



Making Human Rights work for people struggling in persistent poverty

All Together in Dignity works to make rights real!

Making Rights Real In Ireland

ATD is an active member of the **ESC Rights Initiative** and runs the secretariat of the Irish Committee for the UN Day for the Eradication of Poverty which core message is a call for a Human Rights based approach to poverty: ““Whenever men and women are condemned to live in poverty, **human rights are violated**. To come together to ensure that these rights are respected is our solemn duty” (UN Day Call to Action – initially launched on 17 October 1987)

In addition to working on policy issues at a European and international level, ATD manages in Ireland a number of projects based on rights-based approaches to health, housing, and livelihoods at a national level.

In 2015, ATD Ireland led a series of Human Rights Workshops in which participants, citizens experiencing poverty and social exclusion, were asked what Human Rights mean to them. The discussions were meant to both distinguish what rights they feel entitled to and what actions could make those rights more accessible to them. While a number of subjects and issues affecting the participants were discussed, the following are the key points that emerged:

1. Education makes Human Rights real

The discussion groups emphasised the role that education can play in allowing people to access their rights. Education can make people aware of their rights, able to express themselves and to claim their rights. It can also allow young people to relate better to others and create a sense of solidarity.

2. Communities make Human Rights real

The groups frequently discussed the important role that community plays in people’s lives and their resilience. Discussions centred around how communities can allow for individuals to feel supported and enable them to access their rights. Furthermore, they can inspire solutions for the positive obligations of the State to deliver on rights.

3. Quality rights make Human Rights real

The importance of the quality of rights was also discussed. Participants had frequently dealt with inadequate implementation of rights, such as unsafe accommodations, delayed medical care, and poor quality translations in legal situations. Low quality delivery on rights can often exacerbate bad situations and discourage individuals from seeking help they need.

Making Rights Real In Europe

ATD Ireland with 10 national ATD organisations in Europe has developed a set of proposals in the document “**Working Together to Design and Build A Europe Without Poverty and Exclusion**”. Through extensive consultations and preparatory work with people living in poverty, ATD put forth a series of recommendations to address pertinent issues affecting people in Europe. These include calling upon the European Union to guarantee a number of rights, from the right to legal existence for all persons living on its territory to the right to education and basic knowledge for all. The document discusses how the ineffective implementation of these rights can have numerous negative consequences such as the shattering of the family unit caused by chronic social exclusion. **The document also calls upon the Member States to ratify the European Social Charter and to accept articles 30 and 31 as well as the collective complaints procedure and to adhere to the charter going forth.**

Articles 30 of the European Social Charter:

The right to protection against poverty and social exclusion. With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

1. to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to in, particular, employment, housing, training, education, culture, and social and medical assistance.
2. to review these measures with a view to their adaptation if necessary

Article 31 of the European Social Charter:

The right to housing. With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination
3. to make the price of housing accessible to those without adequate resources

Both articles have not yet been ratified by Ireland

What is the EU Social Charter?

The **European Social Charter** is a Council of Europe treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare. The Charter lays specific emphasis on the protection of vulnerable persons such as elderly people, children, people with disabilities and migrants. It requires that enjoyment of the abovementioned rights be guaranteed without discrimination. No other legal instrument at pan-European level can provide such an extensive and complete protection of social rights as that provided by the Charter, which also serves as a point of reference in European Union law; most of the social rights in the EU Charter of Fundamental Rights are based on the relevant articles of the Charter. The Charter is therefore seen as the **Social Constitution of Europe** and represents an essential component of the continent's human rights architecture.

“Insofar as they refer to binding legal provisions and are adopted by a monitoring body established by a binding treaty and the relevant protocols, decisions and conclusions of the European Committee of Social Rights must be respected by the States concerned, even if they are not directly enforceable in the domestic legal systems. They set out the law and can provide the basis for positive developments in social rights through legislation and case-law at national level.”

Council of Europe

The current monitoring body of the Charter has two parts:

1. A Collective Complaints Procedure where complaints can be lodged by social partners and other non-governmental organizations.
2. National reports, which can be drawn up by States Parties.

So while a monitoring mechanism does exist for the Charter, the creation and implementation of an enforcement or accountability mechanism, which could oversee the commitment of the States to upholding the rights of its citizens and the realization of these rights, is critical.

The Collective Complaints Procedure:

The Collective Complaints Procedure (CCP) was adopted in 1995 through the Additional Protocol with the aim of increasing the effectiveness, timeliness, and impact of the Charter. The CCP has strengthened the role that social partners and NGOs play by allowing them to directly apply to the European Committee of Social Rights for decisions on non-compliance with the Charter, particularly for States that have accepted the provisions and CCP. The CCP is a parallel protection system complementing the judicial protection provided under the European Convention on Human Rights, but unlike the applications which can be put before the European Court of Human Rights, the European Committee of Social Rights cannot consider individual applications. This places additional importance on the involvement of certain NGOs that are entitled to lodge collective complaints. Due to the fact that the complaints are collective in nature and may not be submitted in individual situations, they can be lodged without domestic remedies being exhausted and without the claimant organisation being a victim of the violation.

ATD vs. France - Following the Collective Complaint mechanism, the International Movement ATD Fourth World issued a complaint against France on 26 January 2006 (no 33/2006). In 2008, the Committee of Social Rights unanimously concluded to violations of articles 31.2 and 31.3 of the Charter on the ground of the failure of France to put in place adequate procedures to limit the risk of evictions, the lack of social housing in general and particularly the lack of priority given to the poorest members in the community regarding access to social housing. They also found a violation of article 31 combined with article E of the Revised Social Charter regarding deficient implementation of the legislation on stopping places for Travellers. As a response, the State took measure for the implementation of the DALO act, adopted in March 2007, regarding the instauration of an enforceable right to housing. (see **“DALO factsheet”**)

FIDH vs. Ireland _ ATD Ireland follows closely and supports the Collective Complaint lodged by FIDH in July 2014 against Ireland. The complaint, which is the result of five years of evidence gathered by Community Action Network, alleges that current housing, social protection, and anti-discrimination conditions do not comply with European standards. It states that the poor conditions experienced by many residents on housing estates violate many of the key articles of the European Social Charter, including the right to health, the right of families and children to have social, legal and economic protection and the right to protection against poverty and social exclusion. The complaint, in particular, addresses the absence of any method for the tenants to legally draw attention to their conditions or raise issues in a structured way, rendering them effectively voiceless. FIDH has highlighted the importance of this complaint on the European level, stating *“This will potentially affect millions of people living in sub-standard accommodation and suffering discrimination and social exclusion throughout Europe. We hope that other organisations and social movements will be inspired by today's development to use this valuable mechanism to highlight and challenge rights violations across the board and enforce human rights at home.”* Noeline Blackwell.

Towards the EU Pillar of Social Rights

"I have made clear that I wanted a more social Europe. We have taken important first steps to achieve that. This year 2017 will be crucial. Following the broad public consultation, it is time to establish the European Pillar of Social Rights. The Social Summit in Sweden on 17 November 2017 will help us to deliver the momentum and put social priorities where they belong: at the top of Europe's agenda."

European Commission President Jean-Claude Juncker, 23 January 2017.

The EU needs to convince people on the ground that it is working on their behalf and not just defending the Euro, economic growth and markets, primarily through promoting austerity. An ambitious Pillar of Social Rights may be the last chance for not only Social Europe but for the EU. "Participation must also be at the heart of the Social Pillar", as highlighted by participants with direct experience of poverty in the 15th European Meeting of People Experience Poverty

From: The time for timidity is over the EU needs an ambitious European pillar of social rights not just principles – Open letter by EAPN Europe to the European Commission President Jean-Claude Juncker, Feb 2017

In March 2016 the Commission launched a public consultation to make an assessment of the present EU social "acquis", to reflect on new trends in work patterns and societies and to gather views and feedback on the principles identified in a preliminary outline of the European Pillar of Social Rights.

The consultation ran until 31 December 2016. **ATD Ireland and ATD Europe took part in this process.** The results of this consultation will contribute to the final outline of the Pillar and help to identify the scope of future action where necessary. **A consolidated version of the European Pillar of Social Rights should be presented on the 26 of April 2017.** The proposals on European Pillar of Social Rights will be accompanied by initiatives on access to social protection, the revision of the Written Statement Directive, the implementation of the Working Time Directive and the challenges of work-life balance faced by working families.

Once adopted, the Pillar should become a reference framework to screen employment and social performance of participating Member States and to drive reforms at national level.

More at: <http://escr-irl.org/?p=200>

Making Rights Real at International Level

"[Poverty is] a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political, and social rights" – The UN Committee on Economic, Social, and Cultural Rights, 2001.

The UN Guiding Principles on Extreme Poverty and Human Rights

For over 25 years ATD campaigned internationally for the adoption of UN Guiding Principles on Extreme Poverty and Human Rights. Eventually adopted in 2012, the Guiding Principles are the first global policy guidelines focused specifically on the human rights of people living in poverty. The guidelines are intended to be used by governments to ensure that public policies include facets of poverty eradication, reach the poorest members of society, and take into account the systemic and structural obstacles to the enjoyment of human rights faced by those living in poverty. These Principles are of urgent importance due to the fact that the human rights of those living in poverty are disproportionately violated and discrimination against them is both widespread and widely tolerated. They are based upon internationally agreed human rights norms and principles and draw on international instruments and agreements, from the Universal Declaration of Human Rights to the Convention on the Elimination of All Forms of Racial Discrimination. The Principles are designed to be global in scope and to be used by all countries and regions at all stages of economic development and as such are based on a relational and multifaceted view of poverty. This view takes into account that the empowerment of people living in poverty should be both a means of realizing the rights of the poor and an end in itself.

"This text stresses that the persons living in poverty should be recognised as right holders and agents of change. This statement represents a net breakthrough in the thinking about poverty that has been current all over the world since the beginning of time. It is an innovation on the level of international law, a Copernican revolution, for persons living in poverty to be considered as rights holders and agents of change. In this way, it refutes old concepts of charity, humanitarian aid and assistance as a main solution for poverty eradication. Persons living in poverty are no longer regarded as passive victims to be relieved, objects to be rescued and not able to act for themselves and the wellbeing of their families...Another implication is that we should move beyond the era of temporary, urgent measures and mostly minimal survival measures, for victims who rapidly become invisible and forgotten, often left behind in their even more precarious situation. Indeed the principle that persons living in poverty are agents of change and rights holders who can address duty bearers, implies the existence of obligations for States to enact measures, strategies, policies, and frameworks with a view of establishing societies where human rights are respected for every one without any exception." **Ton Redegeld, a Dutch lawyer**

MAKING HUMAN RIGHTS WORK FOR PEOPLE LIVING IN EXTREME POVERTY



ATD International and Franciscans International (with the support of Misesan Cara and Edmund Rice International) created a handbook to aid with the implementation and realization of the UN Guiding Principles on Extreme Poverty and Human Rights, entitled **Making Human Rights Work For People Living in Extreme Poverty**.

The handbook was created through a joint effort led by ATD through close consultation and input from Franciscan International and a number of NGOs. The purpose of the handbook is to assist those working directly with people living in poverty better understand their situation from a human rights perspective. This will allow local actors, from both governmental and non-governmental organizations, to take and advise on appropriate actions to ensure that the rights of those living in poverty are respected and protected.

The handbook acknowledges that extreme poverty is not inevitable and that people living in extreme poverty do not merely suffer from a lack of income but rather face substantial barriers which prevent them from accessing fundamental rights such as food and nutrition, housing, work, health, and education. These conditions often force them into accepting dangerous work conditions, poor or unsafe housing, and bearing the consequences of inadequate healthcare, nutrition, and unequal access to justice. These barriers and their subsequent disadvantages are mutually reinforcing and result in a cycle of poverty and stigmatization. This cycle continues when governments and local authorities fail to take the necessary steps to ensure that all people can enjoy their rights. The handbook explains that the Guiding Principles are important as they: **recognize** that extreme poverty is the result of multiple human rights violations; **re-affirm** that those living in poverty are rights-holders and must be recognized as actors in the fight against poverty; **spell out** the state's main obligations to those living in poverty; are **global** in scope and applicable to all countries and regions; and have been **adopted** by the Human Rights Council and so have the support of the international community of states. The handbook outlines key methods of reaching out to and involving marginalized communities in discussions on issues of concern to them. This includes a range of methods, from identifying vulnerable groups and establishing trust and credibility within communities to empowering and mobilizing populations to access their rights.

“People living in extreme poverty are often neglected or overlooked by politicians, public service providers, and policy makers. Their lack of political voice, financial or social capital and their chronic social exclusion make them almost invisible to the eyes of the general population. Their needs and concerns are often absent in policy debates. Moreover, the negative stigma of poverty is so firmly entrenched in the minds of those who are better off in society that laws and policies are often based on stereotypes that assume that persons living in poverty are lazy, irresponsible, indifferent to their children’s health and education, dishonest, undeserving, and even criminal. These prejudices and negative stereotypes are so deeply entrenched that they prevent policy makers from addressing the systemic factors that prevent persons living in poverty from overcoming their situation.”

Magdalena Sepúlveda Carmona, United Nations Special Rapporteur on Extreme Poverty and Human Rights (2008-2014)