

TECHNICAL BRIEFING NOTE 2: THE DIMENSIONS OF CHILD POVERTY

Introduction

The UNICEF position on measuring and monitoring child poverty posits that the measurement of child poverty should be based on ***constitutive rights of poverty***. In other words, not every bad thing that happens to children, nor all possible child rights violations, ought to be counted as child poverty.

Why?

One of the issues that have caused debates at country level when estimating child poverty is the choice of dimensions. However, this should not be a thorny problem.

As almost all countries in the planet have signed on to the Convention of the Rights of the Child (CRC), it is natural that child poverty be based on the CRC and a human rights approach to poverty. A good rationale for choosing which dimensions to include (and exclude) from the measurement of child poverty can be found by relying on (and adapting) the concept of constitutive rights from the framework on Human Rights and Poverty developed by the Office of the High Commissioner for Human Rights.

Constitutive rights of poverty

This begs the question: what are constitutive rights of poverty?

According to the Office of the High commissioner for Human Rights: “The idea of constitutive relevance of human rights derives from our understanding of what it means to be poor... In the language of rights, one may say that a poor person is one for whom a number of human rights remain unfulfilled – such as the rights to food, health, education and so on. Such rights have constitutive relevance for poverty *if a person’s lack of command over economic resources plays a role in causing their non-realization*. Some human rights are such that their fulfilment will help realize other human rights that have constitutive relevance for poverty. For example, if the right to work is realized, it will help realize the right to food. Such rights can be said to have instrumental relevance for poverty.” (Hunt et al, 2002, p. 6, underlined italics not in the original)¹.

¹Stated differently, of those human rights that allow people to engage in the ordinary living patterns or activities customary, widely encouraged, or approved, in the societies to which they belong (as described by Townsend, 1979, and referred to as capabilities by Sen, 1985), constitutive rights of poverty are those for which inadequate command over economic resources directly prevents their realization (OHCHR, 2004). It should be evident that some rights may have both constitutive and instrumental aspects.

In other words, rights that constitute poverty are those that depend crucially and quite directly on periodically using or consuming material resources for their realization, fulfillment, or satisfaction. These resources could be provided by public services or purchased privately. Either way, it is the direct lack of these resources (not the indirect/hypothetical possibility of being able to afford them²) that makes the person poor. Thus, poverty measurement based on checking the satisfaction of constitutive rights is not an indirect or roundabout way to assess monetary poverty. It is based on a different conceptual definition of poverty - one that expands the narrow notion of monetary poverty³ without stretching its definition too much or in such a way that poverty would lose its meaning (associated to material/economic shortcoming) by introducing subjective, behavioral, or other issues. This is also the recommendation of the European Conference of Statisticians regarding Child Poverty (United Nations Economic Commission for Europe, 2020). Their Recommendation 28.a reads: “Deprivation measures need to be based upon a clear and explicit theory or normative definition of poverty in order to ensure that each indicator is a valid measure, i.e. that it measures poverty and not some other related (or unrelated) concept such as wellbeing or happiness” (emphasis added).

Also, it should be mentioned that this definition is consistent with common sense and everyday language. For instance, the following definition can be found in the online version of the traditional Merriam-Webster dictionary: “the state of one who lacks a usual or socially acceptable amount of money or material possessions” [accessed November 5, 2018]. I.e. the ordinary meaning of poverty most people understand intuitively entails material shortcomings (not sadness, fear, insecurity, religious/ethnic discrimination, lack of identity, stress, inequality, etc. – other problems which should be differentiated from poverty).⁴

This conceptualization of poverty should not be construed as too economic. It is grounded on a combination of social-economic ideas about socially determined material deprivations and the human rights framework provided by the CRC. While it is the case that all state activities require some resources (e.g. providing security, controlling borders, civil registration systems, etc.), the focus of the notion of poverty (both in every-day language and in the socio-economic literature) is about material shortcomings of goods and services (such as clothes, food, health services, etc.) consumed through time by individuals. The relationship between these deprivations and non-fulfillment of other rights as well as the wider concept of Quality of Life is addressed below. It should also be noted that many of the rights not included as constitutive rights of poverty do have an important instrumental role in addressing poverty. For instance, birth registration can be used to establish school-age eligibility, security is important for realizing the right to play in open spaces, etc. However, a measure of poverty should not mix up and include its causes in its estimation.

Implications

² According to Kurukulasuriya and Engilbertsdóttir (2012) “Looking at child poverty through an income-consumption lens only is inadequate”. They also say that monetary poverty measures “provide a limited picture of child poverty and the actual deprivations children may face” because children “children experience poverty in ways that are different from adults”.

³ In this framework, financial resources could be considered instrumental, but not constitutive, of poverty. See below on the right to a minimum standard of living and to social security/social protection.

⁴ Additionally, the same point has been made by Sen (1992, p. 107). who has said: “there are some clear associations that constrain the nature of the concept, and we are not entirely free to characterize poverty in any way we like.”

The power of the concept of constitutive rights is felt in various ways to include/exclude dimensions. For instance, it means separating monetary from multidimensional poverty. Multidimensional child poverty is a direct observation of poverty suffered by children (for example child stunted, child not attending school etc.). It is not to be used to try to estimate or represent lack of consumption/income. Of course, as it is important to analyze the monetary shortcoming of the families in which children live (see Technical Briefing Note # 1), in practice, multidimensional child poverty should be cross-analyzed with children living in households with income/consumption below the poverty line⁵.

It would also mean that behavioral issues which are not closely tied to an insufficiency of goods and services (privately or publicly provided) would not be included. E.g. using physical abuse to discipline children.

In addition, other bad things that happen to children (e.g. lack of privacy) would also be excluded from the measurement of child poverty. The basic idea in this case is to prevent the measurement of child poverty from becoming an index of Well-being or Quality of Life. It is important and useful to estimate these. However, they are conceptually different from poverty⁶.

An advantage of this approach is that the elements which are not included in the measurement of child poverty could be correlated with it. For instance, analyzing the relationship between child poverty (including its depth/breadth and severity) with birth registration (another right, an instrumental one in this case) or subjective wellbeing/happiness (which is not a right but is part of the Quality of Life paradigm).

Finally, it would also allow to separate the elements that could be considered causes of poverty. This would also facilitate causal analysis.

The list

In its Guidelines for Initial Reports and Periodic Reports, the Committee on the Rights of the Child grouped the provisions of the Convention in clusters: "This approach reflects the Convention's holistic perspective of children's rights: that they are indivisible and interrelated, and that equal importance should be attached to each and every right recognized therein" (UN, 2005a)⁷.

The nine⁸ clusters are:

- I. General measures of implementation
- II. Definition of a child
- III. General principles
- IV. Civil rights and freedoms

⁵ Fajth et al (2012) provide further arguments against a unidimensional measure of poverty and the limitations of monetary poverty to assess the situation of children.

⁶ Quality of Life has a long tradition as a conceptual and empirical framework of analysis. Among others, specifically focused on mensuration, see: Diener, 2005; Johansson, 2002; Hagerty et al, 2001; and Sirgy et al., 2006.

⁷ This statement also makes clear that rights should be weighted equally when estimating child poverty, as established in the UNICEF position (see also Brief Technical Note # 3).

⁸ The whole text of the convention can be found at: <https://www.unicef.org/child-rights-convention>. This list follows the nine clusters in UN (2015) which only presents slight rearrangements from the original ones in UN (2005a).

- V. Violence against children
- VI. Family environment and alternative care
- VII. Disability, basic health, and welfare
- VIII. Education, leisure, and cultural activities
- IX. Special protection measures

From this list it starts to be clear that not all rights (or their violations) correspond to, or are constitutive of, poverty. For instance, the definition of child, the rights related to implementation, or civil rights. Nevertheless, it behooves us now to explore further which articles, precisely, could be strongly associated with constitutive rights of poverty.

I GENERAL MEASURES OF IMPLEMENTATION

- Article 4 implementation obligations
- Article 42 making Convention widely known
- Article 44(6) making reports widely available

Evidently none of these articles refer to rights of individual children that could be associated to poverty

II DEFINITION OF A CHILD

- Article 1

This article is not about rights. It is needed to be clear about the group of people for which the convention applies.

III GENERAL PRINCIPLES

- Article 2 non-discrimination
- Article 3 best interests of the child
- Article 6 the right to life, survival and development
- Article 12 respect for the views of the child

Article 6 will be treated below (cluster VII). All the other ones are guidelines for the implementation of the Convention (e.g. state obligations or standards for institutions) and to ensure inclusion for all children (e.g. non-discrimination or respect for their views). However, none of them rely primarily on material resources consumed by children to be implemented.

IV CIVIL RIGHTS AND FREEDOMS

- Article 7 right to name, nationality and to know and be cared for by parents
- Article 8 preservation of child's identity
- Article 13 freedom of expression

- Article 14 freedom of thought, conscience and religion
- Article 15 freedom of association and peaceful assembly
- Article 16 protection of privacy
- Article 17 child's access to information, and role of mass media

These articles could be considered the classical “negative” or “non-intrusion by the state” rights. These are the ones which are fulfilled in the absence of action. It could be stated this “absence of action” requires some resources as the state not only has to respect (i.e., the state does not violate any rights) but also protect them (e.g. by preventing both corporations and individuals from violating any rights). The latter involves setting up and maintaining regulatory and monitoring activities, systems for delivering justice and protecting the defenseless, civil registration, policing, etc. However, this does not necessitate families and individuals holding or using material possessions to realize these rights in a manner similar (or as directly as) they consume goods and services like clothing, health, or sanitation. Thus, material shortcomings experienced by children are not crucial to realize these rights.

The one article, within this group, which requires physical objects (material resources such as television, newspapers, radio, magazines, landlines or mobile phones, computers with internet access, etc.) to be realized is Article 17. Access to information allows children and adolescents to effectively participate in school and social activities, be engaged, relate to peers, and have the opportunity to form opinions – and material objects are needed to access information. Thus, the right to information should be considered a right constitutive of poverty.

V VIOLENCE AGAINST CHILDREN

- Article 19 protection from all forms of violence
- Article 24 (3) prohibition of all forms of harmful practices
- Article 28 (2) school discipline consistent with the child's human dignity
- Article 34 protection from sexual exploitation
- Article 37(a) prohibition of capital punishment and life imprisonment
- Article 39 rehabilitation and reintegration of victims of violence

As in the case of the rights in the previous clusters, these ones refer mainly about prevention or prohibition of bad things that may happen to children. An outstanding exception is article 39, which is addressed further below (cluster VII).

VI FAMILY ENVIRONMENT AND ALTERNATIVE CARE

- Article 5 parental guidance and child's evolving capacities
- Article 9 separation from parents
- Article 10 family reunification
- Article 11 illicit transfer and non-return
- Article 18(1) and (2) parental responsibilities and State's assistance
- Article 20 children deprived of their family environment

- Article 21 adoption
- Article 25 periodic review of placement and treatment
- Article 27(4) recovery of maintenance for the child

Manifestly, these rights relate basically to family law (e.g. adoption, separation from parents, etc.), special protection for migrant or displaced children (see also cluster IX), and parental guidance as the child's capacities evolve (respecting parents' and legal guardians' rights, responsibilities, and duties). As a result, their fulfillment is not primarily linked to the existence or availability of material resources.

VII DISABILITY, BASIC HEALTH, AND WELFARE

- Article 6 right to life, survival and development
- Article 18(3) support for working parents, including childcare
- Article 23 rights of disabled children
- Article 24 right to health and health services
- Article 26 right to social security
- Article 27(1)-(3) right to adequate standard of living
- Article 33 avoid substance abuse

Some of these articles are the canonical ones requiring material resources for their fulfillment - in particular, Article 24 which mentions not just health care but also food/nutrition, water, and sanitation (basic elements needed to realize Article 6). Article 24 does explicitly mention preventive health care, not just curative, as well as reproductive health, both of which should be considered as part of the right to health (a constitutive right of poverty). In addition, absence of services for the physical and psychological recovery (mental health) of children who have suffered violence or neglect (Article 39) should also be considered constitutive of poverty under this cluster. Although substantively different in terms of the required services and activities, rehabilitation services for children abusing substances (Article 33) should also be included when measuring the health dimension of multidimensional poverty.

The article also mentions the importance of disseminating knowledge about breast-feeding, hygiene, how to avoid accidents, etc. However, this knowledge does not reside in, nor does it require, physical objects. That is why lack of knowledge along with appropriate behavior (e.g. not hitting a child) is more akin to instrumental than constitutive rights and should not be included in the measurement of child poverty. In other words, whether the child is receiving health care is what makes the child poor (or not) – not whether the adult caretakers know (which is not related to material objects) about best healing practices or where to seek medical advice or which foods are most nutritious.

In this context, a very important issue is adolescent girls requiring menstrual hygiene management (which should be carried out healthily, securely, and with dignity). They require objects (material resources). Specific indicators are needed to assess if girls are deprived. If, in order to have comparable (or the same number of) indicators for boys and girls, indicators for menstrual hygiene management were not included (either under the health or sanitation dimension), aspects of girls' deprivation (non-realization of their rights) and poverty would be missed.

Article 23 is important too. Besides stating unequivocally that children with disabilities should not be discriminated against and enjoy exactly the same rights as all other children, it mentions specific needs (in particular in terms of health, including rehabilitation, and education⁹). This does not imply at all that children with disabilities should *ipso facto* be considered poor. It does mean that when estimating access to health and education services, these particular needs should be part of the metric to assess fulfillment of the right to health and to education¹⁰.

A few considerations are important regarding Article 27. First, the article mentions clothing. Secondly, it also mentions housing. As both require material objects, they should be considered in the measurement of child poverty based on constitutive rights. Thirdly, the article (as well as Article 26) also mentions financial support. This clearly refers to: a) a minimum standard of living, and b) the monetary approach to poverty which, as discussed above, should be considered separately from child (multidimensional/material deprivation) poverty¹¹.

Moreover, Social Protection is not only about financial support. Social protection also includes in-kind support such as school feeding. However, this and other types of in-kind social protection support (such as child-care services for working parents, Article 18(3)) can easily be included in the assessment of deprivation of the respective dimensions (e.g. nutrition, education, including the combination/integration of education and organized childcare into “educare”, as described in UN, 2005b). The same logic as for other children who, for special circumstances, need different support to realize the same rights constitutive of poverty as other children applies here too. In so far as children of working parents need, but fail to obtain, social protection support (or other policy interventions) to find a safe space (similar to lodging) and to feed children while they are at work, these deprivations should be accounted for in the measurement of child poverty.

VIII EDUCATION, LEISURE, AND CULTURAL ACTIVITIES

- Article 28 right to education
- Article 29 aims of education
- Article 30 cultural rights of children belonging to indigenous and minority groups
- Article 31 right to leisure, play and participation in cultural and artistic activities

Education services (including school buildings and school equipment) in addition to learning materials, pencils, books, etc. indicate that material resources are needed to satisfy the right to education. Like all other children, minority children have a right access education (which means, for instance, learning

⁹ Perhaps it could be said that both in approach and language the CRC was crafted prior to the widespread recognition of the difference between the medical and social approaches to disability. Nevertheless, the spirit and intention of the Article is aligned with the Convention on the Rights of Persons with Disabilities.

¹⁰ Unfortunately, until very recently, this information was not available in most household surveys which are/can be used to estimate poverty in general and child poverty in particular. This is changing as the UNICEF-supported Multiple Indicator Cluster Surveys currently include a module on disability and functioning.

¹¹ This is also present in the Universal Declaration 1948, art 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and 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 livelihoods* in circumstances beyond his control” (Italics and bold not in the original). It is important to notice the clear separation between the material elements (in terms of health and well-being) and the ones about financial or income support (income security).

materials like books as well as classes should be accessible to them, e.g. in their own language and respectful/embracing of different cultures and heritages), these are not different rights. They are diverse ways to realize the same right and countries are encouraged to include these variations when measuring child poverty.

Besides education, children need to play. In order to be able to engage in play, leisure, cultural, sports, and artistic activities, specific objects and equipment are needed. Consequently, these should also be considered constitutive rights of poverty¹².

IX SPECIAL PROTECTION MEASURES

- Article 22 refugee children
- Article 32 child labour
- Article 33 avoid children being used in the illicit production and trafficking of narcotic drugs
- Article 35 sale, trafficking and abduction
- Article 36 other forms of exploitation
- Article 37(b)-(d) restriction of liberty
- Article 38 children and armed conflict
- Article 39 Physical/psychological recovery from violence
- Article 40 administration of juvenile justice

While the elements that constitute poverty related to Article 39 have been addressed in cluster VII, similar issues could apply to children who have lived in the streets (whether alone or with their parents), suffered from any type of exploitation, were trafficked or forcibly conscripted, live or lived in a refugee camp or have migrated, or are in a prison. However, it is the goods and services that they need for their physical and psychosocial rehabilitation (such as health or education) which should be considered when assessing poverty. Their situation (e.g. being in prison) is not constitutive of poverty – it is a different child rights violation, as it will not be redressed by having more toys, better health, additional food, newer clothes, or quality education. None of those elements, or any other material objects the child could enjoy, will avoid the restriction of liberty suffered. However, the problem (the rights violation) is precisely lack of liberty. A gross violation, but not poverty.

Conclusion

¹² This is not devoid of some difficulties. For instance, Cid Martinez (2020) considers both conceptual and practical issues regarding the inclusion of the right to play as constitutive of poverty and its measurement. Among other challenges he mentions the need to avoid “the assumption that only by having manufactured toys bought at a shop the child is not deprived. In other words, this classification is not based on a “Western” or a “market-based” view of the toys children should have. However, it does entail that some degree of availability of “material things” is needed to fully realize the right to play... In most countries across the globe, children are expected to play with toys or objects. If they do not have them, of course they would still be able to play (sing, run, jump, etc.). However, they will be perceived (and they will feel, when they see other children) deprived.”.

Rights constitutive of poverty are those that directly and crucially require material resources (private or public) for their continued realization. Child poverty occurs when child rights constitutive of poverty are not realized.

Children, unfortunately, suffer from (too many, often severe) other child rights violations. These, however, are not constitutive of child poverty. Some of them (e.g. birth registration) could be rights instrumental to deal with and eliminate child poverty. Other problems (e.g. loneliness, unhappiness) should not be included as part of the conceptual definition of child poverty (nor should they be used to measure it).

In summary, child poverty based on a human rights approach to poverty comprises:

- Water
- Sanitation
- Play
- Nutrition
- Information
- Housing
- Health
- Education
- Clothing

Sometimes not all the required information for measuring these dimensions is readily available. In those cases, efforts should be made to collect such information in the future. In the meantime, they cannot be “replaced” with something else (as rights which are not constitutive of poverty should not be included).

In addition, establishing deprivation for some of these rights may require information about special or differential services or materials for subgroups of children (e.g. indigenous, rehabilitative for diverse circumstances, children with disabilities). Thus, flexibility (as long as it is in accordance with international human and child rights and standards, including best interests of the child and the Principle of Non-regression) on how to assess deprivation in each dimension is important.

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