

**UK's 7<sup>th</sup> Periodic Report on**  
**International Covenant on Economic, Social and Cultural Rights (ICESCR)**

**Response Template**

1. Since the last periodic report, what are the areas you consider to have improved in the UK?  
(please provide specific examples, including jurisdictional region)

The most marked progress since 2016 in relation to the rights contained within ICESCR have taken place mainly in the devolved regions.

Section 1 of the Equality Act 2010 introduces a socio-economic duty on public bodies that requires them:

*“when making decisions of a strategic nature about how to exercise its functions’ to ‘have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.”*

Public bodies are asked to consider how their decisions and policies could increase or decrease inequality that results from socio-economic disadvantage. We believe that this could be a vital tool to giving further effect to the rights contained within ICESCR. Despite being passed by UK Parliament in 2010, successive UK governments have refused to bring Section 1 into force in England and Northern Ireland (indeed Northern Ireland still doesn't have a single equality act).

In April 2018, the [Fairer Scotland Duty](#) came into force as Section 1 of the Equality Act 2010 in Scotland. This duty requires local authorities to actively consider how they could reduce inequalities of outcome in any major strategic decision they make; and to publish a written assessment, showing how they have done this. After extensive consultations, the Welsh Government enacted the duty as part of its programme to help public bodies deliver [A More Equal Wales](#).

Some local authorities in England (see for example [North of Tyne Combined Authority](#), [Newcastle City Council](#) and [Southwark Council](#)) have voluntarily introduced the duty, however despite a specific Concluding Observation in 2016 (paras 22-23) the UK government still have not enacted this duty.

Scotland has also been leading the way in terms of the domestic implementation of ICESCR. In March 2021 the Scottish Equalities Secretary announced plans for a new Human Rights Bill to incorporate four additional United Nations Human Rights treaties into Scots Law, including the International Covenant on Economic, Social and Cultural Rights.

The UK government has intervened in Scotland's attempts to bring the Convention on the Rights of the Child into Scot's law by challenging the UNCR (Incorporation) (Scotland) Bill in [the UK Supreme Court](#) as being outwith their devolved competences.

The Ad Hoc Committee on a Bill of Rights was eventually established in the Northern Ireland Assembly (as per the requirements of the New Decade, New Approach Agreement 2020). But with no agreed process for delivery of a meaningful set of rights outcomes when the Committee concludes its work, concern remains that the Committee could simply become the latest delaying tactic in this long running process of the NI Bill of Rights. 23 years on, and despite a Concluding Observation in 2016 from CESCR (paras 9 and 10), Northern Ireland still does not enjoy the protections of rights promised by the Belfast/Good Friday Agreement 1998.

In September 2021 the Equality and Human Rights Commission launched the latest information of its assessment of the UK government's progress on human rights and equality protections in England through its human rights tracker. Over 36 individual rights areas, there is not a single marker for 'sustained progress'. In relation to many of the rights within ICESCR a worrying picture is evidenced.

With regards Health, [health outcomes](#), [mental health](#) and [reproductive and sexual health](#) have seen limited progress. There has been no progress in [access to healthcare](#).

With regards Education, [school exclusions and managing challenging behaviour](#) as well as [harassment and bullying in schools](#) have seen limited progress. [Education attainment](#) has seen no progress and inclusive education has [regressed](#).

With regards Work, [access to employment](#) has seen moderate progress, while [just and fair conditions](#), [occupational segregation](#) and [human trafficking and modern slavery](#) have experienced limited progress.

Finally with regards Living Standards, [housing](#) has had limited progress, [social security \(welfare benefits\)](#) has had no progress, while both [adequate standard of living and poverty](#) and [social care](#) have both regressed.

## 2. What are the areas the UK Government should be focusing on in its 7th periodic report?

The United Nations provides [clear guidance](#) on how the State Party should fulfil its obligation to report to the CESCR. A few instances of particular note in this guidance are explored below. In terms of this current consultation document, we would highlight 9(c) from the guidance which states,

*“Identify problems and shortcomings in its approach to the implementation of the treaties;”*

While question 1 (above) allows a space to provide evidence of progress, we find it concerning that there is no space on this consultation document to share areas where we think there has been regress. Added to this, we would highlight part 10 of the guidance,

*“The reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant actors of civil society conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the relevant convention.”*

We are concerned that the current document is the only opportunity we have been given to engage with the UK government in the preparation of the State Party report, we do not feel that this sufficiently fulfils the duty outline. Further we would raise concerns about how the consultation process was handled. We were only informed of it by directly contacting the person in the Ministry of Justice who was working on it. We would have thought that, as a minimum, the Ministry of Justice would contact at least the NGOs who participated in the 6<sup>th</sup> cycle in order to invite us to participate in consultation.

The State Party Report should provide appropriate data so that the CESCR can effectively examine the fulfilment of Covenant rights across the UK. As the guidance at para 26 states,

*“Reports should provide relevant statistical data, disaggregated by sex, age, and population groups, which may be presented together in tables annexed to the report. Such information should allow comparison over time and should indicate data sources. States should endeavour to analyze this information insofar as it is relevant to the implementation of treaty obligations.”*

The lack of disaggregated data provided by the State Party has been an issue raised by the Committee in the past 2 reviews (2016 at para 41 and 2009 in Section D) and is something that we hope will be improved upon on this occasion to allow for a more effective review cycle.

3. Any views on the recommendations made by the Committee on Economic, Social and Cultural Rights. (please specify the recommendation(s) you are referring to)

With regards the Concluding Observations of the CESCR, we wish to emphasise that the UK should take into account all previous COs from the Committee, not just those made during the 6<sup>th</sup> periodic review, as all continue to enjoy the same status.

We would also remind the UK that while much of the day-to-day realisation of rights across the three devolved nations of the UK is undertaken by devolved governments, it is the UK who is ultimately responsible for the realisation of rights contained within international treaties such as ICESCR (see paras 7 and 8 of the COs).