



The right to an adequate standard of living

Introduction

This bulletin explains the right to an adequate standard of living. This is one of the most fundamental human rights. The right to an adequate standard of living requires that everyone enjoy the necessary subsistence rights. These entail adequate food and nutrition, water, clothing, housing, medical care and necessary social services. Article 25 of the **Universal Declaration of Human Rights (UDHR)** stipulates that, *“Everyone has the right to an adequate standard of living, adequate for the health and well-being of himself and of his family”*. This entails the unconditional right for all individuals to a number of resources and conditions that are critical for physical, spiritual and mental well-being. In material terms, an adequate standard of living implies living above the poverty datum line. The World Bank defines the poverty datum line as the expenditure necessary to afford a minimum standard of nutrition and other basic necessities. This means that people should be able to enjoy their basic needs in conditions of

dignity and not live in conditions whereby the only way to satisfy their needs is by degrading or depriving themselves such as through begging, prostitution or forced labour.

Components of the right to an adequate standard of living

The UN Committee on **Economic Social and Cultural Rights (CESCR)** identified amongst other things the following components as necessary for a person to have an adequate standard of living:

- **Easy access to nutritious, quality and affordable food.** This includes access to an amount and quality of food that is sufficient for a normal person to function. The government has an obligation to ensure that all people are free from hunger and that food is distributed in a non-discriminatory manner. Food must be accessible to

everyone, including vulnerable individuals, such as children, the elderly and the physically disabled.

- **Easy access to sufficient, safe and clean and affordable water for personal and domestic use.** This includes water for drinking, cooking and personal hygiene. Everyone has the right to safe and clean water that is physically accessible and affordable and freedom from having his or her water supply arbitrarily disconnected.
- **Adequate housing.** This extends to living in secure, peaceful and dignified environments. All forms of housing must be habitable, with protection from cold, damp, heat, wind and rain.
- **Adequate clothing.** The right is more than a physical necessity; it has cultural and religious elements as well. Clothing is a visible expression of a person's culture, customs, religion, belief or political opinion.

Legislative framework for the adequate standard of living

The right to an adequate standard of living is enshrined in domestic, regional and international instruments to which Zimbabwe is party.

Domestic Legislation

The **Constitution of Zimbabwe** does not explicitly spell out the right to an adequate standard of living but through Chapter 4 (Declaration of rights) it guarantees citizens rights and freedoms that are in tandem with the right to an adequate standard of living. Section 77 of the Constitution guarantees every person the right to safe, clean and portable water and sufficient food. Section 76 guarantees the right to health care in which the state is obliged to provide basic health care services, including reproductive health and emergency medical treatment. Thus Chapter 4 of the Constitution spells out fundamental rights and freedoms that directly or indirectly guarantee an adequate standard of living.

Regional Legislation

Though the **African Charter on Human and People's Rights (ACHPR)** does not expressly guarantee the right to an adequate standard of living, the rights spelt out here are not outside the scope of interpretative possibilities open to the African supervisory bodies. The **ACHPR** obliges member states to fulfill rights that uphold an adequate standard of living. In an innovative interpretation, the **ACHPR** held that the right to housing or shelter is implicitly entrenched in the totality of the right to enjoy

the best attainable standard of mental and physical health, the right to property and protection of the family. The right to food is implied in the rights to life, health and to economic, social and cultural development. The **Protocol to the African Charter on Human and People's Rights on the Rights of Women** explicitly describes women's right to equal access to housing and acceptable living conditions. These entail an adequate standard of living.

International legislation

The right to adequate standard of living is clearly indicated in International conventions to which Zimbabwe is a party. Article 11 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** states that *“everyone has the right 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”*. Article 27 of the **Convention on the Rights of the Child (CRC)** provides that States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Furthermore Article 2 of the **International Labour Organisation (ILO) Convention No 117** concerning basic aims and standards of social policy states that *“The improvement of standards of living shall be regarded as the principal objective in the planning*

of economic development.” While Article 5.2 of the same convention states that *“In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.”* These account for an adequate standard of living.

The situation in Zimbabwe

In Zimbabwe, the fulfillment of the right to an adequate standard of living has largely been dictated by the prevailing political, social and economic environment, characterised by political turmoil, economic meltdown and social inequalities in which the gap between the rich and the poor is wide and more pronounced. The situation is worse for the more vulnerable members of society as the social, economic and political crisis has eroded the social safety net (non-contributory transfer programs seeking to prevent the poor or those vulnerable to shocks and poverty from falling below a certain poverty line). In view of the foregoing, the Zimbabwean government has a mammoth task of ensuring that social services and the cost of living is aligned with standards that will ensure an adequate standard of living.

Conclusion

The Government of Zimbabwe faces a huge challenge of ensuring an adequate standard of



living for its people. Political will is needed in order to deal with the crisis. This will include enforcement of the local, regional and international conventions to ensure that everyone is able, without shame or unreasonable obstacle, to have access to an adequate standard of living.

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