policy and institutional developments.

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1. Executive summary

Introduction and context

How are human rights and poverty related? What can anti-poverty work bring to work to promote and protect human rights and vice versa? How can we bring work on these two areas closer together in the UK?

These and other important questions were considered at a 'human rights and poverty roundtable', organised by the British Institute of Human Rights, the Joseph Rowntree Foundation, Oxfam and Amnesty International UK, which took place on 17 January 2008. The meeting was attended by a range of individuals and organisations working in the fields of human rights, poverty and across both.¹ This report brings together the presentations and discussions which took place during the meeting.

Explicit links are not often made between human rights and poverty in the UK. Important government documents on social exclusion and poverty rarely mention human rights, and key human rights documents are equally silent about social exclusion or poverty. Despite these poor linkages in public policy there is a growing interest amongst anti-poverty actors in what human rights frameworks and approaches can contribute to the eradication of poverty in the UK. In addition, a number of third sector poverty organisations have begun to develop practice and initiatives that draw on human rights both explicitly and implicitly. At the same time there is a commitment by the current government to tackling poverty and to constitutional reform including a possible British Bill of Rights, and thus a chance for anti-poverty and human rights actors to link these agendas. The Equality and Human Rights Commission has also indicated that it is interested in exploring how its human rights and equality remit can be used as a basis for work on poverty.

In this context of significant relevant legislative, policy and institutional developments it was felt that this was a timely moment to bring key anti-poverty and human rights actors together with a view to exploring and sharing each other's perspectives and identifying areas and opportunities for further dialogue and collaboration.

Overview of the day

The meeting was divided into two main parts. The first part of the day featured introductory presentations on the poverty context in the UK and human rights based approaches, followed by a general discussion on the relationship between poverty and human rights. The latter part of the day looked at the potential of human rights in particular aspects of anti-poverty work – policy and institutional change, public affairs and practice. Each of these discussions was preceded by a short 'think piece' or case study presentation to stimulate discussion.

Summary of key discussion points and proposals

Linkages between tackling poverty and the promotion and protection of human rights:

At the conceptual level, it was recognised that the human rights and anti-poverty agendas have strong links. At the most basic level, the starting point for both is a deep commitment to human dignity and the imperative of realising this for every human being. Both are focused on the fundamental conditions in which we live, and the things we need, as a very minimum, to flourish as human beings. There are also strong causal links between human rights violations and poverty – it is now generally accepted that human rights violations are both a cause and consequence of

¹ A list of participants can be found in the appendix to this report

poverty, in other words human rights violations are 'part of what it means to be poor'.

Opportunities and challenges of strengthening links between work on human rights and poverty in the UK:

Policy and legislative change

- The reporting system for international human rights agreements was seen as a key influencing opportunity. The government has to produce a report every 4 – 5 years for the core international human rights agreements they are signed up to, for example the International Covenant on Economic, Social & Cultural Rights. The government is under an obligation to consult with NGOs over these reports, and NGOs can also produce shadow reports and provide evidence to the Committee that considers the report.
- There were some frustrations around the limitations of the Human Rights Act in terms of tackling poverty – particularly the lack of enforceable economic, social and cultural (ESC) rights in the UK. However it was suggested that the upcoming debate on a new Bill of Rights is a key opportunity to raise ESC rights. It is vital that human rights and anti-poverty actors make them part of the debate.
- Others felt that there are limitations in using human rights litigation to progress poverty concerns in our current UK legal framework, again particularly because of the lack of enforceable ESC rights. However, it was pointed out that the existing civil and political rights in the Human Rights Act are already being used in the poverty sector, for example the Limbuela case where the right not to be treated in an inhuman and degrading way was successfully used to challenge destitution faced by asylum seekers. Test cases are invaluable and can be very effective when backed up with policy campaigning work.

- There is much practical policy work that can be done by anti-poverty organisations in terms of influencing human rights policy debates and campaigning for broader human rights protections, for example debates around the Bill of Rights. There is a range of different human rights tools – local, national and international – that can be drawn on to strengthen anti-poverty policy work.

Public affairs

- There was broad-ranging discussion and some concerns about public perceptions of both human rights and poverty. For example, human rights are often perceived as being only useful to criminals and terrorists, and a large segment of the UK population feels that poverty is an individual's fault.
- However, while there are certainly misconceptions out there, it was felt that the assumption that the public does have negative attitudes towards human rights and poverty should not just be accepted without question. There has not been significant polling on views on human rights in the UK. There is useful learning to be had from recent research in the US on how the public sees human rights (see Dorothy Thomas's presentation, page 28-31), which demonstrates some very positive attitudes towards human rights. This has been very helpful in rolling back the view that negative attitudes are a huge obstacle to linking work on human rights and poverty.
- Linking human rights and poverty was seen to have potential advantages in terms of changing public perceptions of human rights. A focus on human rights approaches to poverty, and economic, social and cultural rights in particular, could help people to see that human rights are not just for criminals and terrorists.
- In terms of communicating about poverty to the general public, there is a recognition

that we need to look forward and find new ways of talking about poverty. Human rights could provide anti-poverty organisations with a powerful new language – moving from needs to entitlements. Human rights are also powerful statements about values we share as human beings.

- There was much discussion around the issue of rights and responsibilities. Many participants felt that there is a strong view among both policy makers and the general public that people's behaviour determines what they are entitled to. We need to look at how we respond to rights and responsibilities arguments – this issue has huge public resonance and cannot just be dismissed. One way of dealing with this is being clear that rights do come with responsibilities – they have a reciprocal nature; we have to respect the rights of others.
- Communication is a challenge – the language used by poverty and human rights actors is often very technical, and can be alienating for the general public.

Practice

- Much of the discussion around work on human rights and poverty in practice focused on empowerment. Human rights frameworks were felt to provide an empowering language that people can understand and communicate through. Human rights language does not treat poverty as personal failure, and gives people the right to stand up for themselves.
- People facing poverty often have very little voice, and it will be a challenge to ensure that processes are properly facilitated to ensure people facing poverty are able to take part in these kinds of discussions. Capacity building to ensure the participation of people experiencing poverty takes time and resources, and needs to be properly addressed. It is also important not to forget

that while the outcome of human rights based approaches to poverty may be that people feel empowered and are participating, the fact of their poverty may still remain. For this reason the impact of the use of human rights based approaches as a tool for change needs further exploration.

- Capacity building for service providers on human rights based approaches to poverty can also be very powerful. Talking to service providers about ideas of human rights can tackle negative perceptions of people experiencing poverty and bring us back to a shared sense of humanity. In addition, work on poverty as a human rights issue will be less effective if the people in power are not aware of their human rights duties and responsibilities.
- The use of human rights litigation to make inroads into poverty issues in a practical way has to date been somewhat limited. However it is important to remember that human rights are not just about the law – there are all sorts of opportunities for using human rights effectively beyond the courtroom.
- There are a number of practical initiatives that have already been developed that link human rights and poverty, and it was felt that there are real opportunities to build on and learn from these.

Ideas and proposals for next steps and further collaboration

A range of practical next steps were suggested by participants of the roundtable which some participants and others might wish to take forward.

Policy and legislative change

- Consider the British Bill of Rights and the possibility of including economic, social and cultural (ESC) rights. As a starting point a range

of poverty and human rights groups could develop and issue a statement advocating a more inclusive, informed and participatory process to debate a Bill of Rights and the potential for incorporating ESC rights.

- Develop an NGO shadow report for the UK's report to the Committee on ESC rights. The Government is also under an obligation to consult with NGOs when producing this – this is a real opportunity to influence.
- Look at comparative strategies and use international models, in particular linking to and learning from work in the US more directly (see Dorothy Thomas's presentation, page 28-31).

Public affairs

- Find new ways of communicating and talking about human rights and poverty issues to the general public. Consider what words, phrases and language we should use in order to communicate human rights and poverty issues in an accessible and positive way. Talk to the media, in particular tabloid journalists.
- Have further discussions around how human rights messages and organisations can be involved in major anti-poverty coalition campaigns e.g. the 'Get Fair' campaign.
- Consider carrying out research on public attitudes towards human rights and poverty, although we need to consider the risks. We need to be able to respond to findings.

Practice

- Pilot some projects/initiatives in a number of areas where human rights and poverty organisations could work together e.g. destitution and asylum seekers, housing, children, healthcare.
- Engage a wider range of actors working on anti-poverty and human rights, including poverty organisations, NGOs, academics etc. We need to think about how to broaden

the group of people we all engage with and involve them in this discussion.

- Instigate more work on human rights and poverty of a multi-dimensional nature and link it at all levels. Grassroots anti-poverty activism is not yet highly developed in the UK – work is still overwhelmingly led by national level organisations.
- Take forward work with a range of groups to build the human rights capacity of the grassroots groups on the ground. We also need to make sure we facilitate the participation of those experiencing poverty in claiming their own human rights.

2. Overview of speakers' presentations and group discussion

Morning session

Chair: **Sarah Cooke OBE, Human Rights Consultant**

The morning session opened with introductory presentations on poverty eradication in the UK and human rights/human rights based approaches. The purpose of these presentations was to provide an introduction to and set the context for poverty and human rights issues and actions in the UK.

Presentation:

Poverty eradication in the UK – overview of key issues, challenges and current responses

Ruth Lister, Professor of Social Policy, Loughborough University

My task is to set the context in relation to the debates around poverty in the UK. Inevitably some of this will be familiar to some of you so I hope you will bear with me. The main areas I will cover are:

- What we mean by poverty in the domestic context.
- Briefly: numbers, trends, patterns.
- The commitment to eradicate child poverty & the current debate around the policies needed to achieve that.
- Social exclusion and anti-social exclusion policies.
- The continued significance of income especially in a context of wide inequality, but the limitations of statistics.
- Attitudes towards and treatment of people in poverty.
- A new politics of poverty, which leads us into the discussion of human rights.

What we mean by poverty

It is tempting to start with a trick question: how does the government define poverty? I suspect many would answer 60% of median income [i.e. the mid point], which is commonly taken as the government definition. But that is a measure not a definition. It's a measure used across the EU and it allows for comparison between countries and over time. But it doesn't tell us what poverty is. Confusing this with a definition leaves one open to the kind of attack made in a Times editorial following publication of a recent JRF report: the editorial suggested that 60% of the median is 'a far cry from an absolute or even meaningful definition of poverty. Poverty', it argued, 'surely is defined in terms of a lack of food, clothing, shelter and access to common amenities.' (03/12/07)

An absolute notion of poverty defines it in subsistence terms. But it is generally accepted among those who research and theorise poverty that this makes no sense in a modern consumer society and that poverty has to be understood in relation to the living standards enjoyed by others in that society. Indeed, it's not even possible to identify basic needs such as food and clothing in purely absolute terms as they are, in part, culturally and socially conditioned. The most obvious example is the importance of brand labels for children and young people, to the extent that they can be bullied if they are wearing the 'wrong' clothes or trainers.

The confusion between definition and measurement is not helped by the government's own conflation of the two. The first real official definition I've seen in recent years was in a

Department for Work and Pensions document on child poverty last year: 'A child in poverty lives in a family with resources that are far lower than the average, with the result that they cannot fully participate in society'. This is clearly a relative definition.

Low income and inability to participate fully in society are key elements of many contemporary relative definitions of poverty; the other is low living standards. And this is captured in the government's new long term measure of child poverty which combines relative low income and various indicators of living standards. It also, confusingly, introduces a third measure, which it calls 'absolute' low income but which isn't actually a measure of absolute poverty as such. Rather it measures changes in income against their value in the base year without taking account of real increases in incomes overall.

Incidence, trends, patterns

The current statistics, which relate to 2005/06, are derived from the 60% median income measure alone. I'm not going to go into the details but would refer you to the latest JRF Monitoring Poverty and Social Exclusion Report which provides them in an accessible way.²

New Labour came to power following an unprecedented increase in the numbers in poverty under the previous government, with children in particular increasingly at risk of poverty. Since New Labour came to power there has been a reduction of about 1.5 million overall in the numbers in poverty, including 600,000 children. However, the latest figures revealed an increase over the previous year and the number of working-age adults without children in poverty has risen since 1997. Moreover, the numbers measured as being in 'deep poverty' i.e. below 40% of the median have not been reduced.

² www.jrf.org.uk/knowledge/findings/socialpolicy/2164.asp

Today around a fifth of the total population lives in a household below the poverty line, with a higher proportion of children who remain at above average risk of poverty (nearly 1 in 3, if measured after housing costs) – and at a particularly high risk in lone parent and in large families. In contrast, people above pension age are no longer at above average risk although of course there remains considerable poverty among this age group.

The risk of poverty is particularly high where there is a disabled person in the household and among minority ethnic groups, most notably Bangladeshi and Pakistani households. Although they are hidden in the stats, we also know that asylum seekers suffer severe poverty and even destitution and that travellers are another highly vulnerable group. The official stats also do not reveal the full extent to which poverty is also gendered. Although they show only a small gender gap today in the proportion of women and men living in households in poverty, research indicates that some women suffer hidden poverty where resources are not shared fairly within households. Also we know that women act as the shock absorbers of poverty as they bear the brunt of managing on a low income and shielding other family members, particularly children, from its full impact.



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The child poverty targets

Although the government publishes a full set of statistics each year, it is the child poverty statistics which are followed most closely because of Tony Blair's historic pledge to eradicate child poverty by 2020 and halve it by 2010/11. The first interim target was not met and now the debate is very much focused on the 2010/11 target.

The government summed up its anti-poverty strategy as 'work for those who can, security for those who cannot'. The main emphasis is on the first part of the mantra. A range of welfare to work policies has been developed for those of working age who are unemployed or workless. One set of policies is designed to move people into paid work. As well as the New Deal schemes, this has involved an extension and toughening up of conditionality through an increased emphasis on rights to social security being conditional on fulfilling obligations to seek work. Most controversial at present is the proposed extension of this condition to lone parents with older children. Welfare to work policies are also involving greater discretion, which groups like CPAG have warned could erode benefit rights.

The other set of policies is directed towards 'making work pay', partly through the introduction of the minimum wage but also through increased reliance on means-tested support in the form of tax credits to supplement wages. Although work-focused policies have contributed significantly to the reduction in child poverty achieved so far and although the risk of poverty is much lower among working families, half of children in poverty are still in families where there is a wage-earner. A recent IPPR report argued that the strategy of 'making work pay' is in fact failing many working low income families. Moreover, there is growing concern about the extent of means-testing involved in the tax credit system and calls for a better balance between tax credits and the universal child benefit.

Less attention is being paid by government to 'security for those who cannot' work. To be fair, it did effect a significant real improvement in benefit rates for children – especially those aged under 11 – which very few people are aware of because it was largely unsung. These rates have now been replaced by child tax credits so that real improvements in these will help children regardless of their parents' employment status. But there has been no real improvement in adult benefit rates and a growing number of organisations are arguing that it will be impossible to eradicate child poverty in workless households without such an increase. On current policies, the consensus is that the target to halve child poverty by 2010/11 will not be achieved. The target has, nevertheless, been recently reaffirmed and there is considerable pressure on the government to commit the necessary resources.

Social exclusion and factors other than income

One issue is the extent to which the most effective policy levers lie in the field of raising income through wages and benefits or in addressing opportunity and aspiration through education and training and intervention in early childhood with policies such as Sure Start. From the outset, the government has also always been clear that poverty is not just about income. The definition of poverty I cited earlier goes on to say that 'It can also mean that the family experiences poorer access to services and other disadvantages such as poorer quality housing and neighbourhoods or lower levels of financial assets'.

These issues are all on the government's social exclusion agenda. When it came to power, the government tended to talk about social exclusion rather than poverty. This was interpreted as an attempt to distance itself from earlier Labour concerns with income poverty and inequality and from redistributive measures to tackle them.

Social exclusion is not synonymous with poverty. For instance racism or homophobia can lead to social exclusion even if someone is reasonably well off. Nevertheless, there are strong links between the two concepts. Conceptually, it can be argued that the idea of social exclusion has helped to highlight certain aspects of poverty such as its multi-dimensionality, its relational nature (of which more in a moment) and questions of process i.e. who is excluding whom from what and how? However, the government's social exclusion agenda has been primarily focused on exclusion from paid work and on particular social problems such as truancy, school exclusions, disadvantaged neighbourhoods, drugs, anti-social behaviour – so that the social exclusion and anti-social behaviour agendas have at times been conflated. The Social Exclusion Task Force, which replaced the SEU, has identified its task in terms of 'a small number of localised problems which require intensive and specific action to help lift the hardest to reach groups out of poverty and disengagement from society. This action needs to be 'targeted, localised and tailored' to particular needs.

While this kind of highly targeted work on social exclusion continues, poverty was of course put firmly back on the agenda with the child poverty pledge. However, economic inequality is still not a target of government policy even though some individual ministers have expressed concern about the extent of inequality. The Fabian Commission on Life Chances and Child Poverty and commentators such as Polly Toynbee have tried to draw attention to the links between poverty and inequality.

More generally, there is still a tendency sometimes in government to try to downplay the significance of low income as such (even though it represents the primary measure of poverty). In response, anti-poverty campaigners emphasise the importance of income to tackling poverty and

hardship and the income statistics in holding the government to account.

Public attitudes and the process of 'othering'

I am among those who would argue the importance of incomes. However, it is important to acknowledge that the income statistics are not very effective in persuading the wider public of the reality of poverty in the UK. Qualitative studies carried out by MORI for the Fabian Commission and for the Joseph Rowntree Foundation (JRF) found that evidence of deprivation and poverty of experience had much greater power to move participants than did figures about numbers living in income poverty. Many people don't believe the low income statistics – or at least that they constitute poverty. While academics have for many years subscribed to a relative notion of poverty, the evidence suggests that many of the general public, including people living in poverty themselves, understand poverty in more absolute terms and use as their reference point the third world and in particular Africa. Paradoxically, this may have been exacerbated by the very success of campaigns such as Make Poverty History.

Analysis of the British Social Attitudes Survey for JRF suggests that about half the population could be described as poverty 'sceptics'. They either do not believe poverty exists or, to the extent that they accept that it does, they are more likely to attribute it to laziness or lack of willpower than social injustice or even bad luck. The MORI/Fabian Commission study tapped into these attitudes and revealed a lack of empathy with people in poverty and a tendency to blame them. This was symptomatic of what can be understood as a process of 'othering' which is central to a conceptualisation of poverty, which is broader than material definitions and measures, to embrace its relational nature: how poverty is understood, represented and

experienced. The notion of othering refers to how people in poverty are thought about, talked about and treated as 'other' from the rest of us. It is a process of differentiation by which social distance is established and maintained and which all too easily serves to justify poverty and inequality by blaming the other for their own and society's problems.

The process of othering takes place at all levels of society including: media representations; the language often used by politicians, for instance that of welfare dependency or the 'underclass' vs 'decent, hard-working families'; and officials and professionals who, it is sometimes felt, treat people in poverty with lack of respect, a theme which emerged strongly from a Social Exclusion Unit report on services for disadvantaged groups. The process of othering is an important factor in the stigma attached to poverty and it contributes to the common negative psychological impact of poverty – in addition to stress and feelings of guilt towards children (who often experience stigma particularly acutely), it 'strips your dignity' as one woman put it. People feel humiliated and as if treated with contempt. On the Commission on Poverty, Participation and Power we found that



The notion of othering refers to how people in poverty are thought about, talked about and treated as 'other' from the rest of us



'lack of respect for people living in poverty was one of the clearest and most heartfelt messages which came across to us'.

A new politics of poverty

The Commission marked an important step in the domestic politics of poverty, symbolised by the fact that half of its members had direct experience of poverty. Its focus was to promote the participation of people in poverty in decision-making that affects their lives. This demand has also been taken up by the European Anti Poverty Network and acknowledged by the European Commission, with official annual European meetings of people experiencing poverty driving the participatory agenda. Thus alongside more traditional campaigns directed at raising incomes and living standards – a politics of redistribution – there have emerged new demands for participation, voice, power and respectful treatment – what I have dubbed a politics of recognition & respect.

Underlying these demands is an acknowledgement of the agency of people living in poverty – that they are not just passive victims but also agents in their own lives, capable of making choices and of contributing the expertise borne of experience to policy-making. This agency is also at the heart of the sustainable livelihoods approach which has been adopted by Oxfam and Church Action on Poverty to analyse the ways in which people in poverty make choices and develop survival strategies – deploying the financial, social, human, public and physical assets available to them – and also how they are constrained when these resources are limited.

This new emphasis on respectful treatment, participation and livelihoods in the politics of poverty is an example of how the politics of poverty in the global North has been influenced by that in the global South and by thinking in

the field of international development. The same is true of the adoption of a human rights conceptualisation of poverty, which is also in part about dignity, respect and participation as well as about the indivisibility of civil, political, economic, social and cultural rights. So far this approach to poverty has not been taken on board by the Westminster government in relation to domestic poverty even though it underpins the Department for International Development's understanding of poverty in the global South. Unlike the Welsh Assembly child poverty strategy, the UK-wide child poverty strategy is divorced from the UN Convention on the Rights of the Child. However, the government has begun to take on board the issue of participation, partly prompted by the demands of the EU with regard to National Action Plans on Social Inclusion.

So in conclusion we can identify two important strands of poverty politics. One is a more traditional politics of redistribution focused in particular on meeting the child poverty targets and on tackling poverty among particular groups such as disabled people, older people, BME groups and women. The other is a more recent politics of recognition & respect which is concerned with how people in poverty are treated. They are not in conflict with each other and to be effective need to be mutually reinforcing.

Presentation:

Human rights and human rights based approaches – an overview of key ideas, legal frameworks and practice

Ceri Goddard, Head of Development and Training, BIHR

& Miranda Kazantzis, Policy Adviser, Amnesty International

Ceri and Miranda gave an overview of:

- Human rights and human rights based approaches – features, purpose, principles

- Human rights law: relevant legal frameworks
- Human rights in practice and potential in tackling poverty

The ideas

Human rights are basic universal rights that belong to every human being, regardless of their circumstances. By acting as a set of minimum legal standards that states must respect in how they treat people, human rights serve to make real and meaningful core values such as human dignity and worth, equality, respect, freedom and democracy. For example, the right to freedom from discrimination supports equality; the right to a basic standard of living supports dignity and the right to a fair trial supports fairness. The universality of human rights means that by definition they are not 'given' or 'endowed' by states – only respected and protected by states or claimed by those who hold them. States cannot 'take away' people's human rights. However, some rights can be



By acting as a set of minimum legal standards that states must respect in how they treat people, human rights serve to make real and meaningful core values such as human dignity and worth, equality, respect, freedom and democracy



limited or restricted in certain circumstances (such as protecting the rights of others), while other rights (such as the right not to be tortured or treated in an inhuman and degrading way) are absolute.

There are different kinds of human rights that reflect our basic human requirements in a wide range of areas – civil and political rights (for example freedom of expression, the right to liberty) and economic, social and cultural rights (for example the right to an adequate standard of living, the right to education). All of these rights are interdependent and interrelated – put together they are what we need to flourish as human beings. The UN Development Programme defines a human right as ‘something to which one is entitled solely by virtue of being a person...enables a person to live with dignity...can be enforced...and entails government obligation.’ This is opposed to a need which they define as ‘an aspiration that can be quite legitimate but not necessarily associated with an obligation by government to cater to it. The satisfaction of a need cannot be enforced.’ They also note that ‘human rights make the difference between being and just merely existing.’

Modern human rights were first legally defined in the Universal Declaration of Human Rights (UDHR), adopted in 1948. The UDHR laid down a set of universal standards of how states should treat people, above and beyond state sovereignty. This was followed by the adoption of UN Conventions on the different kinds of rights (economic, social, cultural, political, civil), on different issues e.g. torture, and on the rights of particular groups e.g. women and children. There are also various other treaties at the regional and domestic levels (e.g. the UK Human Rights Act) which we will discuss in the section on legal frameworks.

What is a human rights based approach?

In essence a human rights based approach (HRBA) is the process by which human rights

values, legal principles and particular rights are made real or realised in peoples lives. A HRBA is based on two key premises – firstly that all people have human rights (we are all rights holders), and secondly that for each right there is a corresponding duty on states to respect, protect and fulfil these rights. In this way a HRBA views human rights as having an important role in governing relations between those with greater and lesser power in a democracy.

The United Nations has identified five key principles of a human rights based approach that can be applied by governments to their work as a whole or by particular public institutions. The first of these is to explicitly apply **human rights values, legal standards and norms across their goals, policy, planning and practice**. In other words looking at issues, decisions and actions in terms of how they impact on human rights. The other four principles relate to how this achieved – ensuring **accountability** mechanisms to claim rights, **empowerment** and **participation of people** in identifying and addressing rights issues, and **non-discrimination**, prioritising those most vulnerable to human rights abuses.

A number of links can be seen between work to tackle poverty and promoting and protecting human rights. These include:

- Shared concerns – poverty as a denial of rights causing or worsening poverty
- Shared principles – such as human dignity, equality, fairness, empowerment
- Shared outcomes or aims – e.g. improved income, better education, improved participation in particular of those with least power and voice, adequate healthcare
- Shared processes – empowerment, active agency and meaningful participation and challenging the ‘otherness’ of people experiencing poverty or the idea that they are somehow lesser

Human rights – the legal frameworks

The UK is subject to human rights law relating to issues of poverty at three levels: internationally; regionally, through European law; and by virtue of UK legislation.

International law

At the international level, the UDHR states that human rights are the foundation of freedom, justice and peace in the world – and places economic, social and cultural (ESC) rights side by side with civil and political rights. Specifically, Article 22 states that everyone has a right to social security and is entitled to the realisation of the ESC rights indispensable for dignity; Article 23 that everyone has the right to work; Article 25 that everyone has the right to a standard of living adequate for health and well-being; and Article 26 that everyone has the right to education. The UDHR represents a common standard of achievement for human rights sought by all members of the United Nations.

The UDHR was followed by the adoption of two covenants – one on civil and political rights (the ICCPR) and one on economic, social and cultural rights (the ICESCR) which enshrine these rights in a more developed and legally binding form, with both instruments containing articles relevant to the alleviation of poverty. Both treaties have been signed and ratified by over 150 states including the UK.

The international treaty of most relevance to poverty alleviation – and the focus of this part of the presentation – is the ICESCR. It enshrines the ESC rights contained in the UDHR and includes the following rights:

- to work
- to education
- to health
- to social security
- to an adequate standard of living (which includes housing, food, nutrition and clothing)

The ‘content’ of each of these rights can be broken down further, for example, the right to work includes just and favourable conditions of work, entailing access to employment without discrimination, free choice of employment and appropriate vocational training/education.

In addition, there are core UN treaties on the rights of particular groups, including women, children and migrant workers. These also contain articles regarding ESC rights. For example, the Convention on the Elimination of All Forms of Discrimination Against Women contains articles obliging state parties to eliminate discrimination against women with respect to education, in employment and in healthcare.

Under international law, state parties have three types of human rights obligations:

- The obligation to **respect**. This requires states to refrain from interfering directly or indirectly with people’s enjoyment of human rights – e.g. a state party cannot carry out forced evictions without due process of law.
- The obligation to **protect**. This requires states to ensure that others do not interfere with the exercise of a right, primarily through effective regulation and remedies – e.g. states must regulate and monitor the treatment of workers by their employers.
- The obligation to **fulfil**. This requires states to promote rights, facilitate access to rights, and provide for those unable to provide for themselves – e.g. a state party must provide defendants with the necessary interpretation to understand court proceedings.

With respect to the rights contained within the ICESCR, state parties are bound to bring about their realisation progressively. Under this obligation, any deliberately retrogressive measures would require careful consideration and need to be fully justified by reference to the totality of the rights provided for in the ICESCR

and in the context of the full use of maximum resources.

States do however have a number of **immediate obligations** with respect to ESC rights:

- States have a duty to take **deliberate, concrete and targeted steps**, as expeditiously and effectively as possible, towards fulfilling these rights. States cannot opt out of this on the grounds that they have not reached a certain level of economic development.
- **Minimum core obligations** must be prioritised. These are the obligations that ensure the satisfaction of, at the very least, minimum essential levels of each right. They are an initial and immediate requirement of the ICESCR.
- All the rights must be applied **without discrimination**, and the **most vulnerable must be prioritised**. The above represents clear guidelines for anti-poverty activity, particularly regarding political and bureaucratic decisions on resource allocation.

How are states held accountable for these obligations?

States are held accountable for these obligations in a number of ways. State Parties to the ICESCR are obliged to report on a regular basis to the UN Committee on ESC rights, which analyses these reports and makes recommendations for change. The Committee also issues General Comments on the scope of rights and obligations under the ICESCR which aid international understanding of the nature of these rights and obligations of states that have agreed to be bound by the ICESCR.

The UK Government has recently submitted its fifth periodic report to the UN Committee, which will be considered next year. On examination of the UK's fourth periodic report, the Committee highlighted the enactment of the HRA 1998 with praise, but also commented on the fact that

the UK had not incorporated the ICESCR into UK law and had not yet prepared a national human rights action plan. The Committee also highlighted the existence of discrimination – amongst other examples of causes for concern.

The UN is also considering the adoption of an Optional Protocol to the ICESCR, which would allow an international remedy for victims who are denied remedies at the national level. The UK Government has played a part in negotiations for the Optional Protocol, but up until early 2008 this was relatively unconstructive, arguing for an a la carte approach to regulation (nb the Human Rights Council adopted a final draft Optional Protocol, which is comprehensive in scope, in June 2008; this is now to be passed to the General Assembly for adoption towards the end of the year).

The Council has also appointed a series of independent experts as Special Rapporteurs on a number of areas including education, adequate housing, adequate food and health. These Rapporteurs report each year on the realisation of these rights and carry out country visits. The UN Special Rapporteur on Education submitted a report on education in the UK in 1999 (this covered differing standards achieved by girls and boys, those with disabilities and by minority groups e.g. Roma).

A new procedure of the Human Rights Council, the Universal Periodic Review, has this year come into existence. By this procedure, each member states' human rights obligations and commitments are analysed on an overall basis. The UK submitted its first report to the Human Rights Council under this mechanism this year.

Council of Europe and European Union law

The UK is party to a number of treaties and international instruments at the European level – both by virtue of its membership of the Council

of Europe, and the European Union.

The most important of these, the European Convention on Human Rights, was adopted by the Council of Europe in 1950. It is the main source of legal human rights protection here in the UK, although its focus is, in the main, on civil and political rights. The Council of Europe also established the European Social Charter, which was adopted in 1961, and the revised European Social Charter of 1996. This charter covers economic and social rights including housing, health, employment and education. The European Union has also established a number of relevant European Directives and Regulations, as well as the European Charter of Fundamental Rights.

UK Law – The Human Rights Act

The Human Rights Act came into force in the UK in October 2000. The Act has two main aims:

- To bring most of the human rights contained in the European Convention on Human Rights into UK law, making it possible for people to raise or claim their human rights within complaints and legal systems here in the UK.
- To bring about a new culture of respect for human rights in the UK. The Human Rights Act is about much more than compliance with the law. The Act was intended to place human rights at the heart of public service delivery, and through this to make rights a reality for all people in the UK.

The Human Rights Act places public authorities in the UK under a duty to respect Convention rights in all that they do. Anyone in the UK who believes that their rights have been breached by a public authority can bring a claim against them in the UK Courts, and in a range of other systems and processes including tribunals, hearings and complaints procedures.

Since coming into force the Human Rights Act has



The Human Rights Act is about much more than compliance with the law. The Act was intended to place human rights at the heart of public service delivery, and through this to make rights a reality for all people in the UK



been used to challenge situations and improve people's lives in a range of ways. For example, the right not to be treated in an inhuman or degrading way has been used to challenge the destitution of asylum seekers with no access to state support; the right to respect for private and family life has been used to challenge evictions of gypsies from their sites; and the right to life and right not to be treated in an inhuman or degrading way has been used to secure emergency housing for domestic violence victims with no other means.

There are a number of current issues/debates on the law in the UK, including:

- A Bill of Rights in the UK
- An Optional Protocol to the ICESCR allowing for individual complaints
- Incorporating the ICESCR into UK law
- The role of the Equality and Human Rights Commission (EHRC)
- Access to legal aid

- Political/media positions on the Human Rights Act – how to change the climate of debate on human rights in the UK

Human rights – practice and potential in tackling poverty

Human rights have been used in a number of ways to tackle poverty. For example through **litigation** – as mentioned previously this has been used to challenge the destitution of asylum seekers. NGOs in Ireland used shadow reports to the UN Committee on the Rights of the Child in a successful **campaign** to secure a children's ombudsman. Residents of a run-down housing estate in Northern Ireland were **empowered** to challenge their poor treatment by housing officials using human rights standards.

There are a number of practical benefits/potential of using human rights based approaches to tackle poverty, including:

- Provides a normative framework – human rights can assist in defining, measuring and monitoring poverty
- Reflects multi-dimensional aspects of poverty
- Provides a legal backbone – legal standards and transparent processes
- Shift from needs to rights
- Emphasis on universal human needs – challenging the 'otherness' of those experiencing poverty

In summary, important points to highlight in linking work on human rights and poverty are:

- There is a strong relationship between aims of human rights and anti-poverty work, but the absence of poverty does not mean that all human rights are fulfilled, nor do all human rights abuses constitute poverty.
- Human rights are important as an end in themselves, but also a means to an end.
- There is significant potential/added value in influencing policy processes and outcomes,

empowering people on the ground and communicating poverty.

- The human rights 'lens' and linked accountability mechanisms have only been applied to UK poverty issues and strategies (by poverty and human rights actors) to a limited extent.

Group discussion:

The inputs from the morning speakers were followed by roundtable discussion, which was broadly focused around the following questions:

- What do people see as the relationship between human rights and poverty?
- How linked is anti-poverty and human rights work in the UK?
- What would be the benefits/challenges of further links?

The key points made in the discussion are summarised below, grouped under the above questions.

The relationship between human rights and poverty

- Human rights and tackling poverty are clearly closely related. The concept of human dignity is very much at the core of both human rights and anti-poverty work. Human rights counter a lot of the myths around poverty.
- Some poverty campaigners have been reluctant to embrace human rights language – partly because of a distrust of the law. Human rights are usually associated with the law, and the law is usually seen as preserving the status quo. But economic, social and cultural rights have potential to change popular perceptions and change the whole nature of the argument.
- In terms of tackling poverty and communicating about poverty to the general public, we need to look forward and find new approaches, new ways of talking about

poverty. Perhaps human rights can provide that. The Universal Declaration of Human Rights (UDHR) provides a different paradigm, with concepts of universality and equality. Human rights may currently be contested, but something very important happened around the UDHR that we need to hold on to and build on.

- Some people felt there is a distinction between 'rights based approaches', where anti-poverty organisations work to inform people about their various legal rights, drawing on principles of respect, human dignity and agency; and 'human rights based approaches' which use human rights more explicitly. Since the Human Rights Act came into force, those already taking a 'rights based approach' have started to draw on human rights legislation.

Linking anti-poverty and human rights work

- Some anti-poverty organisations present at the roundtable explicitly use human rights in their work, for example ADT 4th World views itself as a human rights organisation, and takes the view that wherever poverty exists, human rights are violated.
- A lot of anti-poverty organisations do not link their work to human rights explicitly or perhaps even consciously. However their work draws on the same values – there are very few people working on poverty who would not see values such as dignity and respect as fundamental to their work.
- There is reluctance within some anti-poverty organisations about how far they link their poverty work to human rights, largely because of perceived negative public perceptions about human rights. Some poverty organisations have actually distanced themselves from the language of rights.
- Not many organisations use the idea of children's rights – some believe that children's rights do not play too well with the public, who may worry that children's rights will impinge on adult's rights.

- The poverty sector has so far been completely absent from policy debates around human rights e.g. the Bill of Rights consultation. There is very practical policy work that can be done here.
- Generally, the Human Rights Act has not been as useful as many hoped as a litigation tool for combating poverty, although there have been some spectacular successes e.g. the Limbuela case involving destitute asylum seekers who the courts confirmed had been subjected to inhuman and degrading treatment in the UK.

Challenges

- There was much discussion around the issue of rights and responsibilities. Debates around human rights, in particular those around the Bill of Rights, have become rather sidelined into debates about rights and responsibilities. When the government talks about rights they are really talking about entitlements – which are conditional. It is a strong view among both policy makers and the general public that people's behaviour determines what they are entitled to. It was felt there was a need to look at how to respond to rights and responsibilities arguments – this issue has huge public resonance and cannot just be dismissed. One way of dealing with this is being clear that rights do come with responsibilities – they have a reciprocal nature: we have to respect the rights of others. This kind of approach has been taken in Northern Ireland.
- There was also broad-ranging discussion around perceived negative public views of human rights – which could impact on their use for poverty organisations. Also, some people think of human rights as only being relevant for overseas, which reinforces the view that poverty is an overseas issue. Adding human rights to poverty campaigns could potentially put people off rather than benefit the campaigns. In the current climate it may be that human rights have more to gain from

poverty than poverty does from human rights – a focus on human rights approaches to poverty could help people see that human rights are not just for criminals and terrorists.

- However, negative public perceptions are also an issue for anti-poverty actors. There are challenges even around using the word poverty. The general public has difficulty accepting that there are structural causes of poverty – they see people in poverty as having made their own bad decisions.
- There were frustrations around the limitations of the Human Rights Act, in particular the lack of enforceable economic, social and cultural rights (ESC) in the UK. The debate around a Bill of Rights and rights generally at the government level disregards ESC rights, viewing them as carrying less weight than civil and political rights.
- Another frustration was the limitations of human rights litigation in our current UK legal framework e.g. having to use the right not to be tortured or treated in an inhuman or degrading way rather than the right to shelter in the case of destitute, homeless asylum seekers.
- Working with asylum seekers is particularly difficult. There is a broad consensus in the public that asylum seekers are not entitled to anything in this country. How can you use human rights to tackle views such as these?
- There are problems in the way that people in power view human rights. In the last 20 years or so the universality of human rights has been seriously undermined and/or questioned by many in power.
- A lot of poverty issues relate not only to those in poverty, or the government, but also to other actors e.g. employers. But human rights mostly govern the relationship between the state and the individual. Does a human rights based approach have anything to say about these actors?

Benefits

- The general view was that while there may be a number of challenges around linking work on human rights and poverty, human rights and poverty are closely related. Human rights have real potential to add value to anti-poverty campaigns.
- Human rights provide an empowering language that people can understand and communicate through. Human rights are powerful statements about values we share as human beings on the planet. The language of rights gives ownership to people in poverty themselves, a language to communicate their issues. Human rights language does not treat poverty as personal failure, and gives people the right to stand up for themselves.
- While there may be false perceptions regarding human rights among the general public, once people begin to understand what human rights really are about they begin to view human rights in a positive way. Age Concern has done some research on attitudes to human rights among older people. They have found that while the initial reaction to human rights may be negative, once they are properly explained their views become hugely positive.
- Human rights frameworks can help to highlight structural causes of poverty. This is especially important (and empowering) for people in poverty.
- There are opportunities to target those in power as duty bearers – rights are universal, with particular obligations.
- The idea of human dignity really opens up doors, looking at how people are treated.
- An advantage of a human rights based approach is that it could highlight the problems of a means-tested approach.
- Part of the added value of human rights above citizenship rights is their value for non-citizens such as asylum seekers.
- While the use of human rights litigation to make inroads into poverty issues has to date

been somewhat limited, there are all sorts of ways that human rights can be used effectively beyond the courtroom.

- We should not ignore international human rights agreements. Policy campaigns should emphasise the ESC rights promises the UK Government has made at an international level – promises that are not kept and are ignored by policy makers.
- There is very practical policy work that can be done by anti-poverty organisations in terms of influencing human rights policy debates and campaigning for broader human rights protections. For example, stimulating debate around including ESC rights in the UK Bill of Rights.
- It was suggested that anti-poverty organisations need to be more courageous. They could step back from how difficult talking about rights can be and start asking how did it get so difficult? We should stop worrying about the lack of popularity and be brave enough to enter the new debate.

Afternoon session

Chair: **Ceri Goddard, Head of Development and Training, BIHR**

Discussion topic 1 – What is the potential for current human rights legal and policy frameworks to be better used in tackling poverty?

Speaker input: **Maggie Beirne, Director, Committee on the Administration of Justice**

My brief is to give some practical examples of how in Northern Ireland (NI) we are starting to integrate the poverty and rights debate in different ways – at local, NI and international levels.

In relation to the local level, we will be seeing a video in the next section about the Participation and Practice of Rights project. This shows how people in a block of high rise flats in one of the poorest areas of Belfast started to express their

concerns in rights terms and used a combination of standards, hearings involving international activists, and media to bring a rights based approach to their interventions with the public housing authorities.

I can also give a very different example of a local community which started to take great pride in themselves and their area once they started to apply rights language to their campaigns. After a visit to talk purely about the rights of young men when stopped and harassed on a Saturday night by local police, the session turned into a broader discussion of rights. They decided to devote some of their time to discuss human rights. In due course, they started to put the concepts and language to use in campaigning with older people on the estate to oblige the housing authorities to engage with residents about a fuel decision. Having initially assumed that the authorities could make decisions for everyone else, they were quickly stopped short and obliged to engage with



Interestingly, while civil and political rights might seem very contentious, people are willing to work across all the communities to ensure standards in housing, health and education, and do this on a cross community basis



local householders to discuss the pros and cons of different options. The campaign – which was a great success – imbued the young people and the broader community with a much greater sense of self-confidence and ability to challenge policy makers, and made them feel much more agents of their own change. They believe very firmly that their adoption of the language and tactics of rights gave them the wherewithal to become part of the process of change that has been underway for nearly a decade now in the estate.

At the NI-level we have engaged in a campaign for a Bill of Rights (BoR) for Northern Ireland. Interestingly, while civil and political rights might seem very contentious, people are willing to work across all the communities to ensure standards in housing, health and education, and do this on a cross community basis. But the political signals are not great. Our local politicians, denied power for so long, have some reservations about disciplining their power in the area of wealth distribution and will not warmly embrace a BoR with economic, social and cultural (ESC) rights. These reservations are all the more obvious in Britain and the long delays we have experienced (after all the BoR was promised ten years ago in the peace agreement) is due to neither the Irish nor British governments wanting to see a strong and inclusive BoR for NI that might trigger requests for the same in neighbouring jurisdictions. So, the level of political resistance to the concept of ESC rights is very marked. This is all the more so when one sees the variety of anti-poverty initiatives that are launched, but are never effectively operationalised, and then merely re-launched under a new name in due course. We are arguing that the anti-poverty strategy be put on a statutory framework; in the meantime, we are using the equality duty to get poverty issues onto the agenda in the course of budgetary debates, and in the debate about using government procurement to best effect (e.g. addressing the needs of the long-term unemployed etc.).



When the UN Committee on ESC rights calls for more refuges for those suffering domestic violence (which it did during a previous examination), this recommendation should figure in every single campaign and funding request of those working on domestic violence



Last but not least, at the international level we have often experienced a direct impact when positive decisions get made at UN or European scrutiny bodies (the ending of ill treatment in the early 90s, introduction of anti-race discrimination legislation in the late 90s). It is vital that sovereign nations not be allowed to feel that there is no accountability in the area of ESC rights and that the mechanisms that do exist are used fully. Nor is it enough to use the examination at the time, and get good recommendations, but it is vital to make sure that these recommendations are implemented. When the UN Committee on ESC rights calls for more refuges for those suffering domestic violence (which it did during a previous examination), this recommendation should figure in every single campaign and funding request of those working on domestic violence.

So, to conclude, rights are not a panacea, but they do help people take charge of their own lives and become part of the 'solution' and no

longer part of a 'problem' to be resolved by others. The poverty arena has much to gain from human rights and the human rights agenda certainly has much to learn by rooting more of their discourse in the issue of poverty. There are new opportunities now and the new Equality and Human Rights Commission is only one, but it should be actively encouraged to give clear signals about the inter-relationship of these agendas. It would be certainly counter-productive if inadvertently or deliberately they maintained the false dichotomy between them that is really something set in trend by the Cold War divisions of over fifty years ago!

Key points from the following roundtable discussion:

- Non-governmental organisations (NGOs) are able to provide shadow reports to the UN Committee on ESC rights alongside the UK government's report. Reports are submitted every 5 years; the UK government has just submitted a report but there is still time for shadow reports and consultation. The Ministry of Justice is the lead organisation on reporting. The government is under an obligation to consult with NGOs – there is a real opportunity to influence them here.
- The UN Committee on ESC rights can take evidence not just from governments but also from NGOs – there has been some particular work done on this in Canada. This could provide an opportunity to influence the UN Committee.
- The upcoming debate on a new Bill of Rights is a key opportunity to raise ESC rights – we should not give up easily, although the government is dismissive.
- At the international level, particularly in South America, there has been some interesting work done on 'human rights budgeting', particularly in the area of children's rights. This starts to unpack the provisions of international treaties, for example what is meant by 'progressive realisation'.
- Post Hurricane Katrina in the US, with the deprivation of housing, there was use of the UN language of 'a right to return' to shore up local demand for return and put pressure on the government.
- The existing civil and political rights in the Human Rights Act are already being used in the poverty sector. It is important to talk about international work but we should not lose sight of how human rights are being used already to tackle poverty in the UK, e.g. Limbuela asylum seeker deprivation case, traveller's family life and discrimination cases. We shouldn't forget the place of test cases – they can be very effective when backed up with policy campaigning work.
- It is also important not to forget the power of working at the local level, with local users, communities and neighbourhoods. There are moves to devolve power to a much more local and community level. Discussions around this have not focused on rights but there could be quite an interesting opportunity here to bring rights in.
- Should anti-discrimination protections in the UK be widened to include poverty as a prohibited ground? What role could the extended human rights approach to anti-discrimination play here?
- It should be possible to pick and choose from a range of different human rights tools – local, national and international – and use them as a package in policy work. It's good to have a combination of different strategies and instruments – sometimes use of UN Conventions will be more appropriate and others the Human Rights Act.
- A wider range of actors should be engaged in work on anti-poverty and human rights, including poverty organisations, NGOs, academics etc. This is key to support the longer process of gaining popular support.

Discussion topic 2 – What can human rights offer to practice on the ground that aims to empower people experiencing poverty?

Film: The Participation and Practice of Rights Project

At the beginning of this session participants were shown a short film about the Participation and Practice of Rights (PPR) Project, Northern Ireland. Staff from the project were unable to attend on the day so the film was introduced by Roisin Cavanagh, BIHR.

The PPR Project is a coalition of groups and organisations working on social justice issues in Ireland with emphasis on North Inner City Dublin and North Belfast. The project aims to give individuals, groups and communities the tools and support they need to actively assert and campaign for their social and economic rights.

The PPR Project understands an approach which, at its core, addresses the power relationship between duty bearers and rights holders. By empowering communities to assert their social and economic rights, the human rights based approach promotes participation by affected communities in decisions which affect their lives. This approach has the potential to increase the responsiveness of the state, thereby enhancing democratic accountability on the basis of rights.

The use of a human rights based approach in the project acknowledges the systematic and institutional exclusion of disadvantaged communities from participation, and the means to access participation, in terms of resource allocation and service delivery decisions. There is also an acknowledgement that in order to achieve sustainable change, the processes of changing power relationships are as important as 'getting the result'. There is no short cut to redressing power imbalances.

In late 2006 and early 2007, the project began 'human rights based approach' training with two groups of residents from across North Belfast – families bereaved through suicide and residents of the Seven Towers high rise complex in the New Lodge area. The project staff worked with the residents to develop human rights baselines, indicators and benchmarks to measure the government's 'progressive realisation', or otherwise, of their respective rights to health and housing. An international panel of human rights and housing experts was convened giving the residents the opportunity to provide evidence on the specific issues they were facing.

On the 3rd July 2007 the housing minister visited the Seven Towers and spoke to residents and made a commitment that the housing executive would meet the human rights indicators as set out by the residents.

The project aims to develop and test a replicable model of how communities can use a 'human rights based approach' to tackle social and economic deprivation but it is still in its early stages.

Speaker input: Matt Davies, National Coordinator, ADT 4th World

I'm going to present the work we are doing with families experiencing poverty around one of our key aims to understand better how to support parents. In practice, this has involved supporting families in poverty to achieve their right to a family life when they are subject to child protection investigations concerning neglect, when our knowledge of the family leads us to believe the issue at stake is poverty. Issues we face include:

- 1) Power imbalance between parents living in poverty and social workers on knowledge of rights. Examples of parents being told they cannot have access to their files when this is their right.

- 2) Lack of voice: Within an assessment or investigation, the parents' voice is not heard due to focus on professionals' views and the stressful nature of the issues involved for parents. An example of this is a mother's diagnosis of her child's mental health being ignored and the focus being placed on her own parenting capacity.
- 3) Lack of access to adequate legal representation: disadvantaged families receiving legal aid are more likely to be represented by trainee solicitors or paralegals.
- 4) 'Povertyism' – discrimination based on prejudice and stereotypes of people living in poverty. An example is the issue of 'multiple carers': a single parent may be criticised for leaving a child with neighbours or friends whereas a family with means may leave children with different babysitters, au pairs etc.

Our role is to empower parents to know and understand their rights within an investigation or assessment. We also act as a go-between between parents and social workers to aid communication and help social workers understand the effects of poverty on family life.

This work and the knowledge acquired has led to a project to train parents experiencing poverty to become trainers within social work education, running poverty awareness workshops on university social work courses. This enables social workers to become more aware of the impact poverty has on a parent's right to family life and how their practice can make a positive difference. More info can be found at http://www.atd-uk.org/ukprogrammes/ATD_RightTrainers.pdf.

Key points from the following roundtable discussion:

- It is important not to forget that while the outcome of human rights based approaches to poverty may be that people feel empowered

and are participating, the fact of their poverty may still remain.

- When people realise they are part of a collective, a movement, it is much easier to talk about claiming rights.
- It's good to work on both sides – with those facing disadvantage and those in power. Work on poverty and human rights will be less effective if the people in power do not know what their responsibilities are.
- Capacity building for service providers can be very powerful. Talking to service providers about ideas of human rights takes them away from negative perceptions and back to shared humanity.
- Capacity building for people experiencing poverty can take some time. It needs to start where people are at and take the lead from them.
- Single people are one of the biggest groups of people facing poverty. They have very little voice – this needs to be considered a bit more.
- 'Povertyism' and 'differential treatment' are real issues in the UK. However, this is often very anecdotal – there is a lack of research and documentation of differential treatment. When it is documented it is a much more powerful tool.
- We need to address the direct participation of people in poverty in these discussions, and diversity more generally.
- The Joseph Rowntree Foundation is scoping some potential work to research attitudes of frontline workers to poverty.
- Institutionalised discrimination can also occur – be that due to individual attitudes, organisational culture or pragmatic causes such as lack of finances, time or capacity.
- Today is a real learning curve – human rights provide a really interesting angle and tool in terms of tackling poverty and anti-discrimination.

Discussion topic 3 – What can human rights bring to efforts to communicate the experience

of poverty and build public support for poverty eradication?

Speaker input 1: Teresa Hanley, Manager, Public Interest in Poverty Issues, Joseph Rowntree Foundation

My task is to give you a quick overview of some of the research on attitudes to poverty and associated implications it has for communication on poverty in the UK. By this I mean the opportunities and challenges there are to get people talking about poverty in an informed way, with a particular view to building public and political support to address UK poverty.

- 1) The first issue is the relatively low levels of public awareness that poverty exists in the UK.
 - The majority agree there is poverty in the UK – but a sizeable minority disagree (40%).
 - Most underestimate levels of child poverty.
 - The UK public is less well informed than European counterparts.
 - The UK public is more inclined to blame those experiencing poverty for their poverty.
 - Nearly half think it will increase in next 10 years.

- 2) In focus group discussions a common response was discomfort with talking about poverty in the UK.
 - There is no language for it; no common picture of it. People tend to draw on extreme images and situations past and present (e.g. Dickensian images, or more currently homeless people on the streets).
 - This situation is exacerbated by the stigma associated with poverty – it is not an identity people want to claim so they do not talk about it either. The quotes below illustrate this experience and are drawn from recent work we did with the UK Coalition Against Poverty:

“One of the things about being in poverty, you feel that people are looking and saying he’s not very good or whatever, I’m better than you.”

“...you are frightened to say you are poor”

- 3) Understanding of poverty in the UK – a large segment of the population think poverty is either an individual’s own fault OR is something that cannot be addressed i.e. is inevitable. **Less than one in five people think people are poor due to social injustice.** This gives quite a difficult starting platform from which to build momentum, action and support for change.

In response to the question of why do you think people are in poverty:

- 19% Reflects social injustice
 - 13% People are unlucky
 - 32% Inevitable part of life
 - 28% Laziness
 - 8% No answer
- 4) But some people are willing to come into a conversation on poverty and explore their views. In focus group discussions we found that when faced particularly with an individual’s own story of hardship – for instance coping with insecure work, dealing with unexpected costs, coping with particular issues (e.g. disability) people are willing to come **into a conversation**. We have found that a combination of the following elements helps to bring people into a constructive debate on poverty:
 - An individual story – not statistics – ideally through personal contact, the chance to hear someone speak themselves about their situation;
 - Links to the bigger picture – information and explanations on the wider, structural reasons for poverty beyond an individual’s control; and

- Identification of solutions – build people's awareness that solutions exist and poverty is not inevitable.
- 5) Also on the positive side, there are many initiatives building public support for poverty eradication:
- Campaigns – 2008 Get Fair campaign; End Child Poverty.
 - Media own initiatives e.g. Glasgow Herald coverage of poverty in Glasgow – special features in the press.
 - National and local poverty hearings – poverty and housing hearings in January/February 2008.
 - Initiatives to link people with experience of poverty to government officials e.g. Department for Work and Pensions and others.
 - Linking people with experience to others – e.g. inter-generational projects in Northern Ireland discussing poverty today and 50 years ago.
 - Work with the media – JRF is undertaking research on media coverage of poverty. Also, together with the Media Trust and Society of Editors we will produce a practical guide for reporting poverty.

Speaker input 2: Dorothy Thomas, visiting Fellow, Centre for the Study of Human Rights, London School of Economics

My country of origin – the United States – is not one that is usually associated with defining poverty as an issue of fundamental human rights. Poverty as a matter of personal responsibility? DEFINITELY. Poverty as a matter for private charity? FOR SURE. But poverty as a problem of structural inequality that the government has a legal and moral obligation to acknowledge and remedy? NOT SO MUCH.

For the past decade I have been part of a

growing domestic human rights movement in the United States not unlike your own. This movement has been fueled in no small measure by the work of anti-poverty activists determined to challenge fundamental misconceptions about people living in poverty and about poverty itself, and to do so by communicating and carrying out their work in terms of human rights.

I am going to draw on some examples of the communications aspect of this work, not so much because I think it will tell you anything you don't already know, but in the hope that a critical look at such efforts in a different (although not entirely dissimilar) context may contribute to today's conversation about how to proceed in this one.

I am going to rely on some written materials to very briefly illustrate three examples of the ways in which US anti-poverty activists have used human rights as a affirmative communications strategy 1) to change the conception of poverty itself, 2) to recast the image of people living in poverty and 3) to prompt people to act, including in the most affected communities. I'll then conclude with a misleadingly short list of some of the challenges this work has faced.

First, at the conceptual level regarding poverty itself, one of the prevailing mis-conceptions about poverty in the United States is that it is mainly a result of personal responsibility. Consider for example, that the US welfare reform law is known as the Personal Responsibility Act. The use of human rights – even as purely a linguistic frame for discussing poverty – shifts the burden of responsibility for poverty off the individual and on to the state, and communicates its structural rather than individual causes. In a 2005 New York City report, for example, **"HUNGER IS NO ACCIDENT: New York and Federal Welfare Policies Violate the Right to Food"**, US anti-hunger activists used the language of human rights to make this fundamental conceptual shift.



The use of human rights shifts the burden of responsibility for poverty off the individual and on to the state



They demonstrated that rather than being the result of lack of initiative or worse on the part of needy people, rising hunger in New York City was directly attributable to significant, systemic barriers being put in place by both the state and federal governments to eligible people being able to access food. This linguistic shift paved the way for a more substantial political and legal debate, including a campaign to protest the undue and discriminatory denial of food stamps by state authorities.

Second, with respect to the image of those living in poverty, the rhetoric of personal responsibility in the United States relies for its effect on the dehumanisation and even demonisation of the people living in poverty themselves. Both the language and the method of human rights help to communicate a much different picture. A 2007 report on the treatment of children in US state schools for example, **“DEPRIVED OF DIGNITY: Degrading Treatment and Abusive Discipline in New York and Los Angeles Public Schools”**, uses human rights not only to reframe the discipline of students in terms of their inherent dignity, but also to put a human face on the affected pupils themselves. As both a linguistic

and methodological matter, the use of human rights puts the students themselves at the centre of the story and, more important, positions them as key actors in its remedy. This changes both the description of the nature of the problem at the state schools and the image of those perceived to be responsible for it. This approach helped contribute to the introduction of a new disciplinary policy in LA schools emphasising positive support over punitive sanction. This same approach is now being attempted in New York City.

Finally, to evaluate the success of human rights as an anti-poverty communications strategy, we have to ask whether or not, having challenged misconceptions about poverty and about people living in poverty, it actually prompts anyone to do anything that actually changes the lives of those affected by poverty.

It's safe to say that human rights is no magic messaging bullet for eliminating poverty, any more than any other anti-poverty (or human rights) communications strategy has proven to be. Nor should it be deployed or assessed in isolation from other approaches being used at the same time. But the use of human rights to communicate about these issues has had a discernable effect in terms of prompting people to act. By framing poverty issues in human rights terms, and using human rights fact-finding and organising methods, US anti-poverty activists across a wide-range of issue areas have had amazing success, for example, at mobilising, making visible and giving voice to impoverished people and communities that otherwise felt they had no power, no claim and, at some fundamental level, no hope.

In the case of the Coalition of Immokalee Workers in Florida, discussed in a NY Times piece by Eric Schlosser for example, **“A SIDE ORDER OF HUMAN RIGHTS,”** the campaigners used human rights language, fact-finding and

organising methods to communicate to the migrant tomato pickers who are their main constituents that there are larger forces at work in the punishing poverty that they face and that they have a right to be treated fairly and with respect. This led workers all over the state to come together to demand improved wages and working conditions. Their campaign led Taco Bell to pay more to the pickers for the tomatoes it purchases from the Immokalee region, and the Coalition is now focusing its efforts on Burger King. As one picker put it to Schlosser: "As poor people, part of a poor community here in the US, the dignity of our community is the most valuable thing. And we must defend that dignity. We cannot let corporations like Burger King step on the most valuable thing for us, our dignity. That's why we must keep going with the struggle."

That mobilising effect of the struggle for basic human dignity goes well beyond the workers themselves as is reflected in its growing appeal to US students, who in November 2007, for example, protested outside the New York headquarters of Goldman Sachs, one of Burger King's largest investors, on the grounds that the 2006 bonuses of twelve of Goldman's executives equaled twice what Florida's 10,000 tomato pickers took home that year. In a bit of counter-messaging I can't resist sharing with this audience, the association that represents Florida's tomato growers has denounced the farm worker/student campaign for fair wages and dignified treatment as "pretty much near un-American."

Having briefly looked at ways in which human rights language and methods can help to enhance anti-poverty communications strategies, I want to close with a note on challenges. I've decided to cut my already abbreviated list down to just one factor: AUDIENCE.

In my experience so far, nothing about using

human rights to communicate anti-poverty issues is 'cookie cutter' in nature. Everything depends on to whom you are talking, about what, to what end and in what context. The communications work in the United States that I've described has faced at least three major challenges in this area.

The first is the challenge of the human rights and anti-poverty activists communicating with one another, one which you have obviously already begun to address. We found that one helpful way to move forward in this regard is to identify some discrete issues on which we could meaningfully work together and secure some support to elaborate our shared strategy. The reports I've mentioned above illustrate some initial results of that approach.

The second, and more daunting challenge in my view, is the way in which human rights and anti-poverty activists, having decided to work together, then go on to communicate their issues to the general public. In this regard, in the United States at least, we face substantial obstacles as a result of the perceived 'baggage' associated with **both** the poverty and the human rights 'frames'. In one effort to address this challenge, we have just commissioned some polling and focus group work specifically on poverty and human rights [**See 'Human Rights in the US; Opinion Research'**] to help us craft a more effective message in this area and others. It has already yielded some surprisingly encouraging results.

And, finally, we face the challenge of communicating effectively with opinion and policy makers, and you know what a considerable challenge that is. But if we've learned anything in this regard worth sharing from the US work I've described, it's that effective communications to this (or really any) audience depends as much on the **messenger** as it does on the **message**. Ultimately, the power of the human rights/anti-poverty message depends not only

on articulating it but on building the commitment and the capacity of our movements to deliver it.

Key points from the following roundtable discussion:

- Learning from the US is very relevant. Research in the US on how the public sees human rights – which actually demonstrates some very positive attitudes towards human rights – is very helpful in rolling back views like ‘it can’t be done’.
- Talking today is an important first step in linking human rights and poverty better in the UK.
- We don’t have any comparable polling like that undertaken in the US on views on human rights in the UK. We’re always being told that the UK public does not care about human rights and poverty, but this is a problematic assumption. We have almost co-opted that assumption ourselves. Human rights and poverty organisations seem to accept that the public does have negative attitudes. There are certainly misconceptions out there, but initial evidence shows that attitudes change very quickly when you actually tell people about the issues.
- We need to look at both tackling public attitudes and policymakers. This can’t be done sequentially – they are interdependent.
- The idea of poverty as part of the human rights movement in the UK is exciting. Human rights have been lost from the left. They have been used and distorted by the War on Terror, turning human rights into something negative. Bringing poverty and human rights together could really bring people back on board.
- Work on human rights and poverty should be multi-dimensional and happen and link at all levels. Work at the community level is particularly important to avoid ‘othering’. It is important not to forget how localised the experience of poverty is for people experiencing it. Grassroots anti-poverty activism is not yet highly developed in the UK – work is still overwhelmingly led by national level organisations.
- Anti-poverty organisations are in a strange position to be campaigning for something the government wants to do. But the government is saying that we have to change public awareness to enable this to happen.
- The language we use is very technical. We need to think about what words, phrases and language get people on our side.
- Low awareness of issues among the general public should not stymie action, but at the same time it is very important to know what is happening and where people are at. We should not let the scale of the problem blind us from doing anything about it.

3. Ideas and proposals for next steps and further collaboration

A range of practical next steps were suggested by participants of the roundtable which some participants and others might wish to take forward.

Policy and legislative change

- Consider the British Bill of Rights and the possibility of including economic, social and cultural (ESC) rights. As a starting point a range of poverty and human rights groups could develop and issue a statement advocating a more inclusive, informed and participatory process to debate a Bill of Rights and the potential for incorporating ESC rights.
- Develop an NGO shadow report for the UK's report to the Committee on ESC rights. The government is also under an obligation to consult with NGOs when producing this – this is a real opportunity to influence.
- Look at comparative strategies and use international models, in particular linking to and learning from work in the US more directly (see Dorothy Thomas's presentation, page 28-31).

Public affairs

- Find new ways of communicating and talking about human rights and poverty issues to the general public. Consider what words, phrases and language we should use in order to communicate human rights and poverty issues in an accessible and positive way. Talk to the media, in particular tabloid journalists.
- Have further discussions around how human rights messages and organisations can be involved in major anti-poverty coalition campaigns e.g. the 'Get Fair' campaign.
- Consider carrying out research on public attitudes towards human rights and poverty,

although we need to consider the risks. We need to be able to respond to findings.

Practice

- Pilot some projects/initiatives in a number of areas where human rights and poverty organisations could work together e.g. destitution and asylum seekers, housing, children, healthcare.
- Engage a wider range of actors working on anti-poverty and human rights, including poverty organisations, NGOs, academics etc. We need to think about how to broaden the group of people we all engage with and involve them in this discussion.
- Instigate more work on human rights and poverty of a multi-dimensional nature and link it at all levels. Grassroots anti-poverty activism is not yet highly developed in the UK – work is still overwhelmingly led by national level organisations.
- Take forward work with a range of groups to build the human rights capacity of the grassroots groups on the ground. We also need to make sure we facilitate the participation of those experiencing poverty in claiming their own human rights.

Appendix 1: Agenda

Morning Chair **Sarah Cooke, Consultant**

Afternoon Chair: **Ceri Goddard, Head of Development and Training, BIHR**

	Item	Speaker(s)
10.00	Arrival/Coffee	
10.30	Introductions and overview of meeting	
10.40	Poverty eradication in the UK – overview of key issues, challenges and current responses	Ruth Lister, Professor of Social Policy, Loughborough University
11.10	Human rights and human rights based approaches – an overview of key ideas, legal frameworks and practice	Miranda Kazantzis, Policy Adviser, Amnesty International Ceri Goddard, Head of Development and Training, BIHR
11.45	Break	
12.00	Group discussion	
1.00	Lunch	
2.00	What is the potential for current human rights legal and policy frameworks to be better used in tackling poverty? - Short input followed by discussion	Maggie Beirne, Director, Committee on the Administration of Justice
2.40	What can human rights offer to practice on the ground that aims to empower people experiencing poverty? - Film followed by discussion	Screening of short film profiling the Participation and the Practice of Rights Project, introduced by Roisin Cavanagh, BIHR
3.20	Break	
3.30	What can human rights bring to efforts to communicate the experience of poverty and build public support for poverty eradication? - Short input followed by discussion	Dorothy Thomas, London School of Economics Teresa Hanley, Manager, Public Interest in Poverty Issues, Joseph Rowntree Foundation
4.10	Summary of issues and next steps	
4.30	End	

Appendix 2: Attendance list

Organisation	Participant	Job title
Oxfam	Sue Smith	Equalities Policy Adviser
Oxfam	Clare Cochrane	Public Understanding of Poverty Officer
Amnesty International UK	Miranda Kazantzis	Policy Adviser
Amnesty International UK	Nicholas Dearden	Campaigns Manager (Poverty & Human Rights)
BIHR	Ceri Goddard	Head of Development and Training
BIHR	Sonya Sceats	Policy and Research Officer
BIHR	Roisin Cavanagh	Development and Training Officer
BIHR	Lucy Matthews	Information Officer/ Development and Training Coordinator
Joseph Rowntree Foundation	Teresa Hanley	Manager, Public Interest in Poverty Issues
Joseph Rowntree Foundation	Louise Woodruff	Principal Policy and Public Affairs Manager
ADT 4th World	Matt Davies	National Coordinator
Age Concern	Sally West	Policy Manager
Church Action on Poverty	Niall Cooper	National Coordinator
Committee on the Administration of Justice	Maggie Beirne	Director
CPAG	Sarah Clarke	Solicitor
End Child Poverty Coalition	Hilary Fisher	Director
Justice	Eric Metcalfe	Barrister and Director of Human Rights Policy
Liberty	Jago Russell	Policy Officer
London School of Economics	Dorothy Thomas	
Loughborough University	Ruth Lister	Professor of Social Policy
Poverty Alliance	Robin Tennant	Fieldwork Manager
Queen Mary University	Geraldine Van Bueren	Professor of International Human Rights Law
Save the Children UK	Ben Cackett	Temporary Regional Policy Adviser (Poverty)
Still Human, Still Here Campaign	Jan Shaw	Chair (also Refugee Programme Director, Amnesty International)
UK Coalition Against Poverty	Dan Paskins	Development Worker
UK Coalition Against Poverty	Harry Cartmill	Chair
University of Essex	Ellie Palmer Damian Killeen Sarah Cooke	Lecturer, Department of Law Consultant Consultant



HUMAN RIGHTS

HUMAN RIGHTS AND TACKLING UK POVERTY
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