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A Human Rights Income:
How a Basic Income Could Help States
Fulfil Human Rights Obligations

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Abstract

Income inequality, persistent unemployment, and poverty have pushed political communities to search for new solutions to old social problems. In this context, the idea of a basic income has recently emerged as a popular and powerful proposal. Yet, despite its growing popularity, the concept of basic income has largely gone without mention in the human rights community. Perhaps this is because proponents of basic income have not built a strong argument for how the international human rights community may be positioned to support their cause. In this paper, I seek to assess the congruity between human rights and basic income by studying how the policy could impact the enjoyment of human rights. If basic income can be shown to be a positive tool for the development of human rights, space can be created for both supporters of human rights and advocates of basic income to produce meaningful collaboration. In my research, I use one of the most ratified and comprehensive human rights treaties, the International Covenant on Economic, Social, and Cultural Rights, as a reference point for dealing with basic income's human rights impact. Carefully, I examine basic income against the articles of the Covenant and make predictions on how a basic impact would impact human rights, using basic income pilot studies to complement my predictions when appropriate. In the end, I conclude that there is a comfortable congruity between basic income and human rights. Importantly, human rights can serve as a guide for formulating an adequately high level of basic income, as well as an encouragement to include non-nationals as recipients. In turn, a basic income has the potential to help individuals overcome problems of access that often stand as obstacles to the enjoyment of human rights.

Table of Acronyms

BIEN – Basic Income Europe Network / Basic Income Earth Network

CESCR – Committee on Economic, Social and Cultural Rights

CP – Civil and Political

ESC – Economic, Social, and Cultural

GDP – Gross Domestic Product

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

ILO – International Labour Organization

NGO – Non-governmental Organization

OP – Optional Protocol

UDHR – Universal Declaration of Human Rights

UN – United Nations

UNCHR – United Nations Commission on Human Rights

UNESCO - The United Nations Educational, Scientific and Cultural Organization

UNGA – United Nations General Assembly

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1. Introduction

In the context of rising income inequality, persistent unemployment, and intractable poverty, the idea of a basic income has recently emerged as a popular and powerful proposal.¹ A small number of experiments with the concept of basic income have been carried out in the past, but in the last few years the number of studies has greatly increased. Currently, pilot programmes are being considered—or are already in place—in Finland, the Netherlands, the United States, and Canada, among others.² In June 2016, Switzerland made history by holding a referendum on a policy that could have granted each Swiss citizen a monthly basic income of 2,500 Swiss francs.³ The proposal failed at the ballot box, but the 100,000 signatures that brought it to a vote, as well as recent Europe-wide polling on the issue, is a reflection of the unprecedented interest in the implementation of a basic income.⁴

Despite its growing popularity, basic income has largely gone without mention in the human rights community.⁵ While some research has been conducted, it has hitherto suggested narrow linkages between basic income and individual human rights.⁶ A comprehensive look at how basic income could impact a state's

¹ “Sighing for Paradise to Come.”; Google notes that the popularity of “basic income” in searches has increased almost four-fold in the past year: “Google Trends - Web Search Interest - Worldwide, 2004 - Present.”

² “How Finland’s Exciting Basic Income Experiment Will Work—And What We Can Learn From It”; Diez, “A Dutch City Is Giving Money Away to Test the ‘basic Income’ Theory”; Smith, “Silicon Valley’s Basic-Income Experiment Is Worth Watching”; Goldhill, “Ontario, Canada Announced a Plan to Test Universal Basic Income for All Citizens.”

³ “Switzerland’s Voters Reject Basic Income Plan.”

⁴ “Two-Thirds of Europeans for Basic Income – Dalia CEO Presents Surprising Results in Zurich – Dalia Research.”

⁵ However, in May, 2016 the United Nations Institute for Social Development held a panel on the matter, signalling a potential appetite for discussing the proposal in the international human rights community. See: “UNRISD: Events | Informality and Income Insecurity: Is Basic Income a Universal Solution?”

⁶ For existing research between, see Rolf Künemann’s analysis of the right to adequate food: Rolf Künemann, “Basic Food Income - Option or Obligation?”; Guy Standing’s connection of basic income and the right to work Standing, “Why a Basic Income Is Necessary for a Right to Work.”; as

ability to meet its international human rights obligations has not been the subject of significant human rights research. International human rights instruments place legal obligations on states to take actions that respect, protect, and fulfil human rights. In so doing, these instruments represent the interests of the state and signal the extent to which the international community may play a role in supervising states' actions. Yet, basic income advocates have not built a strong argument for why the international human rights community should support their cause.⁷ It is much more common that proponents of basic income have argued for the policy *as a right*, rather than a policy which could *lead to greater enjoyment of human rights*.⁸

In performing my research, I seek to assess the congruity between human rights and basic income by answering the question: how would basic income impact the realization of human rights enshrined in the International Covenant on Economic, Social, and Cultural Rights (ICESCR)? My hypothesis is that basic income can be a positive step towards the realization of human rights, based on how complementary it is to the rights enshrined in the ICESCR. Furthermore, if basic income can be shown to be a worthy instrument for the development of human rights, space can be created for both supporters of human rights and advocates of basic income to produce meaningful collaboration.

The substantive portion of this work is divided into three parts. In the first part, I establish a rationale for using the ICESCR to evaluate basic income's human rights impacts. In the second part, I will examine the history of the movement in support of a basic income and delimit a working definition of the policy. In the third part, I catalogue the possible impacts of basic income on human rights using the

well as a series of papers presented at BIEN congresses that included, at least partially, human rights in their discussions: Frankman, "Universalizing the Universal Declaration (of Human Rights)"; Rey Perez, "Basic Income in the Discussion About Human Rights: Right or Guarantee?"

⁷ However, there are examples of research that supports a human rights-based rationale for basic income. See: Van Ginneken, "Social Security and the Global Socio-Economic Floor."

⁸ Standing, *Promoting Income Security as a Right*.

articles of the Covenant. When possible, I check my analysis against evidence from communities where basic income experiments have already been conducted. To conclude, I make an assessment as to the congruity between basic income and human rights by summarizing the connections between the programme and the economic, social, and cultural rights of the Covenant.

2. A Human Rights Framework for Basic Income Research – International Protection of Economic, Social, and Cultural Rights

The development of international human rights law is vast and the research on its impact is wide. For the purposes of this work, I have selected a subset of human rights that have an established monitoring system and depth of analysis, as well as global legal weight. This subset contains the economic, social, and cultural (ESC) rights that are guaranteed by ICESCR, a document considered part of the ‘bedrock of the international normative regime for human rights’.⁹ The Covenant was selected as a measuring stick in this research because I believe that no other international human rights treaty wields such great an influence *and* lists more human rights that would likely be impacted by a basic income.¹⁰ Though the claim that basic income and the ICESCR are related will be further explored and substantiated in Part 4 of this thesis, a summary explanation here is worthwhile to preface the historical, legal, and practical aspects of the human rights document.

It’s reasonable to suspect that a basic income could have a direct impact on the ESC rights of a person that receives it. Instituting a basic income will necessarily affect an individual’s social security (found in Art. 9 of the ICESCR), as it is a form

⁹ Steiner, Alston, and Goodman, *International Human Rights in Context*, 293.

¹⁰ *Ibid.*, 237.

of social security itself. It could also impact the right to work (Art. 6 and Art. 7) by connecting income with individuals who perform labour in the informal economy. Additionally, it is likely to increase an individual's ability to secure their rights to food, clothing, and housing (Art. 11), right to physical and mental health (Art. 12), as well as the right to education (Art. 13), because the enjoyment of these rights often carry financial costs (i.e. they can be bought) that may be mitigated with a basic income. Changes in work-life balances due to a basic income could also play a role in the enjoyment of the right to participate in cultural life (Art. 15). Finally, the universal nature of basic income neatly aligns with the ICESCR's non-discrimination clause (Art. 2).

It is worth noting that a basic income could also affect the realization of human rights that are catalogued in other international human rights treaties. It is not unimaginable that freedom of speech, freedom of association, right to a fair trial, and the right to marry could be impacted in a society that has instituted a basic income. While not included in this research, the international treaties that list these human rights could be the focus of future projects that examine basic income's human rights impact.

With the ESC rights as our primary measure of basic income's human rights impact, the next step is to develop a rigorous understanding of the mechanism that protects these rights: the ICESCR. In this part, I will detail the role that the ICESCR played in the development of international human rights law, the reason it contains only a subset of all internationally recognized human rights, as well as describe the ways in which its influence over the implementation of this subset of rights has increased over time.

2.1 The Universal Declaration of Human Rights

The history of the ICESCR stretches back to the creation of the United Nations (UN), the world's first intergovernmental organization to be established with the expressed purpose of promoting human rights across the globe. Following the atrocities perpetrated during the Second World War, the international community sought to create an association that could promote peace and prevent a repeat of the tragedies that plagued the previous decades: thus, the UN was created. From the very beginning, human rights played a central role in the quest for world peace. In 1945, the charter of the UN stated explicitly that one purpose of the newly-formed intergovernmental organization was to 'achieve international cooperation in... promoting and encouraging respect for human rights and for fundamental freedoms'.¹¹

Immediately after it was founded, the UN took up the task of articulating precisely what the charter meant in its reference to human rights. To this aim, a drafting committee was set up to create a document that would list specific human rights. This process, like many of the negotiations surrounding human rights that would follow it, was riddled with controversy. Some countries' representatives wanted a legal covenant that would place obligations upon signatories, while others believed such a legal instrument would take too long to build consensus (and domestic ratification) and instead lobbied for a non-binding declaration that could be drafted and accepted more quickly.¹² In the end, the latter group won out and the final document submitted to the UN General Assembly (UNGA) was the 'Universal Declaration of Human Rights'. Naming the document a 'declaration' signalled that it would not immediately create legal obligations, as member states of the UN cannot ratify or sign it as they would a treaty. On December 10th, 1948 the Universal Declaration of Human Rights (UDHR) was adopted by the UNGA and, despite its non-binding status, the document marked an immensely significant milestone and

¹¹ "Charter of the United Nations," chap. 1, article 2.

¹² Johnson and Symonides, *The Universal Declaration of Human Rights*, 35–36.

standard for the development of international human rights protection. It is the first nearly comprehensive list of human rights that was supported by a great number of states across the world. Today it is cited in the proceedings of international courts, UN agencies, and domestic constitutions. In fact, it stands as one of the most translated texts in humankind's history.¹³

Following its passage, the UDHR served as an agenda for translating its content—human rights—into binding legal obligations on members of the UN. In this vein, the UN Commission on Human Rights (UNCHR) began drafting a single document that could be signed and ratified, with supervisory functions of assessment and enforcement conducted by a corresponding treaty body. From 1949-1951, the UNCHR worked on a single covenant that mirrored the rights contained in the UDHR. However, upon pressure from some of the parties involved, the Commission abandoned this plan and split its work into two separate covenants.¹⁴

2.2 The Separation of 'Civil and Political Rights' from 'Economic, Social and Cultural Rights'

For the purposes of this research, it is important to establish that civil and political (CP) and economic, social, and cultural (ESC) human rights should be treated equally. In doing so, I aim to stave off critiques that my analysis is based on an examination of second order, lesser, or weaker human rights.

The division of the UNCHR's work into separate treaties can be attributed to the growing polarization of states' attitudes during the Cold War. On the one side, Western governments (led by the United States) claimed that civil and political rights (e.g., the right to life, the prohibition of torture, the right to a fair trial, and the right to

¹³ In 2009, the Guinness Book of Records awarded the Office of the High Commissioner for Human Rights a certificate that listed the UDHR as the "most translated document" due to its 370 translations at the time. As of July, 2016 the number of translations stood at 475. See: "World Record."

¹⁴ "Draft International Covenants on Human Rights," paras. 4–12.

political participation) comprised the true set of human rights.¹⁵ Countering this, non-Western and Marxist countries (led by the Soviet Union) advanced the idea that ESC rights (e.g., the right to education, the right to housing, the right to health, and the right to participate in trade unions)¹⁶ served as the foundation of human rights.¹⁷ This artificial separation of the UDHR's list of human rights was not only representative of the Cold War, but it was seen by both sides as a field in which the battle for global influence could be actively fought.¹⁸

The support garnered by the United States resulted in the creation of the International Covenant on Civil and Political Rights (ICCPR). The US feared that ESC rights could be wielded as instruments by repressive regimes to justify the violation of civil and political (CP) rights and defended its exclusion of these rights by calling them 'aspirations', rather than 'justiciable'.¹⁹ Furthermore, it was claimed that CP rights were negative rights (required the abstention of states from interfering with their peoples' rights) and therefore could be protected 'immediately' without necessitating significant social spending.²⁰ Since the US made these criticisms in the 1950s, they have been largely refuted. Firstly, ESC rights have successfully been claimed in courts around the world and states have put themselves under legal obligations to protect them through international and regional treaties.²¹ Secondly, the belief that CP rights were wholly negative rights as opposed to ESC rights as wholly positive rights (required sustained action on behalf of the states to ensure) has faded.

¹⁵ Johnson and Symonides, *The Universal Declaration of Human Rights*, 45.

¹⁶ This list is far from exhaustive; a greater exploration of economic, social, and cultural rights is undertaken in Part 4 of this work.

¹⁷ Johnson and Symonides, *The Universal Declaration of Human Rights*, 43–44.

¹⁸ *Ibid.*, 44.

¹⁹ Alston and Quinn, "The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights," 158.

²⁰ Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 10.

²¹ The Constitution of the Republic of South Africa, 1996 is a prime example of ESC rights' justiciability in the domestic sphere. See *Ibid.*, 62–69 for examples of its jurisprudence. International ESC rights' obligations are discussed below. The European Convention on Human Rights is an example of regional justiciability of ESC rights.

For example, for states to ensure the ICCPR's right to a fair trial, they must establish an unbiased, educated, and effective judiciary – a task requiring a significant financial investment. On the other hand, the ESC right allowing workers to join trade unions simply requires a state to stay out of this engagement altogether, without the need for positive state action.

The Soviet Union and its allies, for their part, championed the creation of the ICESCR. Excluding CP rights from the ICESCR found its justification largely in a narrow Marxist perspective. The argument was made that if ESC rights were not protected, the CP rights would not actually enlarge the freedom of a state's peoples or respect their dignity. Instead, they would be used as a tool by the political elite and bourgeoisie to oppress the worker class.²²

While the creation of two covenants to protect the content that had been set forth in the UDHR has left a mark on the development of human rights, this distinction is becoming more of an historical anomaly rather than an ideologically necessary separation. It should be no surprise that these categories of human rights are disappearing, signalling a return to the universality and interdependence of rights as they were enshrined in the UDHR.²³ After both covenants were adopted in 1966, subsequent UN human rights treaties have included ESC alongside CP rights in the same document. For example, both the Convention on the Rights of the Child (adopted 1989) and the Convention on the Rights of Persons with Disabilities (adopted 2007) offer no distinction between these categories of human rights in their texts. In 1993, the majority of the world's countries signed the Vienna Declaration

²² When the UDHR was being drafted in 1948, the Polish delegation suggested adding the following amendment: 'the granting of political rights is useless unless social and economic rights are guaranteed'. See: Johnson and Symonides, *The Universal Declaration of Human Rights*, 45.

²³ Furthermore, one of the chief rhetorical precedents and inspirations for the UDHR – Franklin D. Roosevelt's "Four Freedoms" speech – listed the freedoms from want and fear (ESC) alongside the freedoms of speech and religion (CP) without distinction. Roosevelt's "New Deals" are further confirmation of his proclivity towards protecting the ESC of the American people. See Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 15.

and Programme of Action, a document that specifically and clearly declares that ‘all human rights are universal, indivisible, and interdependent and interrelated’ and should be treated as such by the international community.²⁴ Perhaps the most telling sign of the equality between ESC and CP rights lies in the simple fact that most countries in the world have signed and ratified both international covenants. Of the one hundred and sixty-eight parties to the ICCPR, one hundred and sixty-two have ratified the ICESCR as well.²⁵

2.3 The Development of the International Covenant on Economic, Social, and Cultural Rights

Ten years passed following the adoption of the ICESCR before its binding obligations came into force when thirty-five states had ratified the treaty. Since then, oversight into states’ compliance with the ICESCR has developed, with the establishment of a treaty body that assesses states’ reports and produces a commentary to explicate the rights guaranteed in the covenant. Furthermore, an Optional Protocol (OP) was added to the treaty in 2008, which expanded its oversight capacities.

The ICESCR requires states parties to submit reports that detail ‘measures which they have adopted and the progress made in achieving the observance of the rights’ recognized in the treaty.²⁶ The UN Economic and Social Council is the UN body tasked with assessing the reports; however, the Council chose to form a new autonomous treaty body to assume this responsibility,²⁷ creating the Committee on Economic, Social, and Cultural rights (CESCR).²⁸ The Committee originally met for a single three-week session every year, but added another three-week session per year

²⁴ “Vienna Declaration and Programme of Action.”

²⁵ The six exceptions are: Andorra, Botswana, Mozambique, Samoa, the United States, and Vanuatu. “Status of Ratification Interactive Dashboard.”

²⁶ *International Covenant on Economic, Social and Cultural Rights*, pt. 4 article 16.

²⁷ Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 459–60.

²⁸ *Economic and Social Council Resolution 1985/17*.

in 1995 due to an increasing workload. It is made up of eighteen independent human rights experts, according to an equitable geographic distribution, who do not act as representatives of their home governments.²⁹

The CESCR engages in what is called a ‘constructive dialogue’ with states that have submitted reports detailing their compliance with the ICESCR. To do this, it meets directly with country delegations and hears their reports to see whether they are using adequate and effective means of protecting the rights in the covenant.³⁰ It also offers ‘Concluding Observations’ that suggest where improvements can be made in the state’s protection and promotion of the relevant human rights. These remarks may encourage follow-up answers from states in regards to particular issues. Sometimes, the Committee has gone as far as to declare some actions of a state ‘violations’ of the ICESCR³¹ and even ask for an invitation to personally gather more information about alleged human rights abuses.³² While its Concluding Observations are non-binding on a state, they compose the jurisprudence of the ICESCR. The jurisprudence, in turn, serves as precedent and a guideline for other international bodies that deal with ESC rights. In an example of their influence, the International Court of Justice referred to one of these observations in making its decision on the legality of Israel’s decision to build a wall in the West Bank.³³

Another tool that the CESCR has at its disposal is the publication of ‘General Comments’. These are not in response to a single country’s report, but serve as documents which provide guidance for understanding how the Committee will judge a state’s compliance with the Covenant when examining the reports. These General Comments include both explanations of the individual human rights listed in the ICESCR and also expansive descriptions of the obligations that the treaty places on

²⁹ Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 460.

³⁰ Ssenyonjo, *Economic, Social and Cultural Rights in International Law*, 152.

³¹ *Ibid.*, 29.

³² Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 464.

³³ Ssenyonjo, *Economic, Social and Cultural Rights in International Law*, 41.

the states parties. Like its Concluding Observations, the General Comments do not have a binding legal effect on states parties, but have an equally crucial feature of contributing to the normative development of the ICESCR.

As adopted, the ICESCR could only receive communications from the governments of states that had become parties to the treaty. In 1996, the CESCR drafted a proposal that would allow additional communications from individuals, groups, and also communications between parties to the agreement. After languishing for over a decade, the proposal was adopted in the form of an Optional Protocol (OP) to the ICESCR in December of 2008.³⁴ A state that ratifies the OP accepts the competence of the CESCR to examine individual communications (i.e., complaints) from any person or group of people under the jurisdiction of that state. Additionally, the state has the option of allowing inquiries by the CESCR into ‘grave and systematic’ violations of the rights enshrined in the covenant, as well as inter-state communications that would take the form of one state claiming another is not fulfilling its treaty obligations. Since its adoption, twenty-one states have ratified the OP and it stands as a testament to ESC rights’ justiciability and the expanding competencies of the CESCR.³⁵

2.4 The Enforcement of Economic, Social and, Cultural Rights: State Obligations under the ICESCR

The obligations placed on a state party to the ICESCR are what give the treaty its weight, and correspondingly, they are the safeguards against international violations of ESC rights. The CESCR has faced criticism for being too weak and vague, yet the following section shows that the Committee’s powers are specifically defined and can impact states’ actions.

³⁴ *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, 2008.

³⁵ “Status of Ratification Interactive Dashboard.”

As an international treaty, the ICESCR's legal obligations derive from the 1969 Vienna Convention on the Law of Treaties, which requires states to implement the legal provisions of treaties in good faith.³⁶ The general legal provision of the ICESCR is found in Article 2.1 (emphasis is mine):

‘Each State Party to the present Covenant undertakes *to take steps*, individually and through international assistance and co-operation, especially economic and technical, to the *maximum of its available resources*, with a view to *achieving progressively the full realisation* of the rights recognised in the present Covenant *by all appropriate means*, including particularly the adoption of legislative measures’.³⁷

While some states that have ratified the ICESCR have made reservations to specific articles of the treaty, none have touched this critical paragraph.

States are required to ‘take steps... by all appropriate means’ to protect the human rights enshrined in the ICESCR. This requirement is crucial in light of the fact that many states may not be able to immediately summon the resources and infrastructure to ensure all of the ESC rights are protected. Yet, while economic circumstances are a legitimate consideration in the face of a state's obligations to the treaty, each state is nevertheless obligated to improve their situation in tangible and quantifiable ways. The CESCR's General Comment No. 3 provided an elaboration of what states parties were obligated to do immediately following ratification of the treaty. The pronouncement sought to clarify that there is a ‘minimum core obligation’ that ensures the satisfaction of the lowest essential levels of protection for ESC rights.³⁸ This means that any state whose peoples are deprived of the minimum level of food, health care, housing, and education, is failing to meet the obligations that have been set forth by the ICESCR (regardless of the amount of resources that a state has at its disposal). This General Comment, along with the content of the treaty itself,

³⁶ Alston and Quinn, “The Nature and Scope of States Parties’ Obligations under the International Covenant on Economic, Social and Cultural Rights,” 160–61.

³⁷ *International Covenant on Economic, Social and Cultural Rights*, pt. 1 article 2 section 1.

³⁸ “General Comment No. 3,” para. 10.

requires states parties to act in the form of creating articulable plans for improving ESC rights, repealing unjust legislation that prevents the actualization of ESC rights, and implementing specific programmes that seek to redress ESC rights violations.³⁹

The steps states take to fulfil their obligations under the ICESCR must utilize the ‘maximum available resources’ that are accessible by that state. This part of the covenant’s general legal provision has a number of important implications. Firstly, it is another frank acknowledgment that resources will often play a role when it comes to ESC rights; in other words, this signals that the CESCR will take into consideration a state’s unique circumstances in assessing its compliance with the covenant.⁴⁰ However, the drafters of the ICESCR emphasized that a country’s maximum available resources are not calculated simply on what the government has budgeted in the domain of ESC rights, but wider streams of revenue that the government receives and allocates.⁴¹ Finally, the CESCR has clarified that a state is not limited to its own domestic resources in executing a plan to protect ESC rights, but the resources that the international community has to offer should also be considered.⁴² Subsequently, if a state refuses an offer of technical or material support in the promotion of ESC rights from an international actor, it could be found to be skirting its obligations under the ICESCR.

Some of the human rights that are outlined in the ICESCR may be implemented immediately, such as those that affirm non-discrimination policies and

³⁹ Ssenyonjo, *Economic, Social and Cultural Rights in International Law*, 54.

⁴⁰ The concept of maximum available resources is mirrored in the fact that different states will both require (based on the wealth owned by the states’ people) and possess a different level of resources (based on the wealth of the government) to fund a basic income.

⁴¹ Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 143–44.; For example, a state that dedicates an overwhelming majority of its revenue to nonessential services at the expense of denying its people food, healthcare, and shelter, could be accused of not taking advantage of the maximum available resources. See: Alston and Quinn, “The Nature and Scope of States Parties’ Obligations under the International Covenant on Economic, Social and Cultural Rights,” 178 for a closer look at the relevant travaux préparatoires of the ICESCR.

⁴² “An Evaluation of the Obligation to Take Steps to the ‘Maximum Of Available Resources’ Under an Optional Protocol to the Covenant.”

protect the right of workers to make or join trade unions; for human rights that may take more time to implement, a state must work to ‘achieve progressively’ their realization. This clause in the general legal provision, often described as the concept of ‘progressive realization,’ is tied to the previous two concepts we’ve examined. The steps a state takes, according to its maximum available resources, must be in the tireless pursuit of the full protection and promotion of the ESC rights within the covenant. This, in turn, creates a prohibition on states taking actions that would diminish or regress the implementation of ESC rights.

A tool that the CESCR employs to assess compliance with the general legal provision of the ICESCR is country reports. The covenant requires states to submit reports periodically (in practice, every five years).⁴³ However, the Committee is unlimited in its ability to receive information from a variety of additional sources. NGOs, UN agencies, national human rights institutions, and individuals are also permitted to submit parallel reports to the Committee to complement the information provided in official state reports. This additional information from civil society has been crucial in the development of ESC rights and provided a more adversarial nature to the constructive dialogue that occurs between states and the CESCR.⁴⁴ In the early 1990s, reports from NGOs warned the CESCR that the government of the Philippines was planning forced evictions that would affect over two hundred thousand individuals. Based on these reports, the Committee requested additional information from the state and warned that the evictions, if they were to proceed, would be violations of the Philippines’ obligations under the ICESCR.⁴⁵ If the Committee deems the information provided by a state to be insufficient, it has also instituted the practice of requesting the state in question to issue an invitation for members of the Committee to visit and gather more evidence. This action is rarely employed and

⁴³ *International Covenant on Economic, Social and Cultural Rights*, art. 16 & 17.

⁴⁴ Eide, Krause, and Rosas, *Economic, Social, and Cultural Rights*, 465.

⁴⁵ *Ibid.*, 466.

relies completely on the willingness of the state to comply, but positive outcomes signal the influence the Committee's actions have on parties to the covenant.⁴⁶

Reports from outside the state party's government stand as one example of the ICESCR's ability to give power to civil society's struggle for ESC rights; other examples are the creation and impact of the Limburg Principles and Maastricht Guidelines. In 1986, a group of experts convened in the Netherlands to produce a guide which would elaborate a state's obligations under the covenant. The result, the Limburg Principles, in turn inspired another convention in 1996 that produced a document exploring exactly what could constitute a violation of ESC rights, the 1997 Maastricht Guidelines.⁴⁷ Even though both documents were created by non-governmental entities, they have come to significantly influence the actions of the CESCR. Many of the Committee's General Comments can be traced to points made in the two documents. In addition, no states have rejected either the Limburg Principles or Maastricht Guidelines, securing their place as reference points in customary international law.⁴⁸

2.5 The ICESCR as a Standard-bearer for ESC Rights

The UDHR, together with the ICCPR and ICESCR comprise what is commonly referred to as the 'International Bill of Human Rights'.⁴⁹ These documents are the heart of international human rights and are often referred to in other UN treaties, as well as domestic human rights documents around the world. While composed of three documents, one is of particular concern in regards to the goal of this research project: due to its legal obligations, wide margins of ratification, and specificity, the ICESCR serves as the standard-bearer for ESC rights. At the end of

⁴⁶ See *Ibid.*, 464 for a look at two relevant cases: Panama in 1995 and the Dominican Republic in 1997.

⁴⁷ *Ibid.*, 25.

⁴⁸ In fact, some domestic courts have even cited these two documents in their decisions. For more on their impact. See: Forsythe, *Encyclopedia of Human Rights*, 450–51.

⁴⁹ "Fact Sheet No. 2 (Rev.1), The International Bill of Human Rights."

this section I will also address critiques of the ICESCR, as well as note other important documents comprising international understanding of and commitment to ESC rights.

When examining the human rights dimension of a policy, the document that places the greatest obligations on the international community is a natural choice. This is because precisely such a document is constructed to measure human rights compliance. The legal obligations that arise from the ICESCR mean that it is not only a document that lists human rights, but it is an actual commitment by states parties to achieve these rights. While the UDHR forms a cornerstone of international *custom*, the covenant that it inspired has become part of international *law*.⁵⁰

However, the ICESCR's legal obligations alone do not suffice; its wide margins of ratification mean that it is accepted across a variety of cultures and vast geographic space. The covenant is one of the most ratified human rights treaties in the world, with one hundred and sixty-four countries having become party to it as of June 2016. Of the nine core UN human rights treaties (those with their own treaty bodies that monitor implementation), only four have more ratifications than the ICESCR.⁵¹

When considering ESC rights, the specificity of the ICESCR is unmatched in the international human rights arena. While the separation of ESC rights and CP rights is not particularly meaningful when weighing the importance of one human right against another (as discussed above), it is true that some public policies may impact the rights listed in one covenant more or less than those listed in the other. In the case of this work, it is useful to capitalize on the distinction of ESC rights in the ICESCR precisely because the impact of instituting a basic income could be

⁵⁰ Johnson and Symonides, *The Universal Declaration of Human Rights*, 67.

⁵¹ Those treaties are the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination Against Women, and the ICCPR. See: "Status of Ratification Interactive Dashboard."

measured to a large extent by the realization of ESC rights.⁵² Many human rights listed in the ICESCR are also found in the UDHR. However, the depth of extensive analysis by the CESCR on the development of ESC rights means that using the covenant will provide a rich understanding of the relevant human rights and their reception by state governments.

Despite its position as a standard-bearer for the international implementation of ESC rights, the ICESCR is not without its critics. The aforementioned phrases that make up the covenant's general legal provision are sometimes called into question by critics as the covenant's weak points. Noting a country's maximum available resources, combined with the idea of progressive realization, have been argued as formalized excuses a state can use to evade its obligations. Detractors of the requirement to 'take steps' claim that not only does this make it difficult to assess protection of human rights, but it also enables states to make small incremental changes rather than implementing full safeguards and positive provisions. Some critics even claim that the ESC rights have themselves been formulated to be so expansive that no state could hope to respect, protect, and fulfil them all.⁵³

The ICESCR's popularity is widespread, but some exceptions mean that it cannot be enforced universally. While the number of states parties to the ICESCR encompasses many of the world's countries, there are some states that have refused to join the treaty's ranks. The United States of America stands as the richest, most populous, and globally influential of the states that have not ratified the treaty, but it is joined by Myanmar, Saudi Arabia, and Malaysia, to name a few.⁵⁴ In addition,

⁵² This claim, that basic income primarily affects ESC rights, is substantiated in Part 4 of this work. It should be noted here, however, that the effects of instituting a basic income can certainly be imagined to impact—directly and indirectly—human rights that are covered in the ICCPR or other core human rights treaties.

⁵³ Steiner, Alston, and Goodman, *International Human Rights in Context*, 275.

⁵⁴ The United States did *sign* the ICESCR in 1979 under the Carter Administration, but no subsequent U.S. president has found it politically expedient to take up the task of ratification, which must involve the American Senate to proceed. "Status of Ratification Interactive Dashboard"; "Which Economic, Social, and Cultural Rights Are Guaranteed in International Human Rights Documents?"; for a closer

while ratification has proceeded quickly, there are still few countries party to the OP to the ICESCR which increases its justiciability and oversight powers. As of June 2016, over one hundred and fifty countries have taken no action in regards to the OP; twenty-six have only signed it and twenty-one have ratified it.⁵⁵ While much of the world lives under governments that have agreed to the ICESCR's requirements, it is important to note the boundaries of its authority.

While the ICESCR is the preeminent international treaty pertaining to ESC rights, it is not the only one. Additional comparisons between basic income and states' human rights obligations could be performed by examining the policy from the perspective of other core human rights treaties. These treaties take into account how ESC rights are to be protected *in relation to* a particular issue. Further research could be done analysing the: Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention against Torture and Other Cruel, Inhuman or Degrading Treat or Punishment, and the Convention on the Rights of Persons with Disabilities.⁵⁶ Furthermore, while the UDHR has been set aside in this research project, its role in the development of human rights cannot be understated and could be a helpful tool in further research on the relationship between basic income and ESC rights. Finally, the work of the International Labour Organization may also be a good resource for future researchers in this area.⁵⁷

look at American opposition to the recognition of ESC rights, See: Steiner, Alston, and Goodman, *International Human Rights in Context*, 249–54.

⁵⁵ “Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,” June 29, 2016.

⁵⁶ “Frequently Asked Questions on Economic, Social, and Cultural Rights,” 35–36.

⁵⁷ Of particular interest, and fodder for future research in the arena of basic income and human rights, is the ILO's recommendation on establishing social protection floors: *Social Protection Floors Recommendation, 2012*; see also International Labour Conference, *Social Protection Floors for Social Justice and a Fair Globalization*. Social protection floors have also been supported by the CESCR:

3: The Concept of a Basic Income

To accurately assess basic income within the context of the ICESCR, setting the parameters of what is meant by ‘basic income’ is required. The debate around a basic income is a relatively contemporary phenomenon. The short history behind the concept of a basic income has been followed by the evolving array of ideas which abound in the contemporary field of basic income studies. While the definition I settle on below may be simple, the implications are far from it. Additionally, the increased desire to advocate for a basic income has introduced proposals that are found too far from the basic income tree to have fallen from it. Therefore, this part of my thesis seeks to provide a short introduction to what a basic income is, the history of the concept, the variety of ways it could be implemented, and to touch on proposals that are related to our investigation.

3.1 What is Basic Income?

Supporters of a basic income are often proud of the idea’s seeming simplicity. In this work, I will adopt the one-sentence definition of a prominent contemporary advocates of basic income, Philippe Van Parijs: ‘*A basic income is an income paid by a political community to all its members on an individual basis, without means test or work requirement*’.⁵⁸ Although alternative formulations are possible, the above definition provides a crucial outline of the core concept of a basic income, before introducing secondary characteristics that would prompt reasonable debate between its advocates and opponents. This narrow approach is inspired by Walter Van Trier’s ‘minimal model’, which elucidates basic income in a space that excludes a

“Social Protection Floors: An Essential Element of the Right to Social Security and of the Sustainable Development Goals.”

⁵⁸ Van Parijs, “Basic Income: A Simple and Powerful Idea for the Twenty-First Century,” 6.

multiplicity of ideological influences or normative justifications.⁵⁹ I believe that starting with this definition is an efficient method of introducing basic income to interested parties and functions as a crucial starting point before its implementation is debated.

There are three important elements of the definition of basic income, the first of which is that basic income is just that: an income. While this appears to be a statement of obvious fact, taken in the context of competing social policies (specifically policies that comprise the contemporary welfare state), the idea that payments are to be made in cash and not in-kind is quite significant. Many of the largest and most popular welfare programmes across the world provide benefits to citizens in the form of commodities and services that are restricted in use, such as food, housing, or healthcare. For example, the United States' Supplemental Nutrition Assistance Program provides vouchers that can be spent in a limited amount of locations for a restricted array of food items.⁶⁰ A basic income provides cash to recipients that can be spent however they'd like, with no restrictions. Additionally, basic income payments are made regularly over a lifetime, not in a single lump-sum payment. A recipient of basic income may have their benefits distributed to them monthly, weekly, or even daily. This stipulation differentiates basic income from some proposed welfare programs that would distribute a lifetime's worth of payments upon an individual's maturation to a predetermined age, as well as charities that employ lump-sum cash-transfers, such as GiveDirectly.⁶¹

The second important element of basic income found in our definition is its universality. A basic income is paid to each individual member of a state, without

⁵⁹ Van Trier stresses that there are two important limitations of the minimal model: it does not buttress basic income with a set of values that justify its creation and it does not identify specific objectives that instituting a basic income would achieve. In Van Trier's own words, the minimal model is primarily useful as a 'pedagogical metaphor'. See: Van Trier, *Every One a King*, sec. 2 of Prologue.

⁶⁰ "Eligible Food Items | Food and Nutrition Service."

⁶¹ "Pennies from Heaven."

discrimination, at the same level. An individual would receive a basic income regardless of their cohabitation status (and whether that cohabitation was sanctioned by the state), age, children, civil status, or familial relationships. While some countries provide unconditional cash-transfers in the form of ‘universal child benefits’, these are not truly universal, as they only go to households that have children.⁶² Universality reveals once more how basic income strays from traditional welfare schemes that evaluate recipients based on family, often delivering benefits solely to the head of a household. As you can see in Figure 1, two partners in a civil union would receive separate basic income payments, unlike some contemporary welfare distributions that lower the amount of benefits that two people in a civil union receive. Often referred to as a ‘marriage penalty’, this decision is based on the assumption of lower costs associated with sharing assets between two people.

Basic income’s unconditionality is its third crucial element. In many traditional welfare models, recipients are means-tested prior to receiving benefits. To do this, the recipient is evaluated by an agent of an administrative body that assesses characteristics of that person’s circumstances to determine the level of benefit they should receive. For example, some programmes phase out benefits when an individual has accumulated a certain amount of wealth or assets, usually calculated in some relation to the established poverty level in the area. Other programmes track earnings from formal employment and similarly phase out benefits as an individual’s salary rises. In many cases of present-day welfare arrangements, individuals may not be required to hold a job, but must provide evidence that they are actively searching for one or participating in education or skill-building activities that are intended to lead to greater prospects for employment in the formal economy. For example, the American Supplemental Nutrition Assistance Program programme requires recipients to engage in career training; if the recipient is offered paid work, they are required to

⁶² Matthews, “Sweden Pays Parents for Having Kids — and It Reaps Huge Benefits. Why Doesn’t the US?”

take the job to continue receiving benefits. Occasionally, some social benefits allow for work outside out of the formal marketplace, but this work is still required to yield some predetermined type of social benefit; paid parental leave is one example. However, in most manifestations of traditional welfare programmes, if people have too much money, make too much money, or aren't trying to make more money, they will no longer be beneficiaries of the programme.

Figure 1: UNIVERSALITY OF BASIC INCOME

	1 Person Household (Unmarried adult)	2 Person Household (Married adults)
Basic Income Model	\$1,000/month	\$2,000/month
Traditional Welfare Model⁶³	\$1,000/month	\$1,700/month

There are no conditions that need to be met by a member of a state with basic income in order to receive the benefit. An individual working full-time at a retail store that places them below the poverty line and a part-time investor that earns six figures will receive the same amount under a basic income scheme. Additionally, a third individual who is unemployed, but looking for a job, will also receive the same amount. A fourth individual who does not desire to take part in the formal marketplace and is not undertaking education or training for a job will receive the same amount as the prior three individuals. The administrative agent of a state that distributes a basic income will not investigate an individual's assets, employment status, or attitude towards employment prior to delivering that individual their benefit under the programme.

⁶³ Numbers used are fictional, but based on basic income definition and traditional welfare models described in "Understanding the Marriage Penalty and Marriage Bonus."

These three simple elements—income, universality, and unconditionality—provide us with a foundation and framework for understanding what basic income is. Yet, while advocates of basic income may boast of its simplicity in theory, the truth is that ideological perspectives, circumstance, and context inevitably lead to many variations of basic income when we arrive at the question of implementing it in a specific political community. The remainder of this part of the thesis will explore the history of basic income and how its numerous advocates and opponents can complicate the straightforward definition I have offered.

3.2 The History of Basic Income

There is a string of thought woven throughout history that connects disparate thinkers to the idea of basic income: to remedy some undesirable characteristic within society, such as poverty or the unequal distribution of property and natural resources, some or all members of the society should receive cash transfers. While some academics have offered tenuous links to writers in the 16th century, it is not until the 18th century that ideas distinguishing an early basic income truly began to germinate.⁶⁴ Whether or not we can identify the first formulation of the idea, a general outline of basic income's history offers insight into its underlying philosophy, may provide space to build connections to the realm of human rights, and shows how the idea has withstood criticism and evolved over time.

Writing in 1796, Thomas Paine investigated the idea of private property and its effects on justice in society. He began with the idea that all land was originally a common resource of humans. Therefore, the establishment of private property necessitates a redistribution of resources to compensate those who have ended up without ownership of land. Paine envisioned one system of compensation in which every individual would receive a lump-sum payment of £15 upon reaching the age of

⁶⁴ See: Raventós, *Basic Income*, 14 and Van Parijs, “Basic Income: A Simple and Powerful Idea for the Twenty-First Century,” 9 for justifications in favour of including Thomas More and Joan Lluís Vives within the annals of basic income's history. There is also some evidence linking basic income as far back as the 6th century, under Muslim caliph Abu Bakr. Weiss, *Islamic Reassertion in Pakistan*, 81.

21, followed by additional payments after the age of 50.⁶⁵ A contemporary of Paine and a fellow Englishman, Thomas Spence suggested a similar policy through which landowners would pay a fee to the political community on the basis of owning land. This fee would be pooled and redistributed to the community equally. Spence's idea not only compensates landless members of the community, but also creates a system in which individuals are in effect 'renting' land that is equitably owned and controlled by the community.⁶⁶ Theories put forth in the 18th century were followed by limited experiments of basic income-like policies in the 19th century. The Speenhamland system of 1795-1834 was a British poverty-alleviation programme that focused its efforts on the rural poor. For nearly forty years, a mixture of subsidies and allowances allowed individuals living in rural areas to ensure a subsistence.⁶⁷

The end of the 19th century and the beginning of the 20th century saw another flurry of proposals for basic income schemes around the world. In 1887, Edward Bellamy imagined that the people of the year 2000 would automatically be credited a yearly income to their financial accounts in his utopian book *Looking Backward*. In the 1910s, Dennis Milner proposed a 'State Bonus Scheme' in which all incomes in Britain would be taxed at 20% for the purpose of providing an equal payment to all members of the society with the goals of 'abolishing destitution' and 'attempt[ing] to encourage willingness to work'.⁶⁸ In 1921, Milner's idea was being taken seriously enough to be debated at the annual conference of the British Labour Party.⁶⁹ A decade later, the concept of a basic income, now under the name of a 'Social Credit', was proposed by C.H. Douglas. To stimulate the British economy, he advocated for every individual to receive a cash transfer that would be equivalent to one-third of the

⁶⁵ Fitzpatrick, *Freedom and Security*, 40.

⁶⁶ Although Part 4 will explore present-day case studies of basic income, it is worth noting here that the Alaska Permanent Fund in the US bears a striking similarity to Paine and Spence's rationales; *Ibid.*, 40–41.

⁶⁷ *Ibid.*, 41.

⁶⁸ Milner, *Higher Production by a Bonus on National Output*, 19.

⁶⁹ Tomlinson, "A Most Neglected Movement."

average salary. While Douglas' idea did receive some serious consideration at its onset (including a positive review by John Maynard Keynes), it soon faded away from the public debate on social policies.⁷⁰ One of the final pushes for basic income in the first half of the 20th century came from Juliet Rhys Williams, who proposed the 'New Social Contract' in 1943. Rhys Williams believed the welfare policies enacted in line with Britain's Beveridge Report were insufficient in tackling poverty, especially for women and children; her New Social Contract sought to solve this issue with weekly cash payments.⁷¹ The thinkers of this period set the ball rolling for considering basic income as a well-reasoned choice for creating a powerful social safety net.

Since the 1980s, research and proposals surrounding basic income have increased exponentially. In 1984, the first organization devoted to advancing research solely around basic income was founded. Called the Basic Income Research Group, it assisted in the foundation of a network created to further advance basic income across Europe, aptly named the Basic Income European Network (BIEN).⁷² One sign of basic income's increasing appeal was BIEN's expansion from 'European' to 'Earth' in its title (and in doing so, it kept the same acronym). Today, BIEN is joined by the academic journal *Basic Income Studies*, research institutions across the globe, and government ministries that fervently investigate the concept of a basic income. These organizations have undoubtedly led to the increase in popularity of basic income proposals across the board. From the creation of the Basic Income Research Group in 1984 until 2000, the use of the phrase 'basic income' more than doubled in English-language books.⁷³ Currently, there are several political communities, from

⁷⁰ Fitzpatrick, *Freedom and Security*, 42.

⁷¹ Ibid.

⁷² "About the Citizen's Income Trust – Citizen's Income."

⁷³ "Search For 'basic Income' on Google Ngram Viewer."

cities, regions, and entire states that are debating, considering, or implementing basic income.⁷⁴

3.3 Variables in the Implementation of a Basic Income

While basic income can be introduced into a conversation with the three elements of income, universality, and unconditionality, its practical implementation in a state can lead to a host of variations. The amount of income that is to be distributed, how a state is to raise the revenue to afford a basic income, and what qualifies membership in a state to deserve a basic income are just some of the issues lying beneath the idea's deceptively simple surface. In the following section, I will not be concerned with identifying the 'best' possible way to implement basic income (which, due to the variations in circumstance and context between states, is not a particularly meaningful task). Instead, my goal is to define the dimensions along which a basic income proposal may vary, while staying true to the original definition I offered earlier in this section.

The introduction of a basic income may call to mind a political community bound together at the level of a state, but this is not the only possibility. In fact, some basic income pilot programmes (explored at greater length in Part 4) have been instituted by municipalities or regions. There is nothing inherent in the concept of a basic income that prevents its administration and distribution at any level below the nation-state, including region, metropolitan area, city, town, or village. Additionally, some advocates have even called for a basic income at the supranational level; for example, it has been suggested that the European Union could implement a basic income.⁷⁵ Furthermore, the idea of a global basic income (possibly administered by the United Nations) has also garnered a small cadre of supporters.⁷⁶

⁷⁴ Oltermann, "State Handouts for All?"; Smith, "Silicon Valley's Basic-Income Experiment Is Worth Watching"; Goldhill, "Ontario, Canada Announced a Plan to Test Universal Basic Income for All Citizens."

⁷⁵ "European Citizens' Initiative for an Unconditional Basic Income."

⁷⁶ Van Parijs, "Basic Income: A Simple and Powerful Idea for the Twenty-First Century," 4.

However, due to legal obligations of human rights existing on the level of the state, the question of what constitutes membership within a state becomes an important consideration. In other words, what makes someone qualified to receive a basic income? Most advocates would agree that a tourist passing through a state would not be entitled to receive a cash transfer through that country's basic income policy. However, for those who are permanently living in a place with basic income, there is still the consideration as to whether it is enough to be a legal resident or if an individual is required to possess citizenship to gain their basic income entitlement.⁷⁷ If membership is decided by legal residency, the additional question of a minimum term of stay must also be considered. Does a student spending six months at a university in a foreign country with a basic income programme receive payments, or does the state require legal residency that exceeds a certain number of years? Often, the question of membership arises out of concern for how a basic income could create a 'pull' effect on individuals that are outside of a territory that has implemented the programme.⁷⁸ Additionally, there exists the question of whether an emigrant would continue to receive a basic income from the country that they are leaving behind.

Any reader who has taken a moment to imagine life under a basic income scheme has likely wondered how much money they would receive. The question of amount divides proposals into two camps: on one side 'full basic income' or 'basic income guarantee' indicate an amount sufficient enough to cover an individual's basic needs, on the other side 'small' or 'partial basic income' fall below the level of the former. Because 'basic needs' is a vague and variable phrase, a full basic income may be pegged in relation to an established poverty line or any other reliable cost-of-living calculation. However, there is nothing to say that a full basic income may not also go beyond the minimum amount required to subsist. Advocates in favour of a full basic income have claimed that a partial basic income may have adverse effects

⁷⁷ See: Fitzpatrick, *Freedom and Security*, 15 for a further discussion on further divisions between "active citizenship" and "passive citizenship" and its relationship to earning a basic income.

⁷⁸ See: Raventós, *Basic Income*, 192–96.

on the freedom and power of individuals with low to no pre-existing income and wealth.⁷⁹

Partial basic income proposals can also vary in the amount that they would award. The amount of income may be tied to a percentage of average wages or fluctuate based on profits from publicly-owned resources. Supporters of partial basic incomes have various motives, including greater affordability, implementation as a stepping stone towards a full basic income, or a fear that a full basic income would have adverse effects on its recipients (e.g., a disincentive to seek employment).⁸⁰

The debate surrounding the financing of a basic income is divided as well. Once again, we can place considerations of this issue within two general categories: financing a basic income in a redistributive manner or through a model based primarily on distribution. Under a redistributive scheme, money is collected from some or all members of a political community, then redistributed equally among all members. Funds can be collected from a tax on an asset such as land (as Thomas Paine and Spence proposed), or they can be gathered from an income or wealth tax on a particular demographic of members (most likely, those members who already earn high incomes or possess great amounts of wealth). There have even been theoretical financial instruments derived on an international level to finance a global basic income.⁸¹ A distribution scheme, on the other hand, seeks to finance a basic income without the need for collecting funds from members of the political community. This could be realized by distributing existing profits from publicly-owned resources or from the artificial creation of money.

In addition to the variations above, there are questions as to whether individuals who are members of a political community may still be excluded from receiving a basic income because they are already receiving some level of assistance. One of the most discussed demographics in this category are children. It is often

⁷⁹ André Gorz, "Beyond the Wage-Based Society," 297.

⁸⁰ Fitzpatrick, *Freedom and Security*, 40.

⁸¹ Van Parijs, "Basic Income: A Simple and Powerful Idea for the Twenty-First Century," 4.

debated whether the basic income that a child would receive would be entirely allocated to their legal guardians or whether the level of income would be reduced given children's particular legal status and financial position in relation to their legal guardians.⁸² Other groups of individuals that, either by their own will or indirectly because of their actions, have been placed under the direct care of the state may include prisoners and patients in mental health facilities or nursing homes.⁸³ These are likely to be important concerns from a human rights perspective.

Finally, there is the question of whether a basic income would replace other social benefits in a society, or if it would simply serve as a complementary policy within an existing welfare structure. This decision is largely based on the context of the political community that adopts the policy and its ideological leanings. Left-leaning advocates of a basic income often fluctuate between the position that implementing a basic income should not come with any changes to existing social benefits and the stance that those benefits that are presently lower in amount than the basic income would be eliminated, while keeping those benefits that are higher in amount.⁸⁴ On the other side of the aisle, right-leaning advocates of basic income prefer completely abolishing complex welfare schemes in favour of basic income's simplicity, effectiveness, and affordability.⁸⁵ These disagreements are worth noting to exemplify basic income's variability (how some advocates may think basic income *should* look), but they do not affect our understanding of the foundational definition of basic income.

3.4 Terminology and Similar Proposals

⁸² For an argument against providing basic income for children, see: Sheahan, *Basic Income Guarantee*, 85. For benefits of providing a basic income for children, see: Veen and Groot, *Basic Income on the Agenda*, 125.

⁸³ See: Fitzpatrick, *Freedom and Security*, 86–87. For an argument in favour of affordability that does not include children aged 0-17 and prisoners.

⁸⁴ Etzioni and Platt, "F203 A Community Based Guaranteed Income," 4.

⁸⁵ Murray, "Guaranteed Income as a Replacement for the Welfare State," 2.

A public policy proposal that follows the definition identified above, along any of the preceding variations, qualifies as basic income for the purposes of this research. However, academia, public debate, and practical experiments often substitute a variety of terms in place of basic income. While sometimes confusing for those who are encountering basic income for the first time, these alternative phrasings can be considered a natural by-product of a healthy and diverse movement working to advance a common idea. In the following paragraphs, I will separate terms that refer to basic income from those that are related, but fall short of the definition that we've established already (Figure 2). In doing so, I hope to provide clarity for the reader if they choose to undertake a continued exploration of basic income studies.

The term 'basic income' may be amended slightly to represent the amount of cash that is distributed to its recipients. As already mentioned, a 'full basic income', 'basic income guarantee', or 'full basic income guarantee' are terms used to describe a basic income policy that provides the amount of benefits that ensure subsistence for the recipient. Often, this level is tied to or above the poverty level in the political community. On the other hand, a 'partial basic income' is a policy that specifically provides cash benefits that are below the amount needed by the recipient for subsistence. Importantly, all of these terms still reside within the bounds of our definition of basic income.

In contemporary debate, one alternate term for basic income that has managed to gain significant traction is 'citizen's income'. This term has grown in popularity in the UK, partly due to the renaming of the Basic Income Research Group to the 'Citizen's Income Trust', as well as concerns that the word 'basic' may have negative connotations in British culture.⁸⁶ Additionally, some prominent authors from the

⁸⁶ "About the Citizen's Income Trust – Citizen's Income"; See Torry, *Money for Everyone*, ix of the preface, for a greater discussion on the choice between "citizen's income" and "basic income" in the UK context, as well as a collection of notes on the usage of terms that have been or are connected to basic income.

country have increased their usage of the term in their writings.⁸⁷ Sometimes, the use of ‘citizen’ is intended to draw attention to basic income’s application only to the legal citizens of the state that implements the policy. Because the particularities of membership in a state is a variation we’ve assessed above, ‘citizen’s income’ also satisfies our definition of basic income.

Figure 2. TERMINOLOGY

Synonyms of Basic Income	Variations of a Basic Income	Similar, but not Basic Income Schemes
Citizens’ Dividend, Citizen’s Income, Citizenship Income, Demogrant, Dividends for All, Guaranteed Annual Income, Guaranteed Adequate Income, Guaranteed Income, Guaranteed Minimum, Income Guarantee, Minimum Income Guarantee, Minimum Income, National Minimum, Social Credit, Social Dividend, Social Income, Social Wage, State Bonus, Unconditional Basic Income, Universal Allocation, Universal Basic Income, Universal Benefit	<p style="text-align: center;"><i>At or Above Subsistence Level</i></p> Full Basic Income, Basic Income Guarantee, Full Basic Income Guarantee <p style="text-align: center;"><i>Below Subsistence Level</i></p> Partial Basic Income	Guaranteed Minimum Income, Negative Income Tax, Workfare, Participation Income, Stakeholder Grant, Lump-sum Grant

In addition to the terms above, there is a plethora of names that the basic income concept has acquired over time. The following names may be used to describe many, but not any in particular, variations of basic income: citizens’ dividend, citizenship income, demogrant, dividends for all, guaranteed annual income, guaranteed adequate income, guaranteed income, guaranteed minimum, income guarantee, minimum income guarantee, minimum income, national

⁸⁷ Torry, *Money for Everyone*; Torry, *101 Reasons for a Citizen’s Income*; Torry, *The Feasibility of Citizen’s Income*.

minimum, social credit, social dividend, social income, social wage, state bonus, unconditional basic income, universal allocation, universal basic income, universal benefit.⁸⁸ While listing non-English terms is beyond the scope of this work, it is worth noting that basic income has garnered a worldwide appeal that provides formulations of the policy not in the English language.⁸⁹

With the proliferation of names for basic income, a justification for my choice of ‘basic income’ is in order. Perhaps the most compelling reason to choose ‘basic income’ over the alternatives above is its unrivalled popularity. In addition to being the most-used moniker for this idea in English literature, many leading non-governmental organizations (NGOs) and academic institutions have adopted it in their titles.⁹⁰ Secondly, the words that compose ‘basic income’ are relatively neutral and do not invite speculation as to the various implementations of the policy (such as ‘citizen’, ‘grant’, or ‘dividend’ may). In its simplicity, popularity, and neutrality, I believe ‘basic income’ is the best choice for the concept that has been outlined throughout this section. In making this decision, I do not believe that other possibilities are untenable.⁹¹ In the evolving landscape of this field of study, I simply found it helpful to adopt one term for consistency and clarity.

Now that I have delimited the terms that represent basic income, my last task is to put aside proposals that are often included in the same breath as basic income, but do not satisfy our definition.⁹² A ‘negative income tax’ is often spoken alongside basic income, likely because the two ideas share much in common and the former enjoyed the support of economist Milton Friedman and composed a portion of

⁸⁸ I borrow many of the terms in this list from Fitzpatrick, *Freedom and Security*, 36.

⁸⁹ Some examples include the German *Grundeinkommen*, French *Revenu De Base*, Portuguese *Renda Básica*, Italian *Reddito Di Base*, and Spanish *Renta Básica*.

⁹⁰ “Google Ngram Viewer of BI Terms.”

⁹¹ Such as Tony Fitzpatrick’s choice of “Guaranteed Minimum Income Scheme” Fitzpatrick, *Freedom and Security*, 36.

⁹² Delineating the boundary of basic income from ideas that bear similar traits is necessary for clarity in this work, but it does not mean that these alternative proposals cannot hold relevance to research on basic income. Often, proposals such as a negative income tax or workfare can signal support (from the public or politicians) of important elements that are contained within the definition of basic income.

Richard Nixon's goals for welfare reform in the United States.⁹³ A negative income tax is a cash transfer that is means-tested on the level of income. People in a country with a negative income tax are guaranteed a level of income that is phased out as they increase their income from other sources. Sometimes, the term 'guaranteed minimum income' is used to refer to this same policy. However, because a negative income tax requires the recipient to have a low income, it does not meet basic income's element of unconditionality. Even though negative income tax and basic income are not identical, the net income that the poorest individuals in a state would receive under the two programs could look quite similar. For this reason, it is useful to take into consideration case studies of negative income tax experiments to shed light on what sort of impact a basic income would have on human rights.

Some proposals that are confused with basic income provide cash transfers to individuals, but only on the condition that the recipient performs a delimited activity. Two of these proposals are 'workfare' or 'participation income'. The former provides assistance that is conditional—as the name implies—on some sort of work, paid or unpaid, that provides utility for the administration of the political community where it is implemented.⁹⁴ The latter is similar, however instead of work the policy requires an alternative range of socially useful activities. While workfare is usually related to an activity that has a formal connection to the state (such as cleaning a state-owned park), participation income may include activities that are part of the domestic or private sphere (such as domestic care or volunteering). Because these proposals also fail to meet basic income's requirement of unconditionality, they fall outside of our definition.

Finally, we encounter a category of proposals that are very similar to basic income, aside from their distribution through a single payment at one point in a

⁹³ Raventós, *Basic Income*, 15.

⁹⁴ André Gorz, "Beyond the Wage-Based Society," 297.

recipient's life. These are often called 'stakeholder grants' or 'lump-sum grants'.⁹⁵ These cash transfers are given to members of a political community at a predetermined age of maturity, such as eighteen, twenty-one, or twenty-five years of age. Although often unconditional and universal, these proposals do not take the form of an income because they are not distributed over a lifetime. Some advocates argue that a shrewd recipient could invest the totality of a stakeholder grant and receive interest payments over a longer period of time. However, it's all too easy to imagine how the collapse of an industry or economic downturn would jeopardize the feasibility of this idea. The reliance on the steady interest of an asset as opposed to a lifetime guarantee in the case of a basic income, excludes these lump-sum proposals from inclusion within my basic income definition.

4: Using the ICESCR to Evaluate the Human Rights Impacts of a Basic Income

In the following part of this thesis, I will use the ICESCR as a framework with which to conceptualize the human rights impacts of a basic income. To start with, I will identify the precise article of the covenant that covers a particular ESC right and expand the discussion around this right by including the General Comments published by the CESCR.⁹⁶ The General Comments offer a deeper understanding of each right, as well as the minimum core obligations that a state is under to fulfil the right. After sufficiently defining the human right in this way, I will use the existing literature on basic income to predict what sort of effects a basic income policy would have on the realization of a human right enshrined in the ICESCR. When possible,

⁹⁵ For more on lump-sum grants, see: Fitzpatrick, *Freedom and Security*, 37.

⁹⁶ In some instances, I have included only a subsection of the Covenant that deals with the right, opting for brevity and clarity over exhaustive detail. This was done for articles: 2, 6, 7, 8, 11, 12, 13, and 15.

this will be complemented by outcomes from basic income or negative income tax experiments that support the predictions.⁹⁷ Finally, I'll complete the discussion of each human right in question with some final notes that could guide future research into building alignment between basic income and human rights.

4.1 Non-Discrimination

Article 2: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

While not a human right in itself, the principle of non-discrimination is a cornerstone of international human rights law and has been called 'the dominant single theme of the Covenant'.⁹⁸ Put simply, the principle of non-discrimination decries any sort of circumstances that result in individuals being placed on unequal footing in the realization of their human rights. If a policy produces discriminatory outcomes, it engages the real risk of undermining human rights—even if its purported intention is to protect them.

Between 2005 and 2009, the CESCR published two General Comments on non-discrimination and the enjoyment of rights in the covenant;

⁹⁷ The case studies used for this research vary in their size, length, scope, location, and other methodological dimensions. Additionally, none of them have explicitly used human rights as a guide for measurement. For this reason, they cannot be universalized to every context where a basic income could be implemented. However, they are valuable for the insight they offer as to the possibilities of a basic income policy's human rights impacts.

⁹⁸“General Comment No. 20,” para. 5.; quoting Ramcharan, “Equality and Non-Discrimination.”; For more on the role of non-discrimination in international human rights law, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 174–77.; Another reflection of the importance of non-discrimination is its inclusion in the “human rights-based approach” to development that the UN has promoted. This may figure front and centre in potential discussions of basic income as a development tool. See: “Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation,” 23–24.

one specifically focused on the discrimination between men and women, the other a broader inquiry into discrimination. The Committee stressed that policies should not only be evaluated by their formal equality (i.e. equality in the provisions of a law) but also by substantive equality (i.e. whether the effects of the policy actually produce equality).⁹⁹ The equal rights of men and women are directly addressed in Article 3 of the Covenant, which emphasizes the importance of the inequality of the sexes.¹⁰⁰ Besides sex and gender, the Committee elucidates all of the groups that should be protected from discrimination in the enjoyment of their ESC rights.¹⁰¹ For the purposes of this work, it is especially noteworthy that age, nationality, and residence are included in the list of protected groups.

While discrimination is never encouraged, the Committee does claim that it can be justified in some circumstances. For example, when it comes to marital status, discrimination in regards to receiving social security benefits ‘must be justified on reasonable and objective criteria’.¹⁰² However, any justification of discrimination must show that it is done ‘solely for the purpose of promoting the general welfare in a democratic society’.¹⁰³ Therefore, the Committee requires an explanation for discrimination; if there is none, then a state has an immediate obligation to dismantle laws that have discriminatory outcomes and implement new policies that empower individuals of different walks of life to equally enjoy their ESC rights.

⁹⁹ “General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights,” para. 7; “General Comment No. 20,” para. 8b.

¹⁰⁰ For more on Article 3 and Concluding Observations of the CESCR in regards to sex inequalities, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 218–38.

¹⁰¹ “General Comment No. 20,” paras. 19–35.

¹⁰² *Ibid.*, para. 31.

¹⁰³ *Ibid.*, para. 13.

Among supporters of basic income, there is a strong line of feminist thought that supports the policy as a tool to combat discrimination.¹⁰⁴ The reasoning is based on the claim that financial resources around the world are concentrated in the hands of men, who have been traditionally labelled as ‘heads of the household’. When compounded with the tendency of many present-day welfare programmes to use this distinction to deliver benefits to the male side of a married couple, the result is an increased likelihood that women may be forced to join a relationship primarily out of financial necessity and dependence.¹⁰⁵ Additionally (and covered to a greater extent in the subsequent section on the Right to Work), many feminists criticize the sexual division of labour that provides an income for workers in the formal economy (mostly men) and leaves labour in care and domestic work (mostly women) unpaid.¹⁰⁶ Under a basic income, women who work in the informal economy (understood by the CESCR as ‘all economic activities... not covered or insufficiently covered by formal arrangements’)¹⁰⁷ would also be guaranteed an income. Not only is basic income formally equal—as it does not differentiate between men and women—but it would substantively level the playing field between men and women by providing women the financial independence and security that they need to be free from discrimination. As basic income experiments and implementations continue to grow in number, the decision of a political community to favour a traditional welfare programme that has discriminatory outcomes could become more difficult to justify. Sex and gender are perhaps the most researched qualifiers when it comes to basic

¹⁰⁴ However, it’s important to note two things at this time: a) that feminists are not unanimous in their support for basic income. For a feminist who believes basic income does not promote gender equality, see: Ann S. Orloff, “Why Basic Income Does Not Promote Gender Equality,” 149–52. and b) that those feminist who support basic income do not claim that the policy is a panacea for sex-based discrimination across a society.

¹⁰⁵ Tony Fitzpatrick, “A Basic Income for Feminists?,” 163. Not considered in depth in this work, this element of traditional welfare programmes (and its absence in basic income) could also be analysed against Article 10 of the ICESCR, which states that ‘... marriage must be entered into with the free consent of the intending spouses’.

¹⁰⁶ *Ibid.*, 164.

¹⁰⁷ “General Comment No. 19,” paras. 33–34.

income and equality, but the reasoning given above can handily be applied to other demographics as well. The policy's universality would ensure that many marginalized groups which may be disadvantaged by the institutions in their state receive an income.

However, there are some elements of non-discrimination that may require further debate among supporters of basic income if the programme is to satisfy this crucial human rights principle. As discussed in Part 3 of this thesis, not all advocates of basic income can agree on whether (and how) the entitlement would be paid to children, non-nationals (such as migrants, asylum seekers, and refugees), and nationals that reside outside of their political community. If any of these groups of people were to be denied a basic income, the backers of the policy would be required to give a well-reasoned justification for how such a denial is necessary for the policy to promote the general welfare of society. If such a justification is not possible, promoting a non-discriminatory basic income in the human rights sphere would require including children and non-nationals.¹⁰⁸

4.2 Right to Work

Article 6: The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 7: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work...

Article 8: The States Parties to the present Covenant undertake to ensure: (a) The Right of everyone to form [and join] trade unions... (b) The right of trade unions to establish national federations or

¹⁰⁸ As a caveat, Article 2(3) of the Covenant recognizes the freedom of developing countries to refrain from guaranteeing all economic rights to non-nationals, in attempt to address inequalities that came about from colonialism. However, this clause has never been invoked by a state party. For more on this, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 214–17.

confederations and the right of the latter to form or join international trade-union organizations... (c) The right of trade unions to function freely... (d) The right to strike...

Work is considered by many to be a central component of life and is often used as an instrument by individuals to build their identity. The important role of work is reflected in the two General Comments that the CESCR has published on the human right. The Committee states that the freedom of an individual to decide whether to work and what work to do is linked to that person's dignity and personal development, as well as social and economic inclusion.¹⁰⁹ Importantly, the notion of work is not only found in the formal economy, but includes the informal economy (such as domestic and agricultural work) as well.¹¹⁰ By including jobs that are not counted in the ledgers of many economists, the Committee legitimizes workers that the formal market ignores and validates work that these workers can subsequently identify with. In this section, I will also examine trade union rights, which are closely related to the human right to work.

The Committee goes to great lengths to identify examples of labour that do and do not lead to the enjoyment of the right to work and what can be done to mitigate circumstances that negatively affect the right to work. For example, forced labour must be totally eradicated and prevented.¹¹¹ Precarious contracts, in which workers face an increased risk of losing their income, also threaten the right to work.¹¹² To allay work insecurity, the Committee recommends corrective measures such as supplements to the wage.¹¹³ Social security is seen as a complement to work

¹⁰⁹ "General Comment No. 18," para. 4.

¹¹⁰ *Ibid.*, para. 10.; The extent to which the Committee recognizes unpaid work as "work" is ambiguous. See: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 281–82.

¹¹¹ "General Comment No. 18," para. 9.

¹¹² "General Comment No. 23," para. 10.

¹¹³ *Ibid.*, paras. 1 & 64. This connection between work and social security is further evidenced by the Committee's association of the right to work and the International Labour Organization, an independent subsidiary of the UN that has advocated for 'social protection floors,' which include a 'a basic set of social transfers, in cash or in kind, to provide minimum income security and access to essential services'. See: "Report VI." The CESCR has recognized social protection floors as valuable

and a way for a state to compensate for a lack of work-related income (including for workers that perform labour outside of the formal economy). The Committee also encourages work to be circumscribed, by noting the positive value of rest, leisure, and personal responsibilities.¹¹⁴

The minimum core obligations (the immediate obligations placed upon a state after ratifying the ICESCR) of the right to work are largely a matter of eliminating discrimination from individual's efforts to secure their right to work.¹¹⁵ Basic protections for workers, such as a minimum wage and paid leave, also make up the right's core content.¹¹⁶ Under the notion of progressive realization, states are bound to take steps so that the right to work is fully realized. To do this, work must not hinder the enjoyment of other human rights (for example, by causing physical injury or by providing an inadequate income to survive) and must be available, accessible, acceptable, and of quality.¹¹⁷ Once again, the Committee is clear that the right to work extends to labour that is performed outside of the formal economy and to anyone regardless of their demographics. However, there is no mention as to whether unpaid work qualifies as work, an area the Committee could still explore and clarify.

Basic income, contrary to many traditional welfare models that require employment in the formal economy, offers a steady income for individuals regardless of how they define work for themselves. While basic income supporters share the CESCR's recognition of work in the formal economy (and take it further by allowing an individual to define work for themselves), this is not reflected in the economic mainstream of many states. In this way, basic income could serve as a method to encourage a reconceptualization of what is regarded as work and empower

tools for promoting ESC rights in "Social Protection Floors: An Essential Element of the Right to Social Security and of the Sustainable Development Goals," para. 1.

¹¹⁴ "General Comment No. 23," para. 34.

¹¹⁵ "General Comment No. 18," paras. 19 & 31.

¹¹⁶ "General Comment No. 23," para. 65.

¹¹⁷ "General Comment No. 18," paras. 6–7, 12.

individuals outside of the formal economy to realize the right to work (without the forceful hand of the market). Rather than make decisions based on immediate short-term interests, a basic income allows rational long-term decisions making. One can imagine how less likely someone would be to seek precarious or unsafe employment out of desperate necessity if they had a guaranteed income to rely on.¹¹⁸ Even if someone did decide to take such a job in the formal market, they would know that they could leave at any time without sacrificing the totality of their income.

Current strategies to secure the right to work often suffer from various drawbacks that would not be present under a basic income. While some states attempt to secure the right to work by pushing for full employment (which may be more aptly considered a ‘right to a job’), this plan seems untenable, if not outright undesirable.¹¹⁹ In doing this, the political authority either needs to artificially create jobs for everyone or push private employers to take on more employees. In either case, there is a real risk that the jobs produced by this strategy are not desirable to individuals and strain the connection between work, self-worth, and self-realization (not to mention they may also be inefficient and unsustainable). Furthermore, labour outside the formal economy continues to be practiced without the security and just allowance of an income.¹²⁰ In some present-day welfare schemes, individuals are even presented with an incentive to avoid work, whether they desire a job or not. This ‘unemployment trap’ occurs when a growing income triggers the withdrawal of benefits; meaning that individuals who increase their working hours may face no net difference—and possibly even a decrease—in their total amount of income.¹²¹ Under

¹¹⁸ The notion of a class of workers facing precarious working conditions, dubbed the ‘precariat’, is explored at length in the works of Guy Standing.

¹¹⁹ This line of reasoning is excellently executed by Guy Standing in: Standing, “Why a Basic Income Is Necessary for a Right to Work.”

¹²⁰ Some labour outside the formal economy (especially care work) is sometimes subsidized in a limited way by governments in the form of a parental leave; however, this benefit is often *dependent* on a person already being a wage labourer in the formal economy. *Ibid.*, 36.

¹²¹ Raventós, *Basic Income*, 30; Fitzpatrick, *Freedom and Security*, 56; for a concrete example, see: “Making Work Pay in Illinois.”

a basic income, individuals could receive an income while labouring outside of the formal economy and not face any penalties if they take a job in the formal marketplace.

Some opponents of basic income claim, however, that the policy may provide a disincentive to work.¹²² With work as a primary method of inculcating morals and self-worth, the reasoning goes, what will happen to individuals under a basic income who are not forced to seek work to survive? The implication—once again—is that work in the formal economy is the only worthy type of work. Nevertheless, basic income is unlikely to push large swaths of a community out of the workforce. A broad survey of Europeans in 2016 showed only 4% of individuals said they would stop working if they received a basic income and 7% would partly reduce their working hours.¹²³ Results from an experiment conducted in Canada likewise showed that the policy had little effect on full-time workers. While there was a reduction in working hours in part-time workers, the reduction was composed mostly of parents that took more time to care for children, as well as children who found it easier to stay in school longer and avoid the pressure to stop their education in order to generate an income.¹²⁴ The drop in hours worked was also found to be quite low in a set of experiments conducted throughout the US; in this case, the decrease in working hours among young people was almost completely offset by increased school attendance.¹²⁵

While the CESCR has not published a General Comment on trade union rights, the conventions of the ILO can serve as guides for further exploring these

¹²² Paul Winfree, “A Universal Basic Income Is Anti-Work”; Schrager, “The Universal Basic Income Is a Bad Idea Whose Time Will Never Come”; Porter, “A Universal Basic Income Is a Poor Tool to Fight Poverty.”

¹²³ Nico Jaspers, “What Do Europeans Think about Basic Income? Survey Results from April 2016.”; Interestingly and paradoxically so, another survey found that individuals are highly unlikely to think they will stop working while thinking it is very likely that others will stop working. See: “Only 2% of Swiss People Would Stop Working If They Had a Basic Income.”

¹²⁴ Murray and Pateman, *Basic Income around the World Horizons of Reform*, 96.

¹²⁵ Alicia H. Munnell, “Lessons from the Income Maintenance Experiments: An Overview,” 4, 8.

human rights. After all, the ILO is a subsidiary agency of the UN and has the task of promoting global labour rights and standards. Not only does the ICESCR refer to relevant ILO conventions, but the text of Article 8 borrows language from these same conventions.¹²⁶ ILO Conventions 87 and 98 deal specifically with freedom of association, right to organise, and collective bargaining. The conventions circumscribe the ways in which a state can interfere with trade unions, ensuring that workers can form or join a union without any authorisation or discrimination from the state.¹²⁷ For example, a worker should not face negative repercussions (such as losing their position) if they decide to become part of a trade union. Furthermore, the ILO emphasizes that not only should the state abstain from interference, but it should protect these organisations from being dominated by employers or other entities.¹²⁸ The right to strike is an important component of trade-union related rights. In general, Article 8 of the ICESCR and the ILO conventions explored above indicate that trade union rights are enjoyed when the state abstains from interference in their affairs.

Human rights related to trade unions are naturally connected to the right to work, as trade unions are made up of organized workers. While there are mixed feelings on the part of trade unions in regards to basic income, the programme is likely to have a positive impact on the enjoyment of trade union-related human rights. Perhaps the strongest positive impact could be seen in the ability of labourers to strike. Striking requires a reserve of economic security on the part of the trade union or individual labourer, to compensate for loss of income during the time taken to strike. Trade unions could collect a percentage of their members' basic incomes to finance strikes; alternatively, individuals would have the freedom to strike themselves if their basic needs are being taken care of through the distribution of a

¹²⁶ Sibbel, "ILO Conventions and the Covenant on Economic, Social and Cultural Rights: One Goal, Two Systems," 54.

¹²⁷ "Freedom of Association and Protection of the Right to Organise Convention, 1948," pt. 1 art. 5; "Right to Organise and Collective Bargaining Convention, 1949," pt. 1 art. 1.

¹²⁸ "Right to Organise and Collective Bargaining Convention, 1949," pt. 1. art. 2.

basic income. A basic income allows workers the ability to turn away unsafe or undesirable work and provides them increased bargaining power in individual and trade union-level negotiations. There is no evidence to show that a basic income would make it more difficult for trade unions to conduct their affairs in the way that Article 8 ICESCR and ILO conventions allow them to.

Despite the aforementioned benefits to the right to strike, trade unions have held mixed opinions on the subject of basic income proposals. This comes at least partly from the threat that an increase in self-employment or the perceived disincentive to work that follow the introduction of a basic income could reduce the relevance and power of trade unions. In Belgium and Finland, trade union representatives have historically produced arguments that a basic income would cause the erosion of other necessary welfare programmes as well as increase the amount of short-term and precarious contracts that are not only undesired, but outside of their control.¹²⁹ Canadian union officials do not reject the philosophical notion of a basic income, but have been hesitant to support what they view as a politically unrealistic idea.¹³⁰ On the other hand, some union leaders in the Netherlands have supported basic income proposals.¹³¹

While a basic income may empower individuals to enjoy the right to work by expanding what is considered work, providing an income to those outside of the formal economy and increasing the economic security needed for trade unions to strike, it is by no means a one-step solution to the complete realization of these human rights. If a basic income were in place, it would still be necessary to increase safeguards for workers who labour outside of the formal economy.¹³² Whether it is

¹²⁹ Yannick Vanderborght, “The Ambiguities of Basic Income from a Trade Union Perspective,” 500–501; however, there are signs that some Finnish trade unions are beginning to shift towards supporting the issue. See: “Finnish Social Democrat and Union Leaders Change Their Minds on Basic Income.”

¹³⁰ Yannick Vanderborght, “The Ambiguities of Basic Income from a Trade Union Perspective,” 502.

¹³¹ *Ibid.*, 503–4.

¹³² “General Comment No. 23,” para. 47d, f, g, j.

care work, agricultural work, or volunteer work, the state should seek to increase safety across the spectrum of labour. Without protective regulations, care work would be rewarded with an income, but could still function in the shadows where abuse, neglect, or other hazards could occur. Even under a basic income, protections should be in place so that employers do not take advantage of youth by requiring unpaid internships or similar low-paying contractual employments. Some advocates of basic income even suggest that without proper workplace regulations, a partial basic income would create a new low-wage marketplace for jobs that are filled by many who are forced to work because they cannot survive off of the partial basic income alone.¹³³ This undesirable situation could be prevented by providing high minimum wages or guaranteeing a full basic income that covers individuals' basic needs.

4.3 Right to Social Security

Article 9: The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Basic income is closely linked to the right to social security, as the policy is a form of social security itself. As far back as 1944, the ILO called for social security to 'provide a basic income to all in need of such protection and comprehensive medical care'.¹³⁴ In the ICESCR, focus is given towards providing security for marginalized groups, especially children and mothers following childbirth.¹³⁵ This focus, paired with a General Comment of the CESCR, underlines how the absence or substandard application of social security can undermine the other rights of the covenant. To ensure that other human rights are not at risk, social security should cover a broad range of areas including health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, survivors and

¹³³ André Gorz, "Beyond the Wage-Based Society."

¹³⁴ On the relationship between the ICESCR, its drafting, the CESCR and the ILO, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 617–22.; Quoting: "Declaration Concerning the Aims and Purposes of the International Labour Organization."

¹³⁵ *International Covenant on Economic, Social and Cultural Rights*, para. 10.

orphans.¹³⁶ The Committee, drawing from the principle of non-discrimination, urges that any person under a state's jurisdiction should be covered, which means the inclusion of non-nationals such as migrant workers, refugees, asylum seekers, and stateless persons.¹³⁷ Sounding a familiar tone as in its General Comments on the right to work, the CESCR also stresses that individuals outside of the formal economy, such as part-time, casual, self-employed, and homeworkers are often the ones most inadequately covered by social security measures, if at all.¹³⁸

The minimum core obligations of the right to social security require establishing a system that provides at least a minimum level of benefits essential to fulfil individuals' basic needs. If such a system does not exist, a state must immediately form a plan of action to implement it.¹³⁹ Under full realization of the right to social security, the Committee draws an image of a state in which there exists the 'right to equal enjoyment of adequate protection from social risks and contingencies'.¹⁴⁰ To achieve this, it is suggested that insurance-based systems (wherein each individual must pay to receive benefits) will not adequately meet all persons' needs and that a non-contributory scheme will mostly likely be required.¹⁴¹

Basic income provides the ability to secure financial security that allows individuals the freedom to realize their other ESC rights. For example, the ability for a parent to take time off from their work to care for a child and still receive an income would help individuals enjoy the right to family life.¹⁴² However, when an employer or domestic partner totally controls a person's income stream, that person's

¹³⁶ "General Comment No. 19," paras. 12–21.

¹³⁷ *Ibid.*, para. 20.

¹³⁸ *Ibid.*, paras. 33–34.

¹³⁹ *Ibid.*, para. 59.

¹⁴⁰ *Ibid.*, para. 9.

¹⁴¹ *Ibid.*, para. 4.

¹⁴² *International Covenant on Economic, Social and Cultural Rights*. Art. 10

freedom is reduced because they cannot survive without their employer or domestic partner.¹⁴³

The connection between social security, freedom, and other human rights is a critical link for basic income. Unfortunately, the rise of globalisation has more greatly exposed people to the shocks of international financial systems, new trading patterns, and technological advancements.¹⁴⁴ While insurance-based social security schemes have trouble accounting for such shocks, basic income provides a consistent and reliable form of income security.¹⁴⁵ Guy Standing calls this the ‘emancipatory value’ of the programme, based on the psychological aspects of economic insecurity that lead to impaired decision-making abilities.¹⁴⁶ For example, out of desperation, an individual may take out loans with high interest rates and arduous conditions. Basic income reduces both the need to borrow and increases the ability to pay off existing debts. In large part due to numerous basic income pilots in India, this is no longer simply a thought experiment. These pilots showed an increase in the number of households that did not take on more debt or even reduced debt totals, compared to a control group that did not receive a basic income.¹⁴⁷ These results were particularly notable in the community where a small loan was shown to be the catalyst for falling into a chronic cycle of debt.¹⁴⁸ In the American state of Alaska, where a partial basic income known as the Alaska Permanent Fund has operated since 1976, one-third of basic income recipients reported using money from the programme to pay down debts.¹⁴⁹

¹⁴³ This situation is more deeply explored by Philip Pettit in Philip Pettit, “A Republican Right to Basic Income,” 27–29.

¹⁴⁴ Standing, “Why Basic Income’s Emancipatory Value Exceeds Its Monetary Value,” 199.

¹⁴⁵ This assumes that the source of funding for a basic income programme is itself sustainable and considers the ups and downs of international market economies.

¹⁴⁶ Standing, “Why Basic Income’s Emancipatory Value Exceeds Its Monetary Value,” 197.

¹⁴⁷ *Ibid.*, 202.

¹⁴⁸ *Ibid.*, 208.

¹⁴⁹ Goldsmith, “The Alaska Permanent Fund Dividend: A Case Study in Implementation of a Basic Income Guarantee,” 10.

Social security systems are expensive and basic income is not unlike other policies in this respect. However, states are required to use the maximum available resources to secure peoples' ESC rights, including resources from the international community. While many calculations have been performed that show how wealthy North American and European countries may be able to finance a basic income, some critics maintain that the policy is fiscally out of reach for poorer countries.¹⁵⁰ Yet, a close look at the issue does much to dissolve this critique. In 2002, a governmental committee in South Africa agreed that a basic income equivalent to approximately 10 USD per month would be sufficient to cover individuals' basic needs and identified a number of ways the South African government could finance such a scheme.¹⁵¹ For governments that fall short of the revenue needed for basic income, some advocates have suggested that foreign development aid (which often struggles with corruption and other aforementioned subsidy-based impediments) could be allocated towards funding a basic income.¹⁵²

As with the right to work, a basic income is not the only ingredient in the recipe to full realization of the right to social security. While the specifics of implementing basic income range from replacing all social security benefits to an existence alongside existing benefits, it's decidedly the latter that more closely aligns with the human right to social security. While basic income provides an equal floor from which all individuals can build income security, it is not able to provide security equitably to groups that face uniquely severe insecurity, such as those with physical disabilities, mental illness, or chronic health conditions. Basic income advocates who seek to align the policy with human rights should take care to promote the idea alongside complementary welfare benefits that promote equitable social security for these groups.

¹⁵⁰ Raventós, *Basic Income*, chap. 8.

¹⁵¹ Teresa Guthrie, "Transforming the Present – Protecting the Future," 134.

¹⁵² Paul Knight, "Is Basic Income Possible in the World's Poorest Countries?"

4.4 Right to an Adequate Standard of Living

Article 11: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

In the ICESCR, the human right to an adequate standard of living contains a series of subsidiary rights. These subsidiary rights identify the basic requirements that every individual needs satisfied in order to live a dignified life. Because the CESCR has offered General Comments specifically on the right to adequate housing and the right to adequate food, and because these are especially relevant to basic income, these are the rights that will be expounded on below.¹⁵³

4.4.1 Right to Adequate Food

In pursuit of the human right to adequate food, a state's minimum core obligation is to ensure that individuals are free from hunger. Put simply, the first step that a political community must take is to ensure that the dietary needs of people are being met.¹⁵⁴ Following this core obligation, the full realization of the right to adequate food comes when there is a sustainable and adequate supply and access to food for every person in a given community.¹⁵⁵ In its obligation to fulfil this human right, the political community must strengthen the resources that are needed so that individuals can have food security.

While in some places around the world the supply of food may be inadequate, it is more often the case that individuals are unable to access the adequate supply of

¹⁵³ However, this does not mean that other subsidiary human rights of the right to an adequate standard of living (such as the right to water) would not be impacted by a basic income.

¹⁵⁴ "General Comment No. 12," para. 8.

¹⁵⁵ *Ibid.*, para. 6.

food that is available.¹⁵⁶ Insufficient or discriminatory access to economic resources often prevents people from being able to secure the food they need to survive by buying it locally or growing it themselves. Therefore, any policy seeking to empower the realization of the right to adequate food must ensure that barriers of access are eliminated.

A basic income would increase recipients' economic resources, allowing individuals to more readily access the right to food without discrimination. Moreover, it is a program that is easily justiciable, and hence can realize food as a human right that can be immediately enforced. A negative income tax study in the US state of North Carolina showed a statistically significant improvement in the nutritional value of recipients' food compared to a control group.¹⁵⁷ In an experiment conducted in Namibia, receiving a basic income reduced the amount of individuals living below the food poverty line from 76% to 37% in a single year.¹⁵⁸ Prior to conducting an experiment in India, only 50% of households in a particular community of villages reported having an income sufficient for their food requirements- a problem of access. After the implementation of a basic income, this number rose to 82%. This marked improvement came with a reduction of malnourishment among children and a subsequent increase of their weight-for-age.¹⁵⁹ Similar findings from an unconditional cash transfer programme in Liberia showed that recipients reported fewer days of inadequate food consumption than their counterparts in the control group.¹⁶⁰

Not only could basic income help people enjoy their human right to adequate food, but it may have advantages over some traditional welfare schemes that are currently being used. Across the world, subsidies are often the tool used by

¹⁵⁶ Ibid., para. 5. For more on this, see: "Fact Sheet 34."

¹⁵⁷ "The Rural Income Maintenance Experiment," 59.

¹⁵⁸ Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 6.

¹⁵⁹ Ibid., 7.

¹⁶⁰ "Final Evaluation Liberia Social Cash Transfer Programme," 5.

governments to provide social security. However, subsidies may be highly inefficient compared to the simplicity of the cash-based transfers of basic income programmes. For example, food subsidies often distort prices in the market, require transaction and administrative costs, impose costs on recipients (such as large amounts of time spent queuing and working with welfare administrators), and result in disbursement uncertainties (i.e. whether the food will successfully reach the intended recipient).¹⁶¹ A basic income empowers access to food where it is most immediately accessible and with the lowest amount of overhead costs for the distributor and recipient. Critics of basic income may claim that the recipients of cash-transfers may use their income for ‘private bads’ and thus justify paternalistic subsidies. However, several case studies have found that basic income recipients were no more likely to spend money on these products, such as alcohol and tobacco, than their non-recipient counterparts.¹⁶²

So long as the political communities that implement a basic income disburse the minimum amount of money required to purchase a consistently adequate amount of quality food, basic income is likely to increase the greatest obstacle to the realization of the right to adequate food, namely the access to food. However, it is unlikely to help in areas that experience problems of supply. For people who do not live on arable land or close to a supply of food, additional governmental action is necessary to ensure that the right to adequate food is met.

4.4.2 Right to Adequate Housing

In 2012, there was an estimated 100 million people that did not have a place to live and over 1.6 billion that were inadequately housed, a statistic that has worsened since the CESCR published its general comment on the right to adequate housing in 1991.¹⁶³ Threats to the right to adequate housing are found in rich and

¹⁶¹ Standing, “Why Basic Income’s Emancipatory Value Exceeds Its Monetary Value,” 216–17.

¹⁶² Johanna Perkiö, “Universal Basic Income: A New Tool for Development Policy?,” 7; Eric A. Hanushek, “Non-Labor-Supply Responses to the Income Maintenance Experiments,” 109.

¹⁶³ Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 928–29.

poor states alike; they have been identified in the concluding observations the Committee has delivered to almost every state.¹⁶⁴ As in the case of social security and food, it is not difficult to imagine how inadequate housing can negatively impact one's enjoyment of other human rights in the ICESCR.

The CESCR's General Comment No. 4 outlined the obligations placed on states in order to ensure the enjoyment of the right to adequate housing. The minimum core obligation is that the government should abstain from any policies or practices that are obstacles for individuals seeking to obtain adequate housing; additionally, the Committee recommended formulating a national housing strategy to deal with the issue of inadequate housing.¹⁶⁵ As the Committee continues to explicate the human right in the remainder of the General Comment, it is clear that adequate housing is not simply a roof or a temporary shelter. Instead, adequate housing implies that a person can 'live somewhere in security, peace, and dignity'.¹⁶⁶ Lighting, space, ventilation, ability to enjoy privacy, and location (i.e. is it possible to travel to work or school from the housing?) all play a role in the definition of 'adequate housing'.

Obstacles of supply and access—as there were in the right to adequate food—keep individuals from enjoying the right to adequate housing. The former is concerned with the amount of housing that is available in a given state. The latter revolves around the ability of individuals to make use of the housing that exists, considering their physical location and abilities, as well as their economic resources. When it comes to access, the CESCR implores states to take up efforts that will make housing more affordable, such as offering housing subsidies and creating systems of housing finance to facilitate easier access to adequate housing.¹⁶⁷

¹⁶⁴ Ibid., 946.

¹⁶⁵ "General Comment No. 4," paras. 10–12.

¹⁶⁶ Ibid., para. 7.

¹⁶⁷ Ibid., para. 8.; For more on the connection between affordability and inadequate housing, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 938–40.

Because basic income strengthens individuals' economic resources, it provides them a stronger foundation from which they can enjoy adequate housing. Where the supply of housing is sufficient, recipients of a basic income could avoid the levels of welfare bureaucracy that are part and parcel of many housing allowance subsidies across the world.¹⁶⁸ A basic income also increases the security of those who already have some form of housing, by enabling renters to better withstand growth in rental prices or granting homeowners the resources necessary to make improvements to their homes. Results from negative income tax experiments in the US cities of Gary, Seattle, and Denver suggest that the supplemental income that individuals received played a significant role in encouraging homeownership.¹⁶⁹ In an Indian basic income experiment, recipients were significantly more likely than the control group to make improvements to their dwellings, creating a more stable, safe, and efficient housing situation.¹⁷⁰ In a Liberian study, qualitative data revealed that many of the recipients used unconditional cash transfers to make housing-related repairs, such as fixing a leaking roof.¹⁷¹ In Namibia, a pilot study also found that the basic income was used to purchase items such as blankets, stoves, and toolboxes that contributed to an improved housing situation for recipients.¹⁷² These case studies show that those who receive a basic income are likely to spend it on their most dire housing needs, sending resources directly to spots where the human right to adequate housing is threatened.

While basic income can enlarge individuals' capacity to enjoy the right to adequate housing, it cannot be considered as the only policy tool to achieve this end. In communities where there is a severe lack of housing, a basic income will not do

¹⁶⁸ Salvi del Pero, A. et al, "Policies to Promote Access to Good-Quality Affordable Housing in OECD Countries," paras. 110–13; for an example from the US, see: Navarro, "Long Lines, and Odds, for New York's Subsidized Housing Lotteries."

¹⁶⁹ Eric A. Hanushek, "Non-Labor-Supply Responses to the Income Maintenance Experiments," 110–11.

¹⁷⁰ Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 8.

¹⁷¹ "Final Evaluation Liberia Social Cash Transfer Programme," 5.

¹⁷² Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 6.

much in the way of organizing the construction of buildings that individuals could rent or buy. Where housing does exist, basic income would provide renters with the financial security to legally challenge unsafe, insecure, or inadequate living conditions or unfair rental agreements; however, these threats to adequate housing deserve additional remedies and preventive strategies to ensure they are totally eliminated.

Some critics have suggested that a basic income is not capable of dealing with issues of housing because costs vary wildly by location. Whether someone is renting or seeking to become a homeowner, they will require vastly different amounts of resources depending on where they are located (even within the same country). Because of this, opponents of the policy claim basic income cannot address the housing insecurity faced by many.¹⁷³ Indeed, questions of housing costs should be front-and-centre when it comes to determining the amount of money that is disbursed through a basic income programme. This critique would be the most damning if it were offered against a basic income policy that claimed to comprehensively eliminate threats to adequate housing. However, if basic income is implemented alongside other measures that seek to address housing needs, there is no reason to believe the right to adequate housing would be negatively affected and all the reason to believe that access by individuals to the right would be improved.

4.5 Right to Health

Article 12: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The right to health surely brings to mind the nurses, doctors, and medicines that make up the institution of a health care system that treats disease or illness, but in

¹⁷³ Birch, “Is Basic Income Too Simplistic to Meet Housing Need?”

its General Comments the CESCR describes the right in a more expansive way. Health is composed of the many socio-economic factors that lead to and promote well-being, physical security, and mental security; these are the elements that the Committee calls the ‘underlying determinants of health’.¹⁷⁴ Because nutrition, shelter, and working conditions play an essential role in a person’s well-being, the right to health is intertwined with the right to an adequate standard of living, as well as the right to work.¹⁷⁵

The minimum core obligations for the right to health revolve around the assurance of non-discrimination as well as access to basic facilities, goods, and services that are tied to health. The distribution of facilities, goods, services, the provision of access to the underlying determinants of health, and the creation of a national public health strategy are immediate steps that should be taken to ensure the right to health.¹⁷⁶ In addition to timely and appropriate access to a full health care system and other determinants of health, the full realization of the right to health rests on an individual’s freedom to make personal choices regarding their physical and psychological health.¹⁷⁷ To meet these goals, the CESCR suggests investments in health should be made and stresses the importance of international economic assistance to improve the right to health.¹⁷⁸ Just as in the right to an adequate standard of living, there is an important distinction between problems of supply and access when considering the right to health. When healthcare and the determinants of health are prohibitively costly, economic accessibility is diminished and individuals struggle to enjoy their human right to health.

¹⁷⁴ “General Comment No. 14,” para. 4.

¹⁷⁵ The relationship between the right to an adequate standard of living and the right to health can also be traced back to their inclusion within a single article (25) of the UDHR.

¹⁷⁶ “General Comment No. 14,” para. 43.

¹⁷⁷ *Ibid.*, paras. 8–11.

¹⁷⁸ *Ibid.*, paras. 19 & 45.

Poverty is one of the factors most strongly correlated with poor health.¹⁷⁹ Because basic income has the potential to lift individuals out of poverty by raising their income, there is good reason to believe that the programme would carry significant positive health outcomes. Basic income researchers have identified several specific ways in which the cash transfer could improve the health of recipients.¹⁸⁰ Firstly, a basic income's financial security would not only provide individuals the means to improve their nutrition and receive regular medical treatment, but also reduce the psychological stresses of economic insecurity. Secondly, a basic income would strengthen the recipients' ability to respond to health shocks, such as illness, emergency hospitalizations, or necessary preventative care. Thirdly, debt from medical expenses could be more easily paid off, thereby increasing the long-term affordability of health care. Finally, those with a basic income would be given greater economic access to the health facilities, goods, and services that already exist.

Another positive impact of basic income on health would be its universality. Unlike some curative health programs that may disproportionately aid a privileged group of people, the improvements in health of basic income recipients would not be limited to any certain demographic. Because income inequality is often linked with health-related problems, basic income's levelling of the income playing field could bring with it a host of health benefits.¹⁸¹ As policy-makers consider the formula that will determine the amount of basic income, they would do well to factor into their calculations the underlying determinants that enable people to live healthy lives and the costs of accessing a formal health care system.

¹⁷⁹ Forget, "The Town with No Poverty," 284.; The Committee has also stated that poverty is intimately connected to the right to health, as well as other human rights listed in the ICESCR. See: "Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights," para. 1.

¹⁸⁰ The following predicted effects of a basic income come from the work of Davala et al in their research on poverty and basic income in India. See: Davala et al., *Basic Income*, 99–100.

¹⁸¹ Brian Hyndman and Lisa Simon, "Basic Income Guarantee Background," 7.

Various basic income pilots have strengthened the case that a basic income could improve a communities' enjoyment of the human right to health. In one Namibian community, residents suffering from HIV/AIDS could not afford to seek treatment at the medical clinic out of town due to transportation costs. After basic income was introduced in the town, visits to the clinic markedly increased. The regularity of treatments for the illness also improved, as well as the ability to buy food that provided the nutrition needed for the treatments.¹⁸² Another Indian experiment resulted in the increased ability of recipients to afford medicine and a greater likelihood that they would acquire health insurance.¹⁸³ A study of a Canadian town in which a basic income was piloted showed that hospitalizations (especially due to mental health issues, accidents, and injuries) declined by 8.5% relative to a control group over the course of the experiment.¹⁸⁴ In Liberia, recipients of unconditional cash transfers reported lower incidences of illness compared to control groups.¹⁸⁵

It should be clear that basic income cannot be a political community's only health care policy. One would be hard-pressed to find a fiscally realistic basic income amount that could cover all possible emergencies and calamitous health events; situations for which an insurance system and functioning health care system are better suited. Additionally, governments have a responsibility to improve health-related funding, education, facilities, goods, and services that individuals with a basic income would be able to use. Nevertheless, because of income's positive effect on health outcomes and the practical ramifications of increasing economic security

¹⁸² Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 6.

¹⁸³ *Ibid.*, 7.

¹⁸⁴ The author of the study noted that a hypothetical 8.5% decrease in hospitalizations across Canada would have resulted in a savings of \$4.5 billion in hospital costs in 2010. See: Forget, "The Town with No Poverty," 300; Murray and Pateman, *Basic Income around the World Horizons of Reform*, 95.

¹⁸⁵ "Final Evaluation Liberia Social Cash Transfer Programme," 4.

through a basic income, the programme would likely strengthen individuals' right to health.

4.6 Right to Education

Article 13: The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

It should not be surprising that the right to education is also interconnected with other human rights, leading some experts to call it a 'multiplier right'.¹⁸⁶ By fulfilling the right to an education, individuals can improve their economic situation, participate more fully in cultural activities, and lead a meaningful and dignified life. The relationship between these rights also goes the other way, as the right to adequate food, right to health, and right to adequate housing contribute to a greater enjoyment of the right to education.

The minimum core obligations of the right to education require the administering of education in a non-discriminatory way and ensuring that at least the minimum essential levels of primary education, secondary education, and higher education system exist.¹⁸⁷ The three aforementioned levels of education are given varying degrees of priority from the Committee. Primary education must be free and available to all, secondary education should be generally available and progressively made free, and higher education must be equally accessible by all and also progressively made free.¹⁸⁸ As steps are taken to progressively realize the right in its

¹⁸⁶ Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 1086.

¹⁸⁷ "General Comment No. 13," para. 57.

¹⁸⁸ *Ibid.*, paras. 10, 13, 19–20.

entirety, the Committee cautions against limiting the human right to only stereotypical groups. Education may sometimes be thought of as necessary only for younger portions of the population. Distressingly, some communities also prioritize the access to education for boys and men. However, the CESCR clearly states that the right to education is not limited by age or gender.¹⁸⁹ Education must be available, accessible, acceptable, adaptable, and the best interests of the student should always be the primary consideration.¹⁹⁰ It is noteworthy that the CESCR emphasizes economic accessibility, which is concerned with the question: can children or their families afford education, due to direct or indirect costs?¹⁹¹ Additionally, the circumstances that lead to dependence of families and communities on child labour is flatly rejected in the General Comment and bears an important connection to economic accessibility.¹⁹²

A basic income could improve individuals' enjoyment of the right to education by reducing the economic insecurity that makes it difficult for individuals to access education. Even in political communities where primary education is formally free and available to all, students often face an opportunity cost when making the decision to attend school. If the family of a student is mired in poverty, economic necessity may push the student to choose work over education. In cases where the student would not be working otherwise, additional costs of sending a child to school can still arise as obstacles to the right to education. These costs can include transportation, nutrition, uniforms, school supplies, extra clothing, and sometimes additional housing when schools are located far from the student's home. A basic income could alter a student's calculus and reduce the financial impediments that stand in the way of attending school. Students and their families would have a

¹⁸⁹ Ibid., para. 24.

¹⁹⁰ Ibid., paras. 6–7.

¹⁹¹ For more on the CESCR's commentary regarding the economic accessibility of education, see: Saul, Kinley, and Mowbray, *The International Covenant on Economic, Social and Cultural Rights*, 1112–14, 1169–70.

¹⁹² "General Comment No. 13," para. 55.

secure income that could be spent on mandated tuitions and fees, as well as all of the aforementioned costs that can come with regular school attendance. Furthermore, a basic income that enables students to pay school fees not only grants the student access to the school, but also increases the amount of money that the school must spend on educational supplies and teacher salaries, having a twofold effect on education in the community.

Other ESC rights that are improved by a basic income could have ripple effects on the right to education. Numerous studies have shown that a consistent and nutritious breakfast has significantly positive effects on students' performance in school.¹⁹³ Additionally, improved access to the right to health would mean fewer school absences on account of illness. Adults that did not adequately complete a fundamental education could also find that improved social security would enable them to find the time and resources to make up for the schooling that they missed when they were younger.

Pilot projects where basic income was tested show marked improvements in indicators that are related to the right to education. In a Namibian pilot, non-attendance of students in families that received a basic income fell by 42% over the course of the experiment. Drop-out rates fell first from 40% to 5%, and finally to almost 0%.¹⁹⁴ Teachers, meanwhile, noted an improvement in student behaviour and performance, which they attributed to an increased access to nutrition in the community.¹⁹⁵ Another basic income study in India showed equally promising results. There, basic income recipients increased their spending on schooling, including for uniforms, shoes for school, school supplies, public schooling fees or private tuition, and education-related transportation. These changes coincided with an

¹⁹³ Adolphus, Lawton, and Dye, "The Effects of Breakfast on Behavior and Academic Performance in Children and Adolescents"; Lukits, "No Breakfast Hurts Girls' Focus Most."

¹⁹⁴ Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 6.

¹⁹⁵ Murray and Pateman, *Basic Income around the World Horizons of Reform*, 45.

improvement in school attendance, performance, and a reduction in drop-out rates.¹⁹⁶ Particularly noteworthy was the finding that girls, for whom education spending had been traditionally prioritized behind their male counterparts, experienced all of these benefits to a greater degree than boys.¹⁹⁷ In multiple US negative income tax experiments, a modest improvement in school attendance was also observed and coupled with a 20-25% increase in the probability of recipients to graduate from secondary school.¹⁹⁸ Similar results came from a Liberian study, where school attendance and performance improved for students in families that received unconditional cash transfers.¹⁹⁹ These studies affirm how basic income can have a direct and positive effect on educational outcomes.

Thought it may be obvious, it is perhaps worth noting that the right to education cannot be realized without the facilities, instructors, and standards that governments implement for education systems. While basic income would increase students' access to schools and reduce the costs that families bear as a result, basic income must be complemented by a rigorous educational strategy that makes education available for individuals.

4.7 Cultural Rights

Article 15: The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications...

The cultural rights listed in the ICESCR have not been as widely developed as the other ESC rights in the Covenant.²⁰⁰ Testament to this is the absence of General Comments for some of the subsidiary rights that are included within cultural

¹⁹⁶ Johanna Perkiö, "Universal Basic Income: A New Tool for Development Policy?," 8; Davala et al., *Basic Income*, 130.

¹⁹⁷ Davala et al., *Basic Income*, 120–23.

¹⁹⁸ Alicia H. Munnell, "Lessons from the Income Maintenance Experiments: An Overview," 8; Eric A. Hanushek, "Non-Labor-Supply Responses to the Income Maintenance Experiments," 113.

¹⁹⁹ "Final Evaluation Liberia Social Cash Transfer Programme," 26–28.

²⁰⁰ Muller, "Remarks on the Venice Statement on the Right to Enjoy the Benefits of Scientific Progress and Its Applications (Article 15(1)(b) ICESCR)," 765–66.

rights.²⁰¹ However, by using some of the existing General Comments the Committee has published, along with reports from other UN bodies, it is still possible to come to a general understanding of the definition and implications of cultural rights.

In its twenty-first General Comment, the CESCR delves into Article 15a, which is the right to take part in cultural life. The right relies on the freedom of an individual or community to participate in an activity while the state abstains from interference and facilitates participation.²⁰² What the individual or community can do—the parameters of ‘culture’—encompasses a great deal of activities, such as music, religion, sport, games, customs, traditions, literature, and ways of life.²⁰³ The Committee has made sure to emphasize that certain special populations may not have equal access to these aspects of culture. For example, political communities should ensure that those mired in poverty and children can enjoy the right to take part in cultural life.²⁰⁴ Promoting an environment where individuals are free to participate in the culture of their choice makes up the minimum core obligation of this human right.²⁰⁵

In lieu of a General Comment from the CESCR, a report of the UN Special Rapporteur in the field of cultural rights and another report from The United Nations Educational, Scientific and Cultural Organization (UNESCO), are helpful in understanding the human right to enjoy the benefits of scientific progress and its applications. Often referred to as the ‘right to science’, it requires all individuals receive access to the results, outcomes, methodologies, and tools that are part and parcel of scientific progress.²⁰⁶ The right to science is related to other cultural rights, but also to the remainder of ESC rights that are enshrined in the ICESCR. Scientific

²⁰¹ However, the CESCR has intimated in the past that a General Comment on Article 15 (b) is forthcoming. See: “General Comment No. 17,” para. 4.

²⁰² “General Comment No. 21,” para. 6.

²⁰³ *Ibid.*, para. 13.

²⁰⁴ *Ibid.*, paras. 16, 26, 38.

²⁰⁵ *Ibid.*, para. 55.

²⁰⁶ “Report of the Special Rapporteur in the Field of Cultural Rights, Farida Shaheed,” para. 24.

developments can lead to better health and educational outcomes, improve an individual's standard of living, as well as allow people the ability to live a life of dignity. The UNESCO report also states that the realization of this right can lead to the improvement of a person's socio-economic situation, playing an important role in countering the negative effects of globalisation that have come hand-in-hand with scientific progress.²⁰⁷ Ending its report with recommendations, the Special Rapporteur especially encourages states to share benefits from technologies that would enable marginalized populations to live a dignified life.²⁰⁸

The fulfilment of the right to science is especially relevant as scientific progress has proceeded over the last half century at an unprecedented pace, placing some human rights in its path at risk. Recent innovations are now encroaching on work that was once thought to be exclusively in the domain of human labourers: legal assistants, journalists, financial assistants, teachers, and even surgeons are seeing the slow creep of technology take some of their responsibilities, if not their entire positions.²⁰⁹ Studies have shown that at present, almost half of all US jobs are at risk of being automated.²¹⁰ Yet the American economy continues to grow, in part due to high returns on capital investments and the growth of technology companies that employ fewer people than traditional economic behemoths.²¹¹ The case of the USA is not unique. At the same time, income inequality around the world has soared. Recent calculations reveal that the majority of the world's wealth is held by the top 1% of the

²⁰⁷ "The Right to Enjoy the Benefits of Scientific Progress and Its Applications," para. 4.

²⁰⁸ "Report of the Special Rapporteur in the Field of Cultural Rights, Farida Shaheed," para. 74.

²⁰⁹ For more on this trend, see: Ford, *Rise of the Robots*; Brynjolfsson and McAfee, *The Second Machine Age*; Kaplan, *Humans Need Not Apply*.

²¹⁰ Frey and Osborne, "The Future of Employment: How Susceptible Are Jobs to Computerisation?"

²¹¹ When Instagram was purchased by Facebook in 2012 (both US companies), the 13-employee company was valued at 1 billion USD. "Facebook Buys Instagram For \$1 Billion. Smart Arbitrage. - Forbes"; Frey and Osborne, "The Future of Employment: How Susceptible Are Jobs to Computerisation?"; The contradiction between inadequately realized ESC rights and growth rates in wealthy countries is also identified by the CESCR in: "Social Protection Floors: An Essential Element of the Right to Social Security and of the Sustainable Development Goals."

global population.²¹² The unemployment, inequality, and poverty that has come about from the scientific developments listed above do nothing to help—indeed, often they do more to hurt—an individual’s ability to enjoy their cultural rights. It is not difficult to imagine how the staggering economic benefits, when not concentrated in the hands of a few, could be used to improve people’s right to take part in cultural life. Yet, at the present, someone with a highly precarious economic situation faces obstacles (i.e. time, resources, energy, etc.) to enjoying art, music, sport, and other forms of cultural life.

The exponential development of robotics, computer science, and their application in the form of automation, has provided benefits that could be redistributed throughout a society in the form of a basic income to promote cultural rights. Basic income, funded through a redistribution of benefits that result from scientific progress, ties the right to science to the right to take part in cultural life by giving recipients the security to enjoy the right. As recipients of basic income experience an improvement in other ESC rights, they could have the increased ability to enjoy cultural rights as well. When it comes to the right to work, the economic security of a basic income will provide labourers the leverage to decline unsafe or menial jobs and instead pursue activities that are meaningful according to their personal cultural perspective. Children, who without a basic income may be pushed towards work, would be enabled by a basic income to complete educational programmes that aid in understanding and learning about culture.

While many corporations keep a stranglehold on profits from new technologies, it is no secret (although perhaps too little known) that many of the scientific breakthroughs which enabled private technology corporations to reap those extraordinary profits are the offspring of publicly-funded science research.²¹³ Some tangible products of scientific progress can be distributed to a population; for

²¹² Oxfam et al., “An Economy for the 1%.”

²¹³ “The Entrepreneurial State.”

example: improved healthcare or better communications infrastructure should be made available to all. However, technology found on factory assembly lines and within automated business computer software may not be useful to the average person; in fact, it may even contribute to displacing them from their current line of work. Instead, the financial benefits that derive from these technologies can be distributed in the form of a basic income. In turn, the basic income could at once be a means to fulfilling the right to science, as well as a way to improve individual's access to the right to take part in cultural life.

While basic income's impact on cultural rights could be powerful, a state cannot expect the programme to be the only tool for creating an environment where these rights flourish. Basic income would do little to mitigate other policies that may have a discriminatory effect on individuals' ability to enjoy their cultural rights, such as bans on clothing, cultural activities, or languages. Additionally, while a basic income provides security, public and private organizations often wield enormous amounts of power that could displace, influence, or otherwise negatively impact cultural rights; for these reasons, governments should engage in respecting, protecting, and fulfilling these rights in measures that are complementary to the implementation of a basic income.

5: Conclusions

In this work, I have shown that the enjoyment of human rights listed in the ICESCR are all likely to be impacted by the implementation of a basic income. My hypothesis, that the impacts of a basic income would be positive, has been validated

through the research that makes up Part 4. Through its universality, basic income respects the underlying human rights principle of non-discrimination both on its face and in its substantive outcomes—something that is not always true for some traditional welfare programmes. A basic income provides an income for work that occurs both inside and outside of the formal economy; while this is a shift from many mainstream conceptions of ‘work’, there is evidence to suggest that such an understanding is backed by the work of the CESCR. By not discriminating between the formal and informal economy, basic income extends the enjoyment of the right to work to labourers in the informal economy. In addition, by providing economic security it improves the bargaining power that all labourers—whether they act individually or as part of a trade union—wield in work environments. As a form of social security itself, basic income will improve the enjoyment of the human right to social security to the extent that it is at an amount that allows an individual to fulfil their basic needs.

Obstacles of economic access prevent individuals from enjoying some human rights, especially those that carry financial costs. For the right to an adequate standard of living, the right to health, and the right to education, basic income provides a means to reducing obstacles and improved fulfilment of these rights. Case studies from across the world have borne out the fact that when individuals facing issues of economic access are provided with a basic income, they are likely to use the newfound resources to improve their enjoyment of these ESC rights. Finally, cultural rights have a symbiotic relationship with basic income, as the right to science can be understood as justifying a basic income and then through its implementation, the programme can enable individuals to take part in cultural life.

It must be noted, however, that basic income is not a panacea for human rights-related concerns. While workers in the informal economy would receive financial compensation under a basic income, they could still be vulnerable to abuse or harassment if further protections are not in place. This example, among others

discussed in this paper, show that simply replacing current policies with a basic income would bandage some wounds, while opening others. For this reason, basic income should be considered alongside other policies that respect, protect, and fulfil human rights.

5.1 The Congruity between Human Rights and Basic Income

ESC rights gained greater recognition after the tragedies of the two World Wars resulted in devastating poverty and unemployment. It became increasingly clear at the time that basic needs of human beings had to be met, even in economic downturns. Considering the challenges that modern political communities face in the areas of unemployment, poverty, and economic inequality, a basic income provides a promising new mechanism for safeguarding human rights. I believe my research shows that there exists a comfortable congruity between the human rights obligations that states parties to the ICESCR have undertaken and basic income frameworks. It is reasonable to suggest that a basic income could be regarded as taking steps to progressively realize ESC rights, as the ICESCR obligates states to do. While this research focused on the ICESCR, it is not difficult to see the potential links with CP rights that are outlined in the ICCPR, as well as human rights that are advanced and explored in other international human rights documents.

The congruity of basic income and human rights is an invitation to collaboration between advocates of both ideas to reach mutually beneficial objectives. One area of potential collaboration is around the amount of cash distributed through a basic income scheme, which will determine to what extent human rights are enjoyed as a result. In Part 4 of this thesis, human rights impacts were examined individually, rather than cumulatively. A low basic income could allow a person to access their basic needs in regards to food, housing, health, and education, but not all simultaneously or the same extent. Because of this, human rights should be the basis for building a widely impactful basic income by pushing

advocates of the policy to formulate an amount that will satisfy the multitude of requirements for a dignified life. The obligation from the ICESCR to use the maximum available resources can act as an encouragement and guideline for states in this regard. Human rights advocates are also likely to encourage the inclusion of non-nationals, such as refugees, asylum seekers, migrants, or stateless persons in the framework of a basic income. In turn, the broad conception of work that advocates of basic income maintain could be an impetus for human rights bodies—such as the Committee—to consider including unpaid labour within the notion of work.

The CESCR calls on the international community to assist states in their domestic strategies to strengthen human rights when individual states do not have the requisite resources to do so themselves. Aside from a domestic basic income within a state, the policy holds promise for efficient and simple international development that follows a human rights-based approach.²¹⁴

To build more supporters across the human rights field, further research to expand the set of human rights that a basic income programme impacts is necessary. While basic income pilots have hitherto been performed and measured well, there is no doubt that too few exist. In addition, many studies have been conducted targeting poor and extremely poor communities, leaving gaps in knowledge regarding basic income's impact on human rights across wider swaths of the class spectrum. Present and future basic income pilots should be encouraged and infused with a human rights perspective. To do this, experiments should be designed to methodically observe the enjoyment of human rights before, during, and after the basic income is distributed. There is a high likelihood that the results will be positive and that they could in turn engender the support of human rights advocates in advancing basic income campaigns.

²¹⁴ In fact, the application of a basic income in development contexts is already being examined by the UN: “UNRISD: Events | Informality and Income Insecurity: Is Basic Income a Universal Solution?”

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