

Extreme Poverty and Human Rights: A Case Study of the United States of America

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This paper presents the problems of poverty in the U.S. from the perspective of the notion of “extreme poverty,” regarded as a violation of human rights. By choosing the United States as the case study, this paper seeks to illustrate that extreme poverty is a pervasive societal problem, irrespective of the level of income of a country. The case of the United States is particularly interesting as it presented an apparent paradox: the wealthiest country on earth has also the highest incidence of poverty amongst the rich industrialised nations and even higher than many developing countries. The conditions of extreme poverty in a country such as the US, with both the resources and the institutions to solve the problem but unwilling to do so due to the lack of political motivation, can be, much more plausibly than in any other country, considered as violation of human rights. The paper provides a broad overview of various dimensions of extreme poverty in the United States through the lens of the human rights framework and offers some policy suggestions.

I. INTRODUCTION

This paper presents the problems of poverty in the U.S. from the perspective of the notion of “extreme poverty,” regarded as a violation of human rights, and therefore entailing obligations for the State and the concerned authorities to work for its eradication as a top priority. By choosing the United States as the case study, this paper seeks to illustrate that extreme poverty is a pervasive societal problem, irrespective of the level of income of a country. It is not only a problem of poor

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developing countries, but a phenomenon found in almost every country of the world. The case of the United States is particularly interesting as it presented an apparent paradox: as the wealthiest country on earth, with a US\$ 12 trillion economy, the United States has also the highest incidence of poverty amongst the rich industrialised nations and even higher than many developing countries. The conditions of extreme poverty in a country such as the US, with both the resources and the institutions to solve the problem but unwilling to do so due to the lack of political motivation, can be, much more plausibly than in any other country, considered as violation of human rights.

The findings of this study are based primarily on the research the author undertook in his capacity as the Independent Expert on the question of Human Rights and Extreme Poverty, for the Human Rights Commission in Geneva. The paper draws on the evidence he presented in a report to the Human Rights Commission on 17th March, 2006 on the prevalence of extreme poverty in the United States, supplemented by further investigations made by him when he was invited to the National Truth Commission, organised by Poor People's Economic Human Rights Campaign, where a large number of activist organisations from different parts of the United States, presented the current status of living conditions and the nature of abject poverty of the various sections of the poor, living in America.

The paper is structured as follows. Section II develops the conceptual framework of extreme poverty as a violation of human rights, which provides the lens through which poverty in the United States is viewed and analysed in subsequent sections. Section III gives a broad overview of various dimensions of extreme poverty in the United States, noting its variation both across different population groups and over time. Section IV presents a particular case study of extreme poverty in the United States, focusing on the victims of Hurricane Katrina in the New Orleans. Several other case studies from different parts of the country are presented in section V, and some concluding remarks are made in section VI.

II. THE FRAMEWORK

The notion of extreme poverty and its relationship with human rights has been described in several studies, including the two reports submitted by the present author (in his capacity as the Independent Expert on Extreme Poverty) to the United Nations Commission on Human Rights (Sengupta 2005, 2006). Extreme poverty has been defined as a composite of income poverty, human development poverty and social exclusion, and encompasses the notions of lack of basic security and capability deprivation over prolonged periods of time. People suffering from

extreme poverty consist of a combination of people who are suffering from one or more of these elements in a form that can be regarded as extreme by convention.

Income Poverty: This refers to a lack of income or purchasing power to secure basic needs. It can be considered in absolute or relative terms. A simple absolute definition, most widely used, is to fix a minimum daily amount of calorie intake (necessary for survival) from food, and supplement it by some minimum amount of non-food items regarded as essential for a decent social existence. A relative definition would include not only the income needed to cover subsistence and essential consumption, but also to satisfy the needs defined by socio-cultural norms and standards, in relation to other members of the society. Since income poverty is defined in terms of access to and availability of goods and services, extreme poverty would mean a command over a much smaller basket of goods and services and/or the prevalence of longer duration of poverty.

Human Development Poverty: In the last few decades, the concept of poverty has been expanded to include deprivation of elements of “well-being” such as health, education, food, nutrition, and other basic requirements for a decent life which are taken as indicators of human development. There is a considerable literature on the identification and estimation of these indicators for most countries in the world (e.g. UNDP 2001). Human development poverty can then be regarded as deprivation of human development, and extreme poverty as extreme or severe deprivation, reflected in low levels of those indicators, according to some generally agreed convention.

Social Exclusion: When people are marginalised, discriminated against, and left out in social relations, they lack basic security and the capability to lead a life of value. Looked at comprehensively, social exclusion can be identified as an integral part of capability deprivation when, with or without adequate income or human development, a socially excluded individual is unable to access the basic amenities of life or participate in social life or in any decision-making process. Social exclusion for a long time ossifies social relationships, as the affected group of persons is expected by others to remain deprived and socially excluded forever. Extreme forms of social exclusion can then be taken as chronic or long-standing social exclusion. Policies to move away from such social exclusion would require more than just solving the problems of income and human development poverty.¹

While poverty under international human rights law is not defined as a human rights violation per se, conditions of poverty are both a cause and a consequence of the non-realisation of rights guaranteed in international human rights instruments.

¹ See, for instance, the contributions by Atkinson (1998), Sen (2000) and Wresinski (1987).

From a human rights perspective, society has an obligation towards its poorest and most vulnerable members, whose well-being must be protected and promoted, not as a matter of charity, but as a matter of right. But to describe poverty even in its extreme form, as a violation of human rights, one has to go through several logical steps which are not always transparent or straightforward.²

There is an obvious value-addition in relating extreme poverty to human rights. A human rights analysis of extreme poverty should lead to a better understanding of its nature and should improve the chance of removing it through more appropriate policy measures and more importantly adopting them as an obligation binding upon the State and other authorities. This is the distinct advantage over just considering it as a socio-economic problem to be resolved in time and in due course. The human rights language is undoubtedly appealing, for if poverty is considered as a violation of human rights, it could mobilise public action, which itself may significantly contribute to the adoption of appropriate policies, especially by Governments in democratic countries.

But to go beyond the rhetoric, it would be necessary to carefully examine the implications of the concept of the eradication of poverty as a human rights entitlement with enforceable obligations on identified duty-bearers, and in that sense the non-enforcement of these obligations can be regarded as a violation of human rights.

When human rights are recognised in international law, all States parties, as well as international institutions and other agencies, are obliged to ensure the fulfilment of those human rights, by taking action jointly and separately and by incorporating them in their domestic legal system. In practice, they may face difficulties in doing so, as many factors influence the realisation of human rights, and the actions and policies of the States or of the international institutions may not invariably lead to the intended results. But a binding obligation means that these agents must be able to demonstrate to the appropriate agencies, like Treaty-Bodies, and similar international organisations as well as to the administrative institutions, the judiciary (when the rights are incorporated in the legal system) and to the public at large that they made their best efforts to fulfil those rights by adopting policies and programmes, individually and in association with others, that had the maximum likelihood of achieving the desired results.

There are two alternative ways in which extreme poverty can be related to human rights. In the first approach, extreme poverty is seen as a violation of human

² These issues have been discussed in full in Sengupta (2005).

rights in itself. For this approach to work, it is first necessary to directly identify the nature of extreme poverty as non-fulfilment of human rights, and then establish a dereliction of duty by the State and other concerned authorities. In the alternative approach, extreme poverty can be described as a condition that is caused by the non-fulfilment of the already recognised human rights. These approaches differ not only in the nature of the characteristics that define extreme poverty but also the recognition of human rights with their corresponding obligations and implications. If extreme poverty can be identified and recognised as a violation of human rights in itself, it becomes an obligation for both the concerned States and the international community to directly make their best efforts to remove it. The discussion would then effectively centre around what policies could have had the maximum impact on poverty eradication and, if such policies were not adopted, which agencies were responsible and accountable, and what steps could be taken to compensate for the less than “best efforts” made by the respective duty bearers. If, however, extreme poverty was not associated with non-violation of human rights, but with conditions created by the non-fulfilment of the various human rights, the obligations would turn on the realisation of those rights. This may or may not be sufficient to eradicate extreme poverty.

Another way of seeing the distinction between the two approaches mentioned above is to note the contrast between the instrumental and constitutive roles of human rights in the context of extreme poverty. In the second approach, human rights are viewed as instrumental in creating a condition of well-being for the right holder, leading to the eradication of extreme poverty. In the first approach, by contrast, human rights viewed as constituent elements of well-being, identified with the eradication of extreme poverty. If the obligation of poverty eradication is derived from the instrumental role of human rights, then even if these rights are realised, there may be other factors or instrumental variables that prevent poverty eradication. Then, human rights obligations, for both State agencies and the international community, would not necessarily entail policies to tackle those other instrumental variables. However, if human rights were the constituent elements of well-being when there is no poverty, the corresponding obligations would cover all policies that are necessary to eradicate poverty, and not just the fulfilment of the human rights, recognised in human rights laws.

Therefore, the human rights community would like to see extreme poverty as a violation or denial of human rights in the constitutive and not just instrumental sense. But for that, a consensus or a general agreement among the different states and members of the international community would have to be built, either as a Covenant or as a declaratory resolution in an international convention or through its incorporation within the legal system of different countries, so that the eradication

of extreme poverty becomes a human rights entitlement. The fact that the different human rights recognised in international law, with corresponding obligations on the State parties and other authorities, can contribute to the eradication of that extreme poverty, is not sufficient to make that eradication a human rights entitlement, which the State parties and other authorities would be obliged to fulfil.

As a matter of fact, conditions of poverty in general and extreme poverty in particular are no longer an unsolvable problem. Even in the short-run, in most countries of the world today, the conditions of extreme poverty can be addressed through implementation of well-designed domestic policies and international cooperation. These policies would often go beyond the fulfilment of just human rights, but include institutional and technological reforms and mobilisation and redistribution of resources. In other words, feasible policies exist, by which the States by themselves, and when necessary with international cooperation, can eradicate extreme poverty. What is needed is to motivate them to adopt those policies in right earnest, which would result from their adopting them as a binding legal obligation. That would surely be facilitated by the recognition of a life without poverty as a human right, or equivalently by recognising the conditions of poverty as a violation of human rights.

To move beyond making an ethical demand based on the moral claims towards the removal of poverty, and to recognise it as a human rights entitlement, a social consensus has to be built. Most members of the society should be willing to push their States to accept the responsibility of adopting and following policies to support the poor and the vulnerable. This would imply some sacrifice and adjustment on the part of those who are not so poor. It is not so easy to reach that consensus, even when it can be demonstrated that feasible policies would not mean a very large sacrifice on the part of the rich. It will be necessary to campaign for this to persuade all, and to engage them in discussions about not only their morality but also the economics and politics of the requirements of removing poverty.

It is in this context that many human rights activists feel that if the claim is limited to removing conditions of extreme poverty in the first stage rather than pushing for the general removal of poverty as a whole, it will have a greater chance of general acceptance. The notion of extreme poverty has been invoked by the human rights activists in the hope that the international community would be persuaded to accept that, while poverty is a severe form of degradation of human dignity, extreme poverty is a violation of human rights. It is not just because existence of extreme poverty in any society is morally repugnant; it is also because, by limiting the problem to a small fraction of the population and more manageable to resolve, it should be possible to build a consensus for removing such conditions as a binding obligation for all members of the society.

While poverty as such is defined as a composite of income poverty, human development poverty and social exclusion, extreme poverty would mean a combination of extreme income poverty, extreme human development poverty and extreme forms of social exclusion. The criteria for determining what will be regarded as the extreme form of the different dimensions of poverty will have to be decided by convention or a social consensus. But the purpose would be to arrive at a relatively small fraction of the total population, smaller than the number of people otherwise regarded as poor, but accepted by all as the most vulnerable group of people. The well-being of those people would be taken as the responsibility of the whole society.

The moral value of removal of poverty in general is acknowledged in almost all countries and all religions. To convert that moral value into concrete actions, most countries have adopted specific policies towards removing poverty. The United States is one such country that has a large number of such policies addressed towards the removal of the different dimensions of poverty that we have discussed earlier. There is also very little doubt that, if the authorities really wanted to remove poverty, the United States has enough resources and institutional facility to be able to do so efficiently and in full measure. This would be even truer if we confined ourselves to only the people suffering from extreme poverty.

However, to translate this policy action into a binding obligation of the authorities towards adopting it as a top priority social action, it will be necessary to incorporate it into the legal systems of the country. What we have tried to plead for in this paper is a case in favour of adopting at least the removal of conditions of extreme poverty as human rights obligation. The society can then accept the responsibility of lifting a small fraction of its population, say 8 to 10 per cent, above the conditions of extreme poverty. It will be quite legitimate to expect that the authorities would make it into a binding obligation by adopting programmes and policies, which are feasible and within their competence.

III. OVERVIEW OF POVERTY IN THE UNITED STATES

Legal and Institutional Background

The United States is party to the *International Covenant on Civil and Political Rights* (ICCPR), the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). It has also signed, though not ratified the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and the *Convention on the Rights of the Child* (CRC).

The United States played a central role in the adoption of the Universal Declaration of Human Rights in 1948, which recognises the equal importance of all human rights: civil, cultural, economic, political and social rights. The interdependence and indivisibility of all human rights are reflected in the main international human rights instruments. They were reaffirmed in the 1993 Vienna Declaration and Programme of Action, to which the United States was also a party. For example, the ICCPR states that “the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.” Equally, as a State party to ICERD, the United States has committed itself to eliminating discrimination and guaranteeing equality before the law in the enjoyment of economic, social and cultural rights.

The United States has also committed itself to eliminating extreme poverty in a number of World Summit declarations, including the 1993 Vienna Declaration and Programme of Action, the 1995 Copenhagen Declaration on Social Development, and the 2000 Millennium Declaration.

The Constitution and statutes of the United States of America as well as the constitutions and statutes of the constituent states guarantee various fundamental human rights and freedoms. The federal Constitution and statutes are applicable nationwide and provide a minimum standard of guarantees for all persons in the United States. The laws of individual states may offer citizens no less if not greater protection of the civil and political rights guaranteed by the federal Constitution. The first ten amendments, known collectively as the Bill of Rights, provide for the fundamental civil and political rights. While the main economic, social and cultural rights, as set forth in the ICESCR, are not guaranteed in federal law; a number of statutory entitlements play a role in guaranteeing aspects of economic, social and cultural rights. For instance, in one landmark decision, *Goldberg v. Kelley* (397 U.S. 254) of 1970, the Supreme Court held that welfare benefits were a “matter of statutory entitlement for persons qualified to receive them. Their termination involves state action that adjudicates important rights. The constitutional challenge cannot be answered by an argument that public assistance benefits are a “privilege” and not a “right.”

However, it must be noted that the legislative tendency over the past decade has been to reduce and limit such entitlements. For example, a number of welfare benefits ceased to be entitlements as a consequence of the 1996 reform of the public social welfare programme. Similarly, the courts generally do not interpret statutory entitlements in terms of rights and the doctrine of State immunity makes it difficult

for individuals to bring cases concerning entitlements to public assistance benefits to the courts.

Government Programmes

The United States has, however, a long history of fighting poverty. President Franklin D. Roosevelt signed the country's first Social Security Act in 1935 and later propounded an "Economic Bill of Rights," including "the right to adequate medical care" and "the right to adequate protection from the economic fears of old age, sickness, accident, and unemployment." President Lyndon Johnson famously declared a War on Poverty, underlining that it was a war "the richest nation on earth can afford to win ... [but] cannot afford to lose." He stated in his 1964 State of the Union address: "Very often a lack of jobs and money is not the cause of poverty, but the symptom. The cause may lie deeper—in our failure to give our fellow citizens a fair chance to develop their own capacities, in a lack of education and training, in a lack of medical care and housing, in a lack of decent communities in which to live and bring up their children." Despite some improvements over time, this war has not yet been won.

The federal Government currently provides assistance to needy families and individuals through more than 80 means-tested programmes. These programmes provide cash and non-cash benefits to families or individuals whose income falls below defined levels and who meet certain other eligibility criteria. Programmes are either entitlement programmes, accessible to all those who qualify, or non-entitlement programmes whose participation is limited by the availability of resources. Ten of the main programmes, accounting for over 50 per cent of annual federal expenditure on assistance programmes, are briefly described below:

- *Temporary Assistance for Needy Families* (TANF) is a non-entitlement programme providing cash benefits to needy families. TANF was introduced as part of the 1996 welfare reform and replaced the open-ended entitlement programme which had been in place since 1935. It is delivered through block grants that give states flexibility to design their own programmes in line with overall objectives set out in federal law. TANF requires states to meet minimum levels of work participation. For example, half of families receiving assistance with TANF funds must be engaged in work-related activity for at least 30 hours a week.

- *Earned Income Tax Credit* (EITC) is a refundable federal tax credit available to low-wage workers.

- *Supplemental Security Income* (SSI), provides a minimum cash income to all aged, blind or disabled persons with limited income and resources.

- The *Food Stamp Program* is a primary source of nutritional assistance for many low-income persons, enabling them to buy food with electronic benefit cards at food stores. Apart from earning a low income, participants must be citizens or eligible non-citizens and register for work. All able-bodied individuals between the ages of 16 and 60 years without dependants must take part in an employment and training programme.

- The *Special Supplemental Nutrition Program for Women, Infants and Children* (WIC) provides foods to low-income women, infants and children up to the age of 5 years who are at nutritional risk.

- *Medicaid* is a federal/state entitlement programme that provides health insurance coverage for low-income families and individuals who are aged or disabled. “Within broad federal guidelines, each state can: (1) establish its own eligibility standards; (2) determine the type, amount, duration, and scope of services; (3) set the rate of payment for services; and (4) administer its own programme. Medicaid policies for eligibility, services, and payment are complex and vary considerably, even among states of similar size or geographic proximity” (GAO 2005).

- The *State Children’s Health Insurance Program* (SCHIP) expands health insurance to poor children, whose families have too high an income to be eligible for Medicaid, but not enough money to purchase private insurance.

- The *Housing Choice Voucher Program* (“Section 8”) assists very low-income families, the elderly, and the disabled with their housing needs. The programme subsidises rent for about 2.1 million low-income households so that the recipients do not pay more than 30 per cent of their monthly income towards the rent and utilities.

- *Public housing* provides rental housing for about 1.3 million low-income families, the elderly, and persons with disabilities.

- *Head Start* provides developmental services for low-income, pre-school children aged 3 to 5 years, and social services for their families.

The various government programmes raise some people out of poverty. As a recent analysis by the Centre for Budget and Policy Priorities (CBPP) shows, public income-support programmes in 2003 reduced the number of Americans with disposable incomes below the poverty line by 47 per cent and reduced the severity of poverty by lifting the average poor person from 29 to 57 per cent of the poverty line (Sherman 2005).

In 1996, the public social welfare programme underwent a major reform, including a series of measures under the *Personal Responsibility and Work*

Opportunity Reconciliation Act (PRWORA). The welfare reform was successful in moving more people off welfare and into employment, and the number of people living below the poverty line decreased between 1996 and 2000. This positive outcome was facilitated by a period of strong economic growth, which started to slow down in the 2000s. While the national poverty rate in 2004 is below its 1996 level, it has, however, been on the increase since 2000. Moreover, a study by the Urban Institute shows an increase after 1996 in the number of persons in single-parent families living below 50 per cent of the poverty line. The study explains this increase by the fact that many single parents who moved into the labour market did not earn enough to offset the income loss resulting from the drop in food stamps and other benefits (Zedlewski, Giannarelli, Morton and Wheaton 2002).

From discussions the author has had with community groups and poor people, one would conclude that public assistance programmes were often seen to be overly complicated and difficult to navigate. Whether it be programmes to access health services, affordable housing or education, people often depend on community groups to act as intermediaries to navigate available programmes. A member of a community group in Mississippi expressed the view that “the State of Mississippi does not give welfare, but warfare, as families feel that seeking social assistance is like a fight against all kinds of obstacles, put up to discourage them.” The rules and the procedures of the Social Security administration are difficult to understand and not easily accessible to elderly people and if a person loses his/her public assistance for some reason, the process of appeal is long and difficult.

Albeit anecdotal, this finding is confirmed by a number of studies. A 2001 report of the Government Accountability Office (GAO) expressed concern that “the nation’s assistance programmes for low-income families are too difficult and costly to administer and too complicated for families to navigate” (GAO 2001). A study by the Urban Institute points out that the 1996 welfare reform “made the already complex safety net system even more difficult to navigate” (Zedlewski *et al.* 2002).

The 1996 welfare reform imposed stricter requirements and eligibility rules for a number of social assistance programmes, such as food stamps and housing vouchers. For example, the reform placed a five-year limit on TANF cash assistance and made most legal immigrants ineligible for TANF-funded programmes and Medicaid during their first five years in the United States, and restricted their eligibility for food stamps and SSI.

Despite stricter eligibility requirements, an Urban Institute study shows that poverty could be significantly reduced if more people participated in available public benefit programmes for which they qualify (Zedlewski *et al.* 2002). The study conducted in 1998 showed that extreme poverty rates decline if there are more

sources of income. For example, if food stamps are included as a part of income, there is a slight increase in the disposable income of families with children and a substantial increase in case of single parent families. A similar impact was also noted in cases of extremely poor families that participated in the Medicaid program, as they were able to minimise all out-of-pocket expenses relating to health care. The study shows that full participation in existing government assistance programmes would reduce the number of people with a disposable income below the federal poverty line by 20 per cent and the number of those with an income below 50 per cent of the poverty line by 70 per cent.

Measurement of Poverty

The United States is one of the few OECD countries to have an official definition of poverty, with published records since 1959 covering a range of indicators on poverty and inequality. The federal poverty thresholds are issued by the United States Census Bureau, which also issues annual poverty reports with disaggregated national data on the state of poverty (Since 2004, these reports also include information on national health insurance coverage). The federal poverty measure defines extreme poverty as income below 50 per cent of the poverty line. The poverty measure operates with 48 different categories according to size of the family, the number of dependent children, and ages of family members. In 2005, the poverty thresholds were \$9,973 for a single person under the age of 65 years, \$12,755 for a family of two, \$15,577 for a family of three, and \$19,971 for a family of four (USCB 2006).

The United Nations *Human Development Index* (HDI) is a comparative measure of life expectancy, literacy, education and standard of living for countries in the world. The 2006 HDI places the United States in the eighth position in terms of achieving these universally accepted standards of well being, behind countries like Norway, Iceland, Australia, Ireland, Sweden, Canada and Japan. Recent statistics of the U.S. Census Bureau show that the median household income was lowest among African American families (\$30,558) and Hispanic families (\$35,967), which was 61 per cent and 71 per cent respectively of the median income of non-Hispanic white families (\$50,784). Among the racial groups, the Asian families had the highest median household income (\$61,094), which amounted to 120 per cent of the median income of non-Hispanic white families. The median household income of foreign-born families (immigrants and naturalised citizens) was \$42,040, which was much lower than the median household incomes of other racial groups (USCB 2005).

The official poverty line dates back to concepts and judgments made in the 1960s, and its relevance in today's United States is a matter of debate. In August 2000, 40 prominent scholars sent an open letter to senior government officials stating that unless "we correct the critical flaws in the existing measure, the nation will continue to rely on a defective yardstick to assess the effects of policy reform" (Corak 2005). The poverty line was proposed by the United States Department of Agriculture in 1961, using survey data from 1955. It sets the poverty threshold at three times the cost of a nutritionally adequate diet and makes appropriate adjustments for family size. This was adopted as the nation's official poverty line in 1969 as part of the War on Poverty. Over the last 35 years, this definition of poverty, adjusted only for inflation, has been used to draw the line between the poor and the non-poor. It does not reflect changes in American society and changing perceptions of what constitutes a minimum acceptable standard. In particular, it does not recognize the need for new goods and services—such as childcare and health-care costs—that reflect new realities for American families today. As a 1995 report by a panel of experts appointed by the National Academy of Sciences (NAS)/National Research Council concluded:

"The current measure needs to be revised: it no longer provides an accurate picture of the differences in the extent of economic poverty among population groups or geographic areas of the country, nor an accurate picture of trends over time. The current measure has remained virtually unchanged over the past 30 years. Yet during that time, there have been marked changes in the nation's economy and society and in public policies that have affected families' economic well-being, which are not reflected in the measure" (Corak 2005).

Rather than cash income, the National Academy of Sciences (NAS) panel and other researchers have suggested disposable income as a more adequate poverty measure. Disposable income means family income after taxes and includes all cash income plus food stamps, school lunch, housing assistance, and energy assistance. A broad definition of income is necessary to capture the impact of non-cash benefits and tax policy on poverty. This approach to measuring poverty, while more complete than the official measure, is limited by the lack of available data. Many poverty experts believe that a revised poverty measure should reflect recent increases in out-of-pocket expenses, such as medical and childcare expenses, although currently there is little agreement on how that should be done. Questions have also been raised about the approach used by the Census Bureau to estimate the value of particular benefits as well as about whether the poverty line itself is out of

date and needs to be increased. Any attempt to redefine the official poverty measure should address these issues.

Trends in Income Poverty

The long-term trend shows a decrease in poverty by 9.7 per cent since 1959, the first year for which data is available. However, the incidence of poverty has been on the rise over the past few years. According to the Census Bureau, 37 million people (12.6 per cent of the population) lived below the federal poverty line in 2005 and 2004, compared to 35.9 million in 2003, 34.6 million in 2002, 32.9 million in 2001 and 31.6 million in 2000 (USCB 2006). Among the 37 million people living below the federal poverty line, 15.6 million, representing 5.4 per cent of the total population, lived below 50 per cent of the poverty line (i.e. in “extreme poverty” as defined by the Census bureau), up from 14 million in 2002. According to these figures, nearly one in every 20 Americans and one in every 10 American children are living in extreme poverty (McNamara and Schenkelberg 2007). The statistics show large disparities in poverty between regions, racial groups, genders, and age groups.

Race: Census Bureau statistics (2005) show significant disparity in income poverty between African Americans (24.7 per cent), Hispanics (21.8 per cent), Asian Americans (11.1 per cent) and non-Hispanic Whites (8.3 per cent) (USCB 2006). In 2004, 11.4 per cent of African Americans (3.2 million) and 7.9 per cent of Hispanics had incomes less than 50 per cent of the poverty threshold, compared to the national average of 5.4 per cent (USCB 2005). According to the statistics of the federal Department of Housing and Urban Development (HUD), African American and Hispanic households account for 20 per cent each of the about 5.18 million very low-income households, which experience worst-case needs and are defined as “unassisted renters with very low incomes (below 50 per cent of the area median income) who pay more than half of their income for housing or live in severely substandard housing” (HUD 2005).

Age: Income poverty is significantly higher among children (34.9 per cent of those living in poverty and 25 per cent of the total population). From 1981 to 1997, child poverty was around 20 per cent, declining to 16.2 per cent between 1997 and 2000, and then began increasing again, reaching 17.6 per cent (12.9 million children) in 2004 (USCB 2006). This compares to poverty rates of 11.1 per cent (20.5 million) for all people between the age group of 18-64 years and 10.1 per cent (3.6 million) for people aged 65 years and above. The poverty rate is particularly high among children under the age of six (20 per cent and 4.8 million). In 2004, the poverty rate among African American children was significantly higher than children of other races (33.2 per cent or over 4 million).

Gender: In 2005, the poverty rate for families decreased to 9.9 per cent from 10.2 per cent, comprising almost 7.7 million families. Of all family groups, poverty is highest among those headed by single women. In 2005, 28.7 per cent of all female-headed families (4 million families) were poor, as compared to 5.5 per cent of married-couple families (3.2 million families) and 13 per cent of single male headed families (669,000 families) (USCB 2006). In 2004, it was recorded that the figures were even higher in the case of African American female-headed families, this number is even higher, at 39.5 per cent (or 5.2 million).

Geography: The poverty rate varies by region and within regions. In 2005, it was highest in the South (at 14 per cent), and lowest in the Northeast and Midwest (at 11.3 and 11.4 per cent respectively) (USCB 2006). Adjoining states may have radically different levels of poverty. For instance, between 2001 and 2003 the poverty rate in the state of Maryland was 7.7 per cent, while in the adjacent District of Columbia it stood at 17.3 per cent. The poverty rates also differ between the metropolitan residential areas and suburban residential areas. The suburbs have much lower poverty rates (9.3 per cent), as compared to principal cities of metropolitan areas (17 per cent) and areas outside the metropolitan region (14.5 per cent).

Trends in Human Poverty

Though there has been overall economic recovery in the United States and the long-term trends indicate a (slow) decline in income poverty, available data indicate that the incidence of other dimensions of poverty, including food insecurity, health insurance coverage, and homelessness, has been on the rise over the past years.

Food insecurity: The federal Department of Agriculture reported that the number of people living in food-insecure households was 12.6 million in 2005, accounting for 11 per cent of all households and lower than 11.9 per cent of food insecure U.S households in 2004 (Nord, Andrews and Carlson 2005). Some 4.4 million households (3.9 per cent of the total) were suffering from very low food security, although in most of these families the children were “protected from substantial reductions in food intake,” with the exception of a minority of households (0.7 per cent households with children) where the food intake of one or more children were reduced. Food insecurity was much more prevalent in households with incomes below the poverty line (36 per cent), those headed by single women (30.8 per cent), those headed by single men (17.9 per cent), African American (22.4 per cent) and Hispanic (17.9 per cent) households. Overall, food insecurity in households with children is at about double the rate compared to those without children (15.6 per cent vs. 8.5 per cent). Geographically, food insecurity was higher in the Southern and Western regions than in the Midwest and Northern

areas; and metropolitan areas in principal areas recorded higher prevalence of food insecurity than suburban areas (13.5 per cent versus 8.7 per cent).

Health: The United States, contrary to other wealthy countries, does not have a universal health insurance system (Nord, Andrews and Carlson 2005). Health care spending in the United States is increasing by more than 7 per cent annually and the average annual cost of family health insurance in employment health plans, including employer and employee contributions was more than \$ 10, 8880 in 2005, which is more than the average annual income of a full time, minimum wage worker (PPERC 2006a). According to the Census Bureau, 15.7 per cent (45.8 million, including 8.3 million children) were without health insurance coverage in 2004, showing an increase from 45 million in 2003. In 2004, the percentage and number of people covered by government health insurance programmes increased from 26.6 per cent to 27.2 per cent. The Institute of Medicine also estimates that the aggregate cost to uninsured people due to low productivity and lost years of life resulting from poor health is \$65 to \$130 billion each year (Miller, Vigdor and Manning 2004). Within these macro data, there are wide differentials in health insurance by different groups. The statistics also show a significant disparity in uninsured rates between non-Hispanic Whites (11.3 per cent), African Americans (19.7 per cent) and Hispanics (32.7 per cent). Moreover, the likelihood of being uninsured varies considerably among states, ranging from 8 per cent in Minnesota to 25 per cent in Texas.

Statistics of the United States Department of Health and Health Services show that the “poor” and the “near poor” (i.e., those with incomes below 200 per cent of the poverty line) are much more likely to be uninsured and have poorer health than those with higher incomes. A government report observed that poverty is often the cause of poor health because of its connection with inadequate nutrition, substandard housing, and exposure to environmental hazards and decreased access to health care services (NCHS 2005). The same report also notes that persons below the age of 65 years with low incomes do not have health insurance throughout the year. Adults were more likely to be uninsured than children below the age of 18 years, because children from low income household are eligible for public programmes like the *State Children’s Health Insurance Program* (SCHIP).

The United States leads the world in health-care spending: on a per capita basis, spending twice the average expenditure of the Organization for Economic Cooperation and Development (OECD) on health care. Yet, the United States public health indicators are marred by deep inequalities linked to income, health insurance coverage, race, ethnicity, geography and access to health care. Key health indicators are far below those that might have been expected for the income levels. For

example, the infant mortality rate is now higher for the United States than for Malaysia—a country with an average income one quarter that of the United States. The Indian State of Kerala has an urban infant death rate lower than that for African Americans in Washington, D.C. Inequality in the health outcomes are staggering: a baby boy from a family in the top 5 per cent of the United States income distribution will enjoy a life span 25 per cent longer than a baby boy born in the bottom 5 per cent (UNDP 2005).

In February 2006, the budget reconciliation law, known as the Deficit Reduction Act (DRA), was passed by the federal government that brought about some fundamental changes to many aspects of the Medicaid program that incorporates mandatory procedures, making qualification or enrolment to the Medicaid program much more difficult.³ For instance, the citizenship documentation requirement, which came into effect in July 2006, requires Americans to provide proof of their citizenship like a birth certificate or passport to qualify for Medicaid and therefore, every person has to prove their citizenship or immigrant status before enrolment into Medicaid.⁴

In the fiscal budget for 2007, the federal government recognised the inadequacies of the present health care system and proposed certain changes to make health care more affordable and accessible. The proposal aims at shifting insurance costs away from the government and employer to the individual consumer. It is believed that Americans are overusing health care services and the focus of these proposals is to move the consumer into the private insurance market so that they can shop for cheaper care. The budget seeks to cut federal health care programmes and proposes more cuts to Medicaid and Medicare and shifting more costs to the states.⁵

Homelessness: One of the most extreme forms of poverty in the United States is homelessness. There are no recent national studies of the number of homeless, but based on a 2001 study, it is estimated that some 3.5 million people, 1.35 million of

³ Families USA, Medicaid Alert (DRA), February 2006, at <http://www.familiesusa.org/issues/medicaid/medicaid-alert-dra/>. See also, Families USA, Medicaid Alert: Overview: Medicaid and the Deficit Reduction Act 101, February 2006, at <http://www.familiesusa.org/assets/pdfs/DRA-101.pdf>.

⁴ Families USA, Medicaid: Citizenship: Millions must now prove citizenship to keep Medicaid coverage, February 2006, at <http://www.familiesusa.org/assets/pdfs/DRA-Citizenship.pdf>

⁵ Families USA, The Bush Administration's Fiscal Year 2007 Budget: Analysis of Key Health Care Provisions, February 22, 2006, at <http://www.familiesusa.org/resources/publications/budget-analyses/bush-budget-fy2007.html>

whom are children, are likely to experience homelessness in a given year (NCHS 2005). Homelessness in the United States is not a fringe issue; it is a real risk and a source of insecurity and vulnerability for many persons who can be defined as suffering from extreme poverty. Homelessness especially exacerbates the conditions of poverty for children. According to the National Centre for Homeless Education, “at least 20 per cent of homeless children do not attend school. Within a year, 41 per cent of homeless children will attend two different schools and 28 per cent will attend three or more different schools. With each such change in the school, a student is set back academically on average by four to six months.”⁶ A survey conducted by the National Coalition for the Homeless (NCH) and the National Law Centre on Homelessness and Poverty (NLCHP) studied the increasing criminalisation of homelessness in major cities of the United States. The survey, conducted in 67 cities across the country, finds an increasing number of laws targeted at homeless persons, with a 12 per cent increase in laws prohibiting begging in certain public places and a 14 per cent increase in laws prohibiting sitting or lying down in certain public places.⁷ The major cities criminalising homelessness are Atlanta, Las Vegas, San Francisco, Chicago, New York City and Los Angeles, among others. The survey also revealed that most cities do not have adequate shelters to meet the needs of homeless people. A survey conducted by the US Conference of Mayors released in December 2005 revealed that 71 per cent of the 24 cities surveyed by them had a 6 per cent increase in shelter requests. In these cities, 14 per cent of overall requests were not met, but in the case of homeless persons this proportion was 32 per cent.⁸

Social Exclusion

A study by the Brookings Institution shows that “despite improvements in the 1990s, nearly every major American city still contains a collection of extremely poor, racially segregated neighbourhoods. In cities as diverse as Cleveland, New York, Atlanta, and Los Angeles, more than 30 per cent of poor blacks live in areas of severe social and economic distress. These neighbourhoods did not appear by

⁶ See National Coalition for the Homeless, “How many people experience homelessness?”, Fact Sheet No. 2, June 2006, at http://www.nationalhomeless.org/publications/facts/How_Many.pdf.

⁷ National Coalition for the Homeless (NCH) and National Law Centre on Homelessness and Poverty (NLCHP), “A Dream Denied: The Criminalization of Homelessness in U.S. Cities,” January 2006, at <http://www.nationalhomeless.org/publications/crimreport/report.pdf>.

⁸ The United States Conference of Mayors, 2005: “Hunger and Homelessness Survey,” December 2005, at www.mayors.org/uscm/hungersurvey/2005/HH2005FINAL.pdf.

accident. They emerged in part due to decades of policies that confined poor households, especially poor black ones, to these economically isolated areas. The federal Government concentrated public housing in segregated inner-city neighbourhoods, subsidised metropolitan sprawl, and failed to create affordable housing for low-income families and minorities in rapidly developing suburbs, cutting them off from decent housing, educational, and economic opportunities. Lack of public transport aggravated the conditions of unemployment” (Berube and Katz 2005).

At a meeting with community organisations hosted by Picture the Homeless at Harlem Community Centre, New York City on 24 October 2005, Jean Rice from Picture the Homeless, gave his personal story:

“I am Jean Rice, an American citizen born in 1939 in North Carolina. In two generations we have drifted from sustainable degree of poverty to the margins. During the Reagan years, I was plunged into a poverty I had never known. My plight is shaped by a number of social and economic factors that are racist and unjust. I am one of the millions of U.S. residents that became submerged at the bottom some 25 years ago. Reaganomics are profit before people, incarcerate don’t educate. We are under siege and it is no less than domestic terrorism. As I bridge the gap to survival, I redeem cans, but it is survival nothing more. I correctly call my present life ‘survival’ due to the fact that with my present income, I am still unable to afford the current cost of basic human needs, such as housing. Escalating rents and depreciating incomes equal homelessness. Homelessness means that you are forced to carry out life-sustaining activities, such as sleeping, or using the toilet, in public spaces. Simple acts, which persons who are not homeless do with impunity, like drinking beer in public is criminalized, and becomes a topic of ‘selective enforcement.’ I usually start the day after lunch in midtown. I collect cans and redeem 240 for 12 dollars a day. That 12 dollars must be viewed within the U.S. context. Then I go to Pennsylvania and Grand Central station for the after-work crowd. And then monitor the nightlife and hold on to the containers all night because I am homeless and harassed by the police when I sleep in my cardboard box. The worst-case scenario is when I am unjustly victimized by police, who arbitrarily confiscates my cans, my work, and ticket or arrest me so I am excluded from public housing, employment and voting.”

Segregated communities, especially African Americans, have access mainly to public schools with poor facilities and infrastructure. As the present author was told in Mississippi, children still reach eighth grade—the last compulsory school grade—without being able to read and write, and the education system had clearly failed these children. Maureen D. Taylor, representing an organisation called Michigan Welfare Rights Organization, testified at the National Truth Commission

that more and more families were leaving Detroit because of economic depression and lack of employment opportunities. The public schools had been taken over by corporate houses and the educational facilities in the city had shrunk. School dropout rates had risen to 66 per cent. The state government gave ARAMARK, one of the largest food suppliers in the world, the contract to supply food to schools in the city and they supplied low quality food items to students and yet the governing body of the public schools had extended ARAMARK's contract, instead of terminating it.

Racial disparities in poverty outcomes are striking in the United States. As the *Committee on the Elimination of Racial Discrimination* (CERD) stated in its concluding observations on the status of implementation of the ICERD in the United States: "While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, the Committee is concerned about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care" (OHCHR 2001). Eric Cavitt, a licensed social studies teacher from Minneapolis, Minnesota, observed that economic and social problems served as a barrier to his education. The public school system failed to develop his educational skills and he had to drop out. He pointed out the problems of the public school system. He observed that the public school system created large and impersonal school spaces with limited meaningful interactions between students and teachers. The educational opportunities were unequal for the rich and the poor. Students from low-income families were in great need of breakfast and lunch facilities, literacy and community support and study skills instruction. The public school system had ignored these special needs of students from low-income families and those belonging to racial minorities. Racial minorities were increasingly becoming opposed to the public education system due to continuous oppression and discrimination and the state lacked the political will to change the system.

During the author's visit to the United States (in his capacity as the Independent Expert on Extreme Poverty), he observed how these disparities manifested themselves in the housing segregation in poor African American and Hispanic neighbourhoods in many cities. The fact that disparities persisted despite strong anti-discrimination legislation underlines the need to look at not only the law but also at the unequal opportunities and other underlying causes of racially disparate poverty outcomes.

CERD also noted with concern that "the majority of federal, state and local prison and jail inmates in the State party are members of ethnic or national minorities, and that the incarceration rate is particularly high with regard to African

Americans and Hispanics” (OHCHR 2001). According to the Department of Justice, more than 40 per cent of the total 1.5 million prison inmates are African American and 8.4 per cent of all black males between the ages of 25 and 29 years were in prison in 2004. (The incarceration rate is also high among Hispanics, accounting for 19 per cent of the prison total). In Louisiana and Mississippi, the two states that have the country’s highest and third-highest per capita incarceration rates respectively, several persons noted that children who did not do well at school were almost expected to end up in prison.

Immigrant families are also in a particularly vulnerable situation and experience a higher rate of poverty. While almost all children of immigrants have a parent who works, their parents are 50 per cent more likely than natives to earn less than the minimum wage and less likely to receive employer-provided benefits (Dinan 2005). A recent study shows that “the poverty rate of children in immigrant families is 21 per cent, as against 14 per cent for children in native-born families.”⁹ Nearly half of the children in immigrant families have family incomes below 200 per cent of the poverty line, compared with only 34 per cent of native children. It is estimated that more than half of the poor or “near poor” (i.e. below 200 per cent of the federal poverty line) in California are immigrants, as are about one third of them in New York, New Jersey, Florida, Texas and Arizona (Camarota 2005).

IV. HURRICANE KATRINA: A WINDOW OF EXTREME POVERTY IN THE UNITED STATES

It is evident from the preceding discussion that the lack of opportunities and limited ability to access the existing opportunities indicate that poverty in the United States is not an individual issue, but rather a systemic problem of inability to participate in economic and social activities in a meaningful way. The poor are insecure and vulnerable and this insecurity was most evident in the cases of Hurricanes Katrina and Rita. People who were deprived were largely groups that were extremely poor (as per the definition adopted in this paper) and unable to cope with natural disasters and external shocks.

Hurricane Katrina, which hit Louisiana on 29 August 2005, spurred a national debate on poverty and race in the United States. Katrina has affected more than a million Americans living in the Gulf Coast. The Federal Emergency Management Agency (FEMA) has estimated that nearly 1,600 people were killed, some 300,000 families were destroyed and about a million displaced. Some people still remain unidentified, more than a year and a half of the disaster. The areas affected by

⁹ *In Focus, Children in Immigrant Families*, February 25, 2005, at <http://www.healthinschools.org/focus/2005/no1.htm>.

Katrina are among the poorest in the United States and most of the affected populations were uninsured. The displaced have been rendered jobless and have lost employment benefits, thus, increasing the poverty rates in the affected areas. Katrina produced one of the biggest scams and bureaucratic bungles, representing almost 11 per cent of the total \$ 19 million spent by FEMA on relief measures or 6 per cent of the total allocation (PPEHRC 2006b).

Katrina exposed conditions of extreme poverty prevailing in New Orleans as a window on poverty in the United States. As documented in a study by the Brookings Institution, around 50,000 New Orleanians lived in neighbourhoods where the poverty rate exceeded 40 per cent: “New Orleans ranked second among the nation’s 50 largest cities on the degree to which its poor families, mostly African American, were clustered in extremely poor neighbourhoods like the Lower 9th Ward. In these places, the average household earned a little more than \$20,000 annually, only one in twelve adults held a college degree, four in five children were raised in single-parent families, and four in ten working-age adults—many of them disabled—were not connected to the labour force” (Berube and Katz 2005).

At Loyola University, the author discussed with and heard testimonies from a group of around 80 Katrina victims and representatives of community organisations. Participants described the general situation of chaos after the hurricane, when people gathered in the Superdome and Convention Centre, where there was a lack of food, water, sanitation and medical attention. Participants were upset and angry about what had happened, and expressed their frustration about the authorities’ inadequate pre-planning and post-disaster response. A member of the National Guard described the chaos as “wilful negligence” in view of the military resources located in nearby army bases.

Katrina was a traumatic experience for many people and led to many personal tragedies. Scores of people were laid off as a consequence of the hurricane as workplaces shut down for an indeterminate period. Many suffered from post-traumatic shock, but were given no psychological assistance. Several people felt that they had been treated in an undignified manner by the authorities in the aftermath of the hurricane. Some had felt harassed by the police and the National Guard. The evacuation had been chaotic and people had not been told where they were being taken. Leslie Miles, a nurse living in New Orleans, was evacuated at the very last moment, before Hurricane Katrina struck and moved to the Super Dome where she was sexually assaulted by three unknown men. A stranger who was passing by the room and heard her scream for help rescued her. She was hospitalised for two weeks because of the injuries she had sustained during the assault and she had to live without any assistance for four months because of the

bureaucratic and technical delays in the sanctioning of housing, medical and food assistance.

Katrina had brought the existing poverty in New Orleans into the light. It was the poor people—both black and white—who were hit the hardest by Katrina. Many of those left behind were poor, African American, elderly or disabled. The evacuation plan adopted by the state was discriminatory and was in complete violation of the principle of non-discrimination under Article 6, ICCPR, to which the United States is a party. The plan made a distinction between persons/families with personal vehicles and almost 19 per cent of New Orleans population who did not own vehicles were excluded from the plan. Most of those who did not own personal vehicles were, however, African Americans and therefore, the evacuation plan was also, in effect, discriminatory, in terms of race (USHRN 2006).

Evacuees complained about a general lack of information about government programmes available to assist Katrina victims. Information most often spread by word of mouth and people felt that assistance was provided in an arbitrary manner. Information on the different programmes was available online, but many people did not have access to the Internet. A Congressional enquiry into the Hurricane Katrina relief measures found that hundreds of deaths and suffering to thousands of people were caused due to the inability of the state to evacuate the New Orleans area effectively (PCIE 2005). Besides, the state government was aware of the threat of floods in the city of New Orleans because it is situated below sea level and the levees protecting the city are not strong enough to withstand large storms. Although the state government was able to evacuate 1.2 million residents in New Orleans who owned personal vehicles, it was unsuccessful in taking preventive measures to withstand a storm of the dimension of Katrina while being fully aware that it is likely to hit the area. The United States stands in violation of the right to life, under Article 6, ICCPR, which is a non-derogable right, even in situations of national emergencies.

A local member of ATD Fourth World drew attention to the problem of people being housed in trailer parks located far away from the available services and employment. She also underlined the need for giving sustained attention to the very poor from New Orleans who have been dispersed throughout the country and the importance of finding ways for their voices to be heard, to make sure they get the help needed in their new situation.

Several participants in focus discussions complained about a difference in treatment depending on the areas where people lived and that priority was given to predominantly white neighbourhoods. Residents were allowed back to St. Bernard

and Lakeview while residents in the Lower 9th Ward were still prevented from going back to their properties.

An elderly African American woman described how she had been prevented from returning to her house after the hurricane to retrieve personal belongings, including objects related to the life of her deceased husband, such as Mardi Gras Indian costumes, which were of great sentimental value to her: “Cultural things, that brought freedom to him—the freedom that his country could not give to him, as a disenfranchised African American.” She had pleaded with the National Guard that had closed off the area, but had not been allowed back until after four weeks. After the water had stood in the house for several weeks all artefacts were destroyed, and she felt that they could have been saved. The state government also took adverse measures to prevent relief from reaching the victims by turning way voluntary aid workers (USHRN 2006).

Poor evacuees felt they did not fit into plans for a rebuilt New Orleans and that they were not wanted back, as new housing would be too expensive for low-income families. People living in the lower-lying poor areas were still being denied access back to their destroyed homes and many felt that properties were intentionally being left to rot so that it would be easier to grab the land. Adequate housing for Katrina survivors would mean security of tenure, availability of services and facilities, habitability, accessibility, location, cultural adequacy, etc. (NESRI 2006). Many low income Katrina survivors are living in far off locations, away from their families and friends. Many tenants were evicted during this time, due to increasing rental costs, post Hurricane Katrina. The needs of low-income families, who had rental housing or uninsured housing remained unaddressed. A number of people highlighted that many landlords were asking people to pay rent for the month of September even if the housing was uninhabitable, with no water and electricity. In other cases, landlords were raising rents and evicting people. One woman stated that this showed “it is not us [who] they want to come back.”

The fact that all public schools were closed prevented people from returning. As of February 2006, it was estimated by state authorities that 2000 school going children were out of school in New Orleans due to lack of space for public schools (NESRI 2006). Nearly one fourth of the children in the area were not enrolled in schools or were missing 10 days of classes in a given month. Concern was expressed that the schools that were being rebuilt would not cater to needs of children from poor families. The public schools were already run down before the hurricane and lacked proper sanitation.

Participants complained that the committees set up by the Governor of Louisiana and the Mayor of New Orleans to make recommendations on the

reconstruction of the city were not representative bodies. It was felt that the process of decision-making to determine the future of the area was dominated by business elites. The slow reconstruction had also been quite frustrating for the affected populations.

People expressed concern that New Orleans' unique culture would be lost as a consequence of the large number of displaced people. It was felt that planners were not giving sufficient attention to the issue of culture, which was linked to the special communities and areas of New Orleans where the residents were predominantly African Americans. Before Katrina, an estimated two-thirds of the population was African American and, according to some estimates, this number would be reduced to just over one-third in newly-built New Orleans.

Even before Hurricane Katrina hit, greater New Orleans was one of the most troubled metropolitan areas in the nation. It had high rates of segregation and rapidly rising poverty: by 1970, 26 per cent of the population lived in poverty and a large part in extreme income poverty. The area had one of the lowest median household incomes in the country: at \$35,317, the metro area ranked 96th out of the 100 largest metropolitan areas in 2000. No less than 84 per cent of the city's poor population was African American. While the entire city suffered from a low median household income, low educational attainment rates, and low labour force participation, the African American population suffered even more. An estimated 46 per cent of children who were living in flooded areas came from single parent homes and significantly more people lacked access to a car (NESRI 2006). The burden of the natural disaster fell largely on those who were exposed on many fronts due to their existing poverty, groups of the poor who had no transport or money and who were old, infirm and with medical conditions. There was lack of information regarding relief support provided by the Government, and existing resources were not immediately placed to deal with the challenges Katrina brought.

However, the Hurricanes Katrina and Rita and its aftermath have raised serious questions regarding the status of economic, social and cultural rights in the United States. It proved to be a wakeup call for both the government and communities. The hurricanes brought together communities and local organisations, who joined hands in providing relief to the hurricane victims and campaigned against their human rights violations. The forceful intervention of community and voluntary organisations also impelled the U.S Congress to take FEMA to task by initiating an independent enquiry into the progress of relief work in the Katrina affected areas.

V. EXAMPLES OF CONDITIONS OF EXTREME POVERTY IN SOME OTHER AREAS

Besides New Orleans and Baton Rouge, Louisiana, the author visited and held discussions with different vulnerable groups and their representatives in Harlem in New York, Immokalee in Florida, Jackson and the Delta region in Mississippi, and the Appalachian region of Kentucky. Their testimonies clearly indicated the existence of conditions of extreme poverty and the failure of public authorities to deal with these problems.

In New York, the author met with a group of homeless persons and representatives from local community groups at the Harlem Community Centre. One participant explained that immigrant workers from developing countries came to the United States to escape poverty in their home countries, sometimes risking their lives in doing so. They expected everything to change when they arrived in the United States, but it did not quite work out like that. Immigrant workers “have to live in expensive and crowded apartments, often living with 10 to 15 people in one apartment. Landlords do not fix these apartments because they belong to immigrants. These apartments have destroyed ceilings, no heat, old refrigerators and stoves, and are full of rats and cockroaches.” The same person spoke about the situation of restaurant workers in New York: “We have to work 60, 70, 80 hours a week, and if we are sick we cannot be absent. Otherwise, we are fired. We do not get paid the minimum wage. In some places we do not get paid anything, and we have to survive only with tips. We do not have the opportunity to move up and are discriminated against because of our accents, colour of skin, race and gender. White people get the best opportunities even if they are not qualified for the job. People of colour are stereotyped as people who can only do the hard jobs.” Despite the fact that immigrants generate millions of dollars to the United States every year, many of them earn less than minimum wages. Most immigrants pay taxes but little or no access to government benefits.

Another participant stated that there were over 200,000 domestic workers in New York City, mostly immigrants from Third World countries. They were the backbone of the city but received no sick leaves, no paid vacation, no health care, and were often fired if they got sick or pregnant. Working between 11 and 16 hours a day, they lived and worked in slavery-like conditions for generations, excluded from the most basic labour protections.

A domestic worker from Brazil stated, “I was not paid regularly and when the amount I was owed accumulated my employer started to humiliate me. She would say that I did not speak English and did not deserve a salary. She had a friend who would come over and scream at me. If I started to cry, they would laugh. She would

wake me up at 2 a.m. to clean the floor with ... bleach saying, ‘the house was dirty and [I] had to clean it’”.

Members from the National Mobilization Against Sweat Shops (NMASS), representing low-income, immigrant and native born people working as home attendants, garment workers, construction workers, office workers and restaurant workers, said they had to work under inhuman conditions for little money and no health insurance and that immigrant workers were blamed for taking jobs from other citizens. One participant noted, “They are all turned against one another, immigrant and non-immigrant, black and white.” Employer sanctions were seen to create an underground economy where documented workers competed against undocumented workers, who could be hired at considerably lower costs.

Members of Picture the Homeless, in Harlem, pointed out the existence of a large number of abandoned buildings in the area. Owners were speculating on rising real estate prices and had no interest in restoring or renting out the apartments, while a large number of people lived on the streets or in shelters. People stayed in shelters for long periods because they could not afford an apartment even with the amount they could get in housing assistance.

In Immokalee, Florida, the author met with farm workers mainly from Mexico, Central America and Haiti. Immokalee is the centre of the agriculture industry in south-west Florida and has the state’s largest farm worker community. He was told that around 20,000 immigrants (around 90 per cent of whom were single men) lived in Immokalee during the harvest season. Farm workers lived in wooden shacks and trailer homes that, despite their sub-standard quality, would cost up to \$1,200 per month. As many as 12 to 15 people would live in one trailer, sleeping in shifts to save money. Francisca Coates, a farm worker from Immokalee and member of an organisation called Coalition of Immokalee Workers, which campaigns for fair wages for farm workers, observed that farm workers are often held as bonded labourers or slaves. They worked for long hours, without minimum wages, benefits, vacations and the right to organise.

The average salary of day-labourers in the area was between \$7,000 and \$7,500 a year. Undocumented workers earned even less, between \$2,500 and \$5,000 a year. In a good year, a tomato picker could earn up to \$8,000 to \$9,000, which was still below the federal poverty line of \$9,827. The farm workers were paid by the piece and needed to pick over 1½ tons of tomatoes to earn a daily wage of just \$50. Donn Teske, a dairy farmer from Kansas, presenting the plight of dairy farmers in the United States, at the National Truth Commission observed that the number of dairy farms in Kansas had fallen from 24,500 in 1965 to 900 in 2005. The corporatisation of agriculture was primarily responsible for the decline in dairy farming. Farmer

suicides were on the rise, and depression, addictions and divorces in farming families were becoming increasingly common.

Low wages pushed people to work extremely hard. The minimum wage law provides that workers who work 10 hours a day and did not earn a minimum salary (around \$60 a day) had a right to be paid the difference by the employer, but often this did not happen in practice. Farm workers did not have the right to form trade unions or to go on strike; they were routinely exposed to dangerous toxins in the fields and did not get any kind of benefits or sick leave. The farm workers stated that around 83 per cent of agricultural workers nationally did not have health-care coverage.

The author's visit to the city and suburbs in the Jackson and the Delta region of Mississippi revealed the extent of racial segregation in the area. Highly impoverished African American neighbourhoods surrounded the affluent business districts and high-rise office buildings in the city centre, and low-income black suburbs were adjacent to white suburbs which tended to be more affluent, middle class neighbourhoods. In the most impoverished areas, people lived in rented, trailer-like shacks. Unemployment was high and wages were low.

African Americans living in the poor neighbourhoods also felt harassed by the police, who were seemingly keeping these areas under surveillance. After Louisiana and Texas, Mississippi has the highest incarceration rate in the United States, and a disproportionate number of those incarcerated are African Americans.

The cotton fields and catfish processing areas in the Delta region were characterised by households of poor African Americans who did back-breaking work, earned miserably low wages and experienced stark segregation. They also had lower achievement levels in schools; this was not because of their substandard abilities, but because of a lack of resources. In the poor African American communities, roads had potholes and homes were mainly "shot-gun" houses, owned by absentee white landlords. Some of the poorest households did not have light, water or electricity and people often had to live together in big families to survive. Nominal wages had been stagnant for several years, so real wages had fallen. Many people did not get adequate food or nutrition. They also lacked transportation to get to work, which was only available at locations that were long distances apart. Only a limited number of people qualified for Medicaid and even those who got it could not pay for many prescriptions. The elderly were particularly disadvantaged and the state was cutting down on Medicaid programmes, saying the programme was broke.

Another issue that came to light was the criminalisation of African American youth and poor people. A number of persons complained that the police did not apply the same standards to children of rich and influential people as they did to

those of poor families, and that the Government would take public assistance away if any person in a family household had a drug-related conviction. Another complaint was that processes set up to address grievances did not work properly and that poor persons did not have the financial resources for investigation or litigation. Moreover, lack of information was said to prevent the poor people from accessing remedies.

In the Appalachian region of Kentucky poverty affected mostly white Americans. Most of the people complained about limited access to health care. Medicaid programmes provided care only for those living below the federal poverty line and those who were unable to work because of disabilities. The state was proposing cuts even in that programme.

Compounding the problem of lack of employment opportunities in the region was the fact that the working poor earned salaries that did not provide for a decent living. Minimum wages had not been adjusted to increasing costs of living since 1997. For people working on minimum wages, the cost of transportation was another serious problem. Public transport was limited and too expensive. The case of Amy Bolt is particularly interesting in this context. Amy was diagnosed with lung cancer in January 2006 and had no health insurance. She was ineligible for federal assistance as she was working. She was eligible for childcare assistance which was subsequently cut off, on the ground that she had hidden her pay raise of \$82 per month from the state. The state also imposed a penalty of \$1,800 on her for receiving childcare during the said period. Amy was completely bankrupt and had to sell her house to pay her medical bills. The state also threatened legal action against her if she was unable to pay the dues. In Bill and Brenda Hawn's case, Brenda had to undergo an intestinal transplant and her medical costs were covered by Medicaid. But they did not know that they had exceeded their insurance cap, until they were in debt of \$58,000. Medicaid did not inform them that they had exceeded their insurance cap and although Brenda passed away in early 2006, her medical bills remained uncleared.

Several persons complained about the negative environment and impact of coal mining, and how poor people were particularly affected. Besides their health, their homes were also often damaged by dynamite blasts. It was quite ironic to note the paradox of the region, which was one of the poorest in the United States, while at the same time it was one of the richest in natural resources. People living in the region did not benefit from the underground wealth, owned and extracted by the coal companies.

VI. CONCLUSIONS

The issues raised by low-income people in the preceding sections are illustrative of some of the problems facing poor persons in the United States. More detailed studies should be carried out to seriously address and resolve these problems. The conclusions that can nonetheless be drawn from the evidence presented above may be summarised as follows.

Extreme poverty, defined as a composite of income poverty, human development poverty and social exclusion, is not only a problem of poor developing countries, but a phenomenon that is found in most countries in the world. But the fact that the United States, the wealthiest country in the world, also suffers from persistence of extreme poverty is a paradox.

There are no significant trends to indicate that extreme poverty is being reduced over time. In fact, there is qualitative and anecdotal evidence pointing towards a rise in extreme poverty. The federal and local governments need to examine in depth the face of poverty in the United States, which has serious racial and gender dimensions. The institutional system and policy environment has not been able to address these issues effectively. Inability to meet these challenges, combined with a reduction in programmes, such as legal aid, has meant lack of effective voice and human rights violation.

The groups in extreme poverty are also the most insecure and vulnerable, with limited ability to cope with natural disasters, as was witnessed in the case of Hurricane Katrina. The problems of social exclusion combined with income poverty and the lack of health care and schooling resulted in chronic conditions of extreme poverty, visible even today.

To remove extreme poverty, there is a need for programmes with a specific focus and time bound action. Conditions of extreme poverty, as manifested in the case of the United States, cannot be left to be realised progressively or by market forces alone. Removal of extreme poverty cannot be addressed without deliberate targeted action. If a comprehensive national programme of economic development covering all aspects of extreme poverty proves too difficult, it may be worthwhile to implement one set of national actions, in the form of employment generation, especially for the poorest sections. Standard social security measures are not enough, because while a person living on social security may be protected from income poverty, he or she may not be saved from the ignominy of social exclusion that accompanies not having employment. This is important, because in most industrialised countries unemployment is the principal cause of social exclusion.

The United States must adopt a comprehensive national strategy to substantially reduce poverty and eradicate extreme poverty in line with its commitments to the

Copenhagen Declaration on Social Development and Programme of Action. Governments need to ensure mechanisms to monitor progress made in this regard.

Social safety nets for poor families should be provided through entitlement programmes. Measures should be taken to facilitate participation in these programmes and to ensure that cumbersome enrolment procedures do not discourage people who qualify for social benefits from applying. The full participation of the people living in poverty in the design, implementation, monitoring and assessment of programmes for combating poverty should be ensured. Such programmes should build on poor people's own efforts, ensuring the full participation of the people concerned and responding to their actual needs.

The international community should recognise the existence of conditions of extreme poverty in the United States as indications of the worst form of indignity inflicted upon human beings, which should be regarded as a denial of human rights. Once it is recognised as such, it would be possible for the United States government to adopt programmes based on human rights principles which would surely contribute to the eradication of extreme poverty.

The United States government which had earlier upheld the adoption of the *Universal Declaration of Human Rights* (UDHR) is, in principle, committed to human rights as guaranteeing freedoms in all its different forms. The rights are guaranteed in the United States Constitution and federal legislation as well as in the constitutions and legislation of the constituent states. However, there is no national anti-poverty legislation in the United States, but rather a patchwork of different laws addressing aspects of poverty in a limited manner. The TANF Cash Assistance Program is limited to five years in a lifetime and can be further reduced by the states. Medicaid does not reach everybody and excludes many groups of the working poor and immigrants. Social security for the disabled and the elderly do not reach everybody and even if it do, the levels of benefits are grossly inadequate. Legal entitlements, which are not adequately funded, are rendered meaningless. The Federal Legal Services Corporation (FLSC) providing legal assistance to people with limited financial means has been weakened and its funding slashed, with Congress placing restrictions on FLSC, curbing its ability to advocate for the rights of the poor.

Such policies are in direct conflict with the fundamental moral values that the United States, both its Government and people, has upheld in the name of freedom throughout its constitutional history. In view of this, the United States authorities and their people might consider adopting the following steps which would be consistent with the foundational norms of the United States Constitution and the

moral principles of democracy and freedom that their Government claims to respect and protect.

First, the United States authorities should, in cooperation with civil society and expert organisations, identify a fraction of its population, say between 8 and 10 per cent, as suffering from conditions of extreme poverty and most vulnerable to the challenges of modern living conditions. Such extreme poverty should be defined in terms of a combination of income poverty, human development poverty and social exclusion. The income poverty line, as it is defined today in the United States, needs careful re-examination, as has been pointed out by many national experts. Whatever may be the finally agreed income poverty line in the United States, it should be quite acceptable to consider half of that poverty line, in accordance with the current practice, as the line for extreme income poverty, with the people below that line qualifying to be included in the group of the extremely poor. To this, should be added all people who are otherwise generally below the overall poverty line but who are suffering from lack of education, health, shelter and other kinds of deprivation. They would be regarded as suffering from an extreme form of human development poverty. To this should be added the marginalised, vulnerable groups of African Americans, Native Americans, Hispanics and also immigrants, especially if they are also included within the overall poverty line.

Once this group of people suffering from extreme poverty is identified, the United States government and its agencies should adopt legislative provisions to accord them the legal entitlement to all the programmes that are needed to free them from the conditions of poverty. This legal entitlement would allow individual members of this group of extremely poor people, or their representatives, to have legal recourse before the courts of law, in case they are denied their entitlements.

The claims made by the individuals will impose an obligation on the states where these individuals reside to ensure the fulfilment of their rights, either by existing legislation and programmes or by adopting new programmes and practices. The federal responsibility can be defined in terms of its binding obligation to provide the required assistance to the states if the existing budgetary provisions of the state governments for these programmes are not adequate. There may be a mechanism to examine whether the states were making their best efforts to carry out their responsibilities. But once that is established, the federal government must be prepared to fund these programmes fully over and above what states and their existing programmes can do.

For this purpose, a special fund may be created by the federal government with the sole purpose of abolishing the conditions of extreme poverty. For a \$13.3 trillion economy like that of the United States, this fund may not require more than a small

fraction of its total national income. The federal authorities should be able to work out methods of raising this amount and fully provide for the requirements of the fund.

If the United States adopts such a programme for the abolition of extreme poverty, almost at par with its earlier programmes of abolishing slavery, it will set an example before the international human rights community, realising values that are cherished not only by the United States itself but by the human civilization at large.

REFERENCES

- Atkinson, A. B. 1998. "Social Exclusion, Poverty and Unemployment." In A. B. Atkinson, and J. Hills, eds., *Exclusion, Employment and Opportunity*. Paper no. 4. London: Centre for Analysis of Social Exclusion, London School of Economics.
- Berube, A. and B. Katz. 2005. *Katrina's Window: Confronting Concentrated Poverty across America*. Washington, D. C: The Brookings Institution. Available at http://www.brookings.edu/metro/pubs/20051012_Concentrated_poverty.pdf.
- Camarota, S. A. 2005. *Immigrants at Mid-Decade - a Snapshot of America's Foreign-born Population in 2005*. New York: Center for Migration Studies.
- Corak, M. 2005. "Principles and Practicalities in Measuring Child Poverty for the Rich Countries," Innocenti Working Paper no. 2005-01. UNICEF, Florence. Available at http://www.unicef-icdc.org/publications/pdf/iwp_2005_01.pdf.
- Dinan, K. A. 2005. *Efforts to Promote Children's Economic Security Must Address Needs of Hard-working Immigrant Families*. New York: National Centre for Children in Poverty, Mailman School of Public Health, Columbia University. Available at http://www.nccp.org/pub_epc05.html.
- GAO. 2001. "Means-tested Programs Determining Financial Eligibility is Cumbersome and can be Simplified." Washington, D. C.: United States Government Accountability Office. Available at <http://www.gao.gov/cgi-bin/getrpt?GAO-02-58>.
- _____. 2005. "Means-tested Programs - Information on Program Access can be an Important Management Tool." Washington, D. C.: United States Government Accountability Office. Available at <http://www.gao.gov/new.items/d05221.pdf>.

- HUD. 2005. "Affordable Housing Needs: A Report to Congress on the Significant Need for Housing." Annual Compilation of Worst Case Housing Needs Survey, United States Department of Housing and Urban Development, Washington, D. C. Available at <http://www.huduser.org/Publications/pdf/AffHsgNeedsRpt2003.pdf>."
- McNamara, N. and D. Schenkelberg. 2007. *Extreme Poverty and Human Rights: A Primer*. Chicago: Heartland Alliance for Human Needs & Human Rights and Mid America Institute on Poverty. Available at <http://www.heartlandalliance.org/maip/documents/ExtremePovertyDesignedFinal.pdf>.
- Miller, W. E. R. Vigdor and W. G. Manning. 2004. "Covering the Uninsured: What is it Worth?" *Health Affairs* 31 March. Available at <http://content.healthaffairs.org/cgi/content/full/hlthaff.w4.157v1/DC1>.
- NCHS. 2005. *Health, United States 2006*. Hyattsville, MD: National Center for Health Statistics, United States Department of Health and Human Services. Available at <http://www.cdc.gov/nchs/data/hus/hus06.pdf>.
- NESRI. 2006. *The Human Right to Housing: Access for Survivors in the Gulf*. New York: National Economic and Social Rights Initiative. Available at http://www.nesri.org/fact_sheets_pubs/Human%20Right%20to%20Housing%20Issue%20Brief.pdf.
- Nord, Andrews and S. Carlson. 2006. "Household Food Security in the United States, 2005." Economic Research Report No. 29. United States Department of Agriculture, Washington, D. C. Available at <http://www.ers.usda.gov/publications/err29/>.
- OHCHR. 2001. *Concluding Observations of CERD on the United States of America*. 14 August 2001, A/56/18, para. 398. Geneva: Office of the High Commissioner for Human Rights. Available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.56.18,paras.380-407.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.56.18,paras.380-407.En?OpenDocument).
- PCIE. 2005. *Oversight of Gulf Coast Hurricane Recovery: A 90 Day Progress Report to Congress*. Washington, D C.: President's Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency. Available at http://energycommerce.house.gov/108/News/OIG_90DayGulfCoast_Dec05.pdf
- PPEHRC. 2006a. *Health Insurance Fact Sheet, 2006*. Cleveland, Ohio: Poor People's Economic Human Rights Campaign.
- _____. 2006b. *Katrina Fact Sheet, 2006*. Cleveland, Ohio. Poor People's Economic Human Rights Campaign.

- Sen, A. 2000. "Social Exclusion: Concept, Application and Scrutiny." Social Development Papers No. 1. Office of Environment and Social Development, Asian Development Bank, Manila.
- Sengupta, A. 2005. "Human Rights and Extreme Poverty." Report submitted by the Independent Expert on Human Rights and Extreme Poverty to the Human Rights Commission. Geneva. *Ref. No. E/CN.4/2005/49*. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/113/46/PDF/G0611346.pdf?OpenElement>.
- _____. 2006. "Human Rights and Extreme Poverty." Report submitted by the Independent Expert on Human Rights and Extreme Poverty to the Human Rights Commission. Geneva. *Ref. No. E/CN.4/2006/43*. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/113/46/PDF/G0611346.pdf?OpenElement>.
- Sherman, A. 2005: *Public Benefits: Easing Poverty and Ensuring Medical Coverage*. Washington, D. C.: Center on Budget and Policy Priorities, Available at <http://www.gao.gov/cgi-bin/getrpt?GAO-02-58>.
- UNDP. 2001. *Human Development Report 2001: Making New Technologies Work for Human Development*. Oxford: Oxford University Press.
- _____. 2005. *Human Development Report 2005: International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*. Oxford: Oxford University Press.
- USCB. 2005. "Income, Poverty, and Health Insurance Coverage in the United States: 2004." Washington, D. C.: United States Census Bureau. Available at <http://www.census.gov/prod/2005pubs/p60-231.pdf>.
- _____. 2006. "Income, Poverty, and Health Insurance Coverage in the United States: 2005." Washington, D. C.: United States Census Bureau Available at <http://www.census.gov/prod/2006pubs/p60-231.pdf>.
- USHRN. 2006. *Hurricane Katrina and Violations of International Covenant on Civil and Political Rights Article 6 (right to life) and Article 26 (prohibition against discrimination): A Response to the Third Periodic Report of the United States of America*. US Human Rights Network, Atlanta, Georgia. Available at <http://www.ushrnetwork.org/pubs/Final%20report%20Katrina%20ICCPR.doc>.
- Wresinski, J. 1987. "Grande Pauvrete et Precarite Economique et Sociale." *Avis et Rapport du Conseil Economique et Social*, 28 February.

Zedlewski, S. R., L. Giannarelli, J. Morton and L. Wheaton. 2002. *Extreme Poverty Rising, Existing Government Programs Could Do More*. Washington, D.C: The Urban Institute. Available at [www.urban.org/ url. cfm? ID=310455](http://www.urban.org/url.cfm?ID=310455).