Human Rights and Health

POVERTY AND THE VIOLATION OF HUMAN RIGHTS: A PROPOSED CONCEPTUAL FRAMEWORK

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The paper proposes a conceptual framework linking the causes of poverty with the causes of human rights violations. Both are presented as outcomes of a cascading chain of determinants grouped as immediate, underlying, and basic causes. The framework will make situation analyses focused on poverty and human rights better adjusted to the reality on the ground. It is also the first step in using the human rights-based approach, now an established methodology being used by a growing number of health and development practitioners and seen by the United Nations system as the way forward. The framework also provides guidance to communities in identifying, in a participatory way, causes of the problems that affect them. The framework is presented in a diagram format followed by a list of the major determinants in each causal level.

For at least two decades, development workers have used the conceptual framework developed and adopted by UNICEF in 1990 in an effort to interrupt the causal chain of preventable malnutrition and preventable deaths and to articulate plans of action to concomitantly address the various levels of causality. This framework uses a distinctly hierarchical causality sequence composed of immediate, underlying, and basic causes (1). Given its clarity and established familiarity, the same hierarchy is retained in the framework being proposed here.

However, a conceptual framework that links the determinants of poverty with the determinants of specific human rights violations (e.g., the right to health, to nutrition, and to education), to show how they reinforce each other, has not been developed. It is the purpose of this paper to propose such a framework.

Most conceptual frameworks of causality are presented as a pyramid with structural causes at the base. The proposed framework instead reflects the "cascading down" of the causality chain, with basic causes (the "causes of the causes" of the World Health Organization's Report on the Social Determinants of Health) (2) at the top and outcomes or manifestations at the bottom. The framework makes it clear that we are discussing causes—not influences—woven into a hierarchy with different levels of causality.

The conceptual framework presented below as a flow chart still leaves many unanswered questions. Accordingly, I also provide a complementary list of the major determinants of poverty and human rights violations at the beginning of the 21st century (3).

The conceptual framework is proposed as a basis for future situation analyses and as the first step toward wider application of the human rights framework in development programming. The framework is thus designed to help identify the major causes of human rights violations in each local context and at each level of causality, as well as to help identify the key individuals and organizations that have entered (or not) into their expected roles as claim holders and as duty bearers. This, in turn, will allow its users:

- To analyze claim-duty relationships
- To analyze claim holders' and duty bearers' capacities so as to discover key gaps
- To identify potential actions to become part of a program targeting human rights violations that lead to or perpetuate poverty, the latter acknowledged as perhaps the foremost human rights violation (or, rather, the outcome of many individual human rights violations) (4)

Linking poverty and human rights in a conceptual framework links the former to the human rights-based approach that is, by now, an established and accepted framework for action (2). Equity—a social justice term—is intimately linked to the human rights-based approach, but the latter more precisely addresses issues of equality (e.g., of access, before the law, both related to the principle of non-discrimination) (5).

It is hoped that the framework will contribute to a more realistic application of the human rights-based approach to development planning, primarily because it puts the basic causes of human rights violations in a more central and pivotal position in the Assessment, Analysis, and Action cycle as we plan to achieve disparity reduction—our real aim—as opposed to poverty alleviation. The real challenge is thus to ultimately lead to actions that address the human rights concerns raised in the framework—individually and as a whole—because action at each causal level is necessary, but not sufficient.

When devising solutions, framework users should advance from implementing coping measures, to implementing reform measures, and ultimately to

implementing mobilization strategies that will help claim holders place concrete demands for needed structural changes. The process then should progress from local and immediate measures to those that are more global and long-term and that address the basic causes of poverty and deal with the contributing, concomitant violations of human rights.

For many years, UNICEF's Causality of Malnutrition Conceptual Framework has been key in helping communities identify a hierarchy of causes in their particular contexts. One of its great advantages is that it provides guidance to communities in first identifying the manifestations of their problems by getting members to actively participate. In a second step, they can move to identify immediate causes, primarily those that relate directly to the specific manifestations they have identified. Only afterward can they identify underlying and finally basic causes.

MAJOR DETERMINANTS OF POVERTY AND OF THE VIOLATION OF PEOPLE'S RIGHTS BY CAUSALITY LEVEL AS PER THE CONCEPTUAL FRAMEWORK DIAGRAM

Listing of the determinants hereunder is illustrative rather than comprehensive. Lettering corresponds to the respective boxes in the following diagram. Numbering does noti ndicate order of priority or importance. There is an inevitable overlapping and clustering of the determinants, with some extending beyond one level and others interacting with each other more horizontally at the same level of causality.

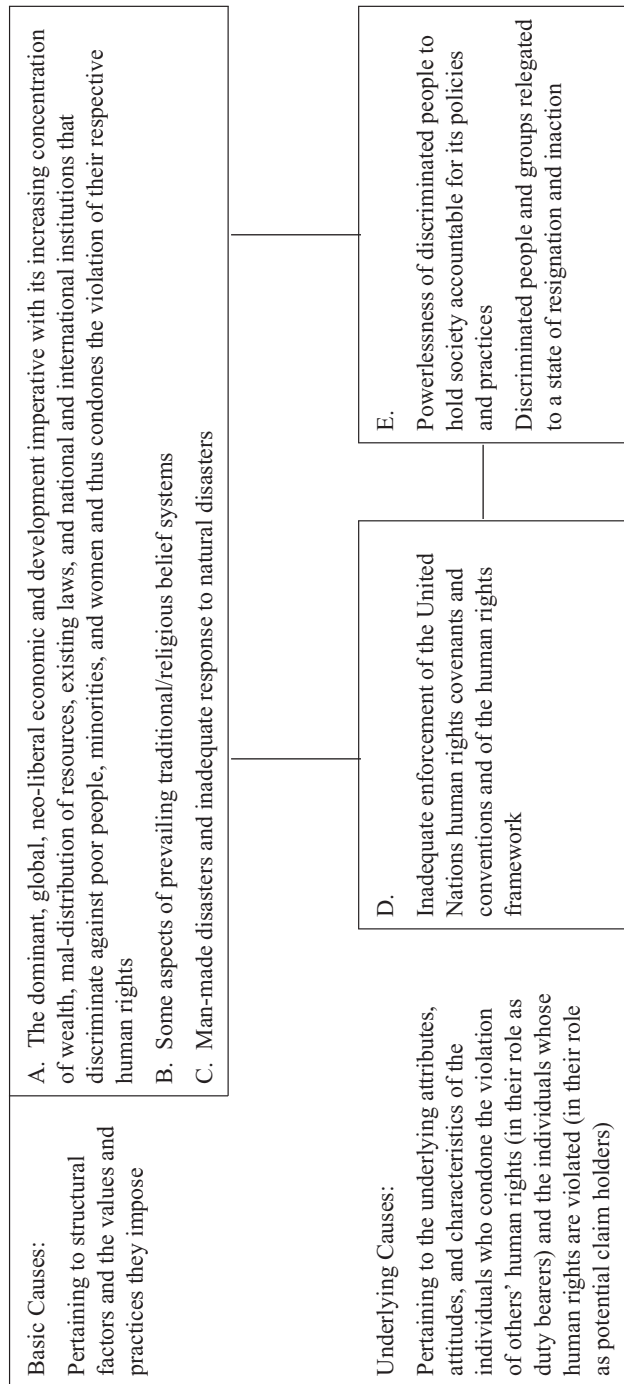*Basic Causes or Determinants*

These causes pertain to structural factors and to the values and practices they impose.

A. The dominant, global, neoliberal economic and development imperative with its increasing concentration of wealth, mal-distribution of resources, existing laws, and national and international institutions that discriminate against poor people, minorities, and women and thus condones the violation of their human rights (i.e., the roots of "power abuse" of Michel Foucault) (6–9):

1. National and international inequities and inequalities created and perpetuated by a freewheeling market economy, crippling foreign debt, structural adjustment policies, and the ongoing spread of the negative effects of globalization
2. Unfair concentration of economic and political power (both globally and locally), with unlimited growth of the wealth of the powerful and without provisions to sustain the well-being of all

Table 1

Conceptual framework linking the causes of poverty and of the violation of human rights

Basic Causes:

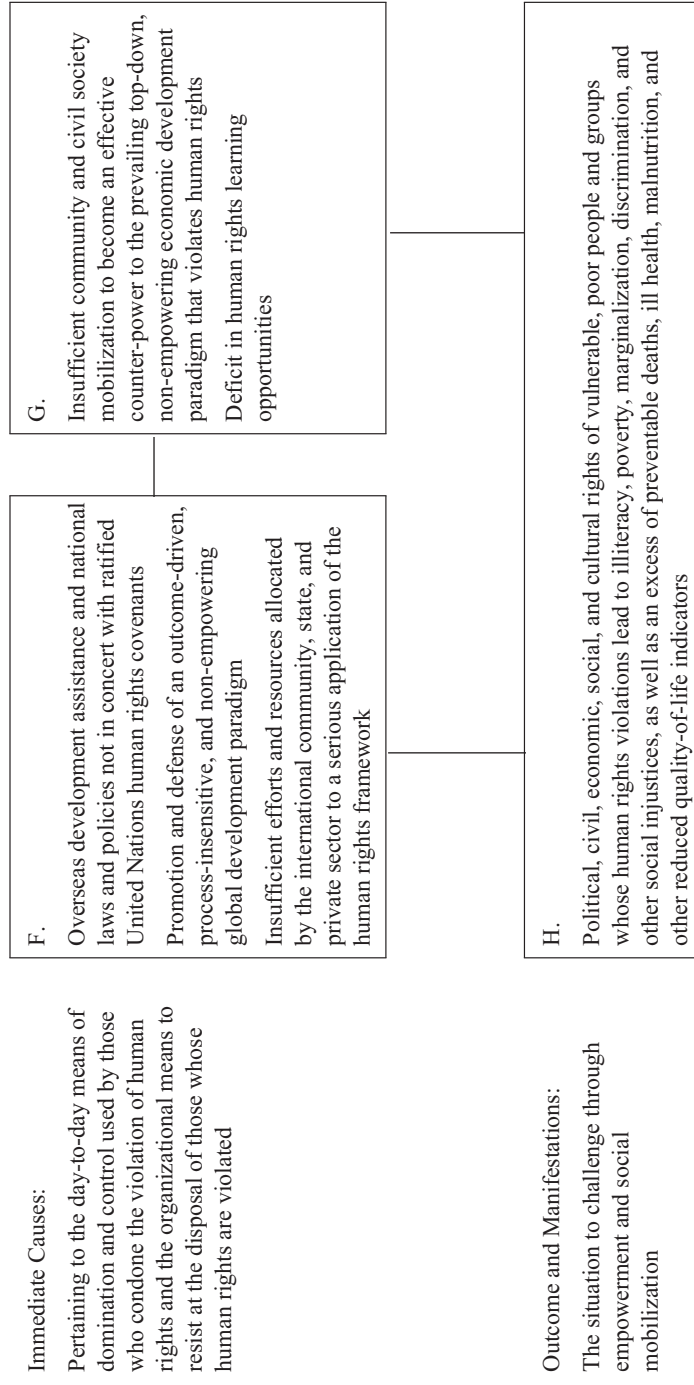Pertaining to structural factors and the values and practices they impose

A. The dominant, global, neo-liberal economic and development imperative with its increasing concentration of wealth, mal-distribution of resources, existing laws, and national and international institutions that discriminate against poor people, minorities, and women and thus condones the violation of their respective human rights

B. Some aspects of prevailing traditional/religious belief systems

C. Man-made disasters and inadequate response to natural disasters

Underlying Causes:

Pertaining to the underlying attributes, attitudes, and characteristics of the individuals who condone the violation of others' human rights (in their role as duty bearers) and the individuals whose human rights are violated (in their role as potential claim holders)

D. Inadequate enforcement of the United Nations human rights covenants and conventions and of the human rights framework

E. Powerlessness of discriminated people to hold society accountable for its policies and practices

Discriminated people and groups relegated to a state of resignation and inaction

Immediate Causes:

Pertaining to the day-to-day means of domination and control used by those who condone the violation of human rights and the organizational means to resist at the disposal of those whose human rights are violated

F.

Overseas development assistance and national laws and policies not in concert with ratified United Nations human rights covenants

Promotion and defense of an outcome-driven, process-insensitive, and non-empowering global development paradigm

Insufficient efforts and resources allocated by the international community, state, and private sector to a serious application of the human rights framework

G.

Insufficient community and civil society mobilization to become an effective counter-power to the prevailing top-down, non-empowering economic development paradigm that violates human rights

Deficit in human rights learning opportunities

Outcome and Manifestations:

The situation to challenge through empowerment and social mobilization

H.

Political, civil, economic, social, and cultural rights of vulnerable, poor people and groups whose human rights violations lead to illiteracy, poverty, marginalization, discrimination, and other social injustices, as well as an excess of preventable deaths, ill health, malnutrition, and other reduced quality-of-life indicators

3. Insufficient interventions to redress problems of the most socio-economically vulnerable

4. Increasing and sometimes extreme concentration of corporate wealth

5. Unfair terms of trade (not being redressed by the World Trade Organization and less so by regional or bilateral free trade agreements)

6. No evidence of an explicit development focus on disparity reduction and human rights; no real political interest of leaders in this matter, despite the Millennium Development Goals and numerous Poverty Reduction Strategy Papers (10, 11)

7. Mockery of representative democracy with rigged electoral processes and election campaign financing by wealthy special interest groups

8. Wars fought primarily for economic reasons, resulting in devastating direct and indirect human rights violations

9. Huge military expenditures that take a significant toll on human and environmental well-being and divert funding from redressing violated human rights

10. Poor people having no ownership of the means of production (especially land) and no access to or control over the resources they need to pull themselves out of poverty

11. Cash crops take the best land and subsistence farmers are pushed to marginal, infertile, and eroded land with limited irrigation

12. Export from wealthy nations of subsidized agricultural commodities to poor countries, which makes it impossible for local farmers to compete

13. Low agricultural producer prices, high cost of and limited access to agricultural inputs, and exploitative commercialization circuits for agricultural commodities

14. Rural and urban unemployment and underemployment

15. Low wages and high inflation

16. Limited income-generation opportunities, especially for women

17. Economic development focused on aggregate rather than re-distributive growth and therefore lacking explicit, realistic disparity reduction goals

18. Poverty reduction schemes imposed by Northern financial and foreign aid institutions (World Bank, International Monetary Fund, bilateral aid agencies) that put the blame of poverty and the burden of its reversal on poor people without adequately addressing structural and macro-economic causes; Poverty Reduction Strategy Papers that do not address these causes and, if they do, not funding effective interventions to needed levels

19. Further concentration of wealth through international speculative financial investments, capital flight, corporate acquisitions and mergers, banking sector bailouts, and similar operations

20. Development and structural adjustment policies with no explicit focus on redressing human rights violations; beyond lip service, no real political interest of leaders in this matter

21. Laws and practices condoning corporate and individual political influence-buying, the latter interfering with "democratic" election processes and resulting in (*a*) low voter participation, (*b*) election of cronies, and (*c*) continued exploitation of the poor

22. Corporations and special interest groups exerting pressure to oppose or undermine new and existing legislation, regulations, and practices that concentrate wealth in the hands of a few and put the environment and human well-being at risk

23. Powerful medical establishment and pharmaceutical houses putting profits before human needs and pricing life-saving services and drugs out of the reach of the neediest

24. Failure of the U.S. government to adequately support the United Nations (UN) and the International Court of Justice and to endorse many of the international covenants that protect human rights (e.g., International Covenant on Economic, Social and Cultural Rights, conventions on the rights of the child and on discrimination against women)

B. Aspects of prevailing traditional and religious belief systems (12):

1. Fundamentalism's growing influence in the South as a reaction to unjust, human rights-violating political systems and in the North as a hawkish reaction to terrorism (e.g., the American religious right)

2. Practices of some healers (both traditional and modern) who misuse and mystify their healing arts, overcharge and take advantage of poor people

3. Practices such as genital mutilation and opposition to modern contraception methods, sex education, and polio vaccination that violate the rights of girls, women, and children

C. Man-made disasters and inadequate response to natural disasters (13, 14):

1. Ethnic and religious conflict leading to violence

2. War and civil war

3. Other man-made disasters (e.g., toxic and oil spills, deforestation and erosion, desertification, soil salinization in large irrigation schemes)

4. Famine and the "silent epidemic of chronic hunger," both as man-made calamities

5. Inadequate and late response to natural disasters

6. Lack of timely and effective disaster preparedness and conflict resolution measures

7. The impending disasters of global warming and climate change as a result of powerful interests that put short-term gains for the few before sustainable development practices

Underlying Causes or Determinants

These causes pertain to the underlying attributes, attitudes, and characteristics of the individuals who condone the violation of others' human rights (in their role as duty bearers) and the individuals whose human rights are violated (in their role as potential claim holders).

D. Inadequate enforcement of UN human rights covenants and conventions and of the human rights framework, indicating a weak or absent commitment by local, national, and international development actors to abide by the same (15–18):

1. No explicit, shared conceptual framework for claim holders and duty bearers to use in bringing together the major causes of the ongoing violation of poor people's rights by causality level in a linked causality chain
2. Long history of discrete approaches to development rather than using the comprehensive human rights-based approach to tackle major causes level by level
3. Lack of qualified personnel in the public and non-governmental sector trained with a human rights orientation
4. Inadequate, imported-donor development models (generally narrow in focus) with greater emphasis on outcomes than on processes being implemented
5. Male-dominated and male-focused development models
6. Environmentally-insensitive development policies
7. The focus on strengthening coping strategies and allegedly proven "success factors" is limited to the immediate causes of poverty, without concomitantly tackling long-term, underlying causes
8. Poverty Reduction Strategy Papers not actually owned by the governments that "authored" them and often prepared without (*a*) substantial civil society inputs and (*b*) adequate budgets
9. Millennium Development Goals used as isolated, individual goals that are unrelated to the primary aims of the Millennium Development Declaration (their source, which does place them in the proper overarching human rights context) (10)
10. No capacity analyses performed to identify relevant groups with claim holders' and duty bearers' roles
11. No focus on working with participatory Assessment, Analysis, and Action processes that put more forceful claims on duty bearers to reverse violations of human rights
12. No true decentralization of government decision making and of government budgets; no devolution of power to the local level
13. No attempt to counter corporate inroads in the national economy and their negative impact on human rights

14. Move toward the privatization of basic services with no safeguards taken for continued access and affordability for poor people and no regulation of the growing private sector to avoid past and current abuses
15. Funding biased toward urban and curative health care, in part because of the growing influence of the pharmaceutical and medical supplies industries
16. Inadequate prevention of domestic violence, with no victim support and inadequate actions against perpetrators
17. Ineffective health policies and activities to tackle the excess incidence of airborne, waterborne, parasitic, and other communicable and non-communicable diseases
18. Ineffective nutrition policies to tackle insufficient food intake and micro-nutrient deficiencies, as well as proper care of mothers and children
19. Poor, poorly maintained, and understaffed health and education infrastructures
20. Underpaid and poorly motivated public servants; scant continuing education opportunities
21. Focus on academic, top-down, workshop- and lecture-based learning that divorces theory from practice and from an open-ended, collective, problem--solving learning process
22. Lack of accountability and transparency; corruption
23. Legal system that emphasizes punishment over rehabilitation and disproportionately targets poor people and ethnic minorities

E. Powerlessness of discriminated people to hold society accountable for its policies and practices (i.e., individual and collective vulnerability of poor and discriminated people and of poor countries who do not have access to or control over needed livelihood and development resources); discriminated people and groups relegated to a state of resignation and inaction (the roots of "obedience abuse" of Michel Foucault) (19, 20):

1. People who happen to be poor with (*a*) no capital other than their mostly unskilled labor force, (*b*) limited job opportunities, (*c*) low household income, and (*d*) virtually no access to non-usurious credit, especially for women and for those in the informal sector of the economy
2. Poor women with virtually no income of their own and no property rights
3. Inadequate care of women's and children's needs
4. Many unmet entitlements of household members
5. Little respect for the rights of minorities, women, and children
6. Various forms of abuse and economic exploitation, including those stemming from transnational corporations in export processing zones
7. Virtually no enforcement of existing laws designed to protect, respect, and fulfill human rights
8. Virtually no legal protection from economic and other abuses; anti-unionization and union-busting efforts by employers

9. Powerlessness or deliberate disempowerment of poor people who previously held higher status situation
10. Scant access to information that would empower poor people
11. Illiteracy (especially female), limited livelihood skills, and inadequate programs to address these
12. No universal access to education (especially for girls), health care, clean water, and sanitary environments
13. Household food insecurity (seasonal and year-round)
14. Excess post-harvest food losses
15. Physical displacement of poor people, often by force
16. Urban migration to overcrowded slum areas with critical housing and sanitary conditions

Immediate Causes or Determinants

These causes pertain to the day-to-day means of domination and control used by those who condone the violation of human rights, as well as the organizational means to resist for those whose human rights are violated.

F. Official development assistance, national laws, and policies that are not consistent with ratified UN human rights covenants:

- Promotion and defense of an outcome-driven, process-insensitive, and non-empowering global development paradigm
- Insufficient efforts and resources allocated by the international community, the state, and the private sector to apply the human rights framework (16, 21–23)

1. No priority given to creating community mobilization processes directed at holding duty bearers accountable for finding viable solutions to the causes of poverty, deprivation, and underdevelopment and the resulting human rights violations
2. Overt or covert opposition to spontaneous organization efforts by the population to counteract the forces responsible for their rights violations
3. The community participation that is encouraged in development decision making is more "controlled" than empowering (i.e., the poor may be given a voice, but not influence)
4. Poor people are not allowed to become real protagonists in their own development, but are relegated to being passive receivers of development handouts
5. Poor people have limited access to information they need to make their concrete demands more effective ("Institutionalized disinformation is the modern means of social control")

6. No concerted actions by development projects to give communities progressive, effective control over critical resources and decisions
7. Little effort to train human rights community mobilizers or leaders
8. No national human rights commission with sufficient power to monitor the enforcement of political, civil, economic, social, and cultural rights
9. As needed for a human rights-based approach to development, duty bearers— those who should be responsible for making sure human rights are realized—are not identified and targeted and thus no concrete demands are placed on them
10. Eroding community support mechanisms that receive insufficient attention and action, especially in communities stricken by AIDS
11. Workers not allowed to organize or get involved in development questions; labor unions often are disallowed, stripped of their leadership, or co-opted
12. The educational system focuses on training students to obey and compete, rather than to think, analyze, and work together to achieve equitable changes and actively oppose the violation of human rights
13. Conspicuous absence of the private sector (or participation with a self-interest motivation) in the participative development debate and praxis in an effort to have enterprises commit to and enforce human rights principles

G. Insufficient community and civil society mobilization to become an effective counter-power to the prevailing unequal, top-down, non-empowering economic development paradigm that violates human rights; great deficit in human rights learning opportunities (24, 25):

1. Poor, marginalized, and discriminated-against claim holders with no recourse to compel duty bearers to fulfill their human rights obligations
2. Project-sponsored capacity-building and skills acquisition do not focus enough on effective community mobilization skills needed to counter local sentiments of fatalism or passive disenchantment
3. Dearth of community mobilizers or leaders trained in human rights
4. Poor people may see their needs as being unfulfilled, but not their rights in the areas of:

   • Overall health and reproductive health, nutrition, water, sanitation, and the care needed by women and children
   • Education and literacy in technical (vocational) training and livelihood skills
   • Housing, employment, and credit, as well as agricultural and other subsidies
   • Physical protection (especially for women and children), social services, and healthy leisure options
   • Effective mobilization of communities to gain voice, influence, and political bottom-up power

5. Poor people do not see the link between the following and their inalienable rights:

- The vicious circle of malnutrition and infection that leads to a downward spiral ending in premature deaths
- The environmental contamination and the unsustainable exploitation of renewable resources (e.g., timber, fuel wood, charcoal, fish) that result in critical, non-reversible environmental degradation
- The failure of government to sustain and adequately fund the provision of all basic services, including health, nutrition, water and sanitation, basic housing, education, and daycare services
- The poor management of low-quality, basic services (e.g., insufficient and irregular supply of essential drugs and other medical supplies in public health facilities), which thus are underutilized by poor people

Outcome, Manifestations

These outcomes represent the existing situation to be challenged through empowerment and social mobilization.

H. Political, civil, economic, social, and cultural rights of vulnerable, discriminated-against, and poor people and groups throughout the world whose human rights violations have resulted in illiteracy, poverty, marginalization, discrimination, and other social injustices, as well as excess preventable deaths, preventable ill health, malnutrition, and other reduced quality-of-life indicators (26–29):

1. Inappropriate and misdirected development projects that are not decreasing the historical inequities, social injustices, and human rights violations of the prevailing development model
2. The existing inequitable macroeconomic system with its institutionalized violations of human rights hardly being challenged
3. Few plans or programs for reducing disparity that are effective and include input from people who happen to be poor
4. Many poor and near-poor people with no physical and economic access to basic services (overall health care, reproductive health, agricultural extension, education, literacy and livelihood skills training, among the most important)
5. High rates of preventable ill health, preventable malnutrition, and preventable mortality
6. No family security, with a host of family members' rights being violated
7. Environmental degradation; man-made actions hastening climate change
8. Minorities and gender discrimination; women's and minorities' rights denied
9. Urban criminality, drug abuse problems, religious radicalization of frustrated youth, increase in commercial sex work and the spread of AIDS

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