

Human Rights and Poverty

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**Presentation to IHRC & Law Society Conference
*Ireland's Human Rights Record under the Spotlight
Implications of the UN Universal Periodic Review
22 October 2011***

Brief

- Facts on poverty in Ireland
- Impact of the economic and financial crisis on poverty
- Examples of a human rights based approach to tackling poverty
- What policies are needed to decrease poverty and promote social equality

Evidence of Continuing Poverty and Inequality in Ireland (CSO, SILC, 2009)

- 5.5% overall live in consistent poverty, 14% at risk
- 8.7% Children in consistent poverty up from the 6.3% in 2008, 18.6% at risk
- Over 21 % of ill / disabled people in Ireland are at risk
- 25 % unemployed at risk, 5.5 % of people at work
- 17% of one parent families in consistent poverty, 35% at risk
- The inclusion of social transfers reduced the at risk of poverty rate from 46.2% to 14.1%.
- The top income group had ten times more net disposable income than the bottom income group

*At risk of poverty threshold €12,064 at 60% of median income

What Causes Poverty and Inequality?

- **Poverty** is 'a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights (The United Nations Committee overseeing the UNECR)
- **Structural inequality** : a condition that arises when you attribute an inferior or unequal status to a category of people (Dani and Haan 2008).
- Such inequalities breed a vicious cycle. Disadvantaged people lack voice, sometimes leading to passive behaviour and acceptance of adverse terms
- Inequalities arising from such perceptions, attitudes and beliefs often bleed through to the workplace, the media, the educational system and beyond.

Obama

- “The most difficult barriers include structural inequalities that our nation’s legacy of discrimination has left behind; inequalities still plaguing too many communities and too often the object of national neglect”

Example: One-Parent Families

(One Family 'Human Rights and One-Parent Families', 2006)

Type of Inequality	One-Parent Families	Two- Parent Families
Consistent Poverty (2009) (65% of children in consistent poverty live in one-parent families)	17%	5.5%
Deprivation (2009) (two items +)	44%	15%
Education Levels (2006)	8.2% (degree or higher)	15.6% (degree or higher)
Employment Rates (2006)	43.3%	68.6%

A Rights-based Approach to addressing Poverty and Inequality

- A clear link to Rights- not Needs or Personal Failure
 - Accountability
 - Empowerment;
 - Participation;
 - Non-discrimination and attention to vulnerable groups.
- (A Handbook on Using a Human Rights-based Approach to Achieve Social inclusion and Equality For EAPN and One Family)**

Economic and Social Rights

- Economic, social and cultural rights are traditionally regarded as more difficult to enforce
- Governments seek to justify violations of ESC rights on the basis that they do not have adequate resources to protect them.
- It is often argued that ESC rights are imprecise and that they vary over time and place. For these reasons, it is maintained, they cannot be protected by courts

Recognised Economic and Social Rights

- The right of all children to the enjoyment of the highest attainable standard of health (The Convention on the Rights of the Child, Article 24)
- The right to work, to just and fair conditions of employment, and to protection against unemployment (The International Covenant on Economic, Social and Cultural Rights, Art. 6 ,7)
- The right to a standard of living adequate for health and well-being, (The International Covenant on Economic, Social and Cultural Rights, Article 11)
- The right of access to childcare (Convention on the Elimination of All Forms of Discrimination against Women, Art 11)

Enforcement of Different Rights

- Identify a minimum core content for each right
- Non-discrimination and protection for the most vulnerable groups
- Progressive realisation of rights

State Obligation to protect and promote ESC rights

- *“Even where the available resources are demonstrably inadequate, the obligation remains for a State Party to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances.*
- *Even in times of severe resource constraints, whether caused by a process of adjustment, of economic recession, or by other factors, the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes”*
- Source: Committee on Economic, Social and Cultural Rights, General Comment 3, *The Nature of States Parties’ Obligations*, UN Doc. E/1991/23, para 11-12

Government's Commitment to Children's Rights: Long Term Goals

- Every child should grow up in a family with access to sufficient resources, supports and services, to nurture and care for the child, and foster the child's development and full and equal participation in society.
- Every family should be able to access childcare services which are appropriate to the circumstances and needs of their children.
- Every child should leave primary school literate and numerate.
- Every child should have access to world-class health, personal social services and suitable accommodation.
- Source: Toward 2016, Ten-Year Framework Social Partnership Agreement, 2006-2015

Ireland UPR Statement & Outcomes

- Government attach great importance to having accessible affordable arrangements in place in order that those who might have been infringed can validate their rights especially the most vulnerable
- Never acceptable to discriminate against children and fail to recognise their vulnerability
- Will examine incorporating right to health and housing
- Ensure incorporation of UNCRC though children rights referendum and consider alternative short term measures

Report of the independent UN expert on human rights and extreme poverty in Ireland

‘As a State party to the Convention on the Rights of the Child, Ireland must ensure, inter alia, that each and every child in the country has a standard of living adequate for his/her physical, mental, spiritual, moral and social development, and full access to the best available health-care services, free primary education and social protection (arts. 24, 26-28). The State must comply with these obligations to the maximum extent of its available resources (art. 4), even during times of economic hardship.’

Magdalena Sepúlveda Carmona May 2011

Carmona

- While Ireland has made impressive advances in poverty reduction over the past decade, these gains will be reversed if those living in poverty and social exclusion are not protected during the recovery.
- The crises provide an opportunity for Ireland to put human rights at the heart of the recovery, and to meet some of its long-standing social goals.
- The burden of the crises must be shared by all segments of Irish society, while those living in poverty and social exclusion must be protected as a matter of priority.

Carmona Recommendations

- (a) Strengthen the legal and institutional framework by giving domestic legal effect to Ireland's international human rights obligations, and ratifying and incorporating into domestic law international, treaties to which it is not yet party;
- (b) Review its Programme for Government and National Recovery to ensure that it complies with human rights principles, particularly the obligation to use the maximum resources available and to not take retrogressive measures in the protection of economic, social and cultural rights
Consider reversing those measures which will disproportionately impact on the most vulnerable and excluded, particularly reductions in social protection payments and funding to public services; and
- (c) Strengthen the social protection system, infrastructure and social services to ensure the full enjoyment of all economic, social and cultural rights of the population, and remove barriers that prevent the most vulnerable segments of society from accessing their entitlements.