**October 4, 2017**

**Special Rapporteur on Extreme Poverty and Human Rights
Office of the High Commissioner for Human Rights
Email: srextremepoverty@ohchr.org**

Dear Special Rapporteur Alston,

In response to your [public request](https://www.ohchr.org/EN/Issues/Poverty/Pages/VisitUnitedStates.aspx), we thank you for this opportunity to share the [Georgetown Center on Poverty and Inequality’s (GCPI)](http://www.georgetownpoverty.org/about/) perspective on the connection between poverty and human rights in the United States. We are a think tank at [Georgetown Law Center](https://www.law.georgetown.edu/) that works with policymakers, researchers, practitioners, and advocates to develop and advance ideas to alleviate poverty and inequality in the United States. We are particularly concerned about racial and gender equity as it relates to economic security and opportunity. Below, we respond to three of the questions posed by your request for information. We leave out some nuance and technical detail, but would be pleased to answer any questions or provide further information.

1. What is the definition of poverty and extreme poverty that your organization employs in the context of the United States?

The U.S. Census Bureau’s Preferred Alternative Poverty Measure

For analytical purposes, our organization generally defines poverty in the United States as living with a level of resources and costs that is at or below the poverty threshold determined by the U.S. Census Bureau’s [Supplemental Poverty Measure (SPM)](https://www.census.gov/topics/income-poverty/supplemental-poverty-measure.html). The SPM is an income poverty measure created based on recommendations by a [1995 National Academy of Sciences panel](https://www.nap.edu/catalog/4759/measuring-poverty-a-new-approach). The panel was [created](https://poverty.ucdavis.edu/policy-brief/supplemental-poverty-measure-better-measure-poverty-america) by Congress to investigate whether the official measure of poverty, or the OPM, was accurately capturing poverty in the U.S. The SPM uses Current Population Survey (CPS) annual income data and Consumer Expenditure Survey household spending data (for setting poverty thresholds), as well as tax and other data models. The Census Bureau started producing national statistics using the SPM in 2010, alongside longstanding statistics using the OPM.

Differences between the OPM and the SPM

The Official Poverty Measure (OPM) is used by the federal government to allocate funding and determine eligibility for various public assistance programs. The OPM’s [poverty threshold](http://www.irp.wisc.edu/faqs/faq2.htm#supplemental) is three times the cost in U.S. dollars of [emergency food diet](https://aspe.hhs.gov/history-poverty-thresholds) determined by the U.S. Department of Agriculture in 1963. That food diet was multiplied by three because a 1955 USDA food [survey](https://poverty.ucdavis.edu/policy-brief/supplemental-poverty-measure-better-measure-poverty-america) indicated that a typical family spent one third of its after-tax income on food. The poverty threshold has been updated annually for inflation through the [Consumer Price Index](https://www.bls.gov/cpi/). We do not believe that this standard is representative of the spending required for low-income families to achieve a minimum living standard in the U.S. today.[[1]](#footnote-1) In fact, if the same methodology were used to develop a poverty threshold today, it would be about [twice](https://www.americanprogress.org/issues/poverty/reports/2009/08/25/6582/its-time-for-a-better-poverty-measure/) as high as under the OPM.[[2]](#footnote-2)

Many poverty experts, including members of our team, view the SPM as a more meaningful reflection of necessary costs and income available to American families today. The SPM establishes an updated poverty threshold. It uses a formula based on the 30th-36th percentile of household expenditures on food, clothing, shelter, and utilities (FCSU). Thresholds vary by housing status, and are updated annually using a 5-year average of consumption expenditures on FCSU. The SPM threshold also takes into account geographic differences in poverty based on local variation in housing costs.

The OPM also only considers before-tax cash income in determining poverty status, though a sizeable share—sometimes a majority--of low-income families’ resources today are non-cash and after-tax. In contrast, the SPM considers non-cash benefits families can use to meet their FCSU needs, including food and housing assistance, as well as tax credits for working families. The SPM also subtracts expenses not considered in the OPM, such as work-related expenses (including child care), medical out-of-pocket expenses, and child support payments made. The OPM’s unit of measurement is families or unrelated individuals, while the SPM has a more expansive definition of family, including those who are not directly related. Researchers have found that from 1967-2012, the [overall poverty rate](http://www.nber.org/papers/w19789) calculated with the SPM has been consistently higher than that with the OPM.

1. To what extent do official definitions at the federal and state level adequately encompass poverty in all its dimensions?

Limitations of the OPM and SPM

The SPM is possible to calculate at the household level with only certain sources of data. When using other sources of data we, along with peer organizations, often employ 150 percent and 200 percent of the OPM poverty threshold for a more expansive picture if SPM data is not available, since we believe the OPM understates the U.S. poverty line and the number of people experiencing poverty.

As income poverty measures, neither the OPM nor SPM encompasses poverty in all its dimensions. Compared to hardship measures, such as food insufficiency, eviction, and crowded housing, it is evident that the share of people who experience some material hardship is higher than the share who are poor. The SPM also does not measure [assets and savings](https://www.aeaweb.org/articles?id=10.1257/jep.26.3.111), which have some independent power for predicting hardship and economic outcomes. It also does not [account](http://cepr.net/data-bytes/poverty-bytes/is-child-poverty-less-of-a-problem-than-we-thought) for unmet medical needs or other aspects of extreme poverty, such as exposure to violence and having to engage in unsafe work or other interactions to survive. Though it may seem intuitive to adjust poverty thresholds for cost-of-housing variations within the U.S., the SPM’s geographic adjustments may not be ideal. In some cases, they may lead to worse correlations with other hardship measures, like [food security](https://gspp.berkeley.edu/assets/uploads/research/pdf/RevisedSEJFinal.pdf). One largely unavoidable shortcoming of the SPM is that it is primarily based on a self-reported survey, the CPS, which can lead to [misreporting](https://census.gov/content/dam/Census/library/working-papers/2011/demo/SEHSD-WP2012-01.pdf) of certain data used to calculate SPM poverty levels. As noted below, researchers like us can in some instances adjust the survey data to account for some misreporting of income. Additional dimensions of poverty are discussed in response to the third question addressed in this document.

Attempts to address the limitations of the federal poverty measures

To attempt to address these shortcomings, our organization uses the Transfer Income Model, Version 3 (TRIM) adjusted figures in much of our work. TRIM is a microsimulation model developed and managed by the Urban Institute with funding from the U.S. Department of Health and Human Services. TRIM uses state-of-the-art estimation techniques to adjust CPS data for misreporting. TRIM specifically uses CPS data to simulate [major federal tax, transfer, and health programs](http://trim.urban.org/T3Welcome.php), such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), to show how public assistance interacts with poverty. While TRIM is a predictive model and also a couple of years behind (current data is available through only 2014), it improves the picture of poverty in America.

Deep and Extreme Poverty

Our organization also uses measures of deep poverty and extreme poverty. Deep poverty [accounts](https://poverty.ucdavis.edu/faq/what-deep-poverty) for those who have a poverty rate under 50 percent of the poverty threshold, as defined by the Census Bureau and leading sociologists. The [threshold](https://www.census.gov/content/dam/Census/library/publications/2017/demo/p60-261.pdf) in 2016 was $26,104, which is the national average for renters. In 2015, 6.1 percent of the U.S. population lived in deep poverty. Forty-five percent of those in poverty were in deep poverty. Our organization uses the definition of extreme poverty as laid out by researchers Luke Shaefer and Kathryn Edin, which [focuses](http://www.twodollarsaday.com/) on the number of families living on $2-a-day, per person in the U.S. They found that one and a half million families in the U.S. lived in extreme poverty. This definition was [based](http://www.npc.umich.edu/publications/policy_briefs/brief28/policybrief28.pdf) on a definition of poverty originally defined for developing countries; its application to the U.S. reveals the hidden depth of poverty here.

Factors that influence poverty

In our work, GCPI also emphasizes considering demographic characteristics and how they shape an individual or household’s experience with poverty, deep poverty, and extreme poverty. Doing so consistently shows significant variation across populations that tell a richer story than only looking at the overall poverty threshold, regardless of which measure is used. These demographic characteristics include race/ethnicity, age, gender, religion, sexual orientation (data are limited), and disability status, while other characteristics that also affect experiences with poverty can include the region of the U.S. one lives in, whether one lives in a metro area, immigration status, and one’s interactions with the criminal justice system.

1. What are the most severe human rights violations that people living in poverty and extreme poverty in the United States experience? Please exemplify by referring to specific cases and relevant norms of international human rights law.

Despite our reliance on income poverty measures as a proxy for poverty, poverty is not merely a lack of money. Poverty, as a severe form of economic insecurity and deprivation, affects nearly all aspects of life, including civic participation, education, and health. Some of the most striking examples of human rights violations experienced by people living in poverty and extreme poverty are discussed below.

Civil and Political Rights

While the U.S. typically supports democratic norms and is generally a [high-functioning](https://www.nytimes.com/2017/02/23/upshot/democracy-in-america-how-is-it-doing.html?mcubz=3) democracy, the recent movement to impose strict voter ID laws in some states disproportionately deprives citizens with low incomes of voting rights and is a direct assault on democratic values. Currently, [seven](http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx) states have strict voter ID laws (Georgia, Indiana, Kansas, Mississippi, Tennessee, Virginia, and Wisconsin), under which voters must present a government-issued (or similar) photo ID in order to cast a regular ballot. Proponents of these laws claim that such measures will prevent election fraud without providing sufficient [evidence](https://www.brennancenter.org/analysis/debunking-voter-fraud-myth) that there is even meaningful fraud to prevent. In fact, these voter ID laws deprive many voters of their right to vote, reduce participation, and oppose the progress made in the last several decades to include more Americans in the democratic process. Twenty-one million (11 percent) Americans nationally lack one of the acceptable forms of identification for voting. These voters are disproportionately [low-income, racial and ethnic minorities, the elderly, and people with disabilities](http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf). Such voters more frequently have difficulty obtaining IDs because they cannot afford or cannot obtain the requisite documents to acquire a government-issued photo ID card. The combined cost of document fees, travel expenses and waiting time are [estimated](https://today.law.harvard.edu/wp-content/uploads/2014/06/FullReportVoterIDJune20141.pdf) to range from $75 to $175 in a country where the national minimum hourly wage is generally just $7.25. Imposing strict voting requirements hinders many Americans’ ability to effectively participate in the civil discourse. The International Covenant on Civil and Political Rights (article 25) “[recognizes](https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf) the right of every citizen to take part in the conduct of public affairs, to vote…” Measures like voter ID laws are a direct violation of American citizens’ civil and political rights and place undue burdens on people with limited resources.

Right to Education

The neglect and underfunding of many American public schools often deprives children from low-income households of their right to education. The International Covenant on Economic, Social and Cultural Rights (articles 13 and 14) [recognizes](https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf) one’s right to education. Funding for American public schools relies heavily on local property taxes, meaning that schools from affluent communities have more funding than those from impoverished ones. Coupled with the enduring legacy of slavery and [racial segregation](http://www.pbs.org/wgbh/americanexperience/features/freedom-riders-jim-crow-laws/), American schools struggle to mitigate racial and class disparities in student outcomes. Today, more than five decades after the end of legal segregation, schools in the U.S. are still largely [segregated and unequal](https://www.usnews.com/news/blogs/data-mine/2015/01/28/us-education-still-separate-and-unequal), with students from wealthy, mostly white communities outperforming their counterparts from low income, often African American and Latinx communities. Racial minorities disproportionately [attend](http://cepa.stanford.edu/content/patterns-and-trends-racialethnic-and-socioeconomic-academic-achievement-gaps-1) underfunded schools, which face challenges ranging from [teacher shortages](https://www.apmreports.org/story/2017/08/28/rural-schools-teacher-shortage) to [crumbling facilities](https://nces.ed.gov/fastfacts/display.asp?id=94). Nationally, high-poverty districts [spend](https://www.ed.gov/news/media-advisories/secretary-duncan-urban-league-president-morial-spotlight-states-where-education-funding-shortchanges-low-income-minority-students) 16 percent less per student than low-poverty districts. A deficient education resulting from inadequate funding can limit a child’s future, especially for kids from poor families. Research shows that a 20-percent increase in per-pupil spending a year for poor children can [lead](http://www.nber.org/papers/w20847) to an additional year of completed education, 25 percent higher earnings, and a 20-percentage point reduction in the incidence of poverty in adulthood. While many other factors, such as [parental involvement](http://www.apa.org/pubs/journals/releases/dev453740.pdf), contribute to educational outcomes, the underfunding of many American public schools plays a sizeable role in the achievement gap and the low-quality education many students from disadvantaged backgrounds receive.

Right to Health

Americans living in poverty also experience human rights violations with respect to health, including elevated infant mortality, diminished life expectancy, and greater likelihood of environmentally-related diseases. The International Covenant on Economic, Social and Cultural Rights (article 12) [recognizes](https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf) one’s right “to the enjoyment of the highest attainable standard of physical and mental health.” One-year infant mortality rate of economically disadvantaged states (Oklahoma, Arkansas, Louisiana, and Texas) is [estimated](http://pubs.aeaweb.org/doi/pdfplus/10.1257/pol.20140224) to be higher by 2.41 deaths per 1000 births than their counterparts from Northeastern states—a dramatic disparity in a country where the infant mortality rate is 4.6 deaths per 1000 births). Research also suggests that socioeconomic status is the [strongest](https://www.ucsf.edu/news/2016/01/401251/poor-health) predictor of health outcomes such as life expectancy: impoverished adults live seven to eight years less than those who have incomes four or more times the federal poverty level. While diet and exercise play a significant role in shaping one’s health, both are largely [dependent](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3169799/) on social, economic, and environmental factors.

[Hookworm](https://www.theguardian.com/us-news/2017/sep/05/hookworm-lowndes-county-alabama-water-waste-treatment-poverty?CMP=fb_gu), a gastrointestinal parasite that was thought to be eradicated from the U.S., represents particularly troubling example of the relationship between poverty an health in the United States. The parasite is reemerging in parts of the country that are also plagued by extreme poverty. A recent [study](http://www.ajtmh.org/content/journals/10.4269/ajtmh.17-0396?utm_content=buffer20d45&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer) found that 34 percent of residents in Lowndes County, Alabama -- an area with an annual median household income of $25,900[[3]](#footnote-3) (well below half the [national median](https://www.census.gov/newsroom/press-releases/2017/income-povery.html)) and a poverty rate of 29 percent[[4]](#footnote-4) (well over double the [national poverty rate](https://www.census.gov/newsroom/press-releases/2017/income-povery.html)), tested positive for genetic traces of Hookworm. The parasite usually [enters](https://www.theguardian.com/us-news/2017/sep/05/hookworm-lowndes-county-alabama-water-waste-treatment-poverty?CMP=fb_gu) the body through the soles of bare feet, and causes iron deficiency and anemia, weight loss, tiredness and impaired mental function, especially in children, helping to trap them into the poverty in which the disease flourishes. Furthermore, many Americans with low incomes can [afford](http://hrms.urban.org/briefs/health-care-access-affordability-low-moderate-income-insured-uninsured-adults-under-ACA.html) to receive only low-quality care because of the lack of high quality, universal health care coverage, leading to unmet health needs.

We at GCPI are deeply concerned with poverty and extreme poverty in the U.S. We believe that a nation is only as strong as its most vulnerable citizens. We seek to combat poverty and expand economic inclusion through rigorous research, analysis, and ambitious ideas to improve programs and policies. We hope our brief input to inform your upcoming visit illustrates the severe deprivation and inequities in the United States as they relate to poverty, extreme poverty, and human rights.

Sincerely,

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1. The OPM feeds into the U.S. Department of Health and Human Services federal poverty guidelines. The simplicity of the OPM, and consequently the poverty guidelines are useful for determining eligibility for benefits and services, but the SPM’s measure is more comprehensive. Notably, the poverty guidelines do vary for Alaska and Hawaii, though the OPM does not. [↑](#footnote-ref-1)
2. This calculation is based on taking an emergency food diet today and multiplying it by seven, since typical families spend one-seventh of their budgets on food. [↑](#footnote-ref-2)
3. Source: 2011-2015 American Community Survey 5-year Estimate. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)