

## The route to economic, social, and cultural rights justice

### Our 5 principles

#### Introduction

Just Fair is working to achieve a fairer and more just UK where everyone enjoys their economic, social and cultural rights. To achieve this, we believe that incorporation of these rights across the UK is needed, and we must think about how this can be done in practice.

The purpose of this document is to set out five principles for rights incorporation which we hope can serve as a basis for discussion, helping all those who are interested in achieving a better UK, imagine and build the practical measures and policies required for incorporation of these rights across the UK.

The five principles are

- Rights **knowledge**
- Rights **frameworks**
- Rights **resourcing**
- Rights **accountability**
- Rights **enjoyment**

We will be hosting discussions on these principles across the UK to build out the practical case for economic, social and cultural rights incorporation during 2024. [Join our ESCR network](#) to get involved.

#### The five principles for economic, social and cultural justice in the UK

Economic, social and cultural rights include rights to work, health, housing, education and standard of living. The UK Government has agreed to protect these rights in international law but has not taken the necessary steps to ensure they form part of our laws across the UK. This means that there is no guarantee that the UK Government and public bodies will uphold these rights and it is difficult to hold them to account when they do not. This needs to change.

While some devolved parts of the UK are now pushing ahead on trying to change this, to see a UK-wide approach to economic, social and cultural justice, groundwork is needed across the whole of the UK to incorporate the rights into domestic law. For some, this will mean building on work already being done, for others this may require a shift in thinking around human rights and how they are discussed as well as a recalibration of systems in place so we can keep moving towards a much-needed UK-wide approach.

We hope that the following five principles can serve as the basis for the development of this work.

#### 1. Rights **knowledge**

Rights **knowledge and education** are core underpinning concepts in protecting rights. This knowledge and education should be about both the rights themselves and the structures and processes that relate to them.

It is critical that people know that rights exist in the first place. It is also key that all people know that these rights are *their* rights. In the case of decision makers, it is also necessary that there is understanding that these rights must be addressed and guaranteed in the work they do. People responsible for facilitating rights practice (but not necessarily decision makers) also need to have a comprehensive understanding of the rights and the role that they play in the activities they do.

People also need to know what they can do if they experience a failure to protect or respect their rights. They need to know what processes are available to them, where they can turn to for help and support and how to address the failure to protect their rights and seek changes.

Rights knowledge requires ongoing, accessible education provision and sources of information which build the collective knowledge and expectation of rights protection in relation to everyday issues which affect people living in the UK. Increased knowledge has the further benefit of building wider solidarity and efforts to respect and to help protect the rights of others.

## 2. Rights frameworks

The protection of economic, social and cultural rights in the UK will require **frameworks to implement** them into domestic law and incorporate them into day-to-day life. There are many ways to do this, and countries adopt different approaches according to their specific constitutional set up.

In adopting a UK wide approach, consideration needs to be given to duties placed on decision makers – what they are, how they are framed and what they require to be done. There will need to be determination of legal standards and tests to which duty bearers are held. Rights realisation should be built-into decision making from the outset meaning there are obligations in place to proactively protect rights so that legal claims are routes of last resort.

When something goes wrong, route(s) to remedy must exist as part of rights frameworks. A UK-wide approach will involve considering how mechanisms can be put in place so that complainants can see rights realised in their day-to-day life without excessive legal requirements or repeated complaints to different bodies. Careful thought will need to be given to who ought to be enabled to raise complaints and how collective or actions seeking group protection can be facilitated.

Routes to remedy must be designed to be accessible and participative, so that barriers are minimised, and the process is easy to navigate without expert knowledge. Where this cannot be avoided and expert knowledge is required, advice and advocacy must be available and accessible to all and in a timely way. It is vital that routes to remedy are accompanied by robust protections for complainants against victimisation or reprisals for having raised complaints.

## 3. Rights resourcing

Rights must be **substantively and proactively resourced** so that the UK Government makes the best use of available resources to ensure the economic, social and cultural rights of people living in the UK.

Review mechanisms should exist and be appropriately resourced in order to provide an ongoing, progressive process of regular review and proactive improvement. It should not be necessary to have to wait for things to go wrong, or decision makers to fall short, to seek ongoing improvement of people's day to day lives and rights protections.

Where protections and guarantees do fall short, accessible complaints and monitoring mechanisms must be resourced so that people can seek redress and changes. This requires a construction of resourcing which takes into account not only the financial and legal resources required but also the emotional burden and cost for those who experience rights violations and raise complaints.

## 4. Rights accountability

**Proactive rights protection and responsibility** taken for ensuring rights guarantees in decision making and state provision should be a societal expectation and starting point. Mainstreaming human rights in every day decision making means that the system is already set up to protect rights.

Where rights protection falls short, provision of routes to remedy form an integral part of accountability mechanisms. Such accountability mechanisms need careful consideration to make sure they work well in practice so that routes to remedy are effective.

Remedies ought to include reparations and steps for change. As part of the accountability mechanisms there should be both participation by those who experience rights violations in the remedy to their own complaints and participation by decision makers so that there is scope for reflection and honest dialogue on what ought to be and what can be achieved in terms of real and sustainable change.

An inherent part of any effective remedy and process of reparation and change is that lessons are learned. The goal must be systemic change and non-repetition of rights violations in addition to addressing individual or group right(s)'s violations.

## **5. Rights enjoyment**

The protection and enjoyment of economic, social and cultural rights will be a **process of learning, evaluation, reflection, and progressive change.**

It requires ongoing assessment and revision of the use of resources and self-improvement on the part of decision makers so that there is compliance with international frameworks on the maximum use of resources and rights obligations.

The participation of rights holders in the evaluation of the enjoyment of economic, social and cultural rights in the UK will be fundamental to determining how the rights are being experienced day-to-day across the UK.

It will also serve to highlight where and how further work in guaranteeing economic, social and cultural protections can and should be done in order to work towards the ongoing common goal of a fairer, more just society for all.

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