

Human Rights and Child Poverty

Speech by Cherie Booth Q.C. at launch of *Child Poverty in the Developing World*.

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Child poverty in the 21st Century is an indictment of governments and the international community. In the last Century we witnessed unprecedented social and economic advancement, however despite this progress global child poverty still remains.

Today, a quarter of the world's population, 1.3 billion - people, live in severe poverty -managing on less than \$1 a day. 800 million people do not get enough food. 840 million adults are illiterate -540 million of them women - and 1.2 billion people live without access to safe drinking water.

These shocking figures highlight the vast inequalities that exist in our world today, but above all it is children who are disproportionately affected by poverty. Over a third, 674 million, live in absolute poverty, six in every 100 infants do not live to see their first birthday, with 8 not living to see their fifth, 160 million pre-school children are underweight, one in three children in the developing world do not complete five years of education and preventable diseases kill over 2 million children every year. No other age group is more vulnerable to poverty than children.

Today, millions of children are denied their basic social and economic rights. World events such as adverse weather conditions, conflicts and new challenges such as the spread of HIV and AIDS have pushed more children into poverty. Children are forced into poverty through no fault of their own. Orphaned and abandoned without adequate care, homeless and left to fend for themselves on the streets. The thought of receiving their basic human rights is nothing more than a distant dream. Having to live in poverty and being denied the rights that many of us take for granted.

The multifaceted nature of poverty means that its impact stems far beyond inadequate income.

Poverty can have a scarring impact on the intellectual, physical and emotional development of children -denying them of their basic human rights such as access to adequate food, safe water and sanitation, primary health care and basic education. Addressing the causes of child poverty is essential to the overall aim of poverty eradication. Breaking the cycle of deprivation must start with children. As James Grant, former Executive Director of UNICEF said: "Children and women can be our Trojan Horse for attacking the citadel of poverty."

There is more to eradicating child poverty than increasing income. It is also about ensuring

a person's ability to live with dignity. No longer can we rely on the traditional methods of assisting developing countries in the hope that those most vulnerable will eventually benefit from economic growth. Poverty is a denial of human rights. The two are inextricably linked. The empowerment of those living in poverty is an essential precondition for the elimination of child poverty and for the upholding of human rights.

Despite the link between poverty and human rights the term 'poverty' does not appear in any major international human rights instruments. Increasing incomes had long been seen as the key solution to eradicating poverty and human rights a mere periphery. In part, this is due to the misinterpreted dichotomy between the civil and political rights and economic, social and cultural rights. A concern highlighted in the Vienna Declaration which reinforced the indivisibility of human rights stating: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis."

Without the upholding of economic, social and cultural rights the existence of civil and political rights is severely inhibited. A child's economic and social rights are an important component to their development and well-being as is their civil and political rights. Human rights are indivisible universal rights, applicable to every man, woman and child. A Universal Declaration of Human Rights could not logically be proclaimed if it were otherwise.

International human rights instruments such as the Universal Declaration and the two Covenants on Economic and Social Rights can contribute toward a human rights approach to tackle child poverty. However, most relevant is the Convention on the Rights of the Child. Its virtual universal acceptance and holistic approach offers a coherent framework for child poverty reduction; bringing an end to the invisibility of children and based on the principles of non-discrimination, the best interests of the child, survival and development and respect for the views of the child.

In the last decade a human rights approach toward poverty reduction has gained momentum. The Vienna Declaration established a permanent link between extreme poverty and the absence of the full and effective exercise of human, rights. The work spearheaded by Mary Robinson at the Office of the High Commissioner for Human Rights has resulted in the publication of guidelines for a rights based approach to poverty reduction and most notably UNICEF has adopted a rights based approach to eradicating child poverty. For the first time, human rights are at the forefront of United Nations activities.

If we look to the Commonwealth we see a similar devotion to the cause of promoting these economic and social rights. The *Commonwealth Human Rights Initiative*, in a submission to the *Expert Group on Democracy and Development* in November last year, noted that electoral democracy is not necessarily enough to ensure development; that the sine qua non

for poverty eradication are the values of human rights - both civil and political freedoms *and* the values of economic justice, social inclusion, and cultural rights. What's more, this policy commitment to an expanded vision of democracy has been given practical effect through the example of some Commonwealth states. South Africa, as many of you know, has entrenched justiciable socio-economic rights in its Constitution, and that country's courts have proclaimed loudly, for all other nations to hear, that "civil and political and socio-economic rights are inter-related and mutually supporting", and that "[t]here can be no doubt that human dignity, freedom and equality... are denied to those who have no food, clothing or shelter".¹

There is no single solution to child poverty. Poverty, by nature is complex, affecting many areas of life and infringing on numerous human rights. A human rights approach to child poverty eradication goes beyond the focus of increasing income and toward the recognition of children's individual rights, based on an obligation to respond to children's rights and affecting how resources are allocated. Every child is treated equally - boys and girls - no matter what age, children living in rural areas as well as urban, children from minority groups, asylum seekers and child refugees. A rights based approach is based on an obligation to prevent and respond to human rights violations.

Human rights are clear values, not aspirations. They should form a framework for poverty reduction programmes and not seen as a mere attachment to development. Human rights should be seen an integral part of any programme to eradicate child poverty.

There are undoubtedly *economic benefits* for people and for Governments which flow from a commitment to the rule of law and sound human rights policies. And it is increasingly recognised around the globe that the observance of the rule of law is the key for progress in the developing world.

There are innumerable examples of countries where the rule of law has not been established, or has broken down, and as a result investment, and especially inward investment, has been inhibited and thus development and prosperity have been held back. As James Wolfensohn, President of the World Bank, recently noted in relation to one of the least developed regions of the world:

"Africa needs strong, well-established rule of law regimes to enable it to trade itself into prosperity and out of poverty".

It is for that reason that the European Union makes it clear to countries seeking to join the Union that they will need to have achieved certain standards of justice and have created 'institutions that adhere to the rule of law before they will qualify for membership. And the World Bank, in a similar manner, uses its loans and the conditions attached thereto to

¹ Per the Constitutional Court in *Government of the Republic of South Africa v Grootboom* 2000 (11) BCLR 1169 (CC), para. 23.

encourage such improvements.

We should applaud too, the recent initiatives on the African continent towards what has been described as an "African Renaissance". Through the framework of the New Partnership for Africa's Development (NEPAD), African leaders have committed themselves to the achievement of good governance, effective institutions, and sound regulatory frameworks, all underpinned by respect for the rule of law and international human rights standards. NEPAD is an attempt to redefine Africa's programme of development in such a way that African countries take ownership of the process. Creating a capable state with a set of sound economic policies and a stable political environment is at the core of the initiative. African leaders, I believe, deserve continued support in this important step forward for the continent.

Human rights and development go hand in hand. Many children living in poverty are denied access to basic education, inhibiting their development and ability to participate in society. A study in 1995 estimated that countries in sub-Saharan Africa which failed to give girls a fair chance of an education have suffered a reduction in economic growth of 0.7% every year for the last 30 years. As a consequence, those countries were found to have a GNP roughly 25% lower than if they had given girls a better chance.

A more precise World Bank estimate in 1999 suggested that education for female farmers in Kenya could help increase crop yields by as much as 24%. Improving access to adequate education, particularly for girls, is essential to increasing their opportunities and importantly breaking the poverty cycle.

But I do not wish to be understood as advocating common commitment to human rights, the rule of law and democracy, only because there are sound economic reasons for doing so. A commitment by States to democracy, the rule of law and human rights leads to economic wealth, no doubt, but there is another wealth at stake too. That wealth comes from a shared commitment to fundamental values about what is right; wealth, in other words, which is of an ethical kind. The full, inclusive view of democracy which I elaborated upon earlier, for example, hints at the ethical wealth I am thinking of in this regard. The wealth acquired by citizens in a country committed to this inclusive idea of democracy is far more -- than economic: they reap a moral system of government, one which constantly expands the opportunities for popular participation in political processes and puts an end to social practices that systematically marginalise some citizens while empowering others.

Human rights, as Eleanor Roosevelt liked to remind us, start in the human heart. And we promote all three -the rule of law, human right and democracy -because we aspire for political systems that have a moral imperative; systems that focus first and foremost on the intrinsic value of man and woman, not the value of things.

The upholding of human rights is essential if we are to achieve the prize of eradicating

child poverty. There is now an acknowledgement that this cannot be done purely through debt relief, fair trade and aid and that poverty reduction programme needs to be underpinned with respect for human rights standards.

Breaking the poverty cycle is vital and children's rights must be the main priority. Today's report highlights the extent of the task ahead, with millions of children still living in poverty and denied their basic human rights. It rightly emphasises the need to improve basic infrastructure and social services, as well as increasing income in order to reduce child poverty.

There needs to be a renewed emphasis by the international community toward child poverty eradication. One in which respect for human rights plays a central role. Governments by signing up to the UN Convention on the Rights of the Child have an obligation to ensure that all -children are not denied their human rights but this can only be achieved if there is the political will.

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