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## THE EFFECT OF EXTREME POVERTY ON HUMAN RIGHTS

By

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All human beings are born free and equal in dignity and rights .....  
 Universal Declaration of Human Rights, Article 1

The poor man's conscience is clear, yet he is ashamed. He feels himself out of the sight of others. Groping in the dark mankind takes no notice of him and He rambles, and wanders unheeded. In the midst of a crowd, at church, in the market. [H] is in as much obscurity as he would be in a garret or a cellar. He is not disapproved, censured, or reproached, he is only not seen. To be wholly overlooked, and to know it, are intolerable.

John Adams.

### 1. Introduction

Human rights are rights which belong to humanity, to all persons of all cultures, nations, states, colour, gender etc. whether or not the legal system in which they live explicitly protects these rights. These rights belong to all of us equally and they are essentially moral claims, claims which are superior to the legal rules which happened to be in force in the country in which one lives. In many countries, these moral claims have been incorporated in the legal rules, often even in the supreme, legal rules such as the Constitution<sup>1</sup>. This means that people can go to court to have their rights enforced in case of violation. Different human rights are independent.

These human rights are rights and freedoms to which all humans are entitled, and it is usually asserted that everyone is endowed with these entitlements merely by reason of being human. Thus, they are conceived in a universalist and egalitarian fashion. Such entitlements can exist as shared norms of actual human moralities, as justified moral norms or natural rights supported by strong reasons, or as legal rights either at a national level or within international law<sup>2</sup>.

Modern international conceptions of human rights can be traced to the aftermath of World War II, and the foundation of the United Nations<sup>3</sup> Charter set out one of the purposes of the

<sup>1</sup> What -Are-Human-Rights available at <http://filipsagnoli.wordpress.com/> accessed on 23<sup>rd</sup> September 2010. However, these rights are limited.

<sup>2</sup> Feldman, David, *Civil Liberties & Human Rights in England and Wales*, (Oxford University Press, 2005) p. 51, The Standard Encyclopedia of Philosophy culled from <http://en.wikipedia.org/wiki/Human-right> accessed on 23<sup>rd</sup> September 2010.

<sup>3</sup> UN

UN is to; “[t] achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms. For all without distinction as to race, sex, language or religion” The rights espoused in the UN Charter would be codified in the International Bill of Human Rights, composing the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights.<sup>2</sup>

The Universal Declaration of Human Right (UDHR) was adopted by the United Nations General Assembly<sup>3</sup> in 1948 partly in response to the atrocities of World War II. Although the UDHR was a non binding resolution, it is now considered to have acquired the force of international customary which may be invoked under appropriate circumstances by national and other judiciaries. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the foundations of freedom, justice, and peace in the world. The Declaration was the first international legal effort to limit the behavior of states and press upon them duties to their citizens following the model of the rights-duty duality. On the other hand, Poverty<sup>4</sup> means a state of not having enough money to take care of basic needs such as food, clothing, and housing etc. It also means a deficiency or lack of something. Extreme poverty is thus the inability or denial of the rights of an individual or group of individuals to participate and contribute to the development, planning, implementing and evaluating of policies affecting them and the respect of their dignity as universally recognized in the fight against extreme poverty.<sup>7</sup>

Sadly, it can be observed that despite the large population and resources of the world and despite a high and growing global average income, billions of human beings are still condemned to lifelong severe poverty, with the attendant evils of low life expectancy, social exclusion, ill-health, illiteracy, dependency, and effective enslavement. The annual death toll from poverty related causes, is around 18 million, or one third of all human deaths which adds up to approximately 270 million deaths since the end of the cold war.<sup>8</sup> Though consisting 44 percent of the world's population, the 2,735 million people, the World Bank counts as living below \$ 2 per day are indeed<sup>9</sup> Every year there are 350 to 500 million cases of malaria, with

<sup>2</sup> Human Rights available at <http://wikipedia.org/wiki/Human-rights> accessed on 2<sup>nd</sup> September, 2010

<sup>3</sup> Human Rights Ibid

<sup>4</sup> Microsoft® Encarta® 2007. © 1993-2006

<sup>5</sup> Vienna World Conference On Human Rights

<sup>6</sup> World Health Organization, Report, 2004 (Geneva WHO, 2004), Annex Table 2, available at [www.who.intl/whr/2004](http://www.who.intl/whr/2004). Also

<sup>7</sup> Thomas Pogge, *Poverty and Human Rights* available at

<sup>8</sup> [www2.ohcr.org/englishissucs/poverty/expert/docs/Thomas.PoggeSummary.pdf](http://www2.ohcr.org/englishissucs/poverty/expert/docs/Thomas.PoggeSummary.pdf) accessed on 4<sup>th</sup> September 2009

<sup>9</sup> World Bank, *World Development Report*, (New York: Oxford University Press 2003) p.235

1 million fatalities. Africa accounts for 90% of the malaria deaths and the African child accounts for over 80% of the malaria victims. Indeed the list is endless<sup>10</sup>

### 1. Methods Of Measuring Poverty:

Various methods have been postulated for measuring poverty and they include:<sup>11</sup>

2.1 *Insufficient Income*: (Determining a sufficient level of income or sufficient for a Decent Human Life); This is usually called a poverty line or poverty rate. Usually poverty is indeed understood as insufficient income (preferably post tax and post benefits). Measuring poverty this case means measuring actual income and counting the number of people who have less income than the sufficient level<sup>12</sup>

2.2 *Insufficient Consumption*:- Because of these problems, some countries define poverty not by income levels, but by consumption levels. Measuring poverty in this case means determining a sufficient level of consumption. That is hard to determine as well. Consumption needs differ from person to person, depending on age, gender, occupation, climate etc.<sup>13</sup>

2.3. *Direct Physical Of Real Consumption*: Rather than trying to measure total income or consumption, another way of measuring poverty is to measure consumption of certain physical, items, and combine that with some easy to measure elements of standard of living such as child mortality or education levels.<sup>14</sup> It is possible to argue that poverty is not an insufficient level of overall income or consumption, but instead the absence of certain specific consumption articles. There exists some means of measuring poverty here such as the International Demographic and Health Survey.<sup>15</sup> This survey provides poverty indicators in developing countries.

2.4. *Measuring Material Deprivation*: This method operates under that there are certain consumer goods and certain elements of living standard that are universally considered important elements of the decent life. Measurement of ownership of these goods with the important elements occurs, and when people report several types of deprivation of same,

10 *Ibid*, for further data on poverty in the world.

11 Measuring Poverty available at <http://filipspagnoli.wordpress.com/2010/04/16/measuringpoverty-7-different-types-of-poverty> accessed on 24<sup>th</sup> August 2010.

12 Measuring Poverty *Ibid*. However, actual income levels are notoriously difficult to measure: People have a lot of informal income which they will not disclose to people doing a survey likewise there is tax evasion and income in kind (market based or from government benefits) and material or immaterial support by local social networks. None of this is included correctly, if at in income measurement, leading to an overestimate of poverty. Another disadvantage of income based measurements: they neglect people's ability to borrow or to draw from savings in periods of lower income. Again this overestimates poverty

13 Measuring Poverty *Ibid*. however, this measurement isn't without problems either. As is the case for income levels; actual consumptions levels are difficult to measure. How much do people actually consume? Or something else perhaps? consumption levels are also deceiving: people tend to smooth their consumption overtime even more so than their income.

14 Measuring Poverty *Ibid*

15 Measuring Poverty *Ibid*

they are considered to be poor. <sup>16</sup>It is however the case that there is no fool proof method of measuring poverty because poverty<sup>17</sup> is an inherently vague concept.

### 1. Summary of Provisions of Human Rights Law which Guarantee All Persons the Human Right to Freedom From Poverty.

In 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted by United Nations, making the rights contained in the UDHR binding on all states that have signed this treaty creating human rights law. They are also other treaties that contain relevant provisions. Excerpts of some of the provision are thus:

3.1 *Universal Declaration of Human Rights*: "Everyone is entitled to the realization of the economic, social and cultural rights indispensable for his dignity ..... Everyone has the right to work..... Every one has the right to standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services..... Every one has the right to education".

3.2 *International Covenant on Economic, Social and Cultural Rights*:- Article 6,7,9,11,12,13- states that "parties..... recognize the right to work ..... to the enjoyment of first and favorable condition of work which ensure..... Fair wages and equal remuneration for work of equal value without distinction of any kind ..... a decent living for themselves and their families ..... the right of everyone to social security, including social insurance... the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions . ... the fundamental right of everyone to be free from hunger .... to the highest attainable standard of physical and mental health .... to education... State parties shall ..... ensure to women equal rights in ..... education..". State Parties shall ..... ensure to women equal rights with men ..... in education..... the right to work and work..... access to health care ... bank loans ..... credit ..... state parties shall take an appropriate measures to eliminate discrimination against women in rural areas in order to ensure to such women the right..... to have access to adequate health care facilities ..... , to benefit ..... from social security programmes ... to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

3.3 *Convention on the Elimination of All Forms of Discrimination against Women* (Articles 10,11,12,13, and 14):-<sup>18</sup>

■ Measuring Poverty, Ibid. One set back of this method of measurement however often fails to distinguish between real deprivation and results of personal choices and lifestyles. Some people can't have a decent life without a car or a solid floor. Others involuntarily choose not to have those goods. It is likely that only the former are "poor". Further more, since these measurements are often based on surveys there are some survey related problems. The really poor may be systematically, excluded from the survey because they cannot be found or don't report their poverty.

■ Available at <http://www.pdhre.org/rights/poverty.html> accessed on 2nd August 2010

■ Articles 22,23,25,26

“State Parties undertake to prohibit and to eliminate racial discrimination ... and to guarantee the right to everyone, without distinction as to race, colour, or national or ethnic region, to equality before the law... in the enjoyment of ..... to just and favourable remuneration .... to housing .... to public health medical care, social security and social services... to education and training ...”

### 3.4 *Convention on the Elimination of All Forms of Racial Discrimination:-*

Article 5 states that “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development ..... States Parties ..... shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support ....., particularly with regard to nutrition, clothing, housing”

Others like the Convention on the Rights of the child (Article 27)<sup>19</sup> and the African Charter on Human and Peoples Rights contain similar provisions.

#### 1. **Relationship Between Poverty and International Human Rights Law**

Poverty Day is held on 17<sup>th</sup> day of October every year. Its aim is to promote awareness of the need to eradicate poverty in all countries and the importance of the right to participation.<sup>20</sup>

Obviously, poverty is a violation of human rights <sup>21</sup>as Article 25 of the Universal Declaration states:

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of employment, sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond his control.

Every woman, man, youth and child has the human right to a standard of living adequate for health and well being, to food, clothing, housing, medical care and social services.

From the above analysis, it can be seen that the right to freedom from poverty includes the following:

- The human right to an adequate standard of living
- The human right to work and receive wages that contribute to an adequate standard of living.
- The human right to a healthy and safe environment
- The human right to access to basic service
- The human right to education
- The human right to be free of gender or racial discrimination
- The human right to participate in shaping decisions that affect oneself and one's community

<sup>19</sup> Article 27.

<sup>20</sup> Available at <http://www.amnesty.org/en/news-and-updates/news/poverty-day-to-address-human-rights-and-dignity-2008.017> accessed on 3<sup>rd</sup> July, 2010

<sup>21</sup> Fillip Spagnol, *Poverty* available at Human Rights Facts (5) o Aavailable at <http://filipspagnoli.wordpress.com/2008/05/06/human-rights> fact is accessed on 3<sup>rd</sup> July, 2010

The human right for children to develop in an environment appropriate for their physical; mental, spiritual, moral and social development.<sup>22</sup>

The writer Tyhus opines that Poverty is not just the absence of sufficient income or a level of consumption that is below the minimum threshold. It is multidimensional. It can be seen in the available data that the collective annual consumption of 2735 million people reportedly living (on average of 42%) below the World Bank's \$ 2/day poverty line is about \$440 billion and their collective shortfall from the poverty line roughly \$330 billion per year. This poverty gap is less than one percent of the gross national incomes of the high income countries, which sum to \$35, 142 billion in 2005 (World Bank 2006, 289). These countries contain 15.7 percent of the global product. The global poor are 42 percent of the World's population with 1 percent of the global product.<sup>23</sup>

The links between human rights and poverty is obvious: people whose rights are denied - victims of discrimination or persecution for example are more likely to be poor. Generally, they find it harder or impossible to participate in the labour market and have little or no access to basic services and resources. Meanwhile, the poor in many societies cannot enjoy their right to education, health, housing etc simply because they cannot afford them and poverty affects all human rights: for example low income can prevent people from accessing education ... an economic and social right which in turn inhibits their participation in public life... a civil and political right... and their ability to influence policies affecting them.

Despite this, poverty is still rarely seen through the lens of human rights. Rather, it is usually perceived as tragic but inevitable, and even as the responsibility of those who suffer it. At best those living in poverty countries and individuals are portrayed at worst, as lazy and undeserving.<sup>24</sup>

Many elements are intertwined with poverty and factors like discrimination unequal access to resources, always characterized it. These factors lead to the denial of human rights and human dignity should make good their efforts of making poverty a thing of the past.

On the contrary, there has been argument that poverty is not a violation of human right. It is argued that the only useful definition of human rights is one where a human rights crusader could identify whose rights are being violated and who is a violator.. Who is depriving the poor of their right to an adequate income etc. It is further argued that human rights are a clear dichotomy i.e. someone violates your rights or they do not. But the line between poor and not poor is arbitrary. It is different in different countries, and on a global scale many still argue

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It is submitted that economic rights are necessary for the full use of classical rights. An economic right is therefore a right to a right to have the right to be in a position in which we can enjoy our right. Economic rights are required in order to establish the conditions necessary for the exercise of classical rights.

World Health Organization World Report 2004 (Geneva: WHO, 2004) Annex Table available at <http://www.who.int/whr/2004> accessed on 4th September, 2010; Poverty and Human Rights Available at <http://www2.ohchr.org/english/issues/poverty/espert/docs/ThomasPoggeSummary.pdf> accessed on 4th September, 2010.

Pamimah Atuhaire, *Poverty Is Human Rights Violation* available at <http://allafrica.com/stories/2008/2110646.html>. last accessed on 2nd September, 2010.

what is the right dividing line that constitutes poverty so calling poverty a human rights violation does not point to any concrete actions that the violator must stop in order to restore the rights to the violated.<sup>25</sup>

It can however not be ignored by the persons who argue that poverty is not a violation of human rights that man is unknown and unseen, and, on top of that, he cannot see, he cannot learn from others, follow others, contradict others etc. if he is poor. Economic rights together with freedom rights and political rights take away this darkness and allow people to see and be seen.

Several commitments have been made by governments in the world to ensure the realizations of the human from poverty for all. There commitments include those made at the earth summit in RIO in 1992<sup>26</sup>, the world summit for social Development in Copenhagen in 1999,<sup>27</sup> the world conference on Women in Beijing,<sup>28</sup> and the Habitat<sup>29</sup> conference in Istanbul. They include these excerpts:

“All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirements for sustainable development.” - Rio Declaration, Principle 5.

“A specific anti Poverty strategy is .... One of the basic conditions for ensuring sustainable development. An effective strategy for tackling the problems of poverty, development and environment simultaneously should begin by focusing on resources, production and people and should cover demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a democratic participation process...”

Agenda 21, Chapter 3, Para. 2.

“We commit ourselves to ... eradicating poverty ... we will... formulate ... policies ... geared to ... eradicating absolute poverty by a target date... specified by each country....., address the root causes of poverty... food security, education,...

“More than one billion people in the world today, the great majority of whom are women, live in an unacceptable conditions of poverty ... women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources ... lack of access to education and economic and social life ... key elements of a poverty eradication strategy include policies geared to reducing inequalities, increasing opportunities, improving and providing ... access to resources employment and income...”

Copenhagen Declaration Commitment 2.

25 William Easterly, poverty is not a human right violation, published in June 5<sup>th</sup> 2009 at <http://aidwatchers.com/2009/06/poverty-is-not-a-human-rights-violations/>.

26 Available at [www.ciesm.org](http://www.ciesm.org) accessed on 6<sup>th</sup> August 2010

27 Available at [www.visioffice.com/scale/wsd.html](http://www.visioffice.com/scale/wsd.html) accessed on 6<sup>th</sup> September 2010.

28 Available at <http://undp.org/fwcw/htm> accessed on 6<sup>th</sup> September 2010.

29 Available at <http://undp.org/un/habitat/html> accessed on 6<sup>th</sup> September 2010.



"we ... are committed to a political, economic environmental, ethical and spiritual vision of human settlements based on the principles of equality ... human dignity respect and cooperation ... violation of human rights,... economic imbalances, poverty ... are destructive to human settlements and should ... be denounced and discouraged by all states... promoting equitable, socially viable and stable human settlements is inextricably linked to eradicating poverty... poverty has various manifestations including homelessness and inadequate housing... people living in poverty must be empowered through freely chosen participation in all aspects of political and natural resources and foreign products and cushions upon them.

Habit Agenda, Paras 25 and 115

### **1. Joining the Ends Between Extremes of Poverty and Human Rights**

Joining the ends between extremes of poverty and human rights is a task that must be achieved in the world. Many believe that the radical inequality we face, can be justified by reference to how it evolved, for example through differences in difference, culture, social institution, soul climate or fortune. However much of it was built up in the colonial era, when today's affluent countries ruled today's poor regions of the world, trading their people like cattle, destroying their political institutions and cultures, taking their lands and natural resources, and forcing products and customs upon them. It is opined here that to breach this wide gap of poverty, the former colonialists must return the resources which they took from the poor countries by way of technological transfer, grants, improved trade relations, constant training of experts in various fields, increased and beneficial trade relations etc.

It is opined by the writer that to breach this wide gap of poverty, the former colonialists must return the resources which they took from the poor countries by way of technological transfers, grants, constant training of experts in various fields, increased and beneficial trade relations etc. It is further the case that global institutional arrangements are casually implicated in the reproduction of massive severe poverty. Governments of affluent countries bear primary responsibility for these global institutional arrangements and can foresee their detrimental affects and many citizens of these affluent countries bear responsibility for the global institutional arrangements their governments have negotiated in their names. The usual empirical debates concern how developing countries should design their economic institutions and policies in order to reduce severe poverty within their borders. The poor countries are often told that they should opt for free and open markets with minimum taxes and regulations so as to attract investment and to stimulate their economic growth it is further the case that global institutional arrangements are usually implicated in this massive severe poverty regime. Governments of affluent countries bear primary responsibility for these global institutional arrangements and can foresee their detrimental effects on poor countries.. They state that poor countries should opt for free and open markets with a minimum taxes and regulations so as to attract investment and to stimulate growth. However, it can be seen that these international financial institutions like IMFI, the World Bank etc. have very stringent and

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disadvantageous policies which at the long run keep the poor countries in perpetual debt with just few occasional grants to cushion the debts effects. The writer calls for more favorable policies towards the poor countries, if there is to be a bridge of gap in between poverty and international human rights.

It is further the case that there is need for extensive government investment in education, health care and infrastructure and other sectors of the economy or for some protectionist measures to incubate fledging Industries, until they become internationally competitive.<sup>30</sup>

Also, the advanced nations should seek ways to compete less with the products of the poor countries while at the same time the poor countries should upgrade their products in order to make them complete favourably with that of the outside world. It is the case that in the World Trade Organization negotiations, the affluent countries have insisted on continued and asymmetrical protection of their markets through tariffs, quotas, antidumping duties, export credits, and huge subsidies to domestic producers. Such protectionism provides a compelling illustration of the hypocrisy of the rich states that insist and command that their own exports be received with open markets.<sup>31</sup> It greatly impairs export opportunities for the poor countries and regions.

If the rich countries cooperate, the poor countries will benefit greatly: hundreds of millions will escape unemployment, wage levels will rise substantially and incoming export revenues will be higher by hundreds of billions of dollars each year.<sup>32</sup>

It can also be observed that the same rich states also insist that their intellectual property rights ever expanding in scope and duration - must be vigorously enforced in the poor countries. These include Music, soft ware, production processes, words, seeds, biological species, drugs etc. and that more rents must be paid to the corporations of the rich countries thus restricting access access to their markets. It cannot be overemphasized that if the reverse is the case, millions will be saved from diseases and death if generic producers could freely manufacture and market life saving drugs in the poor countries<sup>33</sup>

It is also the truth that more often than not, the rich countries while charging billions for their intellectual property, pay nothing for the externalities they impose through their vastly disproportional contributions to global pollution and resource depletion. The global poor benefit least, if at all, from polluting activities, and also are least able to protect themselves from the impact such pollution has on their health and on the natural environment (such as flooding due to rising sea level).<sup>34</sup>

There is also the need to ensure good governance in the poor countries and a call is thus made for the leadership of the poor countries to brace up to the challenge of channeling all resources to the improvement of the economies of their countries. It is true, of course, that the

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30 As illustrated by example of South Korea

31 Thomas, Pogg *Human Rights And Global Health Metaphilosophy* 36, nos 1-2 (2005) pp 182-209

32 *Ibid*

33 *Ibid*

34 *Ibid*

rich countries pay for the vast quantities of natural resources that they import, but such payments cannot make up for the slow development rate of the poorer countries and regions. The payments made for resource rich countries are made to their leaders, with no concern about whether they are democratically elected or at least minimally attentive to the needs of the people that they rule.

Rather these funds provide these leaders with the money and arms they need to stay in power, often with great brutality and negligible popular support and of course not without the devastating effects on the global poor. These leaders often saddle the poor countries with huge debts and onerous treaty obligations. The funds are used to foster coups, civil wars, and interstate wars in the poor countries and regions especially in Africa which many desperately poor but resource rich countries<sup>35</sup>. The rich countries should stop assisting these selfish leaders and desist from assisting them with resources including arms which they use to perpetuate themselves in power. Other spheres that must be addressed include environmental degradation, population explosion, competing land claim rights, religious intolerance, natural disaster management, the political environment of countries etc as it is obvious that where these are not addressed, poverty will remain with its adverse effects on the full realization of human rights,

## 6 Conclusion

Today, poverty prevails as the greatest human rights challenge in the world. Combating poverty, depression and exclusion is not a matter of charity, but it does depend on how rich a country is. By tackling poverty as a matter of human rights obligation, the world will have a better chance of abolishing this scourge in our lifetime.

Poverty eradication is an achievable goal. The links between human rights and poverty are obvious. People whose rights are denied are more likely to be poor people. Generally, they find it harder or impossible to participate in the labour market and have little or no access to basic services and resources. Furthermore, the poor in many societies cannot enjoy their rights to education, health and housing simply because they cannot afford them and poverty thus affects all.

All hands must be on deck to eradicate poverty from the world in order to ensure the full protection of human rights.