

## UNITED STATES OF AMERICA

# Sixty years and waiting



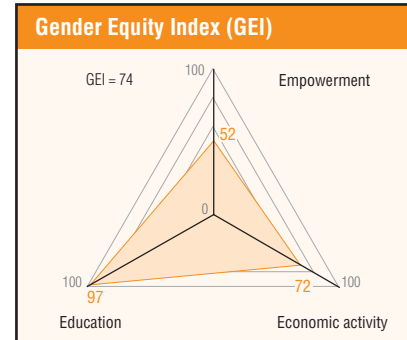
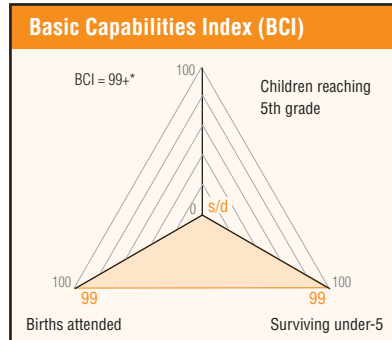
In 2008, the 60th anniversary year of the UN Universal Declaration of Human Rights, the US presidential election provides a window of opportunity to re-engage the country in the human rights framework and to find common agreements domestically and globally. US communities are bringing innovative approaches to advance human rights that should be expanded and strengthened so that they can influence the national debate.

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In 1948, the US was a noted leader in establishing the United Nations and Eleanor Roosevelt was working with other member countries for the adoption of the Universal Declaration of Human Rights. The country also took leadership in establishing the Bretton Woods Institutions, including the World Bank and the IMF and what was to have been the International Trade Organization, only one part of which, the General Agreement on Tariffs and Trade (which later became the World Trade Organization) entered into force. Sixty years later, the US has distanced itself from the UN system it helped to create – a trend which undermines the potential for collective solutions to the critical problems we face today, such as climate change, rising food shortages, poverty and war. Since World War II, the US government has promoted deregulated markets as a means to reduce conflict and support policy goals, both within and outside of its borders. This includes privatizing public service provision and relaxing labor and environmental regulations to promote investment and increase trade.

The rigid government adherence to free market ideology as the final arbiter of national priorities has blocked the development of a policy and investment structure to support rights-based social and economic development in the country. There is a long tradition and broad public agreement on ‘negative’ obligations, or what the government cannot do, such as abridge free speech, or subject citizens to unreasonable search and seizure. These obligations fall in the category of civil and political rights. Yet, there is far less agreement or even discussion of the construct of ‘positive’ obligations, which concern government obligations regarding social and economic rights. This is in part due to the fact that civil and political rights are present in the US Constitution, while

\* One of the BCI components was imputed based on data from countries of similar level.



economic, social and cultural rights (ESCRs) are not. There are those who insist that ESCRs should remain outside of the Constitution, rejecting the legal obligations that would come with their ratification, especially in a context of declining funding for public services generally.

In terms of international law, the US has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child, the Convention to Eliminate All Forms of Discrimination against Women, and the Kyoto Protocol on Climate Change, and does not recognize their provisions as rights. This makes it very difficult to develop a comprehensive national social and economic rights agenda.

### The Right to Work

Although the US (perhaps more than anywhere else in the world) places great emphasis on productivity, efficiency and measurable outcomes associated with work, the ‘right to work’ ethos is understood differently in the US than it is elsewhere. The Universal Declaration states that “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” It adds that everyone has the right to equal pay for equal work, the right to just and favorable remuneration to ensure human dignity and social protection, and that everyone has the right to form and to join trade unions.

In the US, by contrast, the Right to Work has come to mean the ability to work regardless of whether protections and programs such as health-care, pension and unemployment provisions are in place. Because union membership is now at 12%,

the lowest it has been since the early 1930s,<sup>1</sup> it is difficult for workers to receive the labor protections for which unions have long fought.

The concept of favorable remuneration, or a living wage, although embraced by wide segments of the public, is opposed by many business and political leaders. Thus for example, it took nearly 10 years for the US Congress to agree to raise the minimum wage in stages, from USD 5.15 an hour in 2007 to USD 7.25 an hour in 2009.<sup>2</sup> Even the higher rate will not allow families to escape poverty, with the resulting USD 15,080 of income from a 40 hour week 52 weeks a year still being below the poverty line – which was USD 17,170 for a family of three in 2007.<sup>3</sup> Most of those workers in the lowest paid category do not receive benefits such as paid sick days, vacation time, health insurance, or employer contributions to a private retirement fund (i.e. other than Social Security).

Unemployment compensation is available only to those who have been laid off rather than to those who may have left a job, no matter how justifiable the reason. Even when workers do receive unemployment compensation, it is limited to 26 weeks. Those who find work having been unemployed often receive less pay and less benefits, while those who want to work but cannot find employment after 26

1 Union Members Summary. US Bureau of Labor Statistics, <www.bls.gov/news.release/union2.nr0.htm>. 25 January 2008.

2 L. Montgomery, “Congress Approves Minimum Wage Hike,” *Washington Post*, 25 May 2007.

3 US Department of Health and Human Services, “Prior HHS Poverty Guidelines and Federal Register References,” <aspe.hhs.gov/poverty/figures-fed-reg.shtml>. Accessed 25 February 2008.

weeks receive almost no support at all. This is due to a variety of factors, not the least of which is racial and gender discrimination.

### The Right to Food

As with the Right to Work, the Right to Food is not widely promoted or discussed in the US. This is not to say, however, that issues related to food and hunger are ignored. The largest single budget item in the US Farm Bill is funding for food assistance to poor people ('food stamps') and school lunch programs, which together account for two-thirds of expenditure under the bill. Expenditures, however, have not kept pace with increasing needs. Due to higher food prices and low reserves, the U.S. is experiencing extreme food inflation,<sup>4</sup> which means that even more people will lack access to food. By 2007, the number of children who are hungry or malnourished had grown to 12.6 million (17.2% of all children in the country).<sup>5</sup> Additionally, there are what are called 'food deserts' throughout the country, where low-income families simply do not have access to affordable, fresh healthy food.

The current farm system has worsened the situation for farmers, workers and consumers. De-regulation in agriculture over the last several decades has led to overproduction in commodities and increased subsidies to agribusiness, changing the nature of food production. Surplus corn resulting from overproduction now supplies a key ingredient in processed foods of dubious nutritional value as well as the industrial feed market for pork, cattle and chicken. Fresh fruits and vegetables are notably more expensive for consumers. Numerous scientific studies and news articles highlight the problems of obesity, even among children, caused in part by the overabundance of cheap processed foods, especially starch and fat, in the US diet.<sup>6</sup> Increased meat consumption is also contributing to long-term health problems among the public.<sup>7</sup>

Growing consumer demand for organic, locally produced food could contribute to more nutritious and safer food, but the fact that it is more expensive and less widely available also raises concerns. Patty Lovera of Food and Water Watch observed: "The growth in organic and local food is encouraging and means that many consumers are finding healthier options. But unless we fix our broken food safety system, many people without access to these markets are left out. If we don't strengthen minimum standards for food safety, we run the risk of creating a two-tiered food system: healthy food for middle and upper class consumers for those who can afford higher prices; and less healthy, less regulated food for everyone else."<sup>8</sup>

4 "Energy and Food Prices Push Up U.S. Inflation," Associated Press. 15 July 2008.

5 Food Research and Action Center, <[www.frac.org/html/hunger\\_in\\_the\\_us/hunger\\_index.html](http://www.frac.org/html/hunger_in_the_us/hunger_index.html)>.

6 M. Pollan (2006). *The Omnivore's Dilemma*. New York: Penguin Books.

7 "High Meat Consumption Linked to Heightened Cancer Risk," *US News and World Report*, 11 December 2007.

8 Interview with Patty Lovera on 18 March 2008.

### The Right to Health

Healthcare is one of the most explosive issues in the country today. And yet, the fact that the Right to Health rarely forms part of the national debate about whether and how to provide universal healthcare shows how strenuously this is opposed by the health industry and elected officials who depend on it for campaign contributions.

The US spends 16% of GDP on health, the highest ratio in the world.<sup>9</sup> It also has the highest health spending per capita. However, its performance, as measured by many indicators, does not live up to the expectations that one might get from such figures.<sup>10</sup> The US has fewer physicians and nurses per capita than in most other OECD countries; life expectancy is now 77.8 years, almost one year below the OECD average, and the infant mortality rate is 6.8 deaths per 1,000 live births, above the OECD average of 5.4.<sup>11</sup>

Rising health care costs, accompanied by decreasing insurance coverage, are major hindrances to greater public access to healthcare.<sup>12</sup> The number of uninsured has gone from 10 million to 48 million in the last two decades. This means that currently one-seventh of the population is uninsured. Without health insurance, people are more likely to postpone doctor visits and more likely to go without needed medical care, including prescription medicines. According to one survey, almost all uninsured adults cited cost as the primary reason they did not receive care when they needed it. Only 29% of low-income adults have private insurance.<sup>13</sup>

A basic standard in the Right to Health is the prohibition of discrimination on the basis of income as well as race, gender, religion and other social markers. In the US, where these categories usually overlap, racial and ethnic minorities tend to be in lower income brackets and have less access to proper care. Nearly half (45%) of Hispanic adults, 41% of Asian-American adults, and 35% of African-American adults reported difficulty paying for medical care, compared to 26% of white adults. In 2004, 30% of African-Americans and 25% of Hispanics with chronic health conditions had to forgo prescription drug purchases due to the high cost; this compares to 17% among the white population.<sup>14</sup>

9 WHO (World Health Organization) (2006). *The world health report 2006 - working together for health*. Available at: <[www.who.int/whr/2006/en/index.html](http://www.who.int/whr/2006/en/index.html)>.

10 While the implementation of the right to health may imply various different roles for the state, it noteworthy that the US is the only OECD country where more health spending is done by the private than by the public sector.

11 OECD (2007). "Health Data 2007. How does the United States Compare".

12 Kaiser Commission, "How Trends in the Health Care System Affect Low-Income Adults: Identifying Access Problems and Financial Burdens," Kaiser Commission on Medicaid and the Uninsured. 2007.

13 Health Policy Institute of Ohio, "Understanding Health Policy Disparities", 2004. <[www.healthpolicyohio.org/pdf/healthdisparities.pdf](http://www.healthpolicyohio.org/pdf/healthdisparities.pdf)>.

14 *Ibid*.

The health crisis has been steadily growing and is now affecting the middle class as well as the poor, although not to the same extent. Once again it is a major issue in the 2008 presidential elections.

### Taking a step forward

Despite opposition from powerful interests, new media campaigns and popular education initiatives are taking place across the country. Campaigns and strategies to build on-the-ground support for human rights are gaining momentum. There are some wonderful examples:

The Center for Economic, Social and Cultural Rights has created a US network focused on the need to adopt and implement these rights. They have produced a primer and other materials that explain the importance of rights to health, food, work, housing, and so on in the US context.

In 2008, under the leadership of the US Human Rights Network, an unprecedented delegation of US youth, public interest lawyers, housing activists and workers traveled to Geneva to challenge the official US report under the International Convention to End All Forms of Racial Discrimination. This 'Shadow Report' Network was the result of a year-long national grassroots effort to help citizens hold their government accountable to international human rights norms by challenging the rhetoric of compliance vs. the reality on the ground.

In the absence of commitment at the national level, citizens are building awareness of international agreements and seeking enforcement at the local level. For example, a campaign in the City of San Francisco is pressing for the use of Human Rights Impact Statements that establish minimum standards across the municipality.

One of the larger human rights campaigns in the US is the Living Wage Campaign, led by ACORN,<sup>15</sup> demanding work for all, a fair minimum wage, as well as access to affordable housing. Gulf States, especially Mississippi and Louisiana, that were devastated by Hurricane Katrina have become a battleground and a testing ground for a range of legal principles traditionally thought to belong in the international realm, ranging from the rights of internally displaced persons to the right to land and housing. And the US National Committee for World Food Day, a decentralized organization with representatives around the country and an office in Washington, D.C., organizes World Food Day events in different states every month of October.

These and other examples indicate that US communities are revitalizing efforts to advance economic and social rights within the country. Ensuring that these initiatives are expanded and strengthened is the challenge we all face; it is also our commitment to one another that is based in hope and partnership. ■

15 Living Wage Campaign web site: <[www.livingwagecampaign.org/index.php?id=1959](http://www.livingwagecampaign.org/index.php?id=1959)>.