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Human Rights and Poverty Reduction

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Abstract

Over the last ten to fifteen years economic and social rights have become part of development discourse and social policy debates in developed countries. One of the core objectives of a rights-based approach is to invert the power relationship between policy-makers, service providers and those with experience of poverty. This paper examines the extent to which the values which underpin a rights-based approach are consistent with the values of those such an approach is designed to help, arguing that the values underpinning a rights-based approach are somewhat, but not wholly, consistent with the values of those with experience of poverty. The paper concludes with a discussion of the implications of this finding for policy-makers and service delivery agencies.

Introduction

Towards the end of the twentieth century talk about rights, particularly economic and social rights, entered development discourse. The language of human rights or a rights-based approach is now found in the policy documents of bilateral and multilateral development agencies as well as international non-government organizations. Rights talk also entered social policy debates in developed countries through specific UN conventions, in particular the Convention on Children's Rights (Bessell,2007). A rights-based approach¹ differs from past development practice in its emphasis on obligation, in particular the obligation of the state to ensure its citizens are able to exercise their economic and social rights (the right to work, the right to an adequate standard of living, the right to education, housing and health) and by acknowledging that all citizens are entitled to exercise such rights. For example, the Office of the High Commissioner for Human Rights (OHCHR) defines a rights-based approach as one that "links poverty reduction to questions of obligation rather than welfare or charity" (OHCHR,2004:iii). Governments and service providers become "duty-holders" who are obliged to guarantee the rights of all citizens, including those with experience of poverty, who are no longer seen as beneficiaries of development projects or consumers of services, but "rights-holders" (Ackerman,2005:20; Cornwall & Nyamu-Musembi,2004:1424). Adopting a rights-based approach therefore transforms development from an exercise in identifying and then meeting needs to an activity that enables people to first recognize and then exercise their rights (Cornwall & Nyamu-Musembi,2004:1430).

Empowering rights-holders to be active participants in decision-making processes that affect their lives is therefore a key component of a rights-based approach, with some political theorists arguing that participation is a basic right upon which all other rights rest (Lister,2004:166). As Ackerman puts it,

[t]he very act of demanding the fulfillment of one's rights requires an active subject who is in control of his or her own life, a participant in his or her own process of development (Ackerman,2005:3).

From a rights-based perspective, participation should not be confined to decision-making at the local level, but should encompass broader decision-making forums that

¹ I have used the phrase "a rights-based approach" to indicate that there is no single rights-based approach. As Cornwall & Nyamu-Musembi (2004:1415) note "there are plural rights-based approaches, with different starting points and rather different implications for development practice". However, in spite of these differences, common principles can still be identified.

impact on policy-making at the national and international level. In addition, duty-holders have an obligation to encourage rights-holders to pursue the legal defense of their rights within national and international jurisdictions as well as working towards enshrining citizen participation (in its fullest sense) in law (Ackerman,2005:3-4).

As with any normative framework, rights talk has generated a mixed response. For some, a rights-based approach legitimizes a more progressive, even radical, approach to development because “to talk about rights is to talk about power” (Cornwall & Nyamu-Musembi,2004:1418). Using a language of rights, problems such as poverty are re-cast as a violation of human rights which allows examination of the structures or processes that prevent people from exercising their rights (Offenheiser & Holcombe,2003:275). For others, a rights-based approach is yet another imposition on “the poor” by experts who believe that they know best and whose interventions, however well-intentioned, may cut across people’s individual and collective survival strategies (Cornwall & Nyamu-Musembi, 2004:1420; Hintjens,1999:386).

Given these criticisms, and the fact that inverting the power relationship between policy-makers, service providers and those with experience of poverty is a core objective of a rights-based approach (Ackerman,2005:2), it is worth taking time to consider the extent to which the values which underpin a rights-based approach are consistent with the values of those such an approach is intended to help. In this paper I have taken the views of people with experience of poverty about what they want from government and service providers as indicative of what they value.

The remainder of this paper is organized as follows. First, the question of what those with experience of poverty want from government and service providers is briefly discussed. This is then compared to a rights-based approach and I argue that the values underpinning a rights-based approach are somewhat, but not wholly, consistent with the values of those with experience of poverty. The concluding section discusses the implications of this finding for policy-makers and service delivery agencies.

What do people with experience of poverty want from government and service providers?

When asked about their life experiences and what they want from government and service providers, the desire for dignity and respect is almost always mentioned regardless of the age of respondents, their gender or where they live. For example, the UK Commission on Poverty, Participation and Power (CoPPP) noted that “the lack of respect for people living in poverty was one of the clearest and most heartfelt messages which came across to us” (CoPPP cited in Lister,2004:120). The same message was received by the Hume City Council when they talked to people from Indigenous communities, culturally diverse communities, women, those not in the workforce, people with a disability, older people and younger people.

The desire for respect was by far the most important theme that emerged from discussions with those people who are experiencing, or who belong to particular community groups that are at a higher risk of experiencing poverty (Shearer & Fox,2004:3).

Clients of a range of welfare services in NSW and Victoria identified dignity and respect as two essential ingredients of a decent life, the desire for which was fuelled by the demeaning nature of interactions with government officials (Saunders et. al,2006:36&37), an experience shared by people in many countries.

You shouldn't have to be made to feel as though you are useless. I feel very angry sometimes that people are ignorant of the fact that we are humans as well and we do need to be respected (young unemployed woman, submission to the UK National Poverty Hearing cited in Lister,2004:120).

Poverty is about humiliation, the sense of being dependent and of being forced to accept rudeness, insults and indifference when we seek help (Narayan et. al.,2000:30).

Being treated with dignity and respect means being recognized as a person rather than a “problem” (Shearer & Fox,2004:4; Phillips,2003:12) and being listened to without being judged (Leonard et.al,2005:417). Clients of welfare services clearly identify the importance of this form of emotional support (Waterhouse & Angley,2005:15; Leonard et.al.,2005:418).

People often think it is all about money. I don't necessarily need money, I need help dealing with being on welfare, I need help with all the shit about being worthless and useless and doing nothing (Anglicare SA,2002:18).

I need someone who knows what I'm going through, to sit down with me and sort all of this crap out (Anglicare SA,2002:18).

While being accepted and being listened to is important, people with experience of poverty want more than a passive form of listening. People living in poverty want their expertise to be acknowledged and heard (Lister,2004:168-169; Phillips,2003:19; Saunders et. al.,2006:29; Waterhouse & Angley,2005:17; Beresford et.al.,1999:148). For example, in the many conversations Mark Peel had with people living in Inala in

Brisbane, in Broadmeadows in Melbourne and Mount Druitt in Sydney, this desire came through very strongly.

Justice was about being respected, trusted and listened to because what you had to say was important...What mattered to them was acknowledgment of capacity and intelligence (Peel,2003:167).

If they wanted one thing to change, it was that they be treated as knowledgeable, that outsiders should expect to learn and to listen (Peel,2003:168).

Being listened to because what you have to say is considered valuable is a sign of respect and an acknowledgement of competency, both of which are valued by those with experience of poverty. For example, for participants in a personal loan pilot in Melbourne run by the Brotherhood of St Laurence and Community Sector Banking...

obtaining a loan was more than just money, [it was also about] dignity, inclusion, trust and respect. It was an opportunity to not be just a passive recipient of welfare, but to gain some self-esteem by taking a positive active role in the process (Scutella & Sheehan,2006:iii).

Thus agency, the ability to take control of your life, is clearly linked to dignity and respect and being treated with dignity and respect can increase feelings of self-respect and a sense of agency (Lister,2004:120-121). As one participant in the personal loan pilot explained, having a relationship with a mainstream bank...

gave me the confidence to go ask somewhere else for credit...this time I walked in with my head high and I said I want this and that (Scutella & Sheehan,2006:15).

People with experience of poverty often identify feelings of powerlessness and a lack of control over their lives (Narayan et. al.,2000:39; Saunders et. al.,2006:7). Choice is therefore important because in choosing individuals are able to exercise control and agency. Thus pensioners living in residential care in Melbourne experience greater financial stress than pensioners living in rental accommodation because they retain control over much less of their pension (Waterhouse & Angley,2005:17-18).

Interventions, such as the construction of roads or access to services such as affordable public transport are valued because they increase people's choices (Narayan et.al,2000:267; Saunders et.al.,2006:27). When people with experience of poverty talk about receiving resources they do so in instrumental terms. That is, the resources are valued because they increase agency (Anglicare SA,2002:15; Shearer & Fox,2004:3; Saunders et.al.,2006:38). For example, clients of welfare services in NSW and Victoria are critical of the lack of access to dental services because having bad teeth makes it harder to compete for jobs (Saunders et.al.,2006:17). The desire of

many welfare recipients for information and assistance before their lives reach a crisis point is further evidence of the value placed on agency².

I know what has happened and I know what I want to do, I just need someone to help me get the right information ...[about] what I need to do to get there (Anglicare SA,2002:15).

Comparing the two

It is clear from the above discussion that there is considerable overlap between the values underpinning a rights-based approach and what those with direct experience of poverty value. Dignity, respect, choice and agency are valued by people with experience of poverty and are important components of a rights-based approach. The emphasis placed on accountability in a rights-based approach is consistent with the desire of people with experience of poverty for...

“someone to make and keep a promise”. In their version of social justice, powerful people should be held to account in the same way they were... “You see, the difference is we pay for our mistakes. They don’t. We have to understand limitations and forgive them and be reasonable and make the best of it. They don’t. That’s not fair” (Peel,2003:167-8).

However differences also exist, both in emphasis and substance.

While a rights-based approach recognizes human dignity as the basis of all rights (OHCHR,2004:1; CARE International UK,2005:1; Offenheiser & Holcombe,2003:275), policy documents and implementation strategies emphasize participation or empowerment as the way in which individuals are able to live with dignity (CARE International UK,2005:2).

Fundamentally, a human rights approach to poverty is about empowerment of the poor...expanding their freedom of choice and action to structure their own lives (OHCHR,2004:13&14).

Participation is not a new concept in development circles, but under a rights-based approach, participation involves recognizing and demanding rights. For example, in describing the UK Department for International Development’s (DFID) approach to incorporating human rights into its development assistance work, Piron (2003:12) notes that when DFID decided to focus on participation as the driving concept, participation changed from being an instrumental form of consultation to being a “right” and a means of political empowerment. On the other hand, for people with

² The value placed on agency by those with experience of poverty contradicts the moral underclass view of welfare recipients as passive or morally degenerate individuals who are content to let the state support them and their families.

experience of poverty, being treated with dignity and respect is more important than anything else.

You can put up with the struggle, you know, just get by, if you get respect and if you're treated right (Peel,2003:167).

Complaints were not about the quantity of payments...the problem was punitive and disrespectful treatment. Governments were not just at fault because they didn't deliver but because what they delivered came at such a heavy price in terms of self-respect and dignity. People did not expect to receive the world on a platter. As they said only the rich presume that as their right. They did not expect immediate changes in their situation but they did expect to be listened to, to play some part in defining what they needed and to be treated with respect (Peel,2003:97).

Mark Peel's observations about what is most valued by people living in Inala, Broadmeadows and Mt Druitt is consistent with the finding of a 1997 telephone survey of 6897 jobseekers which gathered information about jobseekers' needs and expectations of service quality as well as those aspects of service most valued by jobseekers. The desire for dignity and respect (staff treat you like a person, staff listen to jobseeker's point of view, staff treat jobseeker with respect) and the desire for information that would help them gain employment (information about job vacancies, information about the best way to look for a job, information about the help available) were all valued highly. Of much less importance was information about rights and information about rules and regulations (Thompson,2007:234).

The desire of jobseekers for instrumental information highlights another area of difference between a rights-based approach and what is valued by the poor. A rights-based approach values information because information is essential if poor people are to participate in key decisions that affect their lives (OHCHR,2004:19-20). As noted earlier, poor people want their voices to be heard, but place a greater emphasis on receiving information which will increase agency. That is, on receiving information, for example, about what services or assistance is available, which enables them to achieve valued outcomes, such as getting a job or managing their finances.

A similar difference is evident in attitudes to resources. A rights-based approach places most emphasis on empowering citizens to recognize and claim their rights, arguing that this approach is preferable to one which focuses on assessing and then meeting needs (Cornwall & Nyamu-Musembi,2004:1417). As with information, poor people value resources that will allow them to pursue their life choices (Shearer &

Fox,2004:3). Thus the ability to gain some measure of control over their own lives, for example, increasing household income in order to access privately provided services, may be more important than claiming their right to publicly provided services (Cornwall & Nyamu-Musembi,2004:1429).

This difference in emphasis points to the major substantive difference between a rights-based approach and what people with experience of poverty value. As noted earlier, encouraging rights-holders to pursue a legal defense of their rights within national and international jurisdictions is part of a rights-based approach. However people with experience of poverty do not talk about their desire to pursue a legal defense of their rights. Indeed the language of rights seems to be largely confined to the non-poor. People with experience of poverty do not talk about claiming a legally defensible “right” to a job, accessible public transport or health services, they talk instead about “fair” access to resources and opportunities.

A similar silence is evident with regard to power. Advocates of a rights-based approach argue that such an approach is a powerful tool for challenging the unequal power structures that are a major cause of poverty (Cornwall & Nyamu-Musembi,2004:1430). However after analyzing many Participatory Poverty Assessments (PPAs) from many countries around the world the authors of *Voices of the Poor* concluded that redistributing power is not a priority for the poor (Narayan et.al.,2000:131). While researchers involved in PPAs talk about organizations with an international reputation for work that aims to correct fundamental power inequities at the household, community or state level, those with experience of poverty rarely mention such organizations when talking about the institutions that are important in their lives. But what conclusions should be drawn from these differences? Is the emphasis on encouraging rights-holders to pursue a legal defense of their rights misplaced? Analysis of what those with experience of poverty value suggests that solutions to poverty and social exclusion which focus on the creation of legally enforceable rights would not be a major priority. This conclusion is reinforced by the nature of economic and social rights and by recent developments in Europe, the UK and Australia.

Unlike civil and political rights, economic and social rights require a much greater level of active intervention by government before such rights can be realized (Alston & Quinn,1987:184). The International Covenant on Economic, Social and Cultural Rights (CESCR) recognizes that the adoption of legislative measures may be highly desirable in many instances but leaves it up to individual states to determine whether legislation is necessary (CESCR General Comment 3). The belief that legislation, though important, is not sufficient to ensure a full realization of rights is reflected in the Covenant which for some rights lists the steps to be taken by State Parties in order to achieve full realization of a particular right. In all cases the steps refer to broad policy goals and programs rather than specific legislative measures. For example, in relation to the right to work the Covenant lists “technical and vocational guidance and training programs” and “ policies and techniques to achieve steady economic development and full and productive employment” as some of the steps to be taken (CESCR art 6). Furthermore, guidelines governing the type of reporting required under the Covenant clearly indicate that states should provide details of non-legislative measures such as policies, programs or techniques, as well as all relevant laws (Alston & Quinn,1987:168). In establishing the principle of progressive achievement³ the Covenant also recognizes that full realization of economic and social rights requires a significant amount of resources and State Parties are given considerable discretion in determining the level of financial resources devoted to policies and programs designed to achieve realization of economic and social rights (Alston & Quinn,1987:180).

Thus economic and social rights are contingent on available resources and progressively realized through a range of measures, not all of which will be based on legislation and give rise to enforceable rights. Cox (1998:10) notes that governments are increasingly relying on activities which are not codified in law, citing the example of aged care in Denmark where elderly people enjoy the right to be cared for in their own home, but this right is not stated in law and its realization is dependent on the amount of money local communities, who fund home care activities, allocate to aged care. Carney (2007:5) argues a similar process is underway in Australia where recent welfare-to-work reforms have converted rule-based norms into discretionary powers

³ Article 2, para 1 requires State Parties to take steps “with a view to achieving progressively the full realization of the rights recognized in the present Covenant”.

under the control of government departments. Increasing levels of conditionality applied to welfare entitlements further erode the 'rights' of social security clients (Carney,2007:6; Dwyer,2004). Against this background, Walsh's (2006:199) conclusion that "a rights-based approach may not on its own guarantee the social exclusion of homeless people" is not altogether surprising.

The preceding discussion suggests that in the values of those with experience of poverty are not entirely misplaced. The concluding section asks what would need to change if service providers and policy-makers adopted the priorities of those with experience of poverty?

Policy implications

Incorporating the values of dignity and respect, agency and choice into policy design and service delivery has the potential to radically transform the social welfare landscape because it inverts the normal power relationship between service providers and those who receive the service, cutting across the strong streak of paternalism that still exists in the social welfare and development sectors. In other words, it challenges the belief of all professionals involved in delivering social welfare programs that they know what is best for their clients, just as it challenges the belief of academics and policy experts that their ideas or the latest policy fad will solve particular policy problems.

Giving clients control over what happens to them means letting them choose, even if this means outcomes are less than what they could be. There are agencies already doing this, in spite of the on-going frustration experienced by their staff when clients choose not to make changes that the staff believe would be beneficial. For example, staff involved in Anglicare Tasmania's Acquired Injury and Home Support Service (AIHSS) are committed to the principle of treating their clients with dignity and respect which means giving them choice. Choice over who is employed as their personal support worker and choice over how allocated hours are used. Even when staff see clients who choose to make goal oriented plans for how allocated hours are used improve their quality of life while others do not do so well, they remain committed to the principle of letting clients decide (Clarke,2006).

As the preceding example illustrates, clients want different things. Some clients want personal support workers who are trained to care for people with spinal cord injuries, others are more concerned about the personality of the support worker – whether they “hit it off” (AIHSS clients,2006). Therefore making assumptions about what clients want is dangerous. As Renee, a young Aboriginal woman who was interviewed for Judith Brett and Anthony Moran’s book, *ordinary people’s politics*, explains, even well-meaning assumptions which incorporate lessons from past policy failures do not always hold true.

My sister doesn’t want to be part of the Aboriginal community any more. She thinks it is destructive, and that the violence and abuse has caused all her problems...[M]y sister’s happy to be removed. She’d rather be in care because she’s getting all the things Mum couldn’t provide. It’s not that she doesn’t like Mum, but she’d rather be out of there (Renee Simmons cited in Brett & Moran,2006:289).

For Renee, the answer lay in treating each person as an individual and listening to what they wanted for their life.

Renee...stressed repeatedly that people trying to help should talk with the children and have more faith in their resilience, and that the current situation should not just be seen in terms of the previous generation’s experience (Brett & Moran,2006:290).

Treating everyone as an individual and allowing them to choose means services have to be flexible; flexible in terms of what is provided and in terms of how long assistance is provided. Again there are examples of services that provide that high level of flexibility. For example, Westworks, a salvage and recycling business in Elizabeth West, an area of Adelaide with a high proportion of long-term unemployed, offers a wide variety of different types of engagement. Westworks offers opportunities for people who want work experience so they can move into paid employment. Westworks can also assist people who want to start their own small business or it can assist people to become self-employed contractors by brokering work through its contracting arm. But Westworks also offers space for people who are being case managed or supported by other Anglicare SA services – people with a mental illness or who are dealing with drug and alcohol issues, housing issues, legal issues. These people can deal with their issues but also come and work when and as they are able, at Westworks. While the ultimate goal is economic independence, there are no timeframes imposed on individuals. Helen Connolly (who started Westworks) is quite clear on this point.

There are a range of different options. The key for me is if someone wants to come in here for the next ten years and cut cords off electrical equipment, that’s OK. There needs to be space

for those people...It would be great if people could get off benefits and have some independent income...but if others [can earn] their cigarette money for the week, then that makes a big difference as well (Connolly,2007).

Men who have participated in Westworks value the flexibility offered by the service as they are well aware that in more main-stream employment, “you would get sacked if you couldn’t come to work when your arthritis was bad” (Westworks clients,2007).

However Westworks is only able to offer such a range of flexible work options because the business generates some of its own income. For services which are totally dependent on government funding, this level of flexibility is difficult, if not impossible, to achieve in an environment where services are often under-resourced and accountability frameworks emphasize upward accountability (accountability to funding bodies) rather than downward accountability (accountability to clients).

Re-orienting service provision to fully reflect the values of those the service is designed to assist would require greater emphasis on the provision of information to clients or program participants about available services and how to access these services. As noted earlier, individuals want this sort of information and the success of service models based on care in the community require it (Cameron & Flanagan,2004:83). Unfortunately clients and program participants often report difficulties in accessing relevant information. For example, when Don was twenty he was diagnosed as having schizophrenia. During his initial hospitalization Don’s parents...

felt deeply frustrated at being unable to get information from doctors...[Don’s mother] wanted information about Don’s illness and prognosis as well as information about community services and accommodation options. This was not provided in any coordinated way...[After] three months of homelessness and some hospitalisations...[Don’s mother] found about community based mental health services through friends (Cameron & Flanagan,2004:7-8).

Unless you actually enquire about what services are available then people are not normally keen to tell you. So you actually have to do a lot of prying and literally ask specific questions about what is available and what is not. There is never one person. It is always several people and you will find a lot of people will do a lot of buck passing and say “we don’t handle that” and they will say you need to speak to this person or that and before you know it you have spoken to fourteen different people and you still don’t have the answers you need (Matt, 22 living with cerebral palsy cited in Hinton,2006:50).

Valuing dignity and respect above all else challenges politicians to put the interests of participants and clients above political interests. For example, the name “Work for the Dole” is condemned by participants and those who administer Work for the Dole

projects as stigmatizing and continuing use of the name clearly works against stated program objectives of increasing participants' self-esteem, motivation and pride in their work and community benefit objectives because it makes it harder to find community sponsors of Work for the Dole projects. However use of the name continues because of the perceived political benefits (Nevile & Nevile,2003:120-124).

Mutual obligation or workfare schemes such as Work for the Dole are often criticised because they are compulsory (Nevile & Nevile,2003:2-3)⁴. Such arguments are part of the wider debate about the legitimacy of welfare conditionality. But welfare conditionality is not new, particularly in countries such as Australia and the United Kingdom with residualist welfare systems. What has changed is the purpose of conditionality. In the past conditionality was used as a rationing device; a way of ensuring benefits and payments went to those in greatest need. More recently conditionality is being used as a way of modifying behaviour (Deacon,2004:912) with welfare payments dependent on an individual accepting their responsibility to undertake certain activities deemed socially desirable such as actively looking for paid employment or ensuring their children attend school.

The linking of rights and responsibilities has been widely debated (see for example, White,2000; Goodin,2002; Dwyer,2004) with arguments against conditionality based on the belief that conditionality imposes additional burdens on the most vulnerable and disadvantaged, such as the homeless or those with multiple disabilities, or on 'third parties', particularly the children of those who are penalised for not meeting benefit requirements such as applying for jobs or attending job interviews (Deacon,2004:914; Peatling,2007).

Justifications for conditionality fall into three main camps. Contractualist justifications centre on the belief that there is an implied contract between citizens and the state, where the state agrees to support its citizens in times of need if the citizen

⁴ These criticisms are largely confined to commentators, advocacy and service delivery agencies. Participants are more concerned with the lack of flexibility in program design and implementation which means the program is unable to meet individual needs. For example, some older job seekers want access to accredited training so they can move into new areas of employment, others do not, preferring wage subsidy schemes that would enable them to work in a real workplace in the private sector where they could demonstrate their skills and abilities to employers (Nevile and Nevile 2003, 99-101).

accepts their responsibilities, of which the most important is the responsibility to work (White,2000:507).

On the other hand, paternalistic justifications are based on the belief that imposing conditions is in the best interests of those in receipt of welfare payments because such individuals are so defeated by poverty and disadvantage that they are incapable of fulfilling their own desire to work or look after their family without the threat of penalties or sanctions (Deacon,2004:916). Unlike contractualist arguments, paternalistic justifications do not emphasise the reciprocal obligations of the state. That is, welfare recipients are obliged to meet the conditions imposed upon them by the state because doing so will improve their lives, not because the state has already provided services and programs that will enable welfare recipients to overcome poverty and disadvantage (Deacon,2004:916). The third justification for welfare conditionality (mutualist justification), derived from the writings of communitarian theorists, is based on the belief that people have a responsibility to be good parents, neighbours or citizens, not because the state has provided certain benefits or support, but because of the responsibility individuals owe to each other (Deacon,2004:917).

But what do recipients of social welfare services believe? For a sample of welfare service users living in Bradford in the north of England, the legitimacy of welfare conditionality is dependent on the specific policy sector (Dwyer,2002). While accepting that individual behaviour could be a contributing factor to the need for health care, the overwhelming majority of respondents believed access to health care should be unconditional.

I feel there are just too many different criteria on which to apply a value judgment, it would be impractical to apply it. You can't just take an isolated thing whether it be smoking, weight or age or nice person/bad person...The universal thing is the only real way out of it (Darren, benefit claimant group cited in Dwyer,2002:284).

You could say that people who do dangerous sports or whatever are endangering their health so there is nowhere to draw the line really (Linda, women claimants group, cited in Dwyer,2002:284).

On the other hand, conditionality in the housing sector was considered appropriate, particularly in situations where individuals repeatedly reneged on agreements, ignored warnings and continued to engage in behaviour which had a negative impact on their neighbours.

If they have been notified of the rule and they are a nuisance, yes I think that the council or housing association has got a right to evict them...I think they should get a warning first, not just throw them out. There should be a procedure like (Molly, lone parents group cited in Dwyer,2002:285).

Support for conditional unemployment payments fell between the two, with more than half believing it was reasonable to expect those receiving unemployment benefits to accept specific work or training responsibilities because this would increase their chance of finding a job, or because respondents believed it was desirable that those in receipt of a benefit contribute in some way to the community (Dwyer,2002:286).

However a substantial minority, who tended to see unemployment in terms of structural rather than individual failings, did not believe it was appropriate to make the receipt of unemployment benefits conditional on fulfilling certain duties or obligations.

If there are no jobs people should be paid unemployment benefits (Len, senior citizens group cited in Dwyer,2002:287).

This nuanced approach to conditionality is consistent with Australian studies of community attitudes. For example, Eardley, Saunders and Evans (2000:224) found that support for conditionality was high (83%) when applied to young (under 25) unemployed people, but only 36 per cent of those surveyed believed an unemployed parent should be forced to undertake mutual obligation activities and only 25 per cent of those surveyed believed it was appropriate to impose obligations on unemployed people who had a disability.

While elements of contractualist, paternalist and mutualist justifications can be found in the views of welfare service recipients, what these studies indicate is that users of social welfare services would agree with White's conclusion that "there is nothing intrinsically objectionable about welfare contractualism...[but its] legitimacy...is difficult to assess in isolation from the character of the rest of the welfare system, indeed of the rest of the economic system as a whole" (White,2000:531-532). Thus, obliging people to undertake certain activities in return for unemployment benefits, for example, is appropriate if there are a range of activities available to individuals which are designed to meet the needs of participants and participants are treated with dignity and respect. Treating participants with dignity and respect would preclude the imposition of harsh financial penalties which have the potential to exacerbate the

disadvantage experienced by such people and impact negatively on innocent third parties. However, for some groups in the community significant policy changes may be needed before any requirements are imposed on them. For example, in itself the requirement that people with a disability, assessed as being able to work fifteen hours a week, actively look for work is unlikely to achieve the stated policy objective of assisting people with a disability to re-enter the workforce without significant policy changes which encourage (or coerce) public, not-for-profit or private sector employers to accommodate workers with a disability (Morris,2006:54).

As the International Covenant on Economic, Social and Cultural Rights recognizes, there is no magic bullet which will ensure full realization of economic and social rights. Legal protections are important, but cannot on their own guarantee that all citizens will be able to enjoy their economic and social rights. Moreover, this paper argues that adopting the priorities of those with experience of poverty will mean subordinating some of the values of government and service delivery agencies to the values of those they seek to assist. In particular, it requires service delivery agencies be given greater flexibility in program design and implementation, even if this means there is a slight reduction in upward accountability. At the same time, there needs to be an insistence on not letting political goals impact adversely on the achievement of program objectives. Priority needs to be given to facilitating the provision of information which may require additional resources, either at the local level, or to establish small units within hospitals or other large agencies, whose responsibility it is to provide clients and their families with information about all available services. Adopting the priorities of those with experience of poverty necessarily involves a balancing of conditionality and responsibility against freedom of choice. An important part of this process is governments accepting the need to spend money if citizens are to be able to take up the responsibilities imposed on them by the state and do so with dignity.

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