

Human Rights, Inequality and Poverty: Do Human Rights Make a Difference?

London, UK

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INTRODUCTION

This is a report of a seminar, convened by Global Partners & Associates and the Joseph Rowntree Foundation, to present the findings of a research project exploring the possible impact of human rights upon anti-poverty strategies (the research report is available at www.jrf.org.uk/publications/poverty-inequality-human-rights). By drawing a wide range of policy makers and practitioners from both the human rights field and those working on issues relating to poverty, the goal of the seminar was to test the findings of the research and examine their implications for both policy approaches to anti-poverty strategy. Furthermore the seminar hoped to identify the next steps in taking forward the report's conclusions.

The seminar was chaired by Professor Conor Gearty from the London School of Economics and by Kate Green, Director of the Child Poverty Action Group. Other speakers included Judith Robertson from Oxfam in Scotland, Dorothy Thomas from the US human rights funders group, Duncan Shrubsole from the housing charity Crisis, Katie Ghose from the British Institute of Human Rights, Eileen Devaney from the UK Anti-Poverty Network and Neil Crowther from the Equality and Human Rights Coalition.

A full list of speakers is contained in Appendix One.

Following the opening remarks (session 1), the substantial part of the seminar began with session 2 entitled,

SESSION 2: DO HUMAN RIGHTS FRAMEWORKS MAKE A DIFFERENCE TO POVERTY?

This presented the key points of the report, its findings, methodology and areas of focus which were outlined by Alice Donald and Liz Mottershaw. (A summary of the report can be downloaded from <http://www.jrf.org.uk/publications/poverty-inequality-human-rights>).

Discussion points:

- The term 'responsibility' is volatile in the international context: it underpinned retrogressive welfare reform in the US (via the Personal Responsibility Act) but has also been invoked by ATD-4th World as "the right to exercise responsibility" (i.e. to have the capability to be an engaged citizen). The US experience suggests the term should be used with great caution in the UK debate, especially in relation to poverty.
- In the HR arena, there is a communication challenge: how do we communicate the language of rights when human rights are interpreted and defined so differently?
 - Lessons to be learned from the HR battle in the US, where the challenge of communicating human rights is not seen as an insurmountable barrier. People are conscious that repositioning and shifting the discourse on human rights is a long-term process and sometimes requires going through a pain barrier.
 - In the UK, placing two unpopular discourses – rights and poverty – together is perceived by some as creating a double challenge. In the US, though, it was not obvious that poverty and HR were perceived as two unpopular discourses', and combining them was seen as creating potential for innovation.
 - In the US the promotion of socio-economic rights provided scope for dealing with more contentious issues: environmental justice sat comfortably in the context of HR. A rights activist group dealing with the aftermath of Hurricane Katrina also campaigns around rights and industrial pollution.



- In New Orleans there exists a range of actors using a HR language. There is a genuine HR movement and culture and they are all HR language literate.
- HR/poverty environment and responses in the UK:
 - There has traditionally been a legal focus in the context of rights. Economic and social rights have been shrugged off. Political discussion in government, though, does sometimes stand in contrast to action and State welfare measures.
 - Litigation is slowly, but increasingly being used to promote socio-economic rights. The East Sussex case about manual lifting of disabled people is one example: the HRA is being used for more than to 'protect terrorism'.
 - A significant barrier in the UK is the way in which HR issues are separated. The marginalisation of asylum seekers and refugees is seen as its own separate arena. It needs to be understood, instead, as one of many HR issues to be brought together under the umbrella of rights.
 - Number 10 is suddenly interested in 'entitlements'. This is a positive step. But what version? What is underpinning the language of and rationale behind the government's new focus on entitlements? It seems this focus is part of an attempt to find alternative means for driving improvements in the public sector. BUT, the discourse is explicitly centred round the market and the individual. There is no shared citizenship discourse. A Conservative government would be even less amenable to rights-based language and approach.
 - HR movement is beginning to pick up on poverty issues in the UK. But they are very internationally focused and frequently focus on civil and political rights. There is a need to move to focusing on rights relevant to poverty. A disproportionate number of those in poverty are from minority groups and this needs to be addressed too.
- Need to recognise that a shift in discourse is integral to changing lives. The rights-based based approach does challenge certain ways of working, but when you see the impact of this shift on the people it is designed to help – you understand how integral it is.

SESSION 3: COULD A HUMAN RIGHTS FRAMEWORK PROVIDE AN UMBRELLA TO BUILD A COALITION IN THE UK?

Elizabeth Mottershaw:

- HR framework does provide scope for different types of coalition (policy, grassroots...)
- HR framework has contributed to coalition building bringing together different issues: e.g. housing and discrimination; the right to food, maternity rights and family benefits in India; HR as a common universal language.
- Smaller organisations benefit from collective policy development.
- Future coalitions need to explore potential for collective/collaborative research, including evaluation of rights-based projects.
- The Treatment Action Campaign in South Africa is evidence of a successful coalition that cuts across skill groups: campaigners, lawyers, service-providers.

Judith Robertson: Experience in Scotland.

- Oxfam works with a range of small community organisations and they are moving towards a rights-based, participatory approach; people at community level feel comfortable with this approach and understand it.
- However, organisations working at an intermediary level (e.g. the Scottish NGO coalition working on welfare reform) don't use a RBA; they are uncomfortable with the terminology and don't see the sense in introducing it into public and policy debates. The same largely true of government; where rights language has been introduced (e.g. the right to housing legislation), this is largely the result of pressure from below. There is a need to shift the poverty welfare paradigm.
- HR at the community level is very important – people know their rights and can react. At the policy level, though, it is non-existent.

Dorothy Thomas: Experience in the US:

- Conjoining poverty and HR has had a profound effect on the human rights movement in the US. They have been purposefully linked in both directions: a two-way street between anti-poverty and human rights groups.
- Came out of asking ‘does HR make a difference to people affected by poverty and is this to do with power?’
- Affected communities became the centre of discussion and a power-base was created for them to seed discussion – to lead rather than follow. The combination of HR and poverty leads to a win-win ownership; affected communities are powerful advocates for human rights
- Affected communities have often been seen and portrayed as ‘other’. At the same time HR is seen as applying to all but the poor.
- Connecting HR and anti-poverty demonstrates that a) we are all in the same community and b) we are all affected by poverty. This consciousness has led to a campaign for a commission for HR with socio-economic rights included in the HR remit.
- HR discourse has had transformative effect in US. Obama’s recognition of health as an HR has fundamentally transformed the relationship between the US government and people. HR is thus a means to mending the relationship between the poor and the government.

Discussion:

- People need to recognise that within the relationship between poverty and HR there is an issue of equality of gender too; equality rights exist within the larger HR framework. If the socio-economic clause remains intact in the Equality Bill, that will provide a space for action.
- We need to understand that the HR approach should be used for empowering communities; professionals can “get in the way”.
- Campaigning and litigation must be combined to protect rights and not be seen as mutually exclusive. While economic and social rights are largely absent from the HRA, other ESC rights are dealt with in legislation elsewhere, e.g. the Housing Act, education, community care, anti-discrimination. It is very important in anti-poverty work that socio-economic rights are realised and fought out using this legislation especially with prospective public spending cuts. It is also vital to protect legal aid to enforce the ESCR we already have.
- A change of mindset is needed if a poverty HR relationship is to be successful:
 - The recession has provided the trigger for achieving this.
 - Use of the term ‘human’ is a move beyond legislative point of view. The higher up you get, the more segregated actions become by issue, expertise, strategy etc. In order to overcome this segregation, we need to effect a change within ourselves. This reality is evident at the community level. . But top down cannot be substituted with bottom up alone. An interconnected approach is needed.
- We must not settle for the bare basics in terms of rights. Even when governments realise the right to health care, there remain more questions of rights: the right to choose what health care or what doctor for example. The “choice” agenda suits the middle classes.
- The rich and well-educated are better placed to use human rights, as with any area of law (e.g. in defence of property rights). We need to recognise this asymmetry.
- Rights are complex because realisation often requires balancing. For example, the rights of adults as parent and teachers are often seen as contradicting the rights of children and we must be aware of this. The children’s rights sector hasn’t been clear enough about its “ask” in relation to spending and legislation etc and about what a RBA means. Children’s rights often come hard up against other social values such as choice and wealth creation; as a result children’s rights are viewed oppositionally and the children’s rights and wider anti-poverty sectors haven’t got a co-ordinated message about that.

SESSION 4: CAN HUMAN RIGHTS FRAMEWORKS BE USED TO MANAGE PUBLIC SECTOR SPENDING CUTS IN THE INTERESTS OF THE POOR?**Andrew Puddephatt:**

- With the projected decrease in public spending of up to 30% (with a Conservative government), we are facing a tough environment.
- We protect the things we value most. The middle class will do all to defend areas of provision that affect them, and are likely to be successful and organised. The marginalised/poor will be less so.
- Can we create a HR framework in this environment? It must be a comprehensive legal, policy framework (centred on autonomy, dignity, and anti-discrimination), using new tools such as budget analysis and learning from international experience.
- Key challenge is to maintain social solidarity rather than return to individualised notions of rights; to see entitlement as a collective commitment that benefits all in society. We need to make the argument that abolishing the HRA is a vote loser, not a vote winner.

Duncan Shrubsole:

- The 1977 Housing Act was a giant step in laying down legislation to protect the homeless. It also asserted that local authorities had a duty to provide the homeless with housing.
- Several challenges remain, however. The debate about the deserving and the undeserving has not disappeared.
- Duties and rights have been interpreted in their most basic form. There is a cap on the responsibility of authorities.
- Housing is only provided for specific 'vulnerable' groups and one is tested to determine whether they are eligible for housing. If you are single you must prove that you are vulnerable.
- This is an immensely degrading process and dignity is stripped. This is an infringement of HR itself.
- The real challenge to the rights-based approach is the challenge being posed by parties such as the BNP whose language centres not on rights, but 'fairness' and other factors. People are picking away at the limited framework that exists.
- Need to collectivise to ensure that it is the size of the pot that we contest and not how we divide a limited pot.

Discussion:

- A holistic approach to rights targeting all sectors and levels of society is necessary before we start defining what rights are. The right to housing is interdependent with and constitutive of many other basic rights.
- Localisation has been trumpeted by parties, but there are significant dangers in this shift. Local governments and councils are looking to find areas where expenditure can be sliced off. Children are not voters and many adults experiencing poverty feel disenfranchised - it will most likely be the most vulnerable who are affected. Discretionary and preventative work will also be politically easier to cut and disproportionately damaging to those on low incomes.
- There will be competing legislation: there is an increase in demand for HR legislation at the same time as cuts are being made – the challenge is how to make a politically palatable approach?
- Recession means cuts. But, if we believe that we live in a society where we owe each other something, then the rights-based approach has the potential to offer something at the macro level.

WORKING SESSIONS

Main Action Points and strategies:

- 1) A **coalition** of key HR and anti-poverty groups and organisations is necessary **before the next election**.
 - Need to **challenge major political parties to protect those most vulnerable** who will be negatively affected by new policies and public sector cuts.
 - This requires a) a **coherent strategy** for groups to organise around b) a clear **manifesto** c) **leadership**.



- Bringing HR and poverty into a framework together increases the scope for including a **broader range of groups** in the coalition. The coalition cannot be exclusive. It must involve church/faith groups who have been very active in this area (not just the usual lawyers, HR specialists).
- 2) Need to **engage with those affected**. A coalition needs the marginalised and grassroots orgs and those experiencing poverty.
 - Articulating issues for marginalised groups is not empowerment. Need to see the value of bringing these people together.
 - Only by genuine and meaningful involvement of the marginalised and those in poverty, can **poverty and rights be reframed and portrayed** as they really are. This is a crucial step to overcoming media stereotyping and prejudices.
 - 3) Reframe the debate through **an innovative communication strategy**:
 - Serious **resources** need to be put into communication at all levels.
 - Need to **place ourselves in the debate** rather than ceding to the right wing and allowing them to dominate the debate.
 - We must be **unashamed and unafraid**, both in our critiques of the structures and policies that led to the economic recession and in embracing human rights as a tool for change. We have been too quiet and accepting; a forgotten sense of justice.
 - Communication is a crucial step towards empowerment and will be a **vehicle for CBOs** to change the nature of discussion.
 - 4) Need to start talking an **HR language** to promote and protect rights.
 - The HR language must be positive and powerful and made up of **real stories** rather than abstract issues.
 - While litigation is crucial to protecting rights, a HR language is more powerful as a **tool to change policy and practice**. The two must operate in tandem.
 - A universal HR language **brings disparate groups together** and strengthens HR and anti-poverty initiatives.
 - 5) **Raise awareness** throughout the different levels of society and sectors about poverty, human rights and **dignity**. . People must be made aware that human rights apply to everyone.
 - 6) Through **capacity building** and **HR education** we need to bring rights to the people and locate rights in their own experiences.
 - This can be done through outreach strategies through formal systems of education but also through existing institutions such as Citizen's Advice Bureau, libraries etc.
 - Education and training does not only apply to those who are affected. **Public service providers** need to be educated as well as the **media** on how to present rights to avoid stereotyping.
 - 7) **Mobilise society**.
 - Mobilising society is key to successful political pressure.
 - Donors **need evidence** of community mobilisation and activism before they will contribute to the poverty, human rights framework.
 - Litigation cannot be effective if society is not mobilised and involved.
 - The UK needs to look at successful social movements in the less developed world.
 - 8) Develop **'tools'** to keep the debate alive and the actions effective.
 - Develop strong **shadow reporting** processes.
 - Potentially draw up an HR model for communities to use as a starting point for protecting their own rights.
 - HR needs to be ingrained in the work of the government and political sector to ensure that HR is being used to verify policies and practice – **HR proofing**.
 - **Leadership** and commitment are crucial. Where this leadership should come from – who provides intellectual leadership and who facilitates? The environment [?] is very hostile in England because of the focus on the individual. We should perhaps look to the **devolved governments** as more benign environments.
 - Build on and [promote awareness of?] **HR litigation**.

SESSION 6: RESPONSES AND REFLECTIONS ON THE FINDINGS OF THE RESEARCH

Conor Gearty:

- In the HR/poverty relationship, **resistance** to poverty is a key right – not just the right not to be poor.
- Crucial steps: **thinking, communicating, litigating**: need to create an intellectual space for HR, we should be very scathing of the capitalist greed and the government's responses to this greed, we need to use law as a defensive mechanism.

Katie Ghose:

- The language of HR needs to be recreated in a world outside of law. When HR under attack the poor suffer the most and in a recession the poor suffer the most.
- Not whether we collaborate but how. Collaboration is a means to forge broader coalition of civil society orgs that can mount most effective coalition. Essential to do pilot studies of how coalitions practically and effectively work.
- BIHR has been funded by the City Parochial Foundation, the Equality and Human Rights Commission and the Joseph Rowntree Foundation to provide support to up to six London-based voluntary and community sector organisations that are working with and for people facing poverty or social injustice. The support aims to help organisations use human rights to strengthen their voice and influence with national and local policy makers. It is made up of a mixture of staff and people living in the community.
- Necessary to take human stories and feed public debate. HR changes the way that people working in anti-poverty/voluntary orgs treat the people they work with. We are not talking about patronising, but in terms of rights and needs. This requires a different mode of interaction and ensuring that the general public are aware of HR/poverty discourse.
- HR language brings governance and the State to respect and agree to general HR. Not a choice then of litigation or language – we need both.

Eileen Devaney:

- HR language is increasingly a key theme, but the word poverty has often been missing.
- UK coalition against poverty (50% grassroots members) trying to merge Bill of Rights with TUC practice. Example was work with staff and clients in job centres: they were brought together because both groups are on low incomes and victims of the same loss of dignity and respect that they are entitled to.
- Poverty in UK not portrayed in the media so we don't see what it is like. Need to see reality and the way that people in poverty actually live. Media's role should be to refrain from the stereotypical perception of people in poverty.
- Need to focus on wealth as well as poverty because this is what drives inequality.
- Next year is the European year for combating poverty. Liverpool has convinced its council to hold a commission.

Neil Crowther:

- In the UK there is the tendency to overlook the structural causes of poverty.
- Participation should be a means to an end. The means by which poverty is challenged is as important as the ultimate goal. Those in poverty are often denied as agents of their own change.
- Empowerment, involvement, co-production are all key to overcoming this.
- The disability movement have been important players in showing the possibility of transforming ownership of power and changing attitudes to marginalised groups ("nothing about us without us").
- Commission's practical solutions: legal grant scheme and legal advice, empowering people to use law to affect their own poverty.
- Longer-term aim: to reconcile civil and political rights with economic, social and cultural rights (specifically, to integrate human rights into the public sector equality duty and to explore the idea of a positive human rights duty).

- Capabilities approach is useful within the debate and a real opportunity to bring HR to forefront of debate during recession. EHRC has commissioned work to draw up a human rights measurement framework.

Discussion:

- Worry that losing professional expertise – not training people who can take rights forward.
- Will what has happened today be repeated in CBOs? They would benefit from the conversation and offer new ideas to fill it out. A road show perhaps.
- From a donor perspective: need collaboration/mechanisms to fund effectively on a larger scale. Focus at the moment is on the HR Act. The poverty dimension of HR is not one that the Ariadne Network of human rights funders has discussed but should do.
- Donors are finding that NGOs are competitive. The donor community needs to be reassured that they are looking for practical ways to take debate forward. At the moment there is no viral network or broad based movement with a number of strategic organisations. Activists need PUNCH.
- But how to fund collaborations? – need to use smart approaches to attract funds
- While viral campaign is necessary, we need a quick response and leadership within individual orgs too for the short-term to get HR and poverty onto the public agenda before the election.
- We must not just look to defending HR Act, but lay out a real agenda for protecting people's lives.

CONCLUSION

The main conclusions from the seminar were that it was important for human rights groups and anti-poverty groups to work more closely together and to do so quickly – until now the debate on these issues has been somewhat uncertain, tentative and too accepting of current orthodoxies. Given the magnitude of the challenge now was the time to act and in particular to challenge major political parties to protect those most vulnerable who will be negatively affected by new policies and public sector cuts. Actions needed to include serious thinking and policy work on these issues, more effective communication that reframes the way poverty is seen, and where possible litigation.

A participatory approach is key, one which brings human rights and anti-poverty groups into a framework together and increases the scope for including a broader range of groups. It was also important to reach out to potential allies, for example church and faith groups who have been very active in this area and not confine ourselves to the usual lawyers, or human rights specialists.

It is particularly important to ensure the genuine and meaningful involvement of the marginalised and those in poverty, as people who are central to tackling the problems poverty. This means changing the terms of debate by developing an innovative communication strategy that reframes poverty as a rights issue. This is a crucial step to overcoming media stereotyping and prejudices and will involve using a human rights language that is positive, powerful and based upon real stories rather than abstractions. *(See Chapter 2 of the report for more on this topic).*

While the media campaign was extremely important there was also scope for capacity building and human rights education which can introduce “rights” concepts to people and locate rights in their own experiences. This can be done through outreach strategies - formal systems of education and also existing institutions such as Citizen's Advice Bureau, libraries and so on. *(See Chapter 2 of the report for more on this topic).*

Ultimately, mobilising wider groups in society is the key to successfully applying political pressure and this will be a combination of participation by those who are poor, combined with a broad alliance that embraces human rights, anti-poverty groups and wider coalitions, harnessed to an effective communications strategy. This is a combination of politics, policy, activism, and language, all

mobilised to a new purpose and where the law comes alongside to protect the most vulnerable.
(See Chapters 6 and 7 of the report).

The seminar concluded by reflecting on how we have immense poverty in a wealthy society and the importance of locating this story in the language of human rights, which is the best language to communicate the importance of tackling poverty. Seminar participants also felt that the time to be bold is now. We must not be happy with merely protecting and trimming because that's all we can manage – we need to develop new partnerships and collaborations to meet this challenge.

APPENDIX 1 – LIST OF SPEAKERS

- Neil Crowther, Equality and Human Rights Commission
- Eileen Devaney, UK Coalition Against Poverty
- Alice Donald, Global Partners & Associates
- Conor Gearty, LSE
- Katie Ghose, British Institute of Human Rights
- Kate Green, Child Poverty Action Group
- Elizabeth Mottershaw, Global Partners & Associates
- Andrew Puddephatt, Global Partners & Associates
- Judith Robertson, Oxfam in Scotland
- Duncan Shrubsole, Crisis
- Dorothy Thomas, SOAS