

Combating poverty as a human rights issue in Belgium

*Comments to the Report of the independent expert, dr. Arjun Sengupta (E/CN.4/2006/43)
based on the experience of the Belgian Resource Centre for the Fight against Poverty*

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1. Belgian anti-poverty policy in a nutshell

1.1 Poverty as deprivation of human rights in the Belgian context

Whereas some situations of extreme poverty may be attributable to ‘bad luck’ or ignorance, it is clear that many cases actually boil down to deprivation – or indeed denial – of human rights. Numerous reports, beginning with the General Report on Poverty in 1994, have denounced and analysed situations such as the following:

- landlords letting apartments unfit for habitation, exploiting their tenants and judged responsible for serious health damage to tenants;
- children begging in the streets and ending up in paedophilia networks;
- homeless people ‘deported’ by the police to remote offices, or freezing to death in the streets of Brussels;
- electricity or gas supplies being suspended during Winter despite legal bans;
- public welfare offices imposing unacceptable conditions, over and above legal conditions, on applicants for the guaranteed minimum income – or humiliating applicants up to the point that the latter renounce their rights;
- public administration offices simply erasing categories of poor people from applicant registers after some time as a means of ‘filtering’ their clientele;
- underage asylum seekers being detained in closed centres, with no access to education;
- schools referring able and healthy pupils to special education because of their social or ethnic background;
- hospitals declining patients who are unable to advance a security;
- children taken away from their family for reasons of material deprivation, etc.

Much of the work carried out by grassroots organisations is concerned with analysing the ‘illegitimacy’ and ‘incoherence’ of such situations: identifying the rights that have been denied or disregarded, demonstrating the causes and mechanisms at stake as well as their effects on human dignity, identifying responsibilities and making proposals for improvement.

Legal and judicial measures have already contributed a lot to remedying inhuman situations, thus illustrating that poverty and social exclusion can be effectively combated by strategies based on a human rights approach. Nevertheless, we are dealing with large-scale, complex and continuously evolving phenomena. Social and economic transformations, sometimes initiated by well-intended public policy, give rise to new forms of exclusion.

1.2 The Belgian policy framework

1994 was a milestone in the Belgian poverty policy. This is the year in which the first General Poverty Report was published: a voluminous report, describing the state of affairs on poverty in Belgium. An important - and in those days unique - quality of the document lies in the participation of the poor

themselves. The target-group was highly involved in writing the texts, thanks to a solid collaboration with the so-called 'associations of the poor'. The book gave a never-seen view of poverty and what it means to the people concerned. It was an important eye-opener for many policy makers and informed a multitude of projects and initiatives. It can be argued that the General Poverty Report gave the starting signal for a co-ordinated Belgian anti-poverty policy, several years before the EU initiated its 'open method of co-ordination' in the field of social inclusion.

The report conveyed three key messages that were subsequently adopted by the public authorities: (a) poverty is a deprivation of human rights, (b) a holistic policy is needed to eradicate it, and (c) partnership with people experiencing poverty is a prerequisite for successfully combating poverty.

Designing holistic policies is a particular challenge in the Belgian constitutional framework, where a federal state, three (economic) regions and three (cultural) communities have autonomous power in different policy areas, in territorial entities that partly overlap with each other. Today the co-ordination of the Belgian poverty policy is achieved in three ways:

- the federal minister of Social Integration is responsible for the co-ordination of the poverty policy;
- the Inter-ministerial Conference on Integration in Society brings together ministers from the federal, community and regional governments to design and evaluate co-ordinated strategies and measures at different levels.
- the Resource Centre for the Fight against Poverty ¹ (founded in 1998) is a public body entrusted with the permanent monitoring and dialogue between public authorities (across all levels of government), civil society and associations of people experiencing poverty and exclusion.

1.3 The role of the Resource Centre

The symbolic roots of the centre lie, as mentioned, in the General Poverty Report (1994). In this document we can find, amongst other proposals, the request for a structural consultative body that could give new impulses to the general poverty policy.

A Collaboration Agreement, concluded between the federal and regional authorities and subsequently enshrined in laws and decrees, also determines the main tasks of the centre:

- the Centre has to collect information on poverty, social insecurity and access to rights. This information needs to be inventoried, systematized and analysed;
- the Centre formulates policy recommendations helping to fight poverty and improving social integration;
- every two years the Centre draws up a report on the state of affairs regarding poverty;
- the Centre gives advice and writes interim reports on issues regarding the vast domain of poverty;
- the Centre ensures a structural consultation of the poor, which implies the structural involvement of the 'associations of the poor'.

The fact that the Centre has been created through a collaboration agreement, ratified by laws of six mutually autonomous authorities, obviously limits its vulnerability in the event of political conflicts:

¹ Service de Lutte contre la Pauvreté, la Précarité et l'Exclusion Sociale (SLPPES)

criticism of government policies will not result in political or financial 'retaliation measures'. This also means that the civil society can use the Centre to voice their evaluation of policies without fear.

The Collaboration Agreement has also defined the Centre's remit in terms of human rights :
*Considering that precariousness, poverty, social, economic and cultural exclusion – even of a single human being – seriously affect dignity as well as equal and inalienable rights of all human beings;
Considering that restoring the conditions for human dignity and the exercise of human rights as defined by the Universal Declaration of Human Rights... and the two Treaties... is a common objective of all authorities in the country...*

Last but not least: the Centre never formulates advice from an isolated position. As an active listener, the Centre tries to congregate the opinions and complaints of a diversity of partners and to communicate these from the field to the policy makers and vice versa. A specific 'dialogue method' has been developed in attempting to ensure a genuine partnership between people experiencing poverty and social exclusion on the one hand, and other stakeholders on the other hand.

2. Comments on the report of the independent expert

2.1 Poverty and human development (§17 ff.)

How can extreme poverty be identified at the level of an individual country? What indicators would be necessary? Are they available? The UNDP has constructed a relatively sophisticated Human Development Index as well as a Human Poverty Index which take several dimensions of poverty into account. In Europe (the European Union), an income-based index is still used to estimate the number of poor people. Thus, in Belgium, 14.8% of people are described as 'at risk of poverty' (with an income lower than 60% of the median equivalent income), while 7% are 'poor' (50% or less of the median equivalent income).

The Resource Centre has conducted a research-action-training project entitled 'Another approach to the poverty indicators', in which those active in the field were involved (organisations which combat poverty, scientists, government bodies and the social partners) in an attempt to discern ways to refine the existing indicators so as to reflect actual reality more closely. (See the English summary of this project, which appeared in a World Bank publication, available on the website www.luttepauvrete.be). Having numerical data on the real-life situation which is as accurate as possible is an important step in the fight against poverty. Incomplete figures give a partial picture, and one which is partially incorrect, and lead to policies which do not reflect reality and therefore prove ineffective.

2.2 Economic development / human development (§19 ff.)

This form of development remains a challenge. The text (§19) seems very optimistic, appearing to say that 'for some time', the emphasis was on liberalisation of markets in order to allow free competition, implying that this period is now over.

In Europe, this period is certainly not over: on the contrary, the trend is regaining momentum, spurred on in particular by the institutions which run the European Union. Thus for example, the European Union recently imposed the liberalisation of energy supply (gas/electricity). Liberalisation complicates access to energy (contractualisation, contractual conditions and tariffs that are not always clear, etc.). It gives rise to selling practices that are sometimes dishonest (high-pressure selling, misappropriation of signatures, etc.). It increases the vulnerability of low-income households, which represent a financial risk for energy companies. There is a lack of information tailored to the needs of low-income customers living in insecurity, for instance. In addition, poor households are the most likely to be occupying rented

housing whose energy efficiency is low (poor insulation, poor ventilation, damp, etc.) and their electrical appliances generally consume high levels of electricity since class A appliances (which consume less) are beyond their price range. Their energy bills are therefore higher.

'Developed' countries are not immune to setbacks. Although living standards may be said to have improved over a very long period of time, this is not true of the last ten years. The inequalities are tending to increase.

2.3 Participation (§34 ff.)

In Belgium, there are numerous services which can offer support to poor people. However, it is noticeable that many people wait as long as possible before contacting such services, and do not advise others around them to do so. The reasons may be objective (poor accessibility due to location, inflexible opening hours, lack of information, etc.), but they may also be subjective (fear of stigmatisation or loss of privacy, etc.). Efforts thus need to be made to improve the accessibility of these services, but this failure to use them also brings up the more fundamental question of how people will respond to the proposed measures. It is essential to involve poor people in the work of devising policies in order to find out not only what their needs are, but also what their aspirations are, so as to be able to act in a manner that they find acceptable.

Although the principle of participation may seem easy to understand, achieving it in practice is extremely difficult.

Belgium is fortunate in being able to enlist the help of many organisations in which poor people have a say. This greatly facilitates the collective process of reflection that is necessary in order to devise policies. Even so, doing this remains a challenge.

The dialogue between associations of people living in poverty and other stakeholders in the fight against social exclusion is the main remit of the Resource Centre for the Fight against Poverty. Dozens of such associations are currently in existence in Belgium, including small and larger ones (e.g., a Belgian section of ATD-Fourth World). They have to some extent federated at the national and regional level (Collective of Partner-Associations of the General Report on Poverty, Brussels Anti-Poverty Forum, Flemish Anti-Poverty Network, Walloon Anti-Poverty Network, Common Front of the Homeless). The associations have agreed on a common methodology, based on principles of community development, and some of them are increasingly recognised as valid representatives of those suffering from poverty. The Collective of Partner-Associations is actively participating in the preparation of the two-yearly reports of the Resource Centre. For this purpose, thematic 'dialogue groups' have been set up, which always include (representatives of) people living in poverty and gradually extend to other stakeholders (professionals, government officials, other associations). Apart from the grassroots organisations, the steering group of the Centre (Commission d'accompagnement) includes representatives of all levels of government, the social partners, the federation of municipal welfare centres and the mutual health insurance agencies. The criteria for a genuine 'dialogue' have been extensively described in the first report of the Resource Centre (SLPPES, 2001).

To sum up, examples of participation of those experiencing social exclusion do exist. They reveal a series of key conditions for guaranteeing a genuine participation:

- pre-existence of *representative grassroots associations* that have built up a collective political awareness among the target group. The mere availability of such associations involves a long-term financial and human investment, which is not to be taken for granted as yet;
- an *agenda* (choice of issues for discussion) meeting the priorities and experience of those experiencing social exclusion;

- sufficient *time and resources* for the development of a process of dialogue, including, if necessary, the remuneration of participants;
- a *rigorous methodology*, starting with an exchange of life experience, moving along with training, extending gradually to exchange with other stakeholders and resulting in a negotiation of policy proposals;
- a guarantee of balance between partners with different backgrounds, which necessitates *positive discrimination* in terms of time, support and resources in favour of the target group;
- a process of '*intercultural mediation*' (even when most partners have the same ethnic background) to ensure the mutual understanding between people with completely different life experiences;
- a guarantee of participation *until the final stage* (i.e., not limited to testimonies of life experience, but until the re-drafting of final conclusions and even the follow-up of the policy implementation);
- last but not least, a *climate of confidence* between the partners involved, which means that the authorities asking for advice prove their commitment and sense of democracy in a sustainable way.

2.4 The poorest, the poor and the rest (§48 ff.)

The report gives a definition of poverty, with 'extreme poverty' being the most pronounced form of poverty. It recommends focusing on extreme poverty in order to avoid being faced with too great a number of people and creating a sense of powerlessness.

Who are the poorest people? This superlative does not define a precise social category so much as a dynamic: a policy of combating poverty has to be thought out taking extreme situations as its starting point, since if these are tackled successfully, the measures introduced by that policy will very likely also be effective in situations of less extreme poverty. However, it is essential not to create a separate category here, since severe poverty and poverty lie on the same continuum, and are related to one another. At the time of compilation of the Partnership Agreement on the Continuation of the Policy on Poverty, there were discussions about what name to give to the Resource Centre created by the agreement. In the end, three terms appear in that name: poverty, insecurity and social exclusion. In its preamble, the Partnership Agreement is very clear about its intentions: extreme poverty is also among its targets, given that *insecurity, poverty and social, economic and cultural exclusion, even if they affect only a single human being, undermine the dignity and rights of all human beings*. But it seeks to establish the link between poverty and insecurity right from the start.

Faced with the seriousness of some situations, there is a great temptation to take emergency measures which can only affect a limited number of people, whereas what needs to be done is in fact to bring the poorest together with the moderately poor and the less poor, and create robust systems of solidarity which will make conditions of extreme poverty, in which people slip through the safety net, a thing of the past.

To take a concrete example, for more than ten years, major efforts have been made in Belgium to enable as many people as possible to benefit from health insurance (social security). Sure enough, an expansion in the number of beneficiaries has been achieved, which represents significant progress. But some people continue to have difficulties in gaining access to care. Even before the system was extended there was already a system of 'preferential reimbursement' which enabled healthcare costs to be reimbursed at a higher rate for certain categories of people (widows, invalids, orphans) on low incomes. The General Report on Poverty criticised the fact that some people had incomes which were equally low or even lower, but were unable to benefit from these higher rates of reimbursement because they did not have the required status. The Government therefore decided that income would be the sole

criterion for access to the higher reimbursement rates. This might be regarded as cause for celebration, but concerns have also been expressed: the current solidarity system, the social security system, is basically financed by contributions from workers and employers. The contributions depend on income: the wealthiest people contribute more than those who are less wealthy. The system only retains its legitimacy while the richest people also benefit from it. Generally speaking, both rich and poor people do benefit from social security. But if those who have higher incomes benefit less from the system, they will eventually move away from it towards private insurance, and the system will cease to be viable.

Along the same lines, although some recurrent characteristics of poverty and severe poverty can be distinguished, there is no 'archetypal' poor person. Poverty varies in its causes and consequences depending on personal characteristics such as age (e.g. the difficulties young people experience in gaining access to work, loss of autonomy in older people), sex (e.g. employment-related discrimination against women), origin (e.g. employment discrimination), state of health (e.g. chronic illness leading to high expenses and preventing the sufferer from working). It also varies according to social characteristics, social class, family type (e.g. large families, single-parent families), residence status (which determines access to healthcare at work, for example), place of residence (which causes people to be stigmatised if they live in certain areas regarded as ghettos), and so on.

When this diversity is recognised, responses can be adapted. However, this does not mean creating responses targeted at certain populations, but making the measures, including those whose specific objective is to combat poverty, accessible to everyone by adapting them to the specific conditions on the ground.

2.5 Enforcing public action (§51 ff.)

The main merit of dr Sengupta's report is the in-depth exploration of philosophical and legal grounds for enforcing public action to combat (extreme) poverty – as well as the analysis of causes for lack of commitment on the part of national and international communities.

There are, in our view, two (complementary) ways of achieving progress in this regard. One approach consists in building up legal arguments to underpin the obligations on the part of public authorities. This is why dr. Sengupta proposes to focus on *extreme* poverty, which is undeniably a deprivation of human dignity. Still, he is aware of the challenge entailed in standing public authorities as well as the international community against the wall, and making them accountable for the eradication of poverty. For example, it is hard to make a case against a government for violating human rights whenever poor people have been unfairly treated in circumstances that were previously unknown or had not yet been regulated by law.

The second approach therefore consists in systematically building up democratic control, monitoring and reflection about such situations. Enforcing *procedures that contribute to such control* is a more indirect strategy, possibly more manageable and no less effective in the long term. The Belgian experience so far is rather positive in this regard. The aforementioned Collaboration Agreement between federal and regional authorities, concluded in 1998 and enshrined in 6 laws voted by different assemblies, has proven to be a solid instrument. The Interministerial Conference as well as the Resource Centre for the Fight against Poverty, both instituted by this Agreement, have survived several political conflicts. The Agreement also *obliges* all parties, as well as the social partners at different levels, to discuss the two-yearly reports of the Resource Centre and react to them. Although the implementation of this obligation is not automatically guaranteed, these instruments have undoubtedly fuelled the public debate. They have strengthened the position of grassroots organisations, built up

capacity at the disposal of all parties, promoted the civil dialogue and strengthened support to policy initiatives in the fight against poverty.

Fundamentally, each action in favour of human rights refers to the conviction of brotherhood between all human beings. Broad awareness and continuous debate on the roots of the human rights patrimony, as well as its relationship with extreme poverty, are the indispensable ground for a political consensus on the legal obligations of different stakeholders.

2.6 The indivisibility of human rights (§57 ff.)

The title of the report refers to economic, social and cultural rights. On several occasions in the text, however, mention is made of both Pacts, thus also including the Pact on Civil and Political Rights. In other places, the question is raised of whether it is necessary to regard the protection of all rights as equally important, and the text suggests that some rights are more fundamental than others. Human rights are those rights which are inherent to the fact of being human. Can some such rights therefore be considered as more or less important than the others? This question forces us to confront the concept we have of what it is that makes us human. In Belgium, the organisations representing the poor argue that they cannot back a conception of a poor person that differs from their conception of someone who is not poor. Under such a conception, the poor person would be satisfied if his right to food and clothing were safeguarded, the other rights being in sense an 'extra'. However, '*You die of loneliness before you die of starvation,*' as one person living in poverty commented during reflections on the right to cultural participation. Strikingly, those who face considerable difficulties in their daily lives still attend meetings arranged by organisations or by the Resource Centre, even though their material situation is not improved by doing so, or not in the short term at any rate. In what way do they benefit from them, then? In that these are forums where what they say, even if it is expressed inarticulately, is listened to – forums where they thus enter into relationships and can put together a few thoughts. Thinking and entering into relationships are human activities. Approaching poverty in terms of human rights enables poor people to be recognised as people, and to recognise themselves as people even when their dignity is being profoundly undermined. They are human and therefore able to think and act: to be participants in the fight against poverty instead of just potential beneficiaries, and to act as experts who are consulted by the authorities and other bodies that combat poverty.

Reference:

Service de Lutte contre la Pauvreté, la Précarité et l'Exclusion sociale (2001), *En dialogue, six ans après le Rapport Général sur la Pauvreté: premier rapport bisannuel*, SLPPES, Bruxelles