



Call for Written Evidence: Shadow report on the International Covenant on Economic, Social and Cultural Rights

Submission from the Child Poverty Action Group, September 2022

Child Poverty Action Group (CPAG) works on behalf of the more than one in four children in the UK growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good. We provide training, advice and information to make sure hard-up families get the financial support they need. We also carry out high-profile legal work to establish and protect families' rights.

CPAG has particular expertise in the policy areas of poverty, social security and welfare rights. As a result, we have limited our response to these. It is important to note that this submission primarily focuses on the actions of the UK Government (UKG). We recognise that, the picture looks different across the four nations – although some actions taken by the UKG affect children's rights across the UK.

The right to an adequate standard of living and the right to social security

- 3.9 million children in the UK were in poverty in 2020/21. This is 400,000 lower than the previous yearⁱ due to increases in social security during the pandemic. However, these increases were reversed in September 2021 and experts estimate that the observed fall in child poverty has been undone due to subsequent cuts in social security.ⁱⁱ
- The support the UKG has provided in 2022/23 to help families with the rising cost of living, has not reflected household size,ⁱⁱⁱ despite the higher consumption needs of families with children.^{iv} This means that families with children have been provided with proportionately less support. This gap is greatest for families with a higher number of children.
- Poverty among families with three or more children has risen sharply in recent years.^v This trend is expected to continue through to 2026/27.^{vi} Changes to the overall generosity of social security for all children made by the UKG are the central explanation for the rise.
- This has been compounded by the introduction of two specific policies, the two child limit and the benefit cap, which break the link between social security entitlement and need.^{vii} These policies, which reduce support for larger families, fall most heavily on children from some minority ethnic groups and exacerbate existing inequalities by ethnicity.^{viii}
- In 2022, 1.3 million children in the UK were affected by the two child limit which limits the amount of means-tested support a family can receive at two children.^{ix,x} As the policy only applies to third and subsequent children born since 2017, this number of children affected will increase overtime. The two child limit specifically contradicts the ICSECR as it puts children at disadvantage based on the composition of their family.
- Child Poverty Action Group lawyers acted for families subject to the two child limit, but the Supreme Court rejected the legal challenge in 2021 (*R (SC and Ors) v SSWP* [2021] UKSC 26). The court rejected arguments that the rule was a breach of articles 8 and 14 ECHR. It also held that ratified but unincorporated treaties such as the UNCRC do not form part of the law

of the UK and therefore the court should not determine whether the UK is in breach of obligations under such a treaty.

- The benefit cap, which limits the amount of benefit income a family with no or low earnings can receive is similarly discriminatory – it specifically affects children whose parents are less able to take-up paid employment and have higher living costs (for example, by living in rented housing). The benefit cap has been held at its current levels since autumn 2016. So long as the benefit cap levels remain unchanged, the 300,000 children affected by it^{xi} will miss out on future social security increases.
- The approach taken to childrens' rights in different parts of the UK is increasingly divergent. For example in Wales the Rights of Children and Young Persons (Wales) Measure 2011 requires Ministers to have due regard to the UNCRC when developing or reviewing legislation or policy and undertake Children's Rights Impact Assessments as part of this. The Welsh Government has also introduced the Well-being of Future Generations (Wales) Act 2015, which creates duties with regard to improving social, cultural, environmental and economic wellbeing. In Scotland, efforts to incorporate the UNCRC were challenged by UKG in the Supreme Court. The SC held that the Scottish Parliament did not have competence to enact the legislation due to several of the powers it contained. The Scottish Government has indicated that it will amend the bill to respond to the SC's decision and will reintroduce the legislation.

Recommendations

- The UK Government should re-establish the link between benefit entitlement and household need so that children are not put at a disadvantage due to the form their family takes – this would include revoking the two child limit and the benefit cap.
- The Government should re-establish cross-government child poverty targets and poverty reduction strategies, in-line with the Child Poverty Act 2010.

ⁱ Poverty is defined as having an equivalised household income after housing costs, below 60 per cent of the median. Source: DWP, Households below average income: for financial years ending 1995 to 2021 <https://www.gov.uk/government/statistics/households-below-average-income-for-financial-years-ending-1995-to-2021>

ⁱⁱ <https://www.resolutionfoundation.org/app/uploads/2022/03/Living-Standards-Outlook-2022.pdf>

ⁱⁱⁱ In 2022/23 the UK Government provided the following flat-rate support to households: a £400 Energy Bills Support Scheme payment to households with a domestic electricity meter, a £150 Council Tax rebate to households in England Council Tax Bands A-D and a £650 one-off payment to households on means-tested benefits <https://www.gov.uk/government/publications/cost-of-living-support/cost-of-living-support-factsheet-26-may-2022>

^{iv} Families with children spend 30 per cent more on energy alone than families without children <https://cpag.org.uk/news-blogs/news-listings/gaping-1000-gap-worst-families-energy-price-cap-rises>

^v In 2019/20, the latest available data, 47% of children in families with three or more children were in relative poverty after housing costs, compared to 35% in 2014/15. Source: DWP, Households below average income: for financial years ending 1995 to 2020, <https://www.gov.uk/government/statistics/households-below-average-income-for-financial-years-ending-1995-to-2020>

^{vi} <https://www.resolutionfoundation.org/app/uploads/2022/03/Living-Standards-Outlook-2022.pdf>

^{vii} <https://largerfamilies.study/publications/a-time-of-need/>

^{viii} See note 11.

^{ix} This includes all children in a family where the limit has been applied.

^x <https://www.gov.uk/government/statistics/universal-credit-and-child-tax-credit-claimants-statistics-related-to-the-policy-to-provide-support-for-a-maximum-of-2-children-april-2022>

^{xi} <https://www.gov.uk/government/statistics/benefit-cap-number-of-households-capped-to-february-2022/benefit-cap-number-of-households-capped-to-february-2022>