

A RIGHTS-BASED APPROACH TO POVERTY ERADICATION IN EUROPE

Wouter van Ginneken

Abstract

The human rights approach provides a solid basis for long-term solutions to poverty eradication. It clearly defines the responsibilities of duty bearers, in particular the State, and it provides a common point of departure for action by all stakeholders. Appropriate policies and indicators need to be developed – together and in consultation with – people living in (extreme) poverty.

The European Social Charter (ESC) adopted by the Council of Europe is the most comprehensive European text on social rights. Its impact is strengthened by the recently adopted Additional Protocol that provides a system of collective complaints. Relatively few members have ratified the additional protocol, and more European countries should ratify the revised, more comprehensive version of the ESC.

The adoption by the European Union of the aim to lift at least 20 million people out of poverty is arbitrary from a human rights point of view, because it is not focused on people living in extreme and chronic poverty. The European Union is recommended to publish quantitative indicators on (extreme) poverty annually, which should then be evaluated by the European Parliament and the Council on an annual basis. These indicators could also be used for defining targets in the context of the Open Method of Coordination. EU structural funds could be used to help countries to achieve these targets, particularly in countries that have joined the Union since 2004.

The recession following the financial crisis in 2008 has resulted in lower economic growth, as well as to contracting government revenues and expenditure, all of which have led to sharply increasing poverty and unemployment in many European countries. It has brought to light once again the fundamental need for social policies, including social security, which have worked as an irreplaceable economic, social and political stabilizer – for individuals, families and society as a whole.

It has also brought to light the need for a firm moral and political foundation for basic economic and social support to all citizens in a society – and in the world as a whole. Long lasting advances in the eradication of poverty will only be achieved once measures are firmly grounded on the recognition of persons living in (extreme) poverty as subjects with rights and potential agents of change. At the international level, this tendency is reflected by the adoption of the Millennium Development Goals (MDGs) and by efforts to implement a global Social Protection Floor (SPF). Increasingly, the moral and political basis for these efforts is provided by international human rights Conventions (van Ginneken, 2009), which have been ratified by virtually all countries in the world. Based on extensive consultations (OHCHR, 2009), UN Human Rights Council will discuss – during its September session this year - an annotated outline of the Draft Guiding Principles (DGPs) on Extreme Poverty and Human Rights, to be adopted in 2012 (UNHRC, 2009).

This paper will explore whether and to what extent this human rights framework can be used for the eradication of poverty in Europe. The European welfare state is of course based on social and economic rights, which are claimable within countries and to some extent at the European level, notably within the context of the Council of Europe. In addition, the European Union has put in place the Open Method of Coordination (OMC), particularly with regard to social protection and social inclusion. However, the aim of this article is to find ways in which European States and societies can be made more accountable for preventing and reducing poverty, and how people living in poverty - or being at risk of falling into poverty - can be empowered to claim their rights.

This paper will start with reviewing some key poverty indicators that have recently been adopted within the context of the European Union. The second section will outline the human rights framework for poverty elimination, principally developed within the context of the UN Human Rights Council, and focusing on obligations, indicators and accountability. The third section will highlight the importance of participation by people living in poverty. It will also examine how a more forceful human rights approach can strengthen the policies undertaken by the Council of Europe and the European Union to eliminate poverty. The paper will end with some concluding remarks.

1. Poverty indicators for the European Union

Since the European Council of Lisbon in 2000 the European Union has been committed to fight against poverty and social exclusion using the Open Method of Coordination (OMC). By adopting a common list of 18 indicators, the Laeken European Council in 2001 provided a key element for the OMC to measure progress. This process was further strengthened within the context of the Social Protection

Committee, which in 2006 adopted an enlarged set of common indicators for social protection and social inclusion, consisting of 14 overarching indicators and 11 context indicators.

These lists include mainly relative measures of monetary poverty, and therefore do not adequately capture the most severe forms of poverty including groups who are not picked up in household surveys. So the Commission is now exploring ways to reflect better the most extreme forms of poverty as they persist across the EU (Bradshaw and Mayhew, 2010). Most of the current and potential Candidate countries have very low incomes and substantial minorities who are particularly deprived.

As part of its “Europe 2020” strategy the European Council (2010) adopted as one of its five main targets, the promotion of social inclusion, in particular through the reduction of poverty, by aiming to lift at least 20 million people out of the risk of poverty and exclusion. The people who are at risk-of-poverty and -exclusion are defined according to three indicators: (i) below 60% of median equivalized disposable income after social transfers (17% of the EU population in 2007); (ii) material deprivation, which is defined as the inability to pay for at least three out of nine basic expenditure situations and items¹; and (iii) jobless household (in which no one has worked during the four week preceding the Labour Force Survey).

Among these three indicators the material deprivation index is most apt to represent the reality of the differences in living standards in the EU countries. About one in every six (17 %) of the EU-27 population was materially deprived in 2007, although this reflected considerable differences between EU-15 Member States on the one hand and, on the other, those Member States that joined the EU since 2004. Less than one in every ten people in Luxembourg, the Nordic Member States and the Netherlands were materially deprived in 2007, whereas the proportion rose to a little over one third of those in Hungary and Poland, moved closer to half of the population in Latvia and Romania and almost three quarters of the population in Bulgaria (European Commission, 2010).

Bradshaw and Mayhew (forthcoming) believe that there is scope for two indicators measuring extreme poverty. One is based on deprivation indicators alone, and the other on the overlap between deprivation indicators and living on an income below a budget standard threshold. They improve on the deprivation index by including four additional indicators on the adequacy of housing². On the basis of these two indicators they find that in 2008 the incidence of material deprivation was between 50 and 60 per cent in Romania and Bulgaria; between 30 and 40 per cent in Hungary, Poland, Lithuania and Latvia; between 10 and 30 per cent in Czech

¹ The five indicators measuring economic strain are: (i) unexpected expenses; (ii) one week annual holiday away from home; (iii) arrears (mortgage or rent payments, or hire purchase instalments or other loan payments); (iv) a meal with meat or fish every other day; (v) heating to keep the home adequately warm. The four indicators on durables are: (vi) a washing machine; (vii) a colour television; (viii) a telephone; or (ix) a car.

² These four housing indicators are: (i) leaking roof; damp wall-floors-foundations; or rot in the window frames; (ii) no bath or shower; (iii) no indoor flushing toilet for sole use of the household; and (iv) lack of space (defined as an insufficient number of rooms compared to the number of persons).

Republic, Slovakia, Slovenia, Cyprus, Estonia and Portugal; and (well) below 10 per cent in all other EU (high-income) countries.

2. The human rights framework: obligations, indicators and accountability

The human rights approach underlines the multidimensional nature of poverty, describing poverty in terms of a range of interrelated and mutually reinforcing deprivations, and drawing attention to the stigma, discrimination, insecurity and social exclusion associated with poverty. The deprivation and indignity of poverty stem from various sources, such as the lack of an adequate standard of living, including food, clothing and housing, and the fact that poor people tend to be marginalized and socially excluded.

The essential idea underlying the adoption of a human rights approach to poverty reduction is that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in international human rights Treaties that have been ratified by virtually all countries in the world. Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.

While the State is the principal duty-bearer with respect to the human rights of the people living within its jurisdiction, the international community at large also has a responsibility to help realize universal human rights. Thus, monitoring and accountability procedures should also extend to global actors—such as the donor community; intergovernmental organizations, such as the United Nations, the Council of Europe and the European Union; as well as to international non-governmental organizations (NGOs); and transnational corporations (TNCs) — all of whose actions affect the enjoyment of human rights in any country.

One reason why the human rights framework is compelling in the context of poverty reduction is that it has the potential to empower the poor. As is now widely recognized, effective poverty reduction is not possible without the *empowerment* of the poor. Most of the salient features of the human rights normative framework can contribute to the empowerment of the poor in one way or another. These features include the principles of universality, non-discrimination and equality, the principle of participatory decision-making, the notion of accountability, and the recognition of the interdependence of rights.

2.1 Obligations

All human rights—economic, civil, social, political and cultural—impose negative as well as positive obligations on States. This is captured in the distinction between the duties to respect, protect and fulfil. *The duty to respect* requires the duty-bearer to refrain from interfering with the enjoyment of any human right. *The duty to protect* requires the duty-bearer to take measures to prevent violations of any human right by third parties. As part of this obligation States and international organizations have the obligation to create an enabling environment that fosters and promotes the capacity of individuals, community-based organizations, social movements and other

nongovernmental organizations to combat poverty and empower persons living in extreme poverty to claim their rights (OHCHR, 2006). *The duty to fulfil* requires the duty-bearer to adopt appropriate legislative, administrative and other measures towards the full realization of human rights. Resource implications of the obligations to *respect* and *protect* are generally less significant than those of implementing the obligations to *fulfil*, for which more proactive and resource-intensive measures may be required.

While the human rights approach imposes an obligation on duty-bearers to work towards the elimination of poverty, it recognizes that, due to resource constraints, some human rights may have to be realized over a period of time. Making trade-offs among alternative goals in the light of social priorities and of resource constraints is an integral part of any approach to policymaking. The human rights approach, however, imposes certain conditions on the act of prioritization which protect the persons living in extreme poverty against certain trade-offs that may be harmful to them. In particular, it cautions against any trade-off that leads to the retrogression of a human right from its existing level of realization and rules out the non-achievement of certain minimum levels of realization (OHCHR, 2006). This is also relevant to the situation in Europe, where austerity measures have led to reduced social coverage, in particular with regard to pensions (van Ginneken, 2010).

As part of its obligation to fulfil, States parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) are required to directly provide minimum essential levels of all economic, social and cultural rights when individuals or groups are unable, for reasons beyond their control, to realize these human rights by the means at their disposal. Fulfilling this minimum core content is an immediate obligation ‘incumbent on every State party’. Should it be unable to do so, it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, these minimum obligations.

2.2 Indicators

Many human rights indicators are standard indicators of socio-economic progress, but some - especially those relating to civil and political rights - do not usually figure in measures of socio-economic progress. Essentially, what distinguishes a human rights indicator from a standard disaggregated indicator of socio-economic progress is less its substance than (a) its explicit derivation from a human rights norm and (b) the purpose to which it is put, namely human rights monitoring with a view to holding duty-bearers to account. Moreover, there is a need for a conceptual framework, which explains the impact of the various input indicators on the eventual output – the enjoyment of human rights.

A recent report provides the beginning of an outline of such conceptual framework (OHCHR, 2008). It comprehensively translates the narrative on the normative content of 12 human rights (based on related provisions of international human rights instruments and general comments by treaty bodies) into a few (4-5) characteristic attributes and a set of corresponding “structural”, “process” and “outcome” indicators. For example, the right to housing (see table 1) can be subdivided into four more operational attributes, i.e. habitability, accessibility to services, housing affordability and security of tenure. “Structural” indicators measure

the commitment of the State (the main duty bearer) towards realizing human rights, such as through ratification of international instruments and inclusion in national legislation, as well as through the adoption of national policies and corresponding time frame. “Process” indicators measure the efforts and resources that the duty bearer uses to achieve the enjoyment of human rights, which is measured by “outcome” indicators. By identifying a process indicator as a measure that links a State’s effort to a specific “policy action – milestone relationship”, the framework takes an important step in enhancing a State’s accountability in implementing human rights.

Because of the indivisibility and interaction between rights and their attributes, the “outcome” indicator for one right could be the “process” indicator for another right. For example, access to drinkable water and sanitation is an “outcome” indicator for “accessibility of services” (one of the four attributes of the right to adequate housing), whereas it is a “process” indicator for the “natural and occupational environment” attribute of the right to health (the outcome of which is measured in terms of “prevalence of deaths, injuries, diseases and disabilities caused by unsafe natural and occupational environments”).

2.3 Monitoring and accountability

Monitoring and accountability with regard to poverty eradication require indicators that individuals or groups of individuals can use to claim their basic human rights, in particular economic and social rights. As noted before, for this purpose we have to define precisely the various attributes of these rights and the circumstances and time horizon according to which these rights can be claimed and realized. Moreover, the question of “justiciability” comes in, i.e. indicators should be identified that reflect not only the scope and recourse to judicial remedy, but also the potential role of non-judicial (administrative), judicial and quasi-judicial (e.g. national human rights institutions) actors in implementing human rights.

One step forward in this process has been the adoption in 2008 of the so-called Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). This Protocol has so far been signed by 33 States, and ratified by two States; 10 ratifications are necessary for the Protocol to be in force. When in force, the Optional Protocol will empower individuals and groups representing them to complain about violations of economic, social and cultural rights. The greatest advantage in having an Optional Protocol is that the Committee on Economic, Social and Cultural Rights (CESCR) can then develop a case law, thus helping to interpret the Covenant and supplementing the work under the State reporting procedure. The Optional Procedure also underlines the position that every single right in the Covenant contains some justiciable elements that are capable of being directly applied (Riedel, 2007). The adoption of the optional protocol also corrects the current imbalance in the international human rights system, whereby individuals can submit complaints about violations of civil and political rights but not of economic, social and cultural rights. Finally, it provides an important forum for victims, and lends support for national, regional and international initiatives to improve the implementation of economic, social and cultural rights.

At the international level, there have been various recent attempts to measure human rights enjoyment with a composite index, including various dimensions of poverty, and to link this with monitoring and accountability. Fukuda-Parr and Randolph (2009) propose a composite index that measures the human rights enjoyment with individual indicators reflecting the rights to food, education, health, adequate housing and decent work. It measures the progressive realization of resources put in (process or input indicator) by the government (the main duty bearer) with a function of (PPP adjusted) GDP per capita. Two methodologies are proposed for constructing the index: (i) the ratio approach; and (ii) the Achievement Possibilities Frontier (APF) approach. The first approach measures Economic and Social Rights (ESR) fulfilment as a ratio between the extent of rights enjoyment and the State resource capacity. The second approach determines the maximum level of achievement possible, on each ESR indicator at a given per capita income level, based on the highest level of the indicator historically achieved by any country at that per capita GDP level.

The core advantage of the APF approach is the theoretical coherency of assessing a country's fulfilment of its obligation of progressive realization based on the level at which a country with a given per capita GDP *could* perform. Moreover, a country's score is readily understood relative to this standard. Another advantage is that the APF approach reflects differences across indicators in the feasibility of transforming income into increased achievement. However, using GDP per capita as a proxy measure for state capacity and resources is problematic, because it is endogenous; national economic performance depends on state capacity to design effective policies as much as on factors such as history, geography, resource endowment and the external policy environment.

Another recent attempt has been made by Alkire and Santos (2010), who estimate the incidence of acute poverty in developing countries (MPI – Multi-dimensional Poverty Indicator). They also find that some (mainly Eastern European, including EU) countries face acute poverty. They do, however, recommend that more comprehensive poverty lines should be constructed for middle- and high-income countries – with possibly higher cut-off points, and including additional indicators on employment, quality of education and empowerment.

Like the Human Development Index (HDI), the MPI has three dimensions: health, education and standard of living. Each of these dimensions has the same weight (one third), and is represented by respectively 2, 2 and 6 indicators. A household is identified as multi-dimensionally poor if, and only if, it is deprived in some combination of indicators whose weighted sum exceeds 30 per cent of deprivations. The indicators have been chosen to correspond to the MDGs, and to be measurable with existing household surveys.

The advantage of the MPI indicator is that it is not based on income, but on indicators that measure more stable and more long-term aspects of the living conditions of people living in acute poverty. The poor identified by the MPI are by no means the same as poor people identified by international (\$1.25 per day) income poverty criteria, in particular in the low-income countries. The MPI index constitutes a tool with a great potential to target the poorest, monitor the Millennium

Development Goals, and design policies that directly address the interlocking deprivations that people living in acute poverty experience.

3. Strengthening the human rights-based approach to poverty eradication

As noted before, the human rights approach provides a solid basis for long-term solutions to poverty eradication. This is so, because it considers poverty as a violation of human dignity and of human rights, and it implies that priority attention should be given to those living in extreme poverty and social exclusion. Moreover, it clearly defines the responsibilities of duty bearers and it provides a common point of departure for action by all stakeholders, based on the realities of the situation of persons living in poverty.

Section 1 will examine some key obstacles to the full enjoyment of human rights by people living in poverty in Europe. It will highlight the need for participation of people living in poverty in the design, implementation and monitoring of policies and programmes that concern them. Sections 2 and 3 will examine how a more forceful human rights approach can strengthen the policies undertaken by the Council of Europe and the European Union to eradicate poverty.

3.1 The necessity of participation by people living in poverty

While each group of people living in poverty have specific vulnerabilities and challenges, they face common obstacles in accessing government services and institutions, including physical, economic, administrative and other obstacles. They may live far away from supporting (government) agencies, and transport to get there may be expensive. They often also face administrative obstacles, including inappropriate legal and administrative measures that criminalize acts, such as begging and vagrancy, and which are more likely to be committed by those living in situation of extreme poverty. They are usually also more exposed to violence and have limited access to public security and justice support. Law enforcement agents often profile and deliberately target persons living in poverty. Police violence and the arbitrary use of force under the guise of the enforcement of the law disproportionately affect them. Finally, they are often politically isolated, so that they feel powerless.

The participation of people living in extreme poverty in legislation, policies and programmes that affect them, is therefore a key condition for the eradication of poverty. This is brought out by Irene Khan (2009), the former Secretary General of Amnesty International, who shows that legal empowerment and claiming rights is not just a question of justice, but part of a much larger social struggle. She also considers participation in a much broader light, not just related to specific anti-poverty policies and programmes, but also to the exercise of the rights to freedom of expression, assembly and association, and the right to information. Her approach is similar to that of the International Movement ATD Fourth World (Godinot, 2009), which sees poverty eradication as long-term process of personal, social and democratic transformation. This Movement also documented the impact of participation on programmes and projects that improved the situation for people living in extreme poverty for a variety of European countries (ATD Quart-Monde, 2006).

The participation of people living in poverty can create a better understanding of poverty with professionals and institutions, and therefore make them more effective. In order to create an environment where a real exchange of knowledge can occur, a general change in approach and mindset is required. People living in extreme poverty are very difficult to include in participatory projects. They have to spend much of their time and energy on the day-to-day struggle to survive, and they are often too apprehensive to take part in participatory activities. Sufficient time must therefore be allocated in any project that aims to include people living in extreme poverty so as to allow for the development of trust and confidence and to overcome challenges in participating (International Movement ATD Fourth World, 2008).

To succeed in achieving a truly participative approach, the participation of people living in poverty should be an integral part of the process – at local, national or international level - rather than an add-on at any given stage. In fact, the human rights approach attaches as much importance to the processes which enable developmental goals to be achieved as to the goals themselves. In particular, it emphasizes the importance of ensuring the active and informed participation by people living in extreme poverty in the design and implementation of strategies (including legislation) for eliminating extreme poverty. The final stage of participation process is the monitoring and assessment of the success or failure of these strategies and policies so that the State and other duty-bearers can be held accountable for their obligations. This process should be an ongoing cycle so that the solutions that are proposed and put in place can be constantly evaluated with those whom they are designed to benefit. Appropriate institutional arrangements are needed for such participation to be possible.

3.2 The European Social Charter: more ratifications and better implementation

The European Social Charter (ESC) adopted by the Council of Europe in 1961, provided a complement to the European Convention on Human Rights (ECHR), which was adopted in 1950, and which focuses on civil and political rights. Following its revision in 1996, a number of new rights were introduced, such as the right of elderly persons to social protection (art. 23), the right to protection against poverty and social exclusion (art. 30) and the right to housing (art.31). Article 30 is not meant to replace the guarantees with regard to other rights, such as the rights to employment, housing, education, training as well as to medical and social assistance, but it obliges States to take measures within the framework of an overall and co-ordinated approach. The 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty. The European Committee of Social Rights (ECSR) is the body responsible for monitoring compliance in States Parties. The rights guaranteed by the Charter concern all individuals in their daily lives: housing, health, education, employment, legal and social protection, movement of persons and non-discrimination.

According to the latest data available in May 2010, the Revised European Social Charter was ratified by 30 Member States, of which 17 are EU members. 15 Member States (11 EU members) ratified article 30 on poverty and social exclusion, and 12 Member States (8 EU members) article 31 on the right to housing. The parties that have ratified article 30 undertake to take measures within the framework of an

over-all coordinated approach to promote the effective access to a number of basic services. Every four years these 15 States report to the Council about the progress that they have made, and since 2007 the ECSR has started to provide their comments and observations about them.

The Additional Protocol of 1995 provides a system of collective complaints and is designed to improve the effective enforcement of the social rights guaranteed by the Original and the Revised Charter. The Protocol came into force on April 1, 1998, and has now been ratified by 12 Member States, of which 10 are EU members. It entitles social partners and non-governmental organisations to lodge collective complaints of violations of the Charter in States that have ratified it. The complaint is examined by the ECSR which declares it admissible if the formal requirements have been met. The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and to the Committee of Ministers in a report, which is made public within four months of its being forwarded. On the basis of the report of the ECSR, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the state concerned take specific measures to bring the situation into line with the Charter.

There are two main ways in which the ESC can become a more effective instrument for the eradication of poverty in Europe. The first is that more European States ratify the ESC and the additional protocol. Especially EU member states would be able to ratify the ESC and article 30, since – within the context of OMC – they have accepted to design and implement an overall policy to eliminate poverty and social exclusion. Vandamme (2008) goes as far to imagine that the European Commission could encourage the EU member States to do so.

The second way is to create better links between the ESC and European Convention on Human Rights (Brillat, 2009). Poverty is a violation not only of social, but also of civil and political rights. In fact, article 30 of the ESC has to be understood and implemented in conjunction with article 3 of the European Convention, which prohibits degrading and inhuman treatment, as well as with article 2 that guarantees the right to life. Moreover, with the adoption of the additional protocol in 1995, there should be a closer link between the ECSR and the European Court of Human Rights, also with a view to make States more accountable with regard to the realization of rights included in the ESC.

3.3 The European Union: more emphasis on extreme and chronic poverty

The Charter of Fundamental Rights (CFR) recognizes a range of personal, civil, political, economic and social rights of EU citizens, enshrining them into EU law. It was formally proclaimed in Nice in December 2000 by the European Parliament, Council and Commission. In December 2009, with the entry into force of the Lisbon Treaty, the charter was given binding legal effect equal to the Treaties. To this end, the charter was amended and proclaimed a second time in December 2007. If any of the rights correspond to rights guaranteed by the European Convention on Human Rights, the meaning and scope of those rights is to be the same as defined by the convention, though EU law may provide for more extensive protection. In article 34, the CFR does mention that “in order to combat poverty and social exclusion, the Union recognizes and respects the right to social and housing assistance, so as to

ensure a decent existence for all those who lack sufficient resources”. Even though it was originally foreseen that the CFR would include all the rights included in the ESC of the Council of Europe, in practice the Charter of Fundamental Rights provides considerably less protection. In addition, the CFR does not have an optional protocol that provides a system of collective complaints. In 2007, the European Union set up the Fundamental Rights Agency (FRA), which for the time being is not working on the question of poverty, except indirectly within the context of the rights of the child and the integration of migrants.

As noted in section 1, the European Council adopted, as part of its “Europe 2020” strategy, five main targets, the fifth of which is to lift at least 20 million people out of the risk of poverty and exclusion. We also noted there that about 80 million people are materially deprived, and that this number is likely to increase as a result of actual and foreseen cuts in social government budgets. The number of 20 million is arbitrary from a human rights point of view, because poverty is a denial of human rights and is therefore unacceptable as such. This was also noted by the Intergroup on Extreme Poverty and Human Rights of the Fourth World Committee of the European Parliament, which in March 2010 addressed a letter to this effect to the Presidents of the European Council, the Commission and Parliament.

Therefore, a first step towards a more effective policy to eradicate poverty is to create a full set of “structural”, “process” and “outcome” indicators, as mentioned in section 2. It so happens that some member States, such as the United Kingdom, have already started to create such sets of indicators – in collaboration with the OHCHR (Payne and Schaeffer, 2010). Secondly, quantitative indicators on (extreme) poverty should be published annually and evaluated on an annual basis by the European Parliament and the Council. They should be adopted at the same time as the establishment of the European Platform Against Poverty, in the context of the Open Method of Coordination, and set a target date for the eradication of extreme poverty. Finally, as noted in section 3.1, the European Union should establish a partnership programme with people living in poverty and with the civil society organizations in which they choose to play an active part, so as to make anti-poverty programmes and policies more effective (International Movement ATD Fourth World, 2010).

4. Conclusions

The recession following the financial crisis in 2008 has brought to light the need for a firm moral and political foundation for basic economic and social support to all citizens in a society – and in the world as a whole. The European Council adopted, as part of its “Europe 2020” strategy, five main targets, the fifth of which is to lift at least 20 million people out of the risk of poverty and exclusion. However, about 80 million people in the European Union are materially deprived, and this number – both inside and outside the European Union - is likely to increase as a result of actual and foreseen cuts in social government budgets.

The human rights approach provides a solid basis for long-term solutions to poverty eradication. This is so, because it considers poverty as a violation of human dignity and of human rights, and it implies that priority attention should be given to

those living in extreme poverty and social exclusion. Moreover, it clearly defines the responsibilities of duty bearers, in particular the State, and it provides a common point of departure for action by all stakeholders. In order to make States and other duty bearers more accountable and to monitor progress, it is necessary to develop appropriate indicators.

People living in (extreme) poverty face common obstacles in accessing government services and institutions, including physical, economic, administrative and other obstacles. The participation of people living in poverty in designing, implementing and evaluating anti-poverty programmes and projects will make them more effective, because their participation can create a better understanding of poverty with professionals and institutions. European governments and organizations, such as the Council of Europe and the European Union, should therefore establish partnership programmes with people living in poverty and with the civil society organizations in which they choose to play an active part.

The European Social Charter (ESC) adopted by the Council of Europe is the most comprehensive European text on social rights. Its impact is strengthened by the recently adopted Additional Protocol that provides a system of collective complaints. A majority of the members of Council of Europe has ratified the revised and more comprehensive version of the ESC, and almost all of the remaining members have ratified the original version, which was adopted in 1961. However, relatively few member have ratified the additional protocol, and it would also be good if more European countries could ratify the revised version of the ESC, and in particular articles 30 and 31, which relate respectively to the right of protection against poverty and social exclusion, and to the right to housing.

From a human rights point of view, the aim of the European Union to lift at least 20 million people out of poverty 20 million is arbitrary, because poverty is a denial of human rights and is therefore unacceptable as such. In addition, the adoption of such an aim could result in a situation where people living in extreme and chronic poverty would not – or hardly – be affected by anti-poverty policies and programmes. For the European Union, this would mean that quantitative indicators on (extreme) poverty should be published annually and evaluated on an annual basis by the European Parliament and the Council. They could also be used for defining targets in the context of the Open Method of Coordination. EU structural fund could be used to help countries to achieve these targets, particularly in countries that have joined the Union since 2004.

It also deserves attention for the European countries and institutions to work together with UN institutions more closely. The UN Human Rights Council is developing the Draft Guiding Principles (DGPs) on Extreme Poverty and Human Rights, which can inform and inspire similar efforts in Europe. On the other hand, the final adoption of these DGPs will depend on the active support from all European countries and the European Union. The OHCHR is developing a new set of “structural”, “process” and “outcome” indicators that makes it possible to monitor progress in human rights and to make duty bearers more accountable. Finally, the development and evaluation of the MDGs is likely to become a more global exercise and increasingly based on human rights principles.

References

- Alkire, Sabina; and Santos, Maria Emma. 2010. *Acute multidimensional poverty: A New Index for Developing Countries*. (Oxford, Oxford Poverty & Human Development Initiative (OPHI) Working Paper No.38).
- ATD Quart Monde. 2006. *Ce que l'on dit doit faire changer notre vie. Grande pauvreté, participation, et accès de tous aux droits fondamentaux* (Paris, Editions Quart Monde; un document de travail européen du Mouvement International ATD Quart Monde).
- Brillat, Régis. 2009. "La Charte sociale européenne révisée: le défi des droits sociaux face à la pauvreté", in Decaux, Emmanuel; and Yotopoulos-Marangopoulos, Alice (eds) *La pauvreté, un défi pour les droits de l'homme* (Paris, Editions A. Pedone).
- Bradshaw, Jonathan; and Mayhew, Emese. 2010. *The measurement of extreme poverty*. (York, The University of York, Social Policy Research Unit; Second draft Final Report, June 17).
- Bradshaw, Jonathan; and Mayhew, Emese. forthcoming. "Understanding extreme poverty in the European Union", in *European Journal of Homelessness*.
- European Commission. 2010. *Combating poverty and social exclusion. A statistical portrait for the European Union 2010* (Luxembourg, Publications Office of the European Union).
- European Council, 2010. *A new European Strategy for Jobs and Growth* (Brussels, Conclusions of the meeting of 17 June).
- Fukuda-Parr, Sakiko; Lawson-Remer, Terra; Randolph, Susan. 2009. "An Index of Economic and Social Rights Fulfilment: Concept and Methodology", in *Journal of Human Rights* 8(3), pp. 195-221.
- van Ginneken, Wouter. 2009. "Social security and the global socio-economic floor: Towards a human rights-based approach" *Global Social Policy* 9(2), pp.228-245.
- van Ginneken, Wouter. 2010. "Social security coverage extension: A review of recent evidence", in *International Social Security Review* 63(1), pp. 57-76.
- Godinot, Xavier. 2009. "Eradiquer la misère par la « démarche Wresinski » », in *Revue Quart Monde* (No. 2009/1), pp.58-61.
- International Movement ATD Fourth World. 2008. *Turning Rethoric into Action. Building effective partnerships to combat extreme poverty and exclusion* A background document for the round-table dialogue on October 17, 2008 International Day for the Eradication of Poverty, United Nations, New York Accessed on 14 August 2010 at : <http://www.atd->

fourthworld.org/IMG/pdf/Turning_Rhetoric_Into_Action_Participation_Toolkit_Oct08_low_res.pdf.

International Movement ATD Fourth World. 2010. *Open letter to the President of the European Council* (Paris, 22 March) Available at : <http://www.atd-fourthworld.org/ATD-Fourth-World-asks-the-European.html>

Khan, Irene. 2009. *The unheard truth. Poverty and Human Rights* (New York and London, published for Amnesty International by W.W. Norton Company).

OHCHR. 2006. *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, HR/PUB/06/12, available at: <http://www.unhcr.org/refworld/docid/46ceaf92.html>

OHCHR. 2008. Report on Indicators for Promoting and Monitoring the Implementation of Human Rights' International Human Rights Instruments, HRI/MC/2008/3 (Twentieth meeting of chairpersons of the human rights treaty bodies, Geneva, 26-27 June). Available at: <http://www2.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2008.3EN.pdf>.

OHCHR. 2009. *Draft Guiding Principles on Extreme Poverty and Human Rights. A Technical review.* (Geneva)

Payne, Anne Maree; and Schaefer, Laura. 2010. *Long-list of Indicators and Measures* Centre for Analysis of Social Exclusion (CASE). Centre for the study of human rights. Human Rights Measurement Framework: EHRC/SHRC Specialist Consultation on Selection of Indicators (London, May).

Riedel, Eibe. 2007. "Monitoring the 1966 International Covenant of Economic, Social and Cultural Rights", in Politakis, George (ed.) *Protecting Labour Rights as Human Rights: Present and Future of International Supervision* (Geneva, ILO; Proceedings of the International Colloquium on the 80th Anniversary of the ILO Committee of Experts on the Application of Conventions and Recommendations, 4-25 November 2006).

UNHRC. 2009. *Resolution on the Draft Guiding Principles on Extreme Poverty and Human Rights* (Geneva, document A/HRC/12/L.30).

Vandamme, François. 2008. "La relance de la Charte sociale européenne", in *Revue Quart Monde* No.207 (2008/3).

TABLE 1: CHARACTERISTIC ATTRIBUTES OF SELECTED ECONOMIC, SOCIAL, CIVIL AND POLITICAL RIGHTS

<i>Right to</i>	<i>Attribute 1</i>	<i>Attribute 2</i>	<i>Attribute 3</i>	<i>Attribute 4</i>	<i>Attribute 5</i>
<i>Adequate food</i>	Nutrition	Food safety & consumer protection	Food availability	Food accessibility	
<i>Health</i>	Sexual & reproductive health	Accessibility to health facilities and essential medicines	Natural & occupational environment	Prevention, treatment & control of diseases	Child mortality and health care
<i>Education</i>	Universal primary education	Accessibility to secondary and higher education	Curricula and educational resources	Educational opportunity and freedom	
<i>Housing</i>	Habitability	Accessibility to services	Housing affordability	Security of tenure	
<i>Social security</i>	Income security for workers	Affordable access to health care	Family, child and adult dependent support	Targeted social assistance schemes	
<i>Work</i>	Access to decent and productive work	Just and safe working conditions	Training and skill development	Protection from forced labour and unemployment	
<i>Liberty and security</i>	Effective review by court	Security from crime and abuse by law enforcement officials	Administrative deprivation of liberty	Arrest and detention based on criminal charges	
<i>Participation in public affairs</i>	Universal and equal suffrage	Exercise of legislative, executive and administrative powers	Access to public service positions		

Source: OHCHR (2008)