

The Socio-economic Duty

Just Fair submission to the Call for Written Evidence: Civil Society Alternative Report to the UN Committee on the Rights of the Child 2022

August 2022

Relevant sections from the List of Issues prior to submission of the combined sixth and seventh reports of the United Kingdom of Great Britain and Northern Ireland

3. The Committee requests the State party to provide:

(b) Information on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children.

7. Please describe the measures taken to:

(c) Ensure that children, including those in vulnerable situations, are not affected by austerity measures or regressive measures taken in response to the COVID-19 pandemic and the potential consequences of the economic crisis triggered by those measures.

The Socio-economic Duty

1. The violation of economic, social and cultural rights (ESCR) predates the COVID-19 pandemic. Children and young people across the UK experienced a number of violations of these rights before the COVID-19 crisis, including to their rights to food, housing, education, work, and social security.¹
2. The violation of these rights contributes to increases in socio-economic inequalities, which have then been laid bare and exacerbated by the COVID-19 pandemic, including in relation to education,² housing and food,³ social security and work.⁴
3. In Great Britain we already have a key mechanism at our disposal to help the UK Government progressively realise the ESCR of children, as required by Article 4⁵ of the Convention on the Rights of the Child. The Socio-economic Duty contained in Section 1 of the Equality Act 2010⁶ is a powerful lever to address some historic and structural socio-economic inequalities and their negative effects on human rights and wellbeing, including those that have been laid bare and exacerbated by the COVID-19 pandemic.

¹ Just Fair, '[Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018 Written submission](#)' (2018)

² See for example: [Just-Fair-and-the-Childrens-Rights-Alliance-submission-on-COVID-and-education-1.pdf \(justfair.org.uk\)](#) and [Covid-19-on-education-and-childrens-services.pdf \(justfair.org.uk\)](#)

³ See for example: [Just-Fair-and-the-Childrens-Rights-Alliance-submission-on-COVID-and-education-1.pdf \(justfair.org.uk\)](#)

⁴ See for example: <https://justfair.org.uk/wp-content/uploads/2020/08/JCHR.pdf>

⁵ Article 4 of UNCRC states, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."

⁶ Equality Act 2010, available here: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

4. However, despite advances in Scotland⁷ and Wales⁸ successive UK Governments have failed to commence the Socio-economic Duty in England despite the Equality Act more generally having been in force across Great Britain for over a decade.
5. Across England we are witnessing a growing number of local and combined authorities either voluntarily adopting the Duty or opting to act in the spirit of the Duty. Indeed, one in seven local authorities across England have now adopted the Duty, including Labour and Conservative controlled local authorities.⁹
6. Were it to be in force in England, the Socio-economic Duty would require public bodies: *“when making decisions of a strategic nature about how to exercise [their] 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.”* This would complement the Public Sector Equality Duty in Section 149 of the Equality Act 2010 which requires public bodies to have *“due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities”* on the grounds of the nine listed “protected characteristics” (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
7. We believe that the commencement of the Socio-economic Duty could be a vital tool for building a fairer society for children. This Duty could help in two main areas:
 - I. Better decisions: the enforcement of Section 1 would mainstream the Socio-economic Duty into the decision-making processes of public authorities, so that children in greatest socio-economic need are prioritised.
 - II. Better laws: if lawmakers had to actively consider the Socio-economic Duty when making laws, this ‘pre-legislative scrutiny’ could highlight the particular risk in terms of socio-economic need and ensure that mitigations are considered.
8. We would ask the Committee on the Rights of the Child to join a growing number of United Nations (UN) human rights committees in calling for the UK to commence the Socio-economic Duty, including the Committee on the Rights of Persons with Disabilities

⁷ Fairer Scotland Duty 2018, available here: [Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fairer-scotland-duty/guidance-for-public-bodies-2018/pdfs/fairer-scotland-duty-guidance-for-public-bodies-2018.pdf)

⁸ A More Equal Wales 2021, available here: <https://gov.wales/sites/default/files/publications/2021-03/a-more-equal-wales.pdf>

⁹ More information is available in this recent briefing from Greater Manchester Poverty Action: <https://www.gmpovertyaction.org/wp-content/uploads/2022/06/SED-findings-briefing-FINAL-DRAFT-002.pdf>

(CPRD),¹⁰ the Committee on the Elimination of Discrimination against Women (CEDAW),¹¹ and the Committee on Economic, Social and Cultural Rights (CESCR).¹²

The Committee should recommend that the UK Government enacts the Equality Act 2010 to its full extent without delay, in particular by commencing the Socio-economic Duty, as recommended by other UN Committees.

¹⁰ Committee on the Rights of Persons with Disabilities (also known by some as the Committee on the Rights of Disabled People), Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, 3 October 2017:

“17. The Committee recommends that the State party:

(a) Bring its anti-discrimination legislation into accordance with the Convention and speed up the process to bring into force all legislative provisions in the Equality Act 2010, including those concerning reasonable accommodation in the housing sector”

¹¹ Committee on the Elimination of Discrimination Against Women, Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, 18 February–8 March 2019,

“16. The Committee recommends that the State party:

(d) Bring into force the provisions of the Equality Act relating to the public sector duty regarding socioeconomic inequalities (sections 1 to 3 of the Act) and “combined discrimination” (section 14 of the Act).”

¹² Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, 14 July 2016,

“23. The Committee recommends that the State party bring into force the relevant provisions of the Equality Act that refer to the public authorities’ duty with respect to socio economic disadvantage, as well as with respect to the prohibition of intersectional discrimination, in order to enhance and guarantee full and effective protection against discrimination in the enjoyment of economic, social and cultural rights. The Committee recalls its previous recommendation (see E/C.12/GBR/CO/5, para. 16) and urges the State party to provide the same access to an independent equality body and a similar level of protection to rights holders with regard to all grounds of discrimination for all individuals in all jurisdictions of the State party, including Northern Ireland. In this respect, the Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social, and cultural rights.”