



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/43/Add.1
27 March 2006

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and extreme poverty

**Report submitted by the independent expert on the question
of human rights and extreme poverty, Arjun Sengupta**

Addendum*

**MISSION TO THE UNITED STATES OF AMERICA
(24 October to 4 November 2005)**

* The present addendum is circulated in English only as it was submitted after the deadline for submission.

Summary

During his visit to the United States of America from 24 October to 4 November 2005, the independent expert on the question of human rights and extreme poverty held meetings with government representatives and civil society organizations, particularly organizations working with and for people living in poverty, in New York City; Immokalee, Florida; New Orleans and Baton Rouge, Louisiana; Jackson and the Delta region, in Mississippi; Appalachia, in Kentucky; and in Washington, D.C.

On the basis of his findings, the independent expert makes, among others, the following observations and recommendations:

- Despite the economic wealth of the United States and the efforts of the Government, the poverty rate remains high compared to other rich nations and there is no evidence that the incidence of poverty, and especially extreme poverty, is on the decrease;
- Government programmes and policies have not effectively remedied the vulnerable situation of those groups most at risk of extreme poverty, notably African Americans, Hispanics, immigrants and women single-headed households;
- There is no national anti-poverty legislation in the United States. There is only a patchwork of different laws addressing aspects of poverty in a limited manner;
- If the United States adopted a comprehensive national strategy and programmes based on human rights principles it would be possible to reduce poverty and eradicate extreme poverty;
- Social safety nets for poor families should be through entitlement programmes, and measures should be taken to facilitate the participation in these programmes and ensure that cumbersome enrolment procedures do not discourage people who qualify for social benefits from applying;
- The full participation of people living in poverty should be ensured in the design, implementation, monitoring and assessment of programmes for combating poverty. 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 United States is encouraged to adopt the following steps: First, the United States authorities, in cooperation with civil society and expert organizations, should identify a fraction of its population as suffering from conditions of extreme poverty (defined in terms of a combination of income poverty, human development poverty and social exclusion). Second, once this group has been identified, the United States authorities should adopt legislative provisions to accord them the legal entitlement to the programmes that are needed to take them out of these conditions of poverty. This legal entitlement would allow extremely poor persons, or their representatives, to seek redress in the courts if they are denied their entitlements. Third, in order to fund such programmes, the federal Government may create a fund with the sole purpose of abolishing the conditions of extreme poverty.

Annex

**REPORT OF THE INDEPENDENT EXPERT ON THE QUESTION OF
HUMAN RIGHTS AND EXTREME POVERTY, ARJUN SENGUPTA,
ON HIS MISSION TO THE UNITED STATES OF AMERICA
(24 October to 4 November 2005)***

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 3	4
I. THE FRAMEWORK	4 - 10	4
II. OVERVIEW OF POVERTY IN THE UNITED STATES	11 - 42	5
A. Legal and institutional background	11 - 16	5
B. Government programmes	17 - 24	6
C. Measurement of poverty	25 - 27	9
D. Trends in income poverty	28 - 29	10
E. Trends in human development poverty	30 - 34	11
F. Social exclusion	35 - 42	12
III. HURRICANE KATRINA: A WINDOW ON EXTREME POVERTY IN THE UNITED STATES	43 - 58	14
IV. EXAMPLES OF CONDITIONS OF EXTREME POVERTY IN SOME OTHER AREAS VISITED BY THE INDEPENDENT EXPERT	59 - 73	16
V. CONCLUSIONS AND RECOMMENDATIONS	74 - 90	19

* The comments by the Government of the United States of America regarding this report will be circulated at a later stage.

Introduction

1. The independent expert on the question of human rights and extreme poverty visited the United States of America from 24 October to 4 November 2005 and held meetings with people living in poverty, civil society organizations working with and for people living in poverty, and government representatives in New York City; Immokalee, Florida; New Orleans and Baton Rouge, Louisiana; Jackson and the Delta region, in Mississippi; Appalachia, in Kentucky; and Washington, D.C. The independent expert is grateful for the cooperation and assistance he received and expresses a special thanks to those individuals who assisted with the coordination of different parts of his visit. (The independent expert is indebted to Rita Nangia of the Asian Development Bank, Michelle Evans of the International Services for Human Rights, and Sheren Brunson of the New School of New York.)

2. By choosing to visit the United States, the independent expert wanted to illustrate that extreme poverty is a societal problem irrespective of the level of income of a country. It is not only a problem of poor developing countries, but a phenomenon that is found in most countries in 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 also has one of the highest incidences of poverty among the rich industrialized nations.¹

3. Over the course of his mission, the independent expert heard testimonies and received information about a range of issues related to poverty in the United States. The limitation on the length of this report does not allow a detailed analysis of all of these problems. Nor can the independent expert cover all aspects of the very complex problem of extreme poverty. Rather, on the basis of the information received, testimonies heard and discussions held with different actors, including with people living in poverty, the independent expert makes a number of general observations and recommendations.

I. THE FRAMEWORK

4. The independent expert defined extreme poverty and described its relation with human rights in his first report to the Commission on Human Rights (E/CN.4/2005/49). Extreme poverty was defined as a composite of income poverty, human development poverty and social exclusion, and encompassed the notions of lack of basic security and capability deprivation over prolonged periods. Briefly, extreme poverty is a combination of three elements.

5. **Income poverty.** This refers to a lack of income or purchasing power to secure basic needs. It can be considered in absolute terms or relative terms. A simple absolute definition would be to fix a minimum daily amount of calorie intake from food necessary for survival supplemented by some minimum amount of non-food items regarded as essential for decent social existence. A relative definition would be set in terms of the income needed to cover not only subsistence and essential consumption, but to satisfy needs defined by sociocultural 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 the command over a much smaller basket of goods and services and/or the prevalence of longer duration of poverty.

6. **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 needs or requirements for a decent life, in addition to income, which are taken as indicators of human development. Human development poverty could then be regarded as deprivation of human development, and extreme poverty as extreme or severe deprivation.

7. **Social exclusion.** When being marginalized, discriminated and left out in social relations, people lack basic security and the capability to lead a life of value. Looked at comprehensively, social exclusion is identified as an integral part of capability deprivation.

8. The approach of the independent expert is consistent with the Copenhagen Declaration on Social Development and Programme of Action adopted by world leaders at the 1995 World Summit for Social Development. As this Programme of Action states, “poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life. It occurs in all countries: as mass poverty in many developing countries, pockets of poverty amid wealth in developed countries, loss of livelihoods as a result of economic recession, sudden poverty as a result of disaster or conflict, the poverty of low-wage workers, and the utter destitution of people who fall outside family support systems, social institutions and safety nets” (A/CONF.166/9, annex II, para. 19).

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

10. The report examines the incidence of extreme poverty in the United States against all three characteristics. Though there is adequate data available on income poverty, there are no standard quantitative measures of capabilities and social exclusion, and hence the report documents, from interviews and meetings, first-hand accounts of deprivation and insecurity in the words of the poor.

II. OVERVIEW OF POVERTY IN THE UNITED STATES

A. Legal and institutional background

11. The United States is a 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 signed but 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).

12. The United States played a central role in the adoption in 1948 of the Universal Declaration of Human Rights, which recognizes 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 treaties and were reaffirmed in the 1993 Vienna Declaration and Programme of Action. 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 eliminate discrimination and guarantee equality before the law in the enjoyment of economic, social and cultural rights.

13. The United States has committed itself to eliminate 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.

14. 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 greater but no less protection of the civil and political rights guaranteed by the Constitution. The first 10 amendments, known collectively as the Bill of Rights, provide for the fundamental civil and political rights. Whereas 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 ensuring aspects of economic, social and cultural rights.

15. 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’”.

16. However, the independent expert notes 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. Equally, the independent expert notes that the courts generally do not interpret statutory entitlements in terms of rights and that the doctrine of State immunity makes it difficult for individuals to bring cases concerning entitlements to public assistance benefits to the courts.

B. Government programmes

17. The United States has a long history of fighting poverty. President Franklin D. Roosevelt signed the country’s first Social Security Act into law in 1935 and later urged 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, underling 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.

18. 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 (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 a limited income and resources;
- The Food Stamp Program is a primary source of nutrition assistance for many low-income persons, enabling them to buy food with electronic benefit cards at food stores. Apart from a low income, participants must be citizens or eligible non-citizens and register for work. All able-bodied individuals between 16 and 60 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 age 5 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.”;²

- The State Children’s Health Insurance Program (SCHIP) expands health insurance to low-income children whose families have too high incomes 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 subsidizes rent for about 2.1 million low-income households so that 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, preschool children aged 3 to 5, and social services for their families.

19. The various government programmes raise a large number of 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.³

20. 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 economy 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.⁴

21. From his discussions with community groups and poor people, the independent expert understood that public assistance programmes were often seen to be overly complicated and difficult to navigate. Whether it was programmes to access health services, affordable housing or education, people often depended 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 letters from the Social Security administration were difficult to understand and not easily accessible to elderly people, and if a person lost his/her public assistance for some reason, the process of appeal was long and difficult.

22. This finding is confirmed by a number of studies. A 2001 report of the Government Accountability Office (GAO) expressed the concern that “the nation’s assistance programs for low-income families are too difficult and costly to administer and too complicated for families to navigate”.⁵ 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”.⁶

23. 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.

24. 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. Based on 1998 data, the study shows that full participation in existing 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.⁷

C. Measurement of poverty

25. The United States is one of the few Organisation for Economic Cooperation and Development 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).⁸ The poverty measure operates with 48 different thresholds according to size of the family, the number of dependent children, and ages of family members. In 2004 the thresholds were \$9,827 for a single person under the age of 65, \$12,334 for a family of two, \$15,067 for a family of three, and \$19,307 for a family of four. The federal poverty measure defines extreme poverty as income below 50 per cent of the poverty line.

26. 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”.⁹ 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. It 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 poor and 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".¹⁰

27. Rather than cash income, the 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 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.

D. Trends in income poverty

28. The long-term trend shows a decrease in poverty by 9.7 per cent since 1959, the first year for which data is available. The incidence of poverty has, however, been on the rise over the past years. According to the Census Bureau, 37 million people (12.7 per cent of the population) lived below the federal poverty line in 2004, compared to 35.9 million in 2003, 34.6 million in 2002, 32.9 million in 2001 and 31.6 million in 2000. Among the 37 million living below the federal poverty line, 15.6 million, representing 5.4 per cent of 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.

29. The statistics show large disparities in poverty between regions, racial groups, genders, and age groups:

- **Race.** Census Bureau statistics (2004) show a significant disparity in income poverty between African Americans (24.7 per cent), Hispanics (21.9 per cent) and non-Hispanic Whites (8.6 per cent). In total, 11.4 per cent of African Americans (3.2 million) and 7.9 per cent of Hispanics had incomes less than 50 per cent poverty threshold, compared to the national average of 5.4 per cent. Equally, according to 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, defined as "unassisted renters with very low incomes (below 50 per cent of area median income) who pay more than half of their income for housing or live in severely substandard housing";¹¹
- **Age groups.** Income poverty is significantly higher among children. From 1981 to 1997 child poverty was around 20 per cent, declining to 16.2 per cent between 1997 and 2000, and then started increasing again, reaching 17.8 per cent

(13 million children) in 2004.¹² This compares to poverty rates of 11.3 per cent for all people between 18-64 years and 9.8 per cent for people aged 65 and above. The poverty rate is particularly high among African American children (33.2 per cent or over 4 million);

- **Gender.** In 2004, the poverty rate for families was 10.2 per cent, comprising almost 7.9 million families. Of all family groups, poverty is highest among those headed by single women. In 2004, 28.4 per cent of all female-headed families (nearly 4 million families) were poor, compared to 5.5 per cent of married-couple families (3.2 million families). For 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 2004 it was greatest in the South, at 14.1 per cent, and lowest in the Midwest and Northeast, at 11.6 per cent. Adjoining states may have radically different levels of poverty. Over the years 2001-2003, the poverty rate in the state of Maryland was 7.7 per cent - yet in the adjacent District of Columbia, it stood at 17.3 per cent.

E. Trends in human development poverty

30. 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.

31. **Food insecurity.** The federal Department of Agriculture reports that the number of people living in food-insecure households was 38.2 million in 2004, accounting for 11.9 per cent of all households, up from 36.3 in 2003, 34.9 in 2002 and 33.6 in 2001.¹³ Food insecurity was much more prevalent in households with incomes below the poverty line (36.8 per cent), those headed by single women (33 per cent), African American (23.7 per cent) and Hispanic (21.7 per cent). Overall, food insecurity in households with children is at about double the rate compared to those without children. Geographically, food insecurity was higher in South and West than in Midwest and Northern areas.

32. **Health.** The United States, contrary to other wealthy countries, does not have a universal health insurance system. 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. 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. A government report, "Health, United States, 2005" shows

that the poor and “near poor” (i.e. with incomes below 200 per cent of the poverty line) are much more likely to be uninsured and have poorer health outcomes than those with higher incomes. As the report states, “Although, in some cases, illness can lead to poverty, more often poverty causes poor health by its connection with inadequate nutrition, substandard housing, exposure to environmental hazards, unhealthy lifestyles, and decreased access to and use of health-care services”.¹⁴

33. The United States leads the world in health-care spending: on a per capita basis, the United States spends twice the average spending by the Organisation for Economic Cooperation and Development 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 critically-access to care. Key health indicators are far below those that might have been expected for the income levels: the infant mortality rate is now higher for the United States than Malaysia - a country with an average income one quarter that of the United States. And 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. (*Source: UNDP, Human Development Report, 2005*)

34. **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 3.5 million people, 1.35 million of them children, are likely to experience homelessness in a given year.¹⁵ Homelessness in 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”.¹⁶

F. Social exclusion

35. The data on the poverty and the long-term trends indicate that poverty rates vary depending on gender, race, ethnicity, and immigration status.

36. 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 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, subsidized 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”.¹⁷

37. At a meeting with community organizations hosted by Picture the Homeless at Harlem Community Centre, New York City, 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.”

38. Segregated communities have meant a poor state of public schools, attended mainly by poor African American children. This is a major issue. As the independent expert 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.

39. 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.”¹⁸

40. The independent expert saw how these disparities manifested themselves in the housing segregation in poor African American and Hispanic neighbourhoods in many cities. The fact that disparities persist 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.

41. 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”.¹⁹ 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 ages 25 and 29 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, which have the country’s highest and third-highest per capita incarceration rates, several persons noted that children who did not do well at school were almost expected to end up in prison.

42. Immigrant families are also in a particular 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.²⁰ 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. Nearly half of 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.”²¹

III. HURRICANE KATRINA: A WINDOW ON EXTREME POVERTY IN THE UNITED STATES

43. What seems evident from interviews and group discussions by the independent expert is that 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 systematic problem of inability to participate in economic and social activities in a meaningful way. The poor are insecure and vulnerable and nowhere is this insecurity more evident than in the cases of Hurricanes Katrina and Rita. People who had been left behind were largely groups that were extremely poor (as per the definition adopted for this report) and unable to cope with disasters and natural shocks.

44. Hurricane Katrina, which hit Louisiana on 29 August 2005, spurred a national debate on poverty and race in America. Katrina revealed 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 barely 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.”²²

45. At Loyola University the independent expert discussed with and heard testimonies from a group of around 80 Katrina victims and representatives of community organizations. 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 resources of the military located in nearby army bases.

46. 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.

47. 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. Little or no provision was made for the many people in the area who did not own cars.

48. 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".

49. 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 that many people did not have access to the Internet.

50. 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 United States and the importance of finding ways for their voices to be heard, to make sure they get the help needed in their new situation.

51. An elderly African American woman described how she had been prevented from going back 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.

52. Several participants 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.

53. 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.

54. The fact that all public schools remained closed prevented people from returning. Concern was expressed that the schools that were being rebuilt would not be for poor children. The public schools were already run down before the hurricane and lacked proper sanitation.

55. 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 was not representative bodies. It was felt that decision-making determining the future of the area were dominated by business elites. Frustration was also vented over the slow reconstruction process.

56. 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. The culture was seen to be 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 a new-built New Orleans.

57. Even before Hurricane Katrina hit, greater New Orleans was one of the most troubled metropolitan areas in the nation. The city of New Orleans 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.²³

58. 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.

IV. EXAMPLES OF CONDITIONS OF EXTREME POVERTY IN SOME OTHER AREAS VISITED BY THE INDEPENDENT EXPERT

59. Besides New Orleans and Baton Rouge, Louisiana, the independent expert visited and held discussions with different vulnerable groups and their representatives in Harlem, New York; Immokalee, 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.

60. In New York, the independent expert 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. Immigrant workers “have to live in expensive and crowded apartments, often living with 10 to 15 people in one apartment. Landlords do not fix 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 explained about the situation of restaurant workers in New York: “We have to work 60, 70, 80 hours, 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 like me are stereotyped as people who can only do the hard jobs.”

61. 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 days, 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.

62. 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’”.

63. 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 other undocumented workers, who could be hired at considerably lower costs. It was suggested that repealing this law would eliminate the employer preferences for undocumented workers, even if it would not prevent the exploitation of these workers.

64. Members of Picture the Homeless, in Harlem, showed the independent expert 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.

65. In Immokalee, Florida, the independent expert 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 single men, lived in Immokalee during the harvest season. Farm workers lived in wooden shacks and trailer homes that, despite their substandard quality, cost up to \$1,200 per month. Twelve to 15 people would live in one trailer, sleeping in shifts to save money.

66. The independent expert was informed that the average salary of day-labourers 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 are paid by the piece and need to pick over 1½ tons of tomatoes to earn a daily wage of \$50.

67. Low wages pushed people to work hard. The minimum wage law provided that workers who worked 10 hours 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.

68. In Jackson and the Delta region of Mississippi, the independent expert visited different parts of the city and its suburbs, seeing 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 ones, 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.

69. The independent expert learned that African Americans living in the poor neighbourhoods also felt harassed by the police, who was said to keep 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.

70. The cotton fields and catfish processing areas in the Delta region were characterized by households of poor African Americans who, as the independent expert was informed, do back-breaking work, earn miserably low wages and experience stark segregation. They also have lower achievement levels in schools; this is 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. The independent expert was informed that some of the poorest households did not have light, water or electricity and that people often had to live together in big families to survive. Money 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 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.

71. Another issue brought to the independent expert's attention was the criminalization 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 and 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 money for investigations or litigations. Moreover, lack of information was said to prevent the poor people from accessing remedies.

72. In the Appalachian region of Kentucky, poverty affected mostly white Americans. Most of the people who met the independent expert 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 Medicaid programme. The modestly poor, who had little money left after meeting their subsistence needs, also needed access to health care. Proposals were made for universal, free health coverage at least at a minimum level covering a list of most common diseases. The independent expert learned that, aside from a lack of employment opportunities in the region, 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.

73. Several persons complained to the independent expert 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 the 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.

V. CONCLUSIONS AND RECOMMENDATIONS

74. **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. The independent expert could not visit all the areas which representatives of vulnerable groups had requested him to visit and witness their conditions. In particular, the independent expert regrets not having been able to visit any of the Native American nations. The independent expert hopes that more detailed studies will be carried out to seriously address and resolve these problems.**

75. **The independent expert summarizes his main conclusions and recommendations as follows: Extreme poverty, as 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 United States is the wealthiest country on earth, and for it to have extreme poverty is a paradox.**

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

77. **The groups in extreme poverty are also the most insecure and vulnerable, with limited ability to cope with natural disasters such as Hurricane Katrina.**

78. **In his first report to the Commission on Human Rights, the independent expert noted that extreme poverty, as the composite of income poverty, human development poverty and social exclusion, can be defined as extreme capability deprivation. Though it may not be plausible to argue that capability deprivation is equivalent to human rights deprivation, denial of human rights can be seen to lead to conditions of extreme poverty, in which individuals suffer simultaneously from income poverty, human development poverty and social exclusion. The independent expert on the right to development had suggested planned and coordinated measures to promote a phased, progressive realization of human rights, taking into account the flexibility of social, legal and economic institutions and the availability of resources.²⁴**

79. **In the case of extreme poverty, there is a need for programmes with a more specific focus and time bound action: conditions of extreme poverty, as manifested in the case of the United States, cannot be left to be realized progressively or by market forces alone. Removal of extreme poverty cannot be addressed without deliberate actions and targets. If a comprehensive national programme of economic development covering all aspects of extreme poverty proves too difficult, the independent expert has recommended one set of national actions: employment generation, especially for the poorest sections. It was noted that a person living on social security may be protected from income poverty, but may not be saved from the ignominy of social exclusion that accompanies not having a job. This is important because, in most industrialized countries, unemployment is the principal cause of social exclusion.**

80. **It seems important that the United States adopt a comprehensive national strategy to substantially reduce poverty and eradicate extreme poverty in line with commitments made by the United States in the Copenhagen Declaration on Social Development and Programme of Action. Governments need to ensure mechanisms to monitor progress made in this regard.**

81. **Social safety nets for poor families should be provided through entitlement programmes and 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.**

82. 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.

83. The independent expert submitted this year his second report on extreme poverty and human rights (E/CN.4/2006/43) to the Commission on Human Rights. In accordance with the recommendations in that report, the independent expert suggests that the international community recognize the existence of the 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 recognized as such, it should be possible for the United States authorities to adopt programmes based on human rights principles and which would surely contribute to the eradication of the problems of extreme poverty.

84. The independent expert believes that the United States authorities, who have always upheld the principles of the Universal Declaration of Human Rights, are committed to the principles of 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 constitutive states. 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 did, the levels of benefits are grossly inadequate. Legal entitlements, which were not adequately funded, were 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.

85. This policy of the United States is 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 independent expert would suggest that the United States authorities and their people 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 claim to uphold.

86. First, the United States authorities should, in cooperation with civil society and expert organizations, identify a fraction of its population, say up to 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 marginalized, vulnerable groups of African Americans, Native Americans, Hispanics and also immigrants, especially if they are also included within the overall poverty line.

87. Once this group of people suffering from extreme poverty is identified, the United States authorities should adopt legislative provisions to accord them the legal entitlement to all the programmes that are needed and recognized in most of the existing provisions to take them out of these conditions of poverty. This legal entitlement would allow the individual members of this group of extremely poor people, or their representatives, to have recourse to the courts of law in case they are denied their entitlement.

88. 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 through existing legislation or programmes or through adopting new forms of 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 state governments find that their existing budgetary provisions for these programmes are not adequate. There may be a mechanism to examine if 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.

89. 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 \$12 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.

90. The independent expert believes that 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 to the international human rights community, realizing values cherished not only by the United States itself, but by the entire civilized human community.

Notes

¹ The relatively high poverty rates in the United States are highlighted in, among others, UNDP, *Human Development Report, 2005* and UNICEF “Child poverty in rich countries, 2005”, Innocenti Research Centre, 2005.

² United States Government Accountability Office (GAO), “Means-tested programs - information on program access can be an important management tool”, March 2005.

- ³ Arloc Sherman, “Public benefits: easing poverty and ensuring medical coverage”, Centre on Budget and Policy Priorities, 2005.
- ⁴ Sheila R. Zedlewski, Linda Giannarelli, Joyce Morton, Laura Wheaton, “Extreme poverty rising, existing government programs could do more”, Urban Institute, April 2002.
- ⁵ GAO, “Means-tested programs determining financial eligibility is cumbersome and can be simplified”, November 2001.
- ⁶ Urban Institute, *op. cit.*, 2002.
- ⁷ *Ibid.*
- ⁸ United States Census Bureau, “Income, poverty, and health insurance coverage in the United States: 2004”, August 2005.
- ⁹ Cited in Corak, Miles (2005), “Principles and practicalities in measuring child poverty for the rich countries”, UNICEF, Innocenti Working Paper No. 2005-01, p. 17.
- ¹⁰ *Ibid.*, p. 17.
- ¹¹ United States Department of Housing and Urban Development, “Affordable housing needs - annual compilation of a worst-case housing needs survey”, 2005.
- ¹² United States Department of Health and Human Services, “Health, United States, 2005”, National Center for Health Statistics, 2005.
- ¹³ United States Department of Agriculture, “Household food security in the United States, 2004”, Economic Research Report No. 11, October 2005.
- ¹⁴ United States Department of Health and Human Services, *op. cit.*
- ¹⁵ See National Coalition for the Homeless, “How many people experience homelessness?”, Fact Sheet No. 2, June 2005.
- ¹⁶ National Centre for Homeless Education, “Homeless education: an introduction to the issues”, available at http://homelessed.net/intro/intro_brief%20SERVE%20Summer%202004.pdf.
- ¹⁷ The Brookings Institution: “Katrina’s window: confronting concentrated poverty across America” by Alan Berube and Bruce Katz, October 2005.
- ¹⁸ Concluding observations on the United States of America (A/56/18), para. 398.
- ¹⁹ *Ibid.*, para. 395.

²⁰ See National Centre for Children in Poverty, “Efforts to promote children’s economic security must address needs of hard-working immigrant families”, Columbia University, October 2005.

²¹ Steven A. Camarota, “Immigrants at mid-decade - a snapshot of America’s foreign-born population in 2005”, Centre for Migration Studies, December 2005.

²² The Brookings Institution, *op. cit.*

²³ The Brookings Institution, Metropolitan Policy Program, “New Orleans after the storm: lessons from the past, a plan for the future”, Special Analysis, October 2005.

²⁴ See the reports of the independent expert on the right to development, available at <http://www.unhchr.ch/html/menu2/7/b/mdev.htm>.
