

The Human Right to a Basic Income

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Human rights are conditions of life that are “inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.”¹ They are designed to inform and support positive relationships between individuals, families, communities, institutions, and states. The principles which underlie and the treaties and laws that articulate them—if defended and upheld—anchor our humanity and civilization.



Thus, “every individual is a rights-holder, having inherent dignity and equal worth. There are also duty-bearers (primarily states and their agencies) with correlative obligations. International human rights law, and the mechanisms that use, interpret and apply that law, provide a normative basis for understanding the content of these rights and obligations. Human rights provide mechanisms both outside the courtroom and within it by which rights-holders can seek to hold duty-bearers accountable.”²

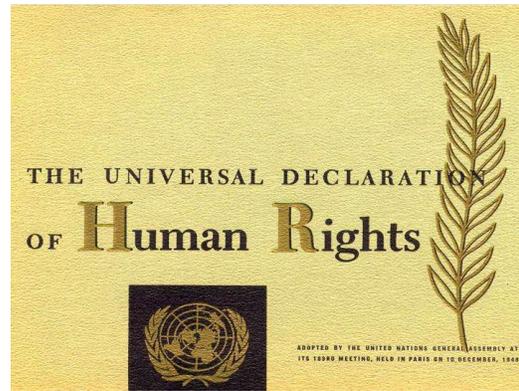
At the core of human rights are the ideals and goals of the “four freedoms” articulated by US President Franklin Delano Roosevelt—freedom of speech, freedom of worship, freedom from fear, and freedom from want³—and also the primary goal of self-determination. To achieve these conditions, it is also understood that while all rights are “interrelated, interdependent and indivisible,”⁴ the absolute basics of life (e.g., water, food, clothing, and shelter) must first be met.

The rights to food, clothing, and shelter were first enshrined in the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948. The UDHR is described as “the clearest outline available of what the international community considers to be the basic human

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rights to which all people are entitled, simply because they are human.”⁵ Other types of economic and social rights enshrined within the UDHR (and in the International Covenant on Economic, Social and Cultural Rights—ICESC—which came into force in 1976) include:



- “the right to life, liberty and security of the person” (Article 3)^c
- “the right to social security” (Article 22)
- “the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment” (Article 23)
- “the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control” (Article 25)⁶

Guy Standing,^d a world authority on labour, economic security, and basic income—a *form of economic security that can ensure everyone access to sufficient income to meet their basic needs and to live with dignity without requiring recipients to be employed or to be seeking paid work*—says that “the eighteenth century was the century of civil rights, the nineteenth was the century of political rights, and the twentieth was the century of social rights. If this is so, there is a reasonable prospect that the twenty-first century will be dominated by advances in economic rights.”⁷

Standing explains that “we live in an era of selectivity, conditionality and paternalistic controls that are a threat to real freedom, creating societies in which, inside the labour market, on the edges of the labour market and beyond it into old age, income insecurity is rife and shows no prospect of being reversed....the overall system of social protection must shift away from its almost exclusive focus on *risk compensation* to one of extending and enhancing individual and collective rights, based not on labour as in the twentieth century, but on citizenship in its broadest sense.”⁸

“Protection,” Standing argues, “is not equivalent to a ‘social safety net’; it should be a means of *liberation*. We could play on the [President John F.] Kennedy aphorism: ask not what social protection must protect you *against*, ask what social protection must protect you *for*. It is in this context that basic security requires an unconditional basic income—or what might be called a solidarity or security income. Real freedom requires a system of social protection that allows people of all backgrounds to be able to make decent choices. Ultimately, social protection, regulatory and

^c This economic and social right also appears in Article 7 of the Canadian Charter of Rights and Freedoms. <http://laws-lois.justice.gc.ca/eng/Const/page-15.html#h-39>

^d [https://en.wikipedia.org/wiki/Guy_Standing_\(economist\)](https://en.wikipedia.org/wiki/Guy_Standing_(economist))

distributive policies must be integrated in a way that facilitates and extends what might be called *occupational security*.”⁹

Historian Lynn Hunt^e explains that “human rights require three interlocking qualities: rights must be *natural* (inherent in human beings); *equal* (the same for everyone), and *universal* (applicable everywhere).¹⁰ By this can be understood how, for example, the right to food, is a human right, for every person must consume food to survive.



Further, Hunt says that “we are most certain that a human right is at issue when we feel horrified by its violation.”¹¹ Thus, we are certain that the right to food is a human right, and our certainty is unshakeable when faced with evidence of malnutrition or outright starvation.

Economic and social rights are known as positive rights, meaning that for their realization they confer upon others an obligation to act (e.g., the right to food cannot be realized without governments ensuring the capacities by which food shall be available to citizens—including the capacity of sufficient income.) By contrast, some civil and political rights are known as negative rights, meaning that for their realization they require others to avoid action (e.g., the right to freedom from discrimination requires others not to act on prejudice).

This distinction is important in the context of the argument that basic income should be a human right. Simply put, because money is the means by which food, say, is typically acquired, it stands to reason that governments, therefore, have an obligation to realize this positive right. Governments ought not to consider the right to food a negative right, and by that stance then do nothing to make it real.

Economic and social rights cannot be honoured and realized without guaranteeing a level of income sufficient for the meeting of basic needs. Neither the “free market,” nor “full employment” policy pursuits, nor incremental mending of tattered social safety nets, nor charity can effectively achieve the same ends.

Hunt highlights that “human rights only become meaningful when they gain political content...they are rights that require active participation from those who hold them.”¹² Similarly, it is said that experience shows that if rights, such as the right to an adequate standard of living, are to be meaningful, they must be guaranteed for all.”¹³

^e https://en.wikipedia.org/wiki/Lynn_Hunt

Louise Arbour, former Supreme Court of Canada justice, former UN High Commissioner for Human Rights, and current UN Special Representative for International Migration,^f has argued in the Canadian context that giving economic, social, and cultural rights the force of law—the status of *constitutional entitlement*—would promote the “freedom from want” to which millions of Canadians aspire, while capturing the “immense opportunity to affirm our fundamental Canadian values” (e.g., fairness, equality).¹⁴



The struggle to realize constitutional entitlement of economic rights, generally and basic income, specifically, is part of the latest chapter in humanity’s long quest to, in the words of Arbour, develop human rights as “an international consensus on the minimum conditions for a life of dignity.”¹⁵ As Arbour says, “a minimum level of welfare is so closely connected to issues relating to one’s basic health (or security of the person), and potentially even to one’s survival (or life interest), that it appears inevitable that a positive right to life, liberty and security of the person must provide for it.”¹⁶ And, “in principle and in practice, there are justiciable elements in most if not all human rights reflected in the Universal Declaration. From comparative experience, the prospects for effective judicial enforcement depend more upon the authority of the courts hearing the claim, than in anything inherent in the nature of the right in question.”¹⁷

Basic income, if sufficient for the meeting of basic needs and if applied alongside other vital economic and social supports such as childcare and healthcare, would serve to help honour and uphold the established rights to life, liberty, and security of the person, and to food, clothing, housing, social security etc. Basic income can thus be an effective means to greater equality, self-determination, and individual, family, and community and public health, without discrimination.

Basic income would also enable greater personal and community capacity for people to adapt to climate change (the severe threat of which is heavily disproportionate upon those who happen to be poor¹⁸) and thus help ensure that humanity can yet survive and possibly repair and restore Earth’s heavily damaged ecosystems. After all, a prime directive of the international human rights treaty framework and the most universally ratified human right of all is that of children to be able to enjoy a just and healthy future.

The guarantee of basic income should therefore be viewed and protected as a human right. At the least and as stated by Professor Philip Alston, an international law scholar, human rights practitioner,^g and the UN Special Rapporteur on extreme poverty and human rights, “the basic

^f https://en.wikipedia.org/wiki/Louise_Arbour

^g https://en.wikipedia.org/wiki/Philip_Alston

Endnotes

- ¹ www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx
- ² Donald, A. and E. Mottershaw (2009) *Poverty, inequality and human rights: Do human rights make a difference?* Joseph Rowntree Foundation, York, UK.
- ³ https://en.wikipedia.org/wiki/Four_Freedoms
- ⁴ www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx
- ⁵ McChesney, A. (2000) *Promoting and Defending Economic, Social & Cultural Rights: A Handbook*. American Association for the Advancement of Science, Washington, DC.
- ⁶ www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf
- ⁷ Standing, G. *Introduction* In *Promoting Income Security as a Right: Europe and North America*, G. Standing (ed.), 2005, Anthem Press, London, UK
- ⁸ Ibid.
- ⁹ Ibid.
- ¹⁰ Hunt, L. (2007) *Inventing Human Rights: A History*. W. W. Norton & Company Inc., New York, NY.
- ¹¹ Ibid.
- ¹² Ibid.
- ¹³ Clark, C.M.A. (2002) *The Basic Income Guarantee: Ensuring Progress and Prosperity in the 21st Century*. The Liffey Press, Dublin, Ireland.
- ¹⁴ Arbour, L. (2005) 'Freedom from want'—from charity to entitlement. LaFontaine-Baldwin Lecture, 2005. https://www.icc-icc.ca/site/site/uploads/2016/11/LaFontaineBaldwinLecture2005_LouiseArbour.pdf
- ¹⁵ Ibid.
- ¹⁶ The Poverty and Human Rights Centre (2008). *The Role of International Social and Economic Rights in the Interpretation of Domestic Law in Canada*. The Poverty and Human Rights Centre, Vancouver, BC.
- ¹⁷ Arbour (2005)
- ¹⁸ <http://grist.org/climate-energy/report-shows-the-disproportionate-effects-of-climate-change-on-the-global-poor/>
- ¹⁹ UN General Assembly, Human Rights Council, Thirty-fifth Session, 6-23 June 2017, Agenda item 3, *Report of the Special Rapporteur on extreme poverty and human rights*. <http://basicincome.org/wp-content/uploads/2017/06/UN.report.pdf>