

Race, Classism, and Poverty

SECTION ONE

A Journey Through a Land of Extreme Poverty: Welcome to [United States]

The UN's Philip Alston is an expert on deprivation – and he wants to know why 41 million Americans are living in poverty. The Guardian joined him on a special two-week mission into the dark heart of the world's richest nation

by [Ed Pilkington](#) Friday 15 December 2017; Last modified on Saturday 16 December 2017

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Los Angeles, California, 5 December

“You got a choice to make, man. You could go straight on to heaven. Or you could turn right, into *that*.”

We are in Los Angeles, in the heart of one of America’s wealthiest cities, and General Dogon, dressed in black, is our tour guide. Alongside him strolls another tall man, grey-haired and sprucely decked out in jeans and suit jacket. Professor Philip Alston is an Australian academic with a formal title: UN special rapporteur on extreme poverty and human rights.

General Dogon, himself a veteran of these Skid Row streets, strides along, stepping over a dead rat without comment and skirting round a body wrapped in a worn orange blanket lying on the sidewalk.

The two men carry on for block after block after block of tatty tents and improvised tarpaulin shelters. Men and women are gathered outside the structures, squatting or sleeping, some in groups, most alone like extras in a low-budget dystopian movie.

We come to an intersection, which is when General Dogon stops and presents his guest with the choice. He points straight ahead to the end of the street, where the glistening skyscrapers of downtown LA rise up in a promise of divine riches.

Heaven.



Then he turns to the right, revealing the “black power” tattoo on his neck, and leads our gaze back into Skid Row bang in the center of LA’s downtown. That way lies 50 blocks of concentrated human humiliation. A nightmare in plain view, in the city of dreams.

Alston turns right.

So begins a two-week journey into the dark side of the American Dream. The spotlight of the UN monitor, an independent arbiter of human rights standards across the globe, has fallen on this occasion on the US, culminating on Friday with the release of his initial report in Washington.

His [fact-finding mission](#) into the richest nation the world has ever known has led him to investigate the tragedy at its core: the 41 million people who [officially](#) live in poverty.

Of those, nine million have zero cash income – they do not receive a cent in sustenance.

Alston's epic journey has taken him from coast to coast, deprivation to deprivation. Starting in LA and San Francisco, sweeping through the Deep South, traveling on to the colonial stain of Puerto Rico then back to the stricken coal country of [West Virginia](#), he has explored the collateral damage of America's reliance on private enterprise to the exclusion of public help.

The Guardian had unprecedented access to the UN envoy, following him as he crossed the country, attending all his main stops and witnessing the extreme poverty he is investigating firsthand.

Think of it as payback time. As the UN special rapporteur himself put it: "Washington is very keen for me to point out the poverty and human rights failings in other countries. This time I'm in the US."



David Busch, who is currently homeless on Venice beach, in Los Angeles.

The tour comes at a critical moment for America and the world. It began on the day that Republicans in the US Senate voted for sweeping [tax cuts](#) that will deliver a bonanza for the super wealthy while in time raising taxes on many lower-income families. The changes will exacerbate wealth inequality that is already the [most extreme](#) in any

industrialized nation, with [three men](#) – Bill Gates, Jeff Bezos and Warren Buffet – owning as much as half of the entire American people.

A few days into the UN visit, Republican leaders took a giant leap further. They announced plans to slash key social programs in what amounts to an assault on the already threadbare welfare state.

“Look up! Look at those banks, the cranes, the luxury condos going up,” exclaimed General Dogon, who used to be homeless on Skid Row and now works as a local activist with [Lacan](#). “Down here, there’s nothing. You see the tents back to back, there’s no place for folks to go.”

California made a suitable starting point for the UN visit. It epitomizes both the vast wealth generated in the tech boom for the 0.001%, and the resulting surge in housing costs that has sent homelessness soaring. Los Angeles, the city with by far the largest population of street dwellers in the country, is grappling with crisis numbers that increased 25% this past year to 55,000.

The safety net? It has too many holes in it for me

Robert Chambers, Los Angeles

Ressy Finley, 41, was busy sterilizing the white bucket she uses to slop out in her tent in which she has lived on and off for more than a decade. She keeps her living area, a mass of worn mattresses and blankets and a few motley possessions, as clean as she can in a losing battle against rats and cockroaches. She also endures waves of bed bugs, and has large welts on her shoulder to prove it.

She receives no formal income, and what she makes on recycling bottles and cans is no way enough to afford the average rents of \$1,400 a month for a tiny one-bedroom. A friend brings her food every couple of days, the rest of the time she relies on nearby missions.

She cried twice in the course of our short conversation, once when she recalled how her infant son was taken from her arms by social workers because of her drug habit (he is now 14; she has never seen him again). The second time was when she alluded to the sexual abuse that set her as a child on the path towards drugs and homelessness.

Given all that, it’s remarkable how positive Finley remains. What does she think of the American Dream, the idea that everyone can make it if they try hard enough? She replies instantly: “I know I’m going to make it.”

A 41-year-old woman living on the sidewalk in Skid Row going to make it?

“Sure I will, so long as I keep the faith.”

What does “making it” mean to her?

“I want to be a writer, a poet, an entrepreneur, a therapist.”



Ressay Finley, who lives in a tent on 6th Street in Downtown LA.

Robert Chambers occupies the next patch of sidewalk along from Finley's. He's created an area around his tent out of wooden pallets, what passes in Skid Row for a cottage garden.

He has a sign up saying "Homeless Writers Coalition", the name of a group he runs to give homeless people dignity against what he calls the "animalistic" aspects of their lives. He's referring not least to the lack of public bathrooms that forces people to relieve themselves on the streets.

LA authorities have promised to provide more access to toilets, a critical issue given the [deadly outbreak](#) of Hepatitis A that began in San Diego and is spreading on the west coast claiming 21 lives mainly through lack of sanitation in homeless encampments. At night local parks and amenities are closed specifically to keep homeless people out.

Skid Row has had the use of nine toilets at night for 1,800 street-faring people. That's a ratio [well below](#) that mandated by the UN in its camps for Syrian refugees.

"It's inhuman actually, and eventually in the end you will acquire animalistic psychology," Chambers said.

He has been living on the streets for almost a year, having violated his parole terms for drug possession and in turn being turfed out of his low-cost apartment. There's no help for him now, he said, no question of "making it".

"The safety net? It has too many holes in it for me."

Of all the people who crossed paths with the UN monitor, Chambers was the most dismissive of the American Dream. "People don't realize – it's never getting better, there's no recovery for people like us. I'm 67, I have a heart condition, I shouldn't be out here. I might not be too much longer."

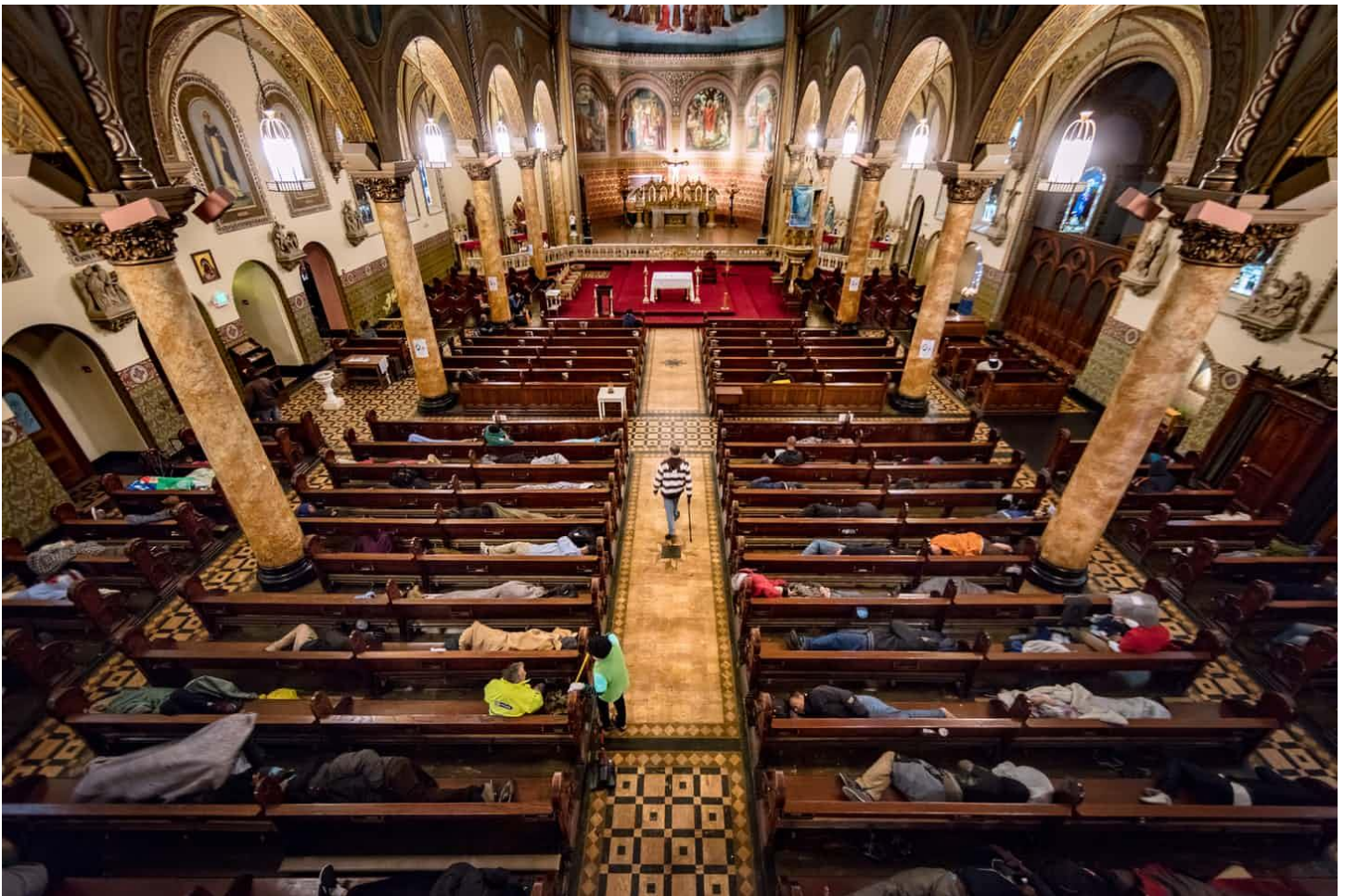
That was a lot of bad karma to absorb on day one, and it rattled even as seasoned a student of hardship as Alston. As UN special rapporteur, he's reported on dire poverty and its impact on human rights in Saudi Arabia and China among other places. But Skid Row?

"I was feeling pretty depressed," he told the Guardian later. "The endless drumbeat of horror stories. At a certain point you do wonder what can anyone do about this, let alone me."

And then he took a flight up to San Francisco, to the Tenderloin district where homeless people congregate, and walked into St Boniface church.

What he saw there was an analgesic for his soul.

San Francisco, California, 6 December



The Gubbio project at St Boniface in San Francisco. The church opens its doors every weekday at 6am to allow homeless people to rest until 3pm.

About 70 homeless people were quietly sleeping in pews at the back of the church, as they are allowed to do every weekday morning, with worshippers praying harmoniously in front of them. The church welcomes them in as part of the Catholic concept of extending the helping hand.

“I found the church surprisingly uplifting,” Alston said. “It was such a simple scene and such an obvious idea. It struck me – Christianity, what the hell is it about if it’s not this?”

It was a rare drop of altruism on the west coast, competing against a sea of hostility. More than 500 anti-homeless [laws](#) have been passed in Californian cities in recent years. At a federal level, Ben Carson, the neurosurgeon who Donald Trump appointed US housing secretary, is [decimating](#) government spending on affordable housing.

Perhaps the most telling detail: apart from St Boniface and its sister church, no other place of worship in San Francisco welcomes homeless people. In fact, many have begun, even at this season of goodwill, to lock their doors to all comers simply so as to exclude homeless people.

As Tiny Gray-Garcia, herself on the streets, described it to Alston, there is a prevailing attitude that she and her peers have to contend with every day. She called it the “violence of looking away”.

That cruel streak – the violence of looking away – has been a feature of American life since the nation’s founding. The casting off the yoke of overweening government (the British monarchy) came to be equated in the minds of many Americans with states’ rights and the individualistic idea of making it on your own – a view that is fine for those fortunate enough to do so, less happy if you’re born on the wrong side of the tracks.

Countering that has been the conviction that society must protect its own against the vagaries of hunger or unemployment that informed Franklin Roosevelt’s New Deal and the Great Society of Lyndon Johnson. But in recent times the prevailing winds have blown strongly in the “you’re on your own, buddy” direction. Ronald Reagan set the trend with his 1980s tax cuts, followed by Bill Clinton, whose 1996 decision to scrap welfare payments for low-income families is still punishing millions of Americans.

The cumulative attack has left struggling families, including the 15 million children who are [officially](#) in poverty, with dramatically less support than in any other industrialized economy. Now they face perhaps the greatest threat of all.

As Alston himself has written in an [essay](#) on Trump’s populism and the aggressive challenge it poses to human rights: “These are extraordinarily dangerous times. Almost anything seems possible.”

Lowndes County, Alabama, 9 December

Trump’s undermining of human rights, combined with the Republican threat to pare back welfare programs next year in order to pay for some of the tax cuts for the rich they are rushing through Congress, will hurt African Americans disproportionately.

Black people are 13% of the US population, but 23% of those [officially](#) in poverty and 39% of the [homeless](#).

The racial element of America’s poverty crisis is seen nowhere more clearly than in the Deep South, where the open wounds of slavery continue to bleed. The UN special rapporteur chose as his next stop the “Black Belt,” the term that originally referred to the rich dark soil that exists in a band across [Alabama](#) but over time came to describe its majority African American population.

The link between soil type and demographics was not coincidental. Cotton was found to thrive in this fertile land, and that in turn spawned a trade in slaves to pick the crop. Their descendants still live in the Black Belt, still mired in poverty among the worst in the union.

You can trace the history of America’s shame, from slave times to the present day, in a set of simple graphs. The first shows the cotton-friendly soil of the Black Belt, then the slave population, followed by modern black residence and today’s extreme poverty – they all occupy the exact same half-moon across Alabama.

There are numerous ways you could parse the present parlous state of Alabama’s black community. Perhaps the starkest is the fact that in the Black Belt so many families still have no access to sanitation. Thousands of people continue to live among open sewers of the sort normally associated with the developing world.

The crisis was revealed by the Guardian earlier this year to have led to an ongoing endemic of [hookworm](#), an intestinal parasite that is transmitted through human waste. It is found in Africa and South Asia, but had been assumed eradicated in the US years ago.

Yet here the worm still is, sucking the blood of poor people, in the home state of Trump's US attorney general Jeff Sessions.

A disease of the developing world thriving in the world's richest country.

The open sewerage problem is especially acute in Lowndes County, a majority black community that was an epicenter of the civil rights movement having been the setting of Martin Luther King's Selma to Montgomery voting rights march in 1965.

Despite its proud history, Catherine Flowers estimates that 70% of households in the area either "straight pipe" their waste directly onto open ground, or have defective septic tanks incapable of dealing with heavy rains.

When her group, Alabama Center for Rural Enterprise (Acre), pressed local authorities to do something about it, officials invested \$6m in extending waste treatment systems to primarily white-owned businesses while bypassing overwhelmingly black households.

"That's a glaring example of injustice," Flowers said. "People who cannot afford their own systems are left to their own devices while businesses who do have the money are given public services."

Walter, a Lowndes County resident who asked not to give his last name for fear that his water supply would be cut off as a reprisal for speaking out, lives with the daily consequences of such public neglect. "You get a good hard rain and it backs up into the house."

That's a polite way of saying that sewage gurgles up into his kitchen sink, hand basin and bath, filling the house with a sickly-sweet stench.

What I see is the failure of society. I see a society that let that happen, that is not doing what it should

Philip Alston

Given these circumstances, what does he think of the ideology that anyone can make it if they try?

"I suppose they could if they had the chance," Walter said. He paused, then added: "Folks aren't given the chance."

Had he been born white, would his sewerage problems have been fixed by now?

After another pause, he said: "Not being racist, but yeah, they would."

Round the back of Walter's house the true iniquity of the situation reveals itself. The yard is laced with small channels running from neighboring houses along which dark liquid flows. It congregates in viscous pools directly underneath the mobile home in which Walter's son, daughter-in-law and 16-year-old granddaughter live.

It is the ultimate image of the lot of Alabama's impoverished rural black community. As American citizens they are as fully entitled to life, liberty and the pursuit of happiness. It's just that they are surrounded by pools of excrement.

This week, the Black Belt bit back. On Tuesday a new line was added to that simple graphic, showing exactly the same half-moon across Alabama except this time it was not black but blue.

A demographic breakdown of Doug Jones's election victory

Doug Jones's
vote share

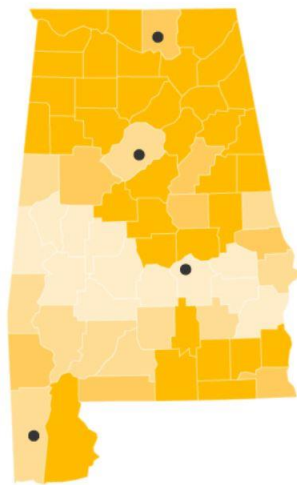
> 60% < 40



Doug Jones won a narrow victory in a traditionally Republican state

White-only
population

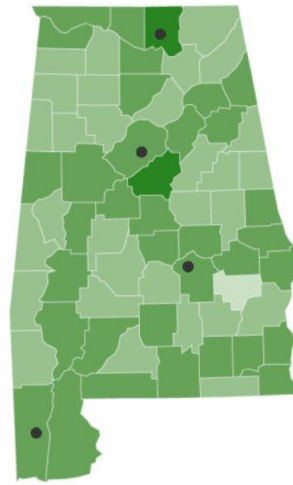
> 70% < 50



According to exit polls, 98% of black women voted for Jones

High-school
graduates

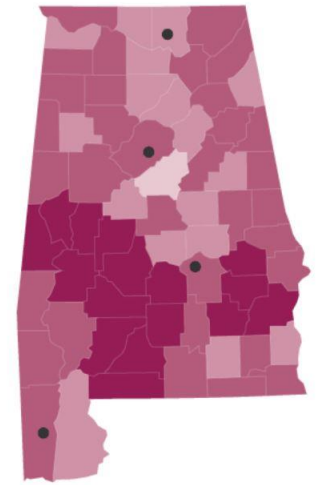
> 90% < 70



Alabama's better-educated cities tended to Democrat whatever their racial makeup

Population living
below the poverty line

> 25% < 10



The poorest areas are the southern plains, where voters were most likely to vote Democrat

Guardian graphic | Sources: US Census Bureau, Alabama Secretary of State

It depicted the army of African American voters who turned out against the odds to send Doug Jones to the US Senate, the first Democrat from Alabama to do so in a generation. It delivered a bloody nose to his opponent, the alleged child molester Roy Moore, and his puppetmasters Steve Bannon and [Donald Trump](#).

It was arguably the most important expression of black political muscle in the region since King's 1965 march. If the previous entries in the graphic could be labeled "soil", "slavery" and "poverty", this one should be captioned "empowerment".

Guayama, Puerto Rico, 10 December

So how does Alston view the role of UN rapporteur and his visit? His full report on the US will be released next May before being presented to the UN human rights council in Geneva.

Nobody expects much to come of that: the world body has no teeth with which to enforce good behavior on recalcitrant governments. But Alston hopes that his visit will have an impact by shaming the US into reflecting on its values.

“My role is to hold governments to account,” he said. “If the US administration doesn’t want to talk about the right to housing, healthcare or food, then there are still basic human rights standards that have to be met. It’s my job to point that out.”

Alston’s previous investigations into extreme poverty in places like [Mauritania](#) pulled no punches. We can expect the same tough love when it comes to his analysis of Puerto Rico, the next stop on his journey into America’s dark side.

Three months after Maria, the devastation wrought by the hurricane has been well documented. It tore 70,000 homes to shreds, brought industry to a standstill and caused a total blackout of the island that continues to cause havoc.



Alston inspects the residence of Norma Judith Colón, which was damaged by Hurricane María.

But Puerto Rico’s plight long predates Maria, rooted in the indifference with which it has been regarded since being acquired as a spoil of war in 1898. Almost [half of Americans](#) have no idea that the 3.5 million Puerto Ricans on the island are US citizens, which adds insult to the injury of the territory having no representation in Congress while its fiscal policies are dictated by an oversight board imposed by Washington. What was that about casting off the yoke of overweening government?

Nor do most people appreciate that the island has twice the proportion of people in poverty (44%) than the lowliest US state, including Alabama (19%). And that was before the hurricane, which some estimates suggest has pushed the poverty rate up to 60%.

“Puerto Rico is a sacrifice zone,” said Ruth Santiago, a community rights lawyer. “We are ruled by the United States but we are never consulted – we have no influence, we’re just their plaything.”

The UN monitor was given a sense of what being a plaything of the US means in practice when he travelled south to Guayama, a town of 42,000 close to where Maria made landfall. Devastation was everywhere – houses mangled, roofs missing, power lines drooping alarmingly overhead.

If Lyndon Johnson declared a war on poverty, then Trump is waging a war on the poor

Looming over the community is a coal-fired power plant built by the Puerto Rican branch of AES Corporation, a Virginia-headquartered multinational. The plant’s smoke stack dominates the horizon, as does a huge mound of residue from the combusted coal that rises to at least 70ft like a giant sandcastle.

The mound is exposed to the elements and local people complain that toxins from it leach into the sea, destroying the livelihoods of fishermen through mercury poisoning. They also fear that dust coming off the pile causes health problems, a concern shared by local doctors who told the UN monitor that they see a high incidence of respiratory disease and cancer.

“It kills the leaves of my mango tree,” said Flora Picar Cruz, 82. She was lying in bed at midday, breathing with difficulty through an oxygen mask.



Norma Judith Colón stands in front of her damaged home after hurricane María.

[Studies](#) of the pile have found perilous levels of toxic substances including arsenic, boron, chloride and chromium. Even so, the Trump administration is in the process of easing the relatively lax regulations on monitoring dangerous effluents from it.

AES [Puerto Rico](#) told the Guardian that there was nothing to worry about, as the plant was one of the cleanest in the US having been purpose built to avoid any run-off into air or sea. That's not what the people of Guayama think. They fear that the age-old pattern of being taken for granted by the US colonizer is about to rise to the next level.

When such attitudes are replicated across the island it helps explain why so many Puerto Ricans are voting with their feet: almost 200,000 have packed their bags and [quit](#) for Florida, New York and Pennsylvania since the hurricane, adding to the more than 5m who were already on the US mainland. Which gives a whole new meaning to the American Dream – anyone can make it, so long as they abandon their families, their homes, and their culture and head off into a strange and forbidding land.

Charleston, West Virginia, 13 December

“You're an amazing people! We're going to take care of a lot of years of horrible abuse, OK? You can count on it 100%.”

Donald Trump's [promise](#) to the white voters of West Virginia was made just as he was securing the Republican presidential nomination in May 2016. Six months later, his audience handsomely repaid him with a landslide victory.

It is not surprising that white families in West Virginia should have responded positively to Trump's charm offensive, given that he offered them the world – “We're going to put the miners back to work!” After all, numerically a [majority](#) of all those living in poverty nationwide – 27 million people – are white.

In West Virginia in particular, white families have a lot to feel sore about. Mechanization and the decline of coal mining have decimated the state, leading to high unemployment and stagnant wages. The transfer of jobs from the mines and steel mills to Walmart has led to male workers earning on average [\\$3.50 an hour](#) less today than they did in 1979.

What is surprising is that so many proud working folk should have entrusted their dreams to a (supposed) billionaire who built his real estate empire on the back of [handouts](#) from his father.

Before he ran for the presidency, Trump showed scant interest in the struggles of low-income families, white or otherwise. After almost a year in the Oval Office, there is similarly little sign of those campaign promises being kept.

Quite the contrary. When the UN rapporteur decamped in Charleston, West Virginia on Wednesday as the final stop in his tour, he was inundated with evidence that the president is turning the screws on the very people who elected him.

That same day, Republicans in the Senate and House were fusing their plans for tax cuts ahead of a final vote next week. Many West Virginians will be lulled into believing that the changes are designed to help them, as initially everybody in the state will pay less tax.

But come 2027 when deficit-saving changes kick in, the bottom 80% of the population will pay [more](#), while the top 1% will continue to enjoy a \$21,000 bonanza.

“Trump's policies will exacerbate inequality, suppress wages and make it harder for low-income families to seek assistance,” said Ted Boettner, executive director of the non-partisan West Virginia Center on Budget and Policy.

If sewage is the abiding image of the burden of the Black Belt, then a mouthful of rotting teeth is West Virginia's.

Doctors at [Health Right](#), a volunteer-based medical center in Charleston that treats 21,000 low-income working people free of charge, presented the UN monitor with a photograph of one of its dentistry clients.

The man is only 32, but when he opened his mouth he turned into one of Macbeth's witches. His few remaining rotting teeth and greenish-blue gums looked like the festering broth in their burning cauldrons.

Adult dentistry is uncovered by Medicaid unless it is an emergency, and so people do the logical thing – they do nothing until their abscesses erupt and they have to go to ER. One woman seen by the center’s mobile dentistry clinic was found to have nothing but 30 roots in her mouth, all of which needed surgery.

In other briefings, Alston was given a picture of life under siege for West Virginia’s low-income families. If Lyndon Johnson declared a war on poverty, then Trump is waging a war on the poor.

People are jailed for years because they cannot afford bail awaiting trial; private detectives are used to snoop on disability benefit claimants; mandatory minimum drug sentences are back in fashion; Jeff Sessions is scrapping federal rehabilitation schemes for those released from prison; tenants in subsidized housing are living in fear that they will be evicted for the slightest infraction – the list goes on and on.

And the result of this relentless drubbing? “People end up fighting each other,” said Eli Baumwell, policy director of the ACLU in West Virginia. “You become so obsessed with what you’ve got and what your neighbor has got that you become resentful. That’s what Trump is doing – turning one against the other.”

And so it was that Philip Alston boarded one last plane and headed for Washington, carrying with him the distilled torment of the American people.

At one point in the trip Alston revealed that he had had a sleepless night, reflecting on the lost souls we had met in Skid Row.

He wondered about how a person in his position – “I’m old, male, white, rich and I live very well” – would react to one of those homeless people. “He would look at him and see someone who is dirty, who doesn’t wash, who he doesn’t want to be around.”

Then Alston had an epiphany.

“I realized that’s how government sees them. But what I see is the failure of society. I see a society that let that happen, that is not doing what it should. And it’s very sad.”

The UN special rapporteur’s tour was done

SECTION TWO

Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*

SOURCE: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E>

Washington, December 15, 2017

I. Introduction

1. I have spent the past two weeks visiting the United States, at the invitation of the federal government, to look at whether the persistence of extreme poverty in America undermines the enjoyment of human rights by its citizens. In my travels through California, Alabama, Georgia, Puerto Rico, West Virginia, and Washington DC I have spoken with dozens of experts and civil society groups, met with senior state and federal government officials and talked with many people who are homeless or living in deep poverty. I am grateful to the Trump

Administration for facilitating my visit and for its continuing cooperation with the UN Human Rights Council's accountability mechanisms that apply to all states.

2. My visit coincides with a dramatic change of direction in US policies relating to inequality and extreme poverty. The proposed tax reform package stakes out America's bid to become the most unequal society in the world, and will greatly increase the already high levels of wealth and income inequality between the richest 1% and the poorest 50% of Americans. The dramatic cuts in welfare, foreshadowed by the President and Speaker Ryan, and already beginning to be implemented by the administration, will essentially shred crucial dimensions of a safety net that is already full of holes. It is against this background that my report is presented.

3. The United States is one of the world's richest, most powerful and technologically innovative countries; but neither its wealth nor its power nor its technology is being harnessed to address the situation in which 40 million people continue to live in poverty.

4. I have seen and heard a lot over the past two weeks. I met with many people barely surviving on Skid Row in Los Angeles, I witnessed a San Francisco police officer telling a group of homeless people to move on but having no answer when asked where they could move to, I heard how thousands of poor people get minor infraction notices which seem to be intentionally designed to quickly explode into unpayable debt, incarceration, and the replenishment of municipal coffers, I saw sewage filled yards in states where governments don't consider sanitation facilities to be their responsibility, I saw people who had lost all of their teeth because adult dental care is not covered by the vast majority of programs available to the very poor, I heard about soaring death rates and family and community destruction wrought by prescription and other drug addiction, and I met with people in the South of Puerto Rico living next to a mountain of completely unprotected coal ash which rains down upon them bringing illness, disability and death.

5. Of course, that is not the whole story. I also saw much that is positive. I met with State and especially municipal officials who are determined to improve social protection for the poorest 20% of their communities, I saw an energized civil society in many places, I visited a Catholic Church in San Francisco (St Boniface – the Gubbio Project) that opens its pews to the homeless every day between services, I saw extraordinary resilience and community solidarity in Puerto Rico, I toured an amazing community health initiative in Charleston (West Virginia) that serves 21,000 patients with free medical, dental, pharmaceutical and other services, overseen by local volunteer physicians, dentists and others (WV Health Right), and indigenous communities presenting at a US-Human Rights Network conference in Atlanta lauded Alaska's advanced health care system for indigenous peoples, designed with direct participation of the target group.

6. American exceptionalism was a constant theme in my conversations. But instead of realizing its founders' admirable commitments, today's United States has proved itself to be exceptional in far more problematic ways that are shockingly at odds with its immense wealth and its founding commitment to human rights. As a result, contrasts between private wealth and public squalor abound.

7. In talking with people in the different states and territories I was frequently asked how the US compares with other states. While such comparisons are not always perfect, a cross-section of statistical comparisons provides a relatively clear picture of the contrast between the wealth, innovative capacity, and work ethic of the US, and the social and other outcomes that have been attained.

- By most indicators, the US is one of the world's wealthiest countries. It spends more on national defense than China, Saudi Arabia, Russia, United Kingdom, India, France, and Japan combined.
- US health care expenditures per capita are double the OECD average and much higher than in all other countries. But there are many fewer doctors and hospital beds per person than the OECD average.
- US infant mortality rates in 2013 were the highest in the developed world.
- Americans can expect to live shorter and sicker lives, compared to people living in any other rich democracy, and the "health gap" between the U.S. and its peer countries continues to grow.
- U.S. inequality levels are far higher than those in most European countries
- Neglected tropical diseases, including Zika, are increasingly common in the USA. It has been estimated that 12 million Americans live with a neglected parasitic infection. A 2017 report documents the prevalence of hookworm in Lowndes County, Alabama.
- The US has the highest prevalence of obesity in the developed world.
- In terms of access to water and sanitation the US ranks 36th in the world.
- America has the highest incarceration rate in the world, ahead of Turkmenistan, El Salvador, Cuba, Thailand and the Russian Federation. Its rate is nearly 5 times the OECD average.
- The youth poverty rate in the United States is the highest across the OECD with one quarter of youth living in poverty compared to less than 14% across the OECD.
- The Stanford Center on Inequality and Poverty ranks the most well-off countries in terms of labor markets, poverty, safety net, wealth inequality, and economic mobility. The US comes in last of the top 10 most well-off countries, and 18th amongst the top 21.
- In the OECD the US ranks 35th out of 37 in terms of poverty and inequality.

- According to the World Income Inequality Database, the US has the highest Gini rate (measuring inequality) of all Western Countries
- The Stanford Center on Poverty and Inequality characterizes the US as “a clear and constant outlier in the child poverty league.” US child poverty rates are the highest amongst the six richest countries – Canada, the United Kingdom, Ireland, Sweden and Norway.
- About 55.7% of the U.S. voting-age population cast ballots in the 2016 presidential election. In the OECD, the U.S. placed 28th in voter turnout, compared with an OECD average of 75%. Registered voters represent a much smaller share of potential voters in the U.S. than just about any other OECD country. Only about 64% of the U.S. voting-age population (and 70% of voting-age citizens) was registered in 2016, compared with 91% in Canada (2015) and the UK (2016), 96% in Sweden (2014), and nearly 99% in Japan (2014).

II. The human rights dimension

8. Successive administrations, including the present one, have determinedly rejected the idea that economic and social rights are full-fledged human rights, despite their clear recognition not only in key treaties that the US has ratified (such as the Convention on the Elimination of All Forms of Racial Discrimination), and in the Universal Declaration of Human Rights which the US has long insisted other countries must respect. But denial does not eliminate responsibility, nor does it negate obligations. International human rights law recognizes a right to education, a right to healthcare, a right to social protection for those in need, and a right to an adequate standard of living. In practice, the United States is alone among developed countries in insisting that while human rights are of fundamental importance, they do not include rights that guard against dying of hunger, dying from a lack of access to affordable healthcare, or growing up in a context of total deprivation.

9. Since the US has refused to recognize economic and social rights agreed by most other states (except for the right to education in state constitutions), the primary focus of the present report is on those civil and political rights reflected in the US Bill of Rights and in the International Covenant on Civil and Political Rights which the US has ratified.

III. Who are ‘the poor’?

10. I have been struck by the extent to which caricatured narratives about the purported innate differences between rich and poor have been sold to the electorate by some politicians and media, and have been allowed to define the debate. The rich are industrious, entrepreneurial, patriotic, and the drivers of economic success. The poor are wasters, losers, and scammers. As a result, money spent on welfare is money down the drain. To complete the picture we are also told that the poor who want to make it in America can easily do so: they really can achieve the American dream if only they work hard enough.

11. The reality that I have seen, however, is very different. It is a fact that many of the wealthiest citizens do not pay taxes at the rates that others do, hoard much of their wealth off-shore, and often make their profits purely from speculation rather than contributing to the overall wealth of the American community. Who then are the poor? Racist stereotypes are usually not far beneath the surface. The poor are overwhelmingly assumed to be people of color, whether African Americans or Hispanic ‘immigrants’. The reality is that there are 8 million more poor Whites than there are Blacks. Similarly, large numbers of welfare recipients are assumed to be living high on the hog. Some politicians and political appointees with whom I spoke were completely sold on the narrative of such scammers sitting on comfortable sofas, watching color TVs, while surfing on their smart phones, all paid for by welfare. I wonder how many of these politicians have ever visited poor areas, let alone spoken to those who dwell there. There are anecdotes aplenty, but evidence is nowhere to be seen. In every society, there are those who abuse the system, as much in the upper income levels, as in the lower. But the poor people I met from among the 40 million living in poverty were overwhelmingly either persons who had been born into poverty, or those who had been thrust there by circumstances largely beyond their control such as physical or mental disabilities, divorce, family breakdown, illness, old age, unlivable wages, or discrimination in the job market.

12. The face of poverty in America is not only Black, or Hispanic, but also White, Asian, and many other colors. Nor is it confined to a particular age group. Automation and robotization are already throwing many middle-aged workers out of jobs in which they once believed themselves to be secure. In the economy of the twenty-first century, only a tiny percentage of the population is immune from the possibility that they could fall into poverty as a result of bad breaks beyond their own control. The American Dream is rapidly becoming the American Illusion as the US since the US now has the lowest rate of social mobility of any of the rich countries.

IV. The current extent of poverty in the US

13. There is considerable debate over the extent of poverty in the US, but for the purposes of this report principal reliance is placed upon the official government statistics, drawn up primarily by the US Census Bureau.

14. In order to define and quantify poverty in America, the Census Bureau uses 'poverty thresholds' or Official Poverty Measures (OPM), updated each year. In September 2017, more than one in every eight Americans were living in poverty (40 million, equal to 12.7% of the population). And almost half of those (18.5 million) were living in deep poverty, with reported family income below one-half of the poverty threshold.

V. Problems with existing policies

15. There is no magic recipe for eliminating extreme poverty, and each level of government must make its own good faith decisions. But at the end of the day, particularly in a rich country like the USA, the persistence of extreme poverty is a political choice made by those in power. With political will, it could readily be eliminated.

16. What is known, from long experience and in light of the government's human rights obligations, is that there are indispensable ingredients for a set of policies designed to eliminate poverty. They include: democratic decision-making, full employment policies, social protection for the vulnerable, a fair and effective justice system, gender and racial equality and respect for human dignity, responsible fiscal policies, and environmental justice.

17. Currently, the United States falls far short on each of these issues.

1. The undermining of democracy

18. The foundation stone of American society is democracy, but it is being steadily undermined. The principle of one person one vote applies in theory, but it is far from the reality. In a democracy, the task of government should be to facilitate political participation by ensuring that all citizens can vote and that their votes will count equally. In the US there is overt disenfranchisement of vast numbers of felons, a rule which predominantly affects Black citizens since they are the ones whose conduct is often specifically targeted for criminalization. In addition, there are often requirements that persons who have paid their debt to society still cannot regain their right to vote until they paid off all outstanding fines and fees. Then there is covert disenfranchisement, which includes the dramatic gerrymandering of electoral districts to privilege particular groups of voters, the imposition of artificial and unnecessary voter ID requirements, the blatant manipulation of polling station locations, the relocating of DMVs to make it more difficult for certain groups to obtain IDs, and the general ramping up of obstacles to voting especially by those without resources. The net result is that people living in poverty, minorities, and other disfavored groups are being systematically deprived of their voting rights.

19. A common explanation is that people see no improvement in their well-being regardless of who they elect, so that voting is pointless. But the most compelling and dispiriting explanation I received came in answer to my question as to why voting rates are so extraordinarily low in West Virginia. A state official pointed to apathy, which he explained by saying that "when people are poor they just give up on the electoral system." If this is the case, as seems likely, some political elites have a strong self-interest in keeping people in poverty. As one politician remarked to me, it would be instructive to undertake a survey of the campaign appearances of politicians in overwhelmingly poor districts.

2. An illusory emphasis on employment

20. Proposals to slash the meager welfare arrangements that currently exist are now sold primarily on the basis that the poor need to get off welfare and back to work. The assumption is that there are a great many jobs out there waiting to be filled by individuals with low educational standards, often suffering disabilities of one kind or another, sometimes burdened with a criminal record (perhaps for the crime of homelessness or not being able to pay a traffic ticket), and with no training or meaningful assistance to obtain employment. It also assumes that the jobs they could get will make them independent of state assistance. Yet I spoke to workers from Walmart and other large stores who could not survive on a full-time wage without also relying on food stamps. It has been estimated that as much as \$6 billion dollars go from the SNAP program to support such workers, thus providing a huge virtual subsidy to the relevant corporations.

21. In terms of the employment market, the reality is very different from that portrayed by the welfare to work proponents. There has been a long-term decline in employment rates. For example, by 2017, only 89% of males from 25 to 54 years were employed. While 'supply' factors such as growing rates of disability, increasing geographic immobility, and higher incarceration rates are relevant, a 2016 report by the White House Council of Economic Advisors concluded that reductions in labor supply are far less important than reductions in labor demand in accounting for the long-run trend¹. Factors such as automation and new technologies such as self-driving cars, 3D printers, and robot-staffed factories and warehouses will see a continuing decline in demand for low-skilled labor.

22. Reflecting on these developments, leading poverty experts have concluded that:

Because of this rising joblessness, the U.S. poverty population is becoming a more deprived and destitute class, one that's disconnected from the economy and unable to meet basic needs. ... 40 percent of the 1999 poverty population was in deep poverty ... [compared to 46 percent of the 2015 poverty population ...]. Likewise, rates of extreme poverty (i.e., living on less than \$2 per day per person) are also increasing, again because of declining employment as well as growing "disconnection" from the safety net².

3. Shortcomings in basic social protection

23. There are a great many issues that could be covered under this heading. In view of space limitations I will focus on three major concerns.

(i) Indigenous peoples

24. Chiefs and representatives from both recognized and non-recognized tribes presented me with evidence of widespread extreme poverty in indigenous communities in the USA. They called for federal recognition as an essential first step to address poverty, indicating that without it their way of life is criminalised, they are disempowered, and their culture is destroyed – all of which perpetuate poverty, poor health, and shockingly high suicide rates. Living conditions in Pine Ridge, Lakota, were described as comparable to Haiti, with annual incomes of less than \$12 000 and infant mortality rates three times higher than the national rate. Nine lives have been lost there to suicide in the last three months, including one six year old. Nevertheless, federally funded programmes aimed at suicide prevention have been de-funded.

25. Testimony also revealed an urgent need for data collection on poverty in all indigenous communities, greater access to healthcare, and stronger protection from private and corporate abuse. The Red Water Pond Navajo tribe spoke about predatory loans involving 400% interest rates, and a high incidence of kidney, liver and pancreatic cancers.

(ii) Children in poverty

25. A shockingly high number of children in the US live in poverty. In 2016, 18% of children – some 13.3 million – were living in poverty, with children comprising 32.6% of all people in poverty. Child poverty rates are highest in the southern states, with Mississippi, New Mexico at 30% and Louisiana at 29%.

26. Contrary to the stereotypical assumptions, 31% of poor children are White, 24% are Black, 36% are Hispanic, and 1% are indigenous. When looking at toddlers and infants, 42% of all Black children are poor, 32% of Hispanics, and 37% of Native American infants and toddlers are poor. The figure for Whites is 14%.

27. Poor children are also significantly affected by America's affordable and adequate housing crisis. Around 21% of persons experiencing homelessness are children. While most are reportedly experiencing sheltered homelessness, the lack of financial stability, high eviction rates, and high mobility rates negatively impact education, and physical and mental health.

28. On a positive note, most children living in poverty do have medical insurance. Due to the expansion of Medicaid and the creation of the Children's Health Insurance Program in 1997, as of 2016, some 95% of all children had health insurance. Medicaid and CHIP have lowered the rate of children without health coverage from 14% in 1997 to 5.3% in 2015.

29. Other support programs are also important, such as the Supplemental Nutrition Assistance Program (SNAP) which is estimated to lift some five million children out of poverty annually, while in 2015 the Earned Income Tax Credit (EITC) and the Child Tax Credit (CTC) lifted a further five million children out of poverty. By contrast, TANF is not getting to enough children, with less than 25% of all poor families that are eligible for cash assistance under TANF actually receiving it. Proposed cutbacks to most of these programs would have dramatic consequences.

(iii) Adult dental care

30. The Affordable Care Act greatly expanded the availability of dental care to children, but the situations of adults living in poverty remains lamentable. Their only access to dental care is through the emergency room, which usually means that when the pain becomes excruciating or disabling, they are eligible to have the tooth extracted. Poor oral hygiene and disfiguring dental profiles lead to unemployability in many jobs, being shunned in the community, and being unable to function effectively. Yet there is no national program,

and very few state programs, to address these issues which fundamentally affect the human dignity and ultimately the civil rights of the persons concerned.

4. Reliance on criminalization to conceal the problem

31. Homeless estimates published by the Department of Housing and Urban Development in December 2017 show a nationwide figure of 553,742, which includes 76,500 in New York, 55,200 in Los Angeles, and 6,900 in San Francisco³. These figures are widely considered to be an undercount, as illustrated by estimates of 21,000 in San Francisco provided by various experts with whom I met.

32. In many cities, homeless persons are effectively criminalized for the situation in which they find themselves. Sleeping rough, sitting in public places, panhandling, public urination (in cities that provide almost zero public toilets) and myriad other offences have been devised to attack the 'blight' of homelessness. Ever more demanding and intrusive regulations lead to infraction notices, which rapidly turn into misdemeanors, leading to the issuance of warrants, incarceration, the incurring of unpayable fines, and the stigma of a criminal conviction that in turn virtually prevents subsequent employment and access to most housing. Yet the authorities in cities like Los Angeles and San Francisco often encourage this vicious circle. In Skid Row, LA., 6,696 arrests of homeless persons were reported to have been made between 2011 and 2016. Rather than responding to homeless persons as affronts to the senses and to their neighborhoods, citizens and local authorities should see in their presence a tragic indictment of community and government policies. Homelessness on this scale is far from inevitable and again reflects political choices to see law enforcement rather than low cost housing, medical treatment, psychological counselling, and job training as the solutions. But the futility of many existing approaches was all too evident as I walked around some of the worst affected areas.

33. In many cities and counties the criminal justice system is effectively a system for keeping the poor in poverty while generating revenue to fund not only the justice system but diverse other programs. The use of the legal system, not to promote justice, but to raise revenue, as documented so powerfully in the Department of Justice's report on Ferguson, is pervasive around the country. So-called 'fines and fees' are piled up so that low level infractions become immensely burdensome, a process that affects only the poorest members of society who pay the vast majority of such penalties. State, county and municipal police and law enforcement agencies are not always forces for change in such settings. While they play an indispensable role in keeping the citizenry secure, they sometimes also pressure legislatures to maintain high staffing and overtime levels, at the expense of less expensive approaches which would address the social challenges constructively and effectively and eliminate the need for a law enforcement response.

34. Another practice which affects the poor almost exclusively is that of setting large bail bonds for a defendant who seeks to go free pending trial. Some 11 million people are admitted to local jails annually, and on any given day there are more than 730,000 people are being held, of whom almost two-thirds are awaiting trial, and thus presumed to be innocent. Yet judges have increasingly set large amounts of bail, which mean that wealthy defendants can secure their freedom, while poor defendants are likely to stay in jail, with all of the consequences in terms of loss of their jobs, disruption of their childcare, inability to pay rent, and a dive into deeper destitution. A major movement to eliminate bail bonds is gathering steam, and needs to be embraced by anyone concerned about the utterly disproportionate impact of the justice system upon the poor.

35. Finally, mention must be made of the widespread practice of suspending drivers' licenses for a wide range of non-driving related offences, such as a failure to pay fines. This is a perfect way to ensure that the poor, living in communities which have steadfastly refused to invest in serious public transport systems, are unable to earn a living which might have helped to pay the outstanding debt. Two paths are open: penury, or driving illegally, thus risking even more serious and counter-productive criminalization.

5. The gendered nature of poverty

36. Many statistics could be cited to demonstrate the extent to which women shoulder a particularly high burden as a result of living in poverty. They are, for example, more exposed to violence, more vulnerable to sexual harassment, discriminated against in the labor market. Luke Shafer and Kathryn Edin conclude that the number of children in single-mother households living in extreme poverty for an entire year has ballooned from fewer than 100,000 in 1995 to 895,000 in 2011 and 704,000 in 2012. But perhaps the least recognized harm is that austerity policies that shrink the services provided by the state inevitably mean that the resulting burden is imposed instead upon the primary caregivers within families, who are overwhelmingly women. Male-dominated legislatures rarely pay any heed to this consequence of the welfare cutbacks they impose.

6. Racism, disability, and demonization of the poor

37. Demonization of the poor can take many forms. It has been internalized by many poor people who proudly resist applying for benefits to which they are entitled and struggle valiantly to survive against the odds. Racism is a constant dimension and I regret that in a report that seeks to cover so much ground there is not room to delve much more deeply into the phenomenon. Racial disparities, already great, are being entrenched and exacerbated in many contexts. In Alabama, I saw various houses in rural areas that were surrounded by cesspools

of sewage that flowed out of broken or non-existent septic systems. The State Health Department had no idea of how many households exist in these conditions, despite the grave health consequences. Nor did they have any plan to find out, or devise a plan to do something about it. But since the great majority of White folks live in the cities, which are well served by government built and maintained sewerage systems, and most of the rural folks in areas like Lowndes County, are Black, the problem doesn't appear on the political or governmental radar screen.

38. The same applies to persons with disabilities. In the rush to claim that many beneficiaries are scamming the system, it is often asserted, albeit with little evidence, that large numbers of those receiving disability allowances are undeserving. When I probed the very high rates of persons with disabilities in West Virginia, government officials explained that most recipients had attained low levels of education, worked in demanding manual labor jobs, and were often exposed to risks that employers were not required to guard against.

7. Confused and counter-productive drug policies

39. The opioid crisis has drawn extensive attention, as it should. It has devastated many communities and the addiction often leads to heroin, methamphetamine, and other substance abuse. Many states have introduced highly punitive regimes directed against pregnant women, rather than trying to provide sympathetic treatment and to maximize the well-being of the fetus. As one submission put it:

Mothers in Alabama face criminal prosecutions which can result in years of incarceration, as well as civil child welfare proceedings that have the power to separate families and sever a person's parental rights. Families living in poverty are already disproportionately the subject of child welfare investigations in the United States. Experts have found that poor children disproportionately suffer impositions of the child welfare system, and families who receive public assistance are four times more likely than others to be investigated and have their children removed from the family home on the basis of alleged child maltreatment⁴.

40. Similarly, states are increasingly seeking to impose drug tests on recipients of welfare benefits, with programs that lead to expulsion from the program for repeat offenders. Such policies are entirely counter-productive, highly intrusive, and punitive where care is required instead. The justification offered to me in West Virginia was that the state should not be supporting someone who is addicted to drugs. It would be interesting to see if the same rationale were accepted if it was proposed that legislators and senior officials, who must keep the public trust, should also be regularly drug-tested, and punished for failure to go clean in a short time.

41. Similarly, the contrast between the huge sentences handed down to those using drugs such as crack cocaine, contrasts dramatically and incomprehensibly with the approach applied in most cases of opioid addiction. The key variable seems to be race. The lesson to be learned is that the generally humane and caring response to opioid users should be applied to most cases of substance addiction.

8. The use of fraud as a smokescreen

42. Calls for welfare reform take place against a constant drumbeat of allegations of widespread fraud in the system. The contrast with tax reform is instructive. In that context immense faith is placed in the goodwill and altruism of the corporate beneficiaries, while with welfare reform the opposite assumptions apply. The poor are inherently lazy, dishonest, and care only about their own interests. And government officials with whom I met insisted that the states are gaming the system to defraud the federal government, individuals are constantly coming up with new lurks to live high on the welfare hog, and community groups are exaggerating the numbers. The reality, of course, is that there are good and bad corporate actors and there are good and bad welfare claimants. But while funding for the IRS to audit wealthy taxpayers has been reduced, efforts to identify welfare fraud are being greatly intensified. The answer is nuanced governmental regulation, rather than an abdication in respect to the wealthy, and a doubling down on intrusive and punitive policies towards the poor. Revelations of widespread tax avoidance by companies and high-wealth individuals draw no rebuke, only acquiescence and the maintenance of the loopholes and other arrangements designed to facilitate such arrangements. Revelation of food stamps being used for purposes other than staying alive draw howls of outrage from government officials and their media supporters.

9. Privatization

43. Solutions to major social challenges in the US are increasingly seen to lie with privatization. While the firms concerned have profited handsomely, it is far from clear that optimum outcomes have been achieved for the relevant client populations. In particular, greater consideration needs to be given to the role of corporations in preventing rational policy-making and advocating against reforms in order to maintain their profits at the expense of the poorest members of society. During my visit I was told of many examples. For example, bail bond corporations which exist in only one other country in the world, precisely because they distort justice, encourage excessive and often unnecessary levels of bail, and fuel and lobby for a system that by definition penalizes the poor. The rich can always pay, and can avoid the 10% or even more that bail bond companies demand as a non-refundable down-payment. I heard cases of individuals who paid thousands of dollars to post bail, and lost it all when charges were dropped a day later. If they were subsequently charged with a different offence, the

whole process begins again and all previous payments are lost. Other examples include the corporations running private for-profit prisons, as well as bounty-hunters.

10. Environmental sustainability

44. In Alabama and West Virginia I was informed of the high proportion of the population that was not being served by public sewerage and water supply services. Contrary to the assumption in most countries that such services should be extended systematically and eventually comprehensively to all areas by the government, in neither state was I able to obtain figures as to the magnitude of the challenge or details of any government plans to address the issues in the future.

VI. Principal current governmental responses

45. The analysis that follows is primarily focused on the Federal level. Federalism complicates questions of responsibility but one irony that emerged clearly from my visit is that those who fight hardest to uphold State rights, also fight hard to deny city and county rights. If the rhetoric about encouraging laboratories of innovation is to be meaningful, the freedom to innovate cannot be restricted to state politicians alone.

1. Tax reform

46. Deep and dramatic changes look likely to be adopted in the space of the next few days as Congress considers a final unified version of the Tax Bill. From a human rights perspective, the lack of public debate, the closed nature of the negotiation, the exclusion of the representatives of almost half of the American people from the process, and the inability of elected representatives to know in any detail what they are being asked to vote for, all raise major concerns. Similarly, the proposed immediate upending of many longstanding arrangements on the basis of which citizens have planned their futures, raises important issues relating to the need for a degree of predictability and respect for reasonable expectations in adopting tax reform.

47. One of the overriding concerns however is the enormous impetus given to income and wealth inequality by the proposed reforms. While most other nations, and all of the major international institutions such as the OECD, the World Bank, and the IMF have acknowledged that extreme inequalities in wealth and income are economically inefficient and socially damaging, the tax reform package is essentially a bid to make the US the world champion of extreme inequality. As noted in the World Inequality Report 2018, in both Europe and the US the top 1% of adults earned around 10% of national income in 1980. In Europe that has risen today to 12%, but in the US it has reached 20%. In the same time period in the US annual income earnings for the top 1% have risen by 205%, while for the top 0.001% the figure is 636%. By comparison, the average annual wage of the bottom 50% has stagnated since 1980.

48. At the state level, the demonizing of taxation, as though it is inherently evil, means that legislature effectively refuse to levy taxes even when there is a desperate need. Instead they impose fees and fines through the back door, some of which fund the justice system and others of which go to fund the pet projects of legislators. This sleight of hand technique is a winner, in the sense that the politically powerful rich do not have to pay any more taxes, while the politically marginalized poor bear the burden but can do nothing about it.

2. Welfare reform

49. In calculating how the proposed tax cuts can be paid for, the Treasury has explicitly listed welfare reform as an important source of revenue⁵. Indeed, various key officials have made the same point that major cuts will need to be made in welfare provision. Given the extensive, and in some cases unremitting, cuts that have been made in recent years, the consequences for an already overstretched and inadequate system of social protection are likely to be fatal for many programs, and possibly also for those who rely upon them.

3. Healthcare reform

50. The Senate majority leader recently wrote that “the Senate also voted to deliver relief to low- and middle-income Americans by repealing Obamacare's individual mandate tax. For too long, families have suffered under this unpopular and unfair tax imposed under an unworkable law.” Many observers with whom I spoke consider that this move will, over time, make the rest of the ACA unviable, thus removing many millions of persons from the ranks of the insured.

51. There have also been many references in statements by senior officials to the desirability of reducing Medicare and Medicaid expenditures. When I asked state officials what they thought the consequences would be of repealing the ACA's Medicaid expansion, the unanimous response was that it would be disastrous, not just for the individuals concerned but also for state health care systems.

52. In addition, there is considerable uncertainty surrounding the funding of the Children's Health Insurance Program (CHIP), on which almost 9 million low-income children depend for their primary health and dental care⁶. If long-term funding is not secured, those children could be left unprotected. If funding is secured, but threats to gradually decrease funding for the program over the short-term eventuate, this would also have devastating on the health of millions of poor children in America.

Similarly, Federally Qualified Health Centers (FQCHs) are federally-funded, "safety-net" providers of comprehensive primary and preventive health care, regardless of the insurance status or ability to pay⁷. The health center program has been able to grow due to expanded Medicaid eligibility and increases in federal grant funding, including under the Affordable Care Act⁸. The future of these centers is, however, uncertain, with a re-funding bill having passed the House but Senate consideration being delayed. If the funding is lost, some 2,800 health centers across the country could close⁹, 9 million patients could lose access to primary and preventive care, more than 51,000 providers and staff could lose their jobs, and \$7.5 billion revenue will be foregone in economically distressed communities¹⁰. If the funding is decreased, one can only presume the effects will be commensurately devastating.

4. New information technologies

53. The term 'new information technology' or 'new technology' is not well-defined, despite its frequent use. It is commonly used for such widely different but interrelated phenomena as the spectacular increase in computing power, 'Big Data', machine learning, algorithms, artificial intelligence and robotization, among other things. These separate terms often also lack a clear definition¹¹. There are clear benefits to the rapid development of new information technology. A 2016 White House Report, for example, highlights the major benefits of new artificial intelligence technology "to the public in fields as diverse as health care, transportation, the environment, criminal justice, and economic inclusion" in artificial intelligence¹². But the risks are also increasingly clear. Much more attention needs to be given to the ways in which new technology impacts the human rights of the poorest Americans¹³. This inquiry is of relevance to a much wider group since experience shows that the poor are often a testing ground for practices and policies that may then be applied to others. These are some relevant concerns.

(i) Coordinated entry systems

54. A coordinated entry system (CES) is, in essence, a system set up to match the homeless population with available homeless services. Such systems are gaining in popularity and their human rights impact has not yet been studied extensively¹⁴. I spoke to a range of civil society organizations and government officials in Los Angeles and San Francisco about CES.

55. In Los Angeles, CES is one of the pillars of mayor Garcetti's strategy¹⁵ to tackle the homelessness crisis in the city. The system is administered by the Los Angeles Homeless Service Authority (LAHSA). Tens of thousands of Los Angeles' homeless population have been included in the system since it was first set up in 2013. It works as follows. A homeless service caseworker or volunteer interviews a homeless individual using a survey called the Vulnerability Index-Service Priority Decision Assistance Tool (VI-SPDAT). This data is stored in a Homeless Management Information System (HMIS) that stores the data. A ranking algorithm gives the homeless respondent a vulnerability score between 1 and 17 and a second, matching, algorithm, matches the most vulnerable homeless to appropriate housing opportunities.

56. The CES replaces a previous system of matching the homeless to housing that was described to me by various interlocutors as dysfunctional. It is based on the principle of 'Housing First', which focuses on providing housing before anything else. But despite the good intentions of officials in Los Angeles, there is an Orwellian side to CES. Similar concerns were expressed to me about the San Francisco CES.

57. A first, and major, concern is that the VI-SPDAT survey asks homeless individuals to give up the most intimate details of their lives. Among many other questions, the VI-SPDAT survey requires homeless individuals to answer whether they engage in sex work, whether they have ever stolen medications, how often they have been in touch with the police and whether they have "planned activities each day other than just surviving that bring [them] happiness and fulfillment". One researcher I met with who has interviewed homeless individuals that took the VI-SPDAT survey explained that many feel they are giving up their human right to privacy in return for their human right to housing.

58. A civil society organization in San Francisco explained that many homeless individuals feel deeply ambivalent about the millions of dollars that are being spent on new technology to funnel them to housing that does not exist. According to some of my interlocutors, only a minority of those homeless individuals being interviewed actually acquire permanent housing, because of the chronic shortage of affordable housing and Section 8 housing vouchers in California. As one participant in a civil society town hall in San Francisco put it: "Computers and technology cannot solve homelessness".

59. A third concern related to access to and sharing of the wealth of data collected via coordinated entry systems and stored in HMIS. According to 2004 data standards by the Department of Housing and Urban Development, homeless organizations that record, use or process Protected Personal Information on homeless clients for a HMIS may share that information with law enforcement in a number of circumstances, including in response to “an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person” without the need for a warrant or any other form of judicial oversight¹⁶.

60. I understood from civil society organizations that homeless individuals who have been interviewed for VI-SPDAT have expressed a fear, a fear that does not seem unjustified in light of the current legal regime, that the police would access the very sensitive personal data stored in HMIS. When I met with the Executive Director of LAHSA, he assured me that LAHSA is working on a policy decision to deny the LAPD access to HMIS, which would be an important step in safeguarding the human right to privacy and other civil rights of the homeless. Other local and county officials have also assured me that the LAPD is currently not allowed access to HMIS.

61. However, since federal standards allow such access and given the fact that the LAPD informed me that it is “unfortunate” that they currently have no access to CES data, it is likely there will be continued pressure on LAHSA and similar agencies in other municipalities to give access to the police to this ‘gold mine’ of information. Access by the police to HMIS is only one policy decision away.

(ii) Risk assessment tools in the pre-trial phase

62. Across the United States, a movement is underway to reform the pretrial system. At the heart of the reform is an effort to disconnect pretrial detention from wealth and to tie it to risk instead. And to accomplish that goal, a growing number of jurisdictions are adopting risk assessment tools (also called actuarial tools, or Actuarial Pretrial Risk Assessment Instruments -APRAIs¹⁷) to assist in pretrial release and custody decisions¹⁸. This move from pretrial detention and money bail to risk assessment is widely supported, but new risks to the human rights of the poor in the United States arise with the use of risk assessment tools.

63. Automated risk assessment tools, take “data about the accused, feed it into a computerized algorithm, and generate a prediction of the statistical probability the person will commit some future misconduct, particularly a new crime or missed court appearance.”¹⁹ The system will generally indicate whether the risk for the particular defendant, compared to observed outcomes among a population of individuals who share certain characteristics, is ‘high’, ‘moderate’, or ‘low’. Judges maintain discretion, in theory, to ignore the risk score.

64. One fundamental critique is that risk assessments are based on turning individual circumstances into risk categories. The overwhelmingly poor defendants who are confronted with these new practices are turned into ‘high’, ‘medium’ or ‘low’ risk classes, a demeaning process for those involved which goes directly against the principle of an individualized criminal justice system.

65. Several interlocutors warned that these tools may seem to produce objective scores, but that the decision what risk level to qualify as ‘high’ or ‘low’ is not an objective, but a political choice, that should ultimately be decided by voters, not the, often private, developers of these tools.

66. Risk assessment tools pose the same risks associated with privatizing public functions that currently plague the money bail system. I met with a Division Chief in the Public Defender’s Office of Los Angeles County who explained the pressure court systems are under to buy risk assessment tools ‘off the shelf’ from private vendors. As in other contexts, the inner workings of such tools as proprietary to the company that sells it, which leads to serious due process concerns that affect the civil rights of the poor in the criminal justice system²⁰.

(iii) Access to high-speed broadband access in West Virginia

67. Civil society organizations have urged me to focus on obstacles to internet connectivity in impoverished communities in West Virginia²¹. This is a persistent problem in the state, where an estimated 30% of West Virginians lack access to high speed broadband (compared to 10% nationally) and 48% of rural West Virginians lack access (compared to 39% of the rural population nationally)²². But when I asked the Governor’s office in West Virginia about efforts to expand broadband access in poor, rural communities, it could only point to a 2010 broadband expansion effort. It downplayed the extent of the problem by claiming that there were “some issues” with access to Internet in West Virginia’s valleys.

5. Puerto Rico

68. I spent two days of the nine days I traveled outside of Washington, DC, in Puerto Rico. I witnessed the devastation of hurricane Irma and Maria in Salinas and Guayama in the south of the island, as well as in the poor Caño Martin Peña neighborhood in San Juan. Both in the south and in San Juan I listened to individuals in poverty and civil society organizations on how these natural disasters are just the latest in a series of bad news for Puerto Ricans, which include an economic crisis, a debt crisis, an austerity crisis and, arguably, a structural political crisis.

69. Political rights and poverty are inextricably linked in Puerto Rico. If it were a state, Puerto Rico would be the poorest state in the Union. But Puerto Rico is not a state, it is a mere ‘territory.’ Puerto Ricans have no representative with full voting rights in Congress and, unless living stateside, cannot vote for the President of the United States. In a country that likes to see itself as the oldest democracy in the world and a staunch defender of political rights on the international stage, more than 3 million people who live on the island have no power in their own capital.

70. Puerto Rico not only has a fiscal deficit, it also has a political rights deficit, and the two are not easily disentangled. I met with the Executive Director of the Financial Oversight and Management Board that was imposed by Congress on Puerto Rico as part of PROMESA. This statement is not the place to challenge the economics of the Board’s proposed policies, but there is little indication that social protection concerns feature in any significant way in the Board’s analyses. At a time when even the IMF is insisting that social protection should be explicitly factored into prescriptions for adjustment (i.e. austerity) it would seem essential that the Board take account of human rights and social protection concerns as it contemplates far-reaching decision on welfare reform, minimum wage and labor market regulation.

71. It is not for me to suggest any resolution to the hotly contested issue of Puerto Rico’s constitutional status. But what is clear is that many, probably most, Puerto Ricans believe deeply that they are presently colonized and that the US Congress is happy to leave them in the no-man’s land of no meaningful Congressional representation and no ability to really move to govern themselves. In light of recent Supreme Court jurisprudence and Congress’s adoption of PROMESA there would seem to be good reason for the UN Decolonization Committee to conclude that the island is no longer a self-governing territory.

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