

Could this measure be a breach of the UK's legal obligation on economic, social, and cultural rights?

#OurRightsNow

The background

The UK has signed up to an international agreement – the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) – that protects the right of everyone in the UK to the essentials of life. This means that the UK Government and other public authorities have a legal obligation to uphold our economic, social, and cultural rights.

Rights in a time of crisis

In times of crisis, we are particularly vulnerable to bad policy-making – at the same time good, rights-respecting policy-making is even more important. We can see this in the case of the cost-of-living crisis, which has seen the UK Government attempt to justify [policy that risks worsening inequality and hardship](#) based on the country's financial situation.

We saw the same thing during the 'austerity years'. At that time, the [United Nations Committee on Economic, Social and Cultural Rights](#) laid out, [in four steps](#), an authoritative interpretation of State obligations with regards to measures taken during times of economic and financial crisis, to ensure that human rights are still being respected.

You can use these four steps as a checklist: could a given measure represent a violation of the UK's legal obligations when it comes to economic, social, and cultural rights?

The checklist

1. The policy must be a **temporary** measure covering only the period of crisis.
2. The policy must 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.
3. The policy **must not be discriminatory** and **must comprise all possible measures**, including **tax measures**, to support social transfers to **mitigate inequalities that can grow** in times of crisis and to ensure that the rights of the **disadvantaged and marginalized** individuals and groups are not disproportionately affected.
4. The policy must identify **the minimum core content of rights or a social protection floor**, as developed by the International Labour Organization, and **ensure the protection** of this core content **at all times**.

What next?

If you feel that the measure that you're looking at could potentially breach the UK's legal obligations, use this finding to add power to your campaigning. You could use messages like:

- If the UK Government does not uprate benefits in line with inflation, this could represent a breach of its legal obligations laid out in the International Covenant on Economic, Social and Cultural Rights.
- As noted by the Chair of the Committee on Economic, Social and Cultural Rights in 2012, difficult decisions may have to be taken during times of financial or economic crisis, **however**, you should avoid at all times taking decisions which might lead to the denial or infringement of economic, social, and cultural rights.
- As a State Party to the International Convention on Economic, Social and Cultural Rights, you must ensure a policy or proposal meets the following four requirements:
 - Insert checklist]
- We do not believe in this instance that the policy has done so for the following reasons:
 - [Provide examples]

If you're unsure of how to use a rights-based framing in your campaign or would like more information, please get in touch with our Head of Policy, Research and Campaigns via info@justfair.org.uk.