



September 2016

Submission to the ‘Sustainable Development Goals in the UK’ inquiry of the House of Commons Environmental Audit Committee

1. On 25 September 2015, world leaders adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 [Sustainable Development Goals](#) (SDGs) and their accompanying 169 targets and 231 indicators. The SDGs replace the Millennium Development Goals adopted in 2000.
2. The SDGs are universal and all countries are expected to implement them domestically. In June 2016, the House of Commons International Development Committee concluded that “the Government’s response to the domestic implementation of the SDGs ha[d] so far been insufficient”.¹ On 25 July 2016, the Environmental Audit Committee launched an [inquiry](#) into the implementation of the SDGs in the UK. In particular, the Committee invited submissions on domestic delivery of the SDGs, necessary mechanisms, resources and strategies, best practices from other countries, and evaluation and engagement with relevant stakeholders.
3. This submission is structured in four parts. After introducing Just Fair in the first one, the second part develops the meaning of a human rights-centred sustainable development agenda in the UK. Thirdly, the paper stresses the need to apply suitable indicators to assess the UK’s realisation of economic and social rights in light of the SDGs. Finally, this submission focuses on Goal No. 10, to “reduce inequality within and among countries”.

¹ House of Commons International Development Committee, [UK implementation of the Sustainable Development Goals](#), June 2016, HC 103, p. 34.

Just Fair

4. Registered as a charity since 2011, Just Fair **works to realise a fairer and more just society in the UK by monitoring and advocating the protection of economic and social rights**. Just Fair is committed to increasing public awareness of the law, in particular International Human Rights Law (IHRL), and the capability to use it. Just Fair is also devoted to the advancement of high-quality thinking, training and practice to ensure that economic and social rights are respected, protected and fulfilled.
5. Just Fair's core activities include monitoring economic and social rights in the UK, following up on the implementation of international human rights legal obligations, advocating better legal recognition and respect for economic and social rights, and enhancing general awareness of economic and social rights, via capacity-building sessions, social media, conventional media and university events.
6. Between 2014 and 2016, Just Fair coordinated a consortium of more than 70 national organisations and local community groups working on social justice, welfare and human rights. On behalf of this consortium, Just Fair submitted a [parallel report](#) and a [response to the list of issues](#) of the UN Committee on Economic, Social and Cultural Rights (CESCR). These reports brought together the analysis carried out in [four thematic reports](#) produced in 2014 and 2015 on the right to food, rights of people with disabilities, right to housing, and the right to health.

What does a human rights-centred approach to sustainable development mean?

7. Development is a matter of justice and human rights. The 2030 Agenda for Sustainable Development is explicitly grounded in the Universal Declaration of Human Right and international human rights treaties, with the General Assembly Resolution providing for the adoption of the SDGs stating that world leaders “reaffirm our commitment to international law and emphasize that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of States under international law”.²
8. The UK is a State Party to the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines the right to work, the right to social security, the right to water, food and housing as part of an adequate standard of living, and the right to health, education and participation in cultural life. Other international human rights treaties cover economic and social rights as well and have been ratified by the UK, among others, the 1989 Convention on

² UN General Assembly Resolution 70/1, 2015, “[Transforming our world: the 2030 Agenda for Sustainable Development](#)”, UN doc. A/RES/70/1, para. 10 and 19.

the Rights of the Child, as well as the 1961 European Social Charter, which includes rights related to employment and working conditions, housing, health and social security.

9. In contrast with an increasing number of States, the UK does not afford domestic recognition to the rights contained in the ICESCR, which means that neither its general principles nor its substantive provisions are directly enforceable in UK courts.
10. **UK authorities must abide by the principle that economic and social rights are human rights. Adequate public policies and legislative measures must be adopted, enabling individuals to seek enforcement of their rights before national courts.**
11. The recognition of economic and social rights is not merely rhetoric and symbolism. The human rights frame has specific implications for the design and implementation of public policies. At the very least, a human rights-centred approach to sustainable development means the following:
 - a. *Respect of minimum core obligations and immediate obligations to act.* *The State must ensure the satisfaction of “at the very least, minimum essential levels” of economic and social rights. “If the [ICESCR] were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its *raison d’être*. [...] In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations”.*³ The obligation “to take steps” towards the fulfilment of economic and social rights is also of immediate effect. Steps must be concrete, deliberate and targeted.⁴
 - b. *Equality and non-discrimination.* The obligation of non-discrimination on any ground is also an immediate obligation.⁵
 - c. *Particular attention to most vulnerable groups.* “Even in times of severe resource constraints, whether caused by a process of adjustment, of economic recession, or by other factors, the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes”.⁶

³ CESCR, *General Comment 3: The nature of State parties’ obligations*, 1990, UN doc. E/1991/23, para. 10.

⁴ Article 2(1) ICESCR; CESCR, *General Comment 3*, 1990, para. 2.

⁵ Article 2(2) ICESCR; CESCR, *General Comment 20: Non-discrimination in economic, social and cultural rights*, 2009, UN doc. E/C.12/GC/20.

⁶ CESCR, *General Comment 3*, 1990, para. 12.

- d. *Obligations to respect, protect and fulfil.* The guarantee of economic and social rights has three layers of obligations: obligation to respect, which means that authorities must abstain from interfering in the normal enjoyment of these rights; obligation to protect, in other words, the State must ensure that non-state actors do not prevent individuals from enjoying economic and social rights; and obligation to fulfil, that is, the State must overcome obstacles to the full satisfaction of economic and social rights.⁷ Even if a public authority decides to privatise a public service, such as prisons, schools or hospitals, the State remains responsible for the protection of all human rights.
- e. *Progressive realisation of economic and social rights.* The State must take measures, “to the maximum of [their] available resources, with a view to achieving progressively the full realisation” of economic and social rights.⁸ The State bears the burden to prove that its policies are moving forward expeditiously and effectively towards the ultimate fulfilment of these rights.
- f. *All appropriate policies.* The State must use the most suitable tools to fulfil economic and social rights, including legislative measures and judicial enforceability, international cooperation and progressive taxation, among others.⁹
- g. *Non-retrogressive measures.* The obligation to fulfil economic and social rights means that States cannot take measures that constitute a step back in the level of economic and social rights of the population.¹⁰ This obligation is of immediate effect, so it is also applicable in times of economic recession, and the State bears the burden of proof. It is a duty of the State to “assess the impact on the rights of the Covenant of the international agreements they enter into, and to take all possible measures to ensure that any negative impacts are reduced to the minimum inevitable. If the adoption of retrogressive measures is unavoidable, such measures should be necessary and proportionate, in the sense that the adoption of any other policy, or a failure to act, would be more detrimental to economic, social and cultural rights; they should remain in place only insofar as they remain necessary; they should not result in discrimination and they should mitigate inequalities that can grow in times of crisis, ensuring that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected;

⁷ CESCR, [Statement on the obligations of States Parties' regarding the corporate sector and economic, social and cultural rights](#), 2011, UN doc: E/C.12/2011/1.

⁸ Art. 2(1) ICESCR.

⁹ CESCR, [General Comment No. 9: The domestic application of the Covenant](#), 1998, UN doc: E/C.12/1998/24; Special Rapporteur on extreme poverty and human rights, [Report on taxation and human rights](#), 2014, UN doc: A/HRC/26/28.

¹⁰ CESCR, *General Comment 3*, 1990, para. 9.

and they should not affect the minimum core content of the rights protected under the Covenant”.¹¹

- h. *Accountability and right to remedy.* IHRL provides a set of mechanisms that allow for the monitoring of State policies and, in some instances, empower individuals to lodge complaints and have access to effective remedies in case of violation of their rights. However, the UK seems unwilling to grant these accountability tools to those within its jurisdiction, insofar as the government “remains unclear about the practical benefits of the right to individual petition to the UN” in relation to economic and social rights.¹² Following the example of several other European countries, **the UK should consider ratifying the 2008 Optional Protocol to the ICESCR, which includes an individual complaint mechanism, and the 1996 Revised European Social Charter, with its collective complaint mechanism.** At the national level, judicial enforceability is both an accountability mechanism and an appropriate policy to protect economic and social rights. Accountability also includes periodic independent monitoring of the progressive fulfilment of these rights.
- i. *Access to information, impact assessment and active participation.* As a corollary of all of the above, governments are obliged to provide information about the way in which they are getting the population closer to the ultimate goal of the fulfilment of all human rights. This requires governments to institutionalise impact assessment and facilitate active participation to monitor State practices.

The need for indicators to assess the progressive realisation of economic and social rights

- 12. Indicators and benchmarks are necessary to measure the degree to which SDG targets are being met, as well as the means by which this is being achieved.¹³ The SDGs promise to “Leave No One Behind”. This requires indicators that look not only at the aggregate final outcome, but also at the responsibilities of political authorities that are ultimately responsible for the fulfilment of human rights and of the SDGs.
- 13. The General Assembly Resolution providing for the adoption of the SDGs states that “[f]ollow-up and review processes at all levels will be guided by the following principles of the implementation of this Agenda over the next 15 years ... (e) They will be people-centred, gender-sensitive, respect human rights and have a

¹¹ CESCR, *Public debt, austerity measures and the ICESCR*, 2016, UN doc: E/C.12/2016/1, para. 4.

¹² [United Kingdom Mid Term UPR Report 2014](#), p. 9.

¹³ See Center for Economic and Social Rights, *The Measure of Progress: How human rights should inform the Sustainable Development Goals indicators*, October 2015.

particular focus on the poorest, most vulnerable and those furthest behind”.¹⁴ These principles must also be adhered to by the UK in its development its SDG-related follow-up and review processes.

14. Indicators must assess the level of **enjoyment** of the economic and social rights and other rights contained in the SDGs. However, they must also assess both the **commitment** to protect, promote and fulfil economic and social rights, and the **capacity** of duty-bearers to do so. In other words, States’ compliance with international human rights obligations can be expressed as a function of both its economic ability to provide these rights, and its willingness to devote maximum available resources for that purpose.
15. The Office for National Statistics (ONS) is responsible for reporting on the UK’s performance vis-à-vis the SDGs. In August 2016, the ONS made public a summary report on the responses received to an open consultation on how to report on UK progress.¹⁵ At the same time, [according to the website](#) of the Office for National Statistics, since 28 July 2016, the periodic publication of the Sustainable Development Indicators has been stopped after user consultation revealed limited engagement.
16. Notwithstanding the specific sources used in the evaluation, **the ONS should consider following the guide to measurement and implementation of the UN Office of the High Commissioner for Human Rights (OHCHR), and in particular its tripartite set of indicators to examine structures, processes and outcomes.**¹⁶ **Structural indicators** evaluate whether authorities have established the institutions, policies and legislative measures required for the realisation of rights. **Process indicators** monitor progressive realisation, which is one of the defining features of economic and social rights (Article 2(1) ICESCR). These indicators are used to track change over time. They monitor effort, not outcomes. **Outcome indicators**, in contrast, reflect the level of enjoyment of rights. Just like process indicators, they often require quantitative data. Outcome indicators are intuitively associated with the language of development. However, a human rights-centred approach to sustainable development requires the use of outcome indicators as much as structural and process ones.
17. Domestic implementation of the SDGs entails quantifying inputs and outputs. It would be beneficial for the ONS and policy makers to work with people living in poverty to come up with the most suitable indicators to measure progress in the evaluation of SDGs. Apart from using statistics and quantitative sources, **the State must foster active participation and engage with rights-holders themselves in order to understand structural factors, assess progress and**

¹⁴ UN General Assembly Resolution 70/1, 2015, “[Transforming our world: the 2030 Agenda for Sustainable Development](#)”, UN doc. A/RES/70/1, para. 74.

¹⁵ ONS, [How should the UK report progress towards the Sustainable Development Goals? A summary of responses from non-governmental organisations](#), August 2016.

¹⁶ OHCHR, [Human Rights Indicators: A Guide to Measurement and Implementation](#), 2012, pp. 30-41.

identify outcomes.

Equality is a sustainable development goal

18. Goal No. 10 aims at reducing inequality within and among countries. Specifically, among other things, countries must achieve and sustain income growth of the bottom 40% of the population at a rate higher than the national average; empower and promote inclusion without discrimination; ensure equal opportunities and reduce inequalities of outcome; adopt policies, especially fiscal, wage and social protection policies, towards greater equality; regulate and monitor better financial markets and institutions; and reduce transaction costs of migrant remittances.
19. The final inclusion of Goal No. 10 means that equality, both between and within countries, constitutes a priority development goal. Goal No. 10 resonates clearly with the core IHRL principle of non-discrimination. Inequality is clearly connected to human rights, particularly economic and social rights. Empirical research shows that inequality can be a cause and a consequence of human rights violations, and that inequalities, political capture and the exercise of civil and political rights are closely connected. In this sense, socio-economic inequality can also be a threat to human rights insofar as it constrains access to political participation.¹⁷ Furthermore, the State is expected to guarantee the minimum core content of all economic and social rights, devoting “maximum available resources” without discrimination to their progressive fulfilment (Article 2 ICESCR). Taking this requirement seriously would result in public policies that lead to greater socio-economic equality.
20. Inequality puts economic and social rights at risk by hampering their progressive realisation and access to adequate social protection for those in the lower end of the scale. In order to comply with Goal No. 10, **the UK government must enact Section 1 of the Equality Act 2010**, which sets out the duty of certain public authorities to “have due regard to the desirability of exercising [their functions] in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”. Currently, the government is standing by a position announced in 2010 by the then Home Secretary and now Prime Minister, Theresa May, according to which the “socio-economic duty” contained in Section 1 is to be “scrapped”.¹⁸

¹⁷ Special Rapporteur on extreme poverty and human rights, *Report on extreme poverty and inequality*, 2015, UN doc: A/HRC/29/31; Independent Expert on the effects of foreign debt and other related international financial obligations on human rights, *Report on income and wealth inequality and financial crises*, 2016, UN doc: A/HRC/31/60. See also the fruitful [debate](#) hosted by Open Global Rights.

¹⁸ Theresa May, “[Socio-economic duty to be scrapped](#)”, 17 November 2010. In January 2015, Kerry McCarthy MP (Labour, Bristol East) asked the government to reconsider its position. The Under-Secretary of State for Women and Equalities responded that it was not the government’s intention to do so at that moment (HC Hansard, [15 January 2015, Volume 590](#)).

21. After years of austerity-led policies, there is a growing concern about socio-economic inequality in the UK. On the one hand, average income seems to be getting back to pre-crisis levels thanks to growing employment and longer working hours by poorer workers.¹⁹ On the other hand, about 70% of families had a flat or falling income between 2005 and 2014,²⁰ and real wages fell by 10.4% between 2007 and 2015, one of the worst rates in OECD countries.²¹ The richest 10% of the UK population owns over half of the country's total wealth, and the richest 1% owns more than 20 times more wealth than the poorest 20% of the population.²² There are also deep territorial imbalances between South East England and the rest of the country in terms of public investment.²³ More than 76% of the people believe there is a wide divide between social classes, and the share of people who disagree with the idea that the government should spend more money on welfare for the poor went down from 43 to 31% between 2009 and 2015.²⁴
22. The State bears the burden of proving that their policies are best suited to the fulfilment of all SDGs. As a consequence, the State must assess the impact that their policies have on people's lives, particularly on people living in poverty or at risk of poverty. Section 1 provides a model for enhancing the value of socio-economic equality in order to achieve Goal No. 10.

Summary of recommendations

- UK authorities must abide by the principle that economic and social rights are human rights. Adequate public policies and legislative measures must be adopted, enabling individuals to seek enforcement of their rights before national courts.
- The UK should consider ratifying the 2008 Optional Protocol to the ICESCR, which includes an individual complaint mechanism, and the 1996 Revised European Social Charter, with its collective complaint mechanism.
- The ONS should consider following the guide to measurement and implementation of the UN Office of the High Commissioner for Human Rights, and in particular its tripartite set of indicators to examine structures, processes and outcomes.

¹⁹ Institute for Fiscal Studies, *Living standards, poverty and inequality in the UK: 2016*, July 2016.

²⁰ McKinsey Global Institute, *Poorer than their parents? Flat or falling incomes in advanced economies*, July 2016.

²¹ TUC, "[UK workers experienced sharpest wage fall of any leading economy](#)", 27 July 2016.

²² Oxfam GB, "[How to Close Great Britain's Great Divide](#)", 13 September 2016.

²³ [IPPR North](#) 2016.

²⁴ [British Social Attitudes Survey](#) 2016.

- In the design of indicators, the State must foster active participation and engage with rights-holders themselves in order to understand structural factors, assess progress and identify outcomes.
- The UK government must enact Section 1 of the Equality Act 2010.