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The poverty of human rights

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Poverty is a [sustained and/or chronic denial of civil, political, economic, social, cultural, and development rights](#), according to the [human rights approach](#). This paradigm means addressing the eradication of poverty through the recognition of the poor as individual right-holders, under the premise of their empowerment as agents of social change. However, implementation under these terms of reference has been problematic, in particular regarding inequality and the role of the poor in their own development. I argue here that in practice, rights-based approaches to poverty have not been able to overcome prevailing neoliberal thinking on development; nor existing structures that have produced poverty as an inevitable harm that many people throughout the world must suffer as “losers” of a political and economic global order imposed by elites.

When half of the world’s population owns [less than 3% of the global household income](#), inequality is not only experienced in economic terms, it is also translated into rude differences in the realisation of individual rights. In this respect, human rights can aim to create a “safety net” for all individuals guaranteeing their enjoyment of a minimum level of rights in order to satisfy their [basic needs and to ensure their freedom from want](#). But international human rights law remains silent regarding the “other side” of the picture: that the winners in the system have no limits on the enjoyment of their rights. Indeed, they have an over-realisation of them, being absolutely above the margins of minimum essential levels. This over-realisation directly harms the rights of the losers, thus reproducing the cycle of poverty.

Human rights legal obligations aimed towards international cooperation aim at some measure of equality, but the refusal of states to consider them as legal duties have left these aspirations firmly in the arena of “charity”. This perception has been replicated by several states in the domestic context, in that they consider the eradication of poverty as a matter of solidarity rather than a legal obligation towards citizens. This approach undermines the imagined position of the poor as right-holders, making their role that of passive observers waiting to become beneficiaries of public policies that have nothing to do with rights. Thus they are deprived of the necessary means to change their reality. Poor families face perpetuation of their position as losers in the system for generations.

The “paternalistic” approach is convenient for global elites to the extent that, with an important sector of the population marginalized, they are capable of deciding the methods utilised and the pace in eradication of poverty. They can ensure that this method neither compromises their privilege nor threatens structural reform, which would jeopardize their economic interests.

We need a more radical approach. The unequal distribution of resources and power, combined with the systematic violation of human rights of the poor, makes the adoption of measures of positive discrimination in favour of the most marginalized an urgent priority. The emerging consensus aiming to replace the [Millennium Development Goals](#) should be the moment to finally establish a revolutionary human rights approach to poverty eradication based on the recognition of a *sui generis* right to freedom from poverty. This should include a pro-poor special recognition of rights to non-discrimination, to participation, to redistribution of resources and power, to remedy in case of violations, and to resistance to political and economic systems that serve private interests and violate their basic rights.

If advocates of the rights approach do not recognize its weaknesses and fails to call for the necessary reforms, human rights finally will be the legitimization of an order that will continue benefiting a small minority while harming the large majority.

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