

**Response to the List of Issues from the UN Committee on Economic,
Social and Cultural Rights**
Guidance and background information

1. What are Economic, Social and Cultural rights?

The UK ratified the UN Covenant on Economic, Social and Cultural Rights (“ICESCR”) in 1976. There are currently 164 countries signed up to the Covenant.

ICESCR establishes that we are all entitled to certain human rights: the right to work, right to social security, right to water, food and housing as part of an adequate standard of living, the right to health, education and participation in cultural life. These rights are often referred to as “ESCR” for short and have equal status with civil and political rights, such as the right to vote and a fair trial.

In 1985 the UN Committee on Economic, Social and Cultural Rights (“CESCR”) was established in order to monitor state compliance with the ICESCR. The CESCR is quasi-judicial and performs a number of important roles in protecting ESCR (see 6. below).

2. Why should you get involved in the review of the UK?

The CESCR reviews the extent of every signing country’s compliance with ICESCR every 5 years or so. **The Committee is currently reviewing the UK. It will provide its findings in June this year. We want you to get involved with the review.**

The review is an invaluable opportunity for civil society organisations to **make the case for social justice and human rights in the UK**. The Government has to prove that it “respects and protects” ESCR and that it is using “maximum available resources” to “fulfil” these rights.

Civil society can provide information in response to the Government's own data and influence the ultimate findings made by the CESCR. This way it plays a vital role in making sure CESCR has all the information necessary to reach accurate conclusions about the extent to which the UK is complying with its international human rights obligations.

The final report of the CESCR (known as "Concluding observations") can also be a very useful and practical **advocacy tool** for NGOs and charities. The media has already showed considerable interest in the Review (see [media impact](#)).

Engaging with the review process is therefore an excellent way of **holding the government to account and making a positive impact** on people's lives. For example, the UK enacted the Equality Act 2010 and increased the amount of foreign aid after the CESCR made explicit recommendations that it do so.

3. What is the "List of Issues"? What is expected from us?

After examining information provided by the Government, the Equality and Human Rights Commission (EHRC), the Human Rights Commissions of Scotland and Northern Ireland (SHRC and NIHRC) and civil society, including the JUST FAIR CONSORTIUM, the CESCR asked the UK Government some probing questions about its performance under the Covenant in what is known as the "[List of Issues](#)".

The List of Issues for the UK includes 32 questions concerning ten sets of human rights included in the ICESCR:

1. General status of ESCR in the domestic legal framework
2. The principle of maximum available resources for ESCR (Article 2(1) ICESCR)
3. Non-discrimination and equality between men and women (Articles 2 and 3)
4. Right to work, rights at work and trade union rights (Articles 6, 7 and 8)
5. Right to social security (Article 9)
6. Child rights, women's rights and human trafficking (Article 10)
7. Right to an adequate standard of living (Article 11)
8. Right to health (Article 12)

9. Right to education (Articles 13 and 14)
10. Cultural rights (Article 15)

The Government must respond to these issues in the coming months. Civil society is also encouraged to respond. The **JUST FAIR CONSORTIUM intends to provide additional information to the CDESCR in response to the List of Issues.**

It is really important to provide the Committee with **accurate qualitative and quantitative information** that captures the **real experiences** of those people whose ESC rights are at risk, while addressing directly the concerns already expressed by the Committee. **We need as many Consortium Members as possible to help us with this and make sure we make the most of this invaluable opportunity.**

The added value of the **JUST FAIR CONSORTIUM** is its ability **to speak with one voice** in raising awareness about some of the worst examples of the UK's lack of compliance with the ICDESCR.

We need all Consortium members to get involved and express their opinions and help build the case for **social justice through human rights.**

Please, complete the **attached questionnaire**, which reflects the List of Issues and send your responses back to us by **19 February 2016.**

Just Fair will then run a **series of workshops** focussing on central themes, like housing, welfare reform and migrant rights. The first workshop will be on **24 February 2016** in a central London location. The rest of the workshops will take place in the week commencing **29 February 2016** on dates to be arranged with Consortium members. We would really appreciate as many Consortium Members as possible coming along to a workshop and seeing how they can get involved.

We need your knowledge and expertise. Your input is absolutely essential if CDESCR is to have an accurate picture of human rights protection in the UK.

The JUST FAIR CONSORTIUM will also **attend the “dialogue session” in Geneva in June 2016**, and make oral representations directly to the Committee. This will be more effective if some Consortium members and individuals affected by rights violations come with us. **Please let us know if you would be interested in attending the session in Geneva in June.**

4. What has JUST FAIR CONSORTIUM done so far?

JUST FAIR submitted its [Parallel Report](#) to the CESCR on behalf of the CONSORTIUM. The submission brought together the analysis carried out in four [thematic reports](#) produced in 2014 and 2015:

- a) *“Going Hungry? The Human Right to Food in the UK”*: Welfare reforms, benefit delays and the rising cost of living have pushed an unprecedented number of people into a state of hunger, malnutrition and food insecurity.
- b) *“Dignity and Opportunity for All: Securing the rights of disabled people in the austerity era”*: The first comprehensive analysis of the extent to which austerity-led policies have led to breaches of the UK’s international obligation to realise the rights of people with disabilities.
- c) *“Protecting the Right to Housing in England: A Context of Crisis”*: The housing crisis in England in two of its starkest forms: homelessness, and the insecurity of tenure and lack of adequate housing in the private rental sector.
- d) *“The Right to Health in the UK”*: Focussing on the retrogression suffered by asylum seekers, undocumented migrants and people with mental health conditions.

This research shows that there has been **retrogression in the enjoyment of ESCR and that this has been in part because of austerity based policies.**

The research and lobbying work conducted by the JUST FAR CONSORTIUM resulted in the inclusion of all of the Consortium’s concerns in the List of Issues.

The JUST FAIR CONSORTIUM also organised a series of [events](#), such as a panel discussion on the “state of the welfare state in the UK”, a debate held at the House of Commons on the role of the Parliament in compliance with the ICESCR, evidence-gathering meetings and extensive discussions with Members about what should be included in the submission.

The JUST FAIR CONSORTIUM’s reports and the review process at the UN have had significant [media impact](#), for example in *The Guardian*, *BBC News*, *The Independent*, *Huffington Post*, *Channel 4*, *ITV News*, *Sky News*, *The Mirror* and *Al Jazeera*. We believe the media will be very interested in the Committee’s final conclusions and recommendations when they are published in June/July this year.

5. Timeline of the UK review process in front of the CESCR

Country reviews start with a report submitted by the government of a state party. This is the 6th time the UK has been reviewed by the UN about the implementation of ICESCR.

The current review started with the Government’s [state report](#), received by the CESCR in **June 2014**. The report is divided into three sections: first, the Government’s response to the CESCR report (“concluding observations”) of 2009; second, the Government’s defence of the UK record since then; and third, its record in relation to the Overseas Territories and Crown Dependencies. The UN made the report public in September 2014.

The EHRC, the SHRC, the NIHRC and 19 civil society groups submitted their own information to the CESCR in **August/September 2015** ([parallel/shadow reports](#)).

Just Fair and others attended CESCR’s 56th Pre-Sessional Working Group (12-16 October) and lobbied the CESCR on the findings of the report. The CESCR provided its [List of Issues](#) to the UK on **3 November 2015**.

Some countries respond to the list of issues in writing, while others do so orally at the public session in which the state delegation meets with the CESCR in what is known in the UN terminology as a “**dialogue session**”. According to its tentative programme of work, the dialogue between the

CESCR and the UK delegation would take place on **15-16 June 2016**. The JUST FAIR CONSORTIUM will attend the dialogue session.

The CESCR will adopt its “**Concluding Observations**” on the UK at the end of this session. The final report should be made public soon after the dialogue session.

6. **ESCR and the CESCR in more detail**

The CESCR is a UN body of 18 independent experts that monitors implementation of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) by its state parties. 164 countries have ratified this treaty to this day. The UK has been one of them since 1976. The ICESCR establishes that we are all entitled to certain human rights: the right to work, right to social security, right to water, food and housing as part of an adequate standard of living, right to health, or right to education, among others.

The CESCR carries out three main functions. First, it issues authoritative statements regarding the meaning of the rights proclaimed in the ICESCR. These are called “**general comments**”. CESCR has published [21 general comments](#) thus far.

Second, every five years the CESCR reviews the status of ESCR in each state party. Governments must submit their reports for the consideration of the Committee (“state report”). NGOs and National Human Rights Institutions also submit their own information (“parallel/shadow reports”). After careful consideration of this information, as well as any other available material (for example, from UN specialised agencies), the CESCR normally requests further information from the government (“list of issues”). There is then a public session in which state delegates and NGOs meet with the CESCR in Geneva (“constructive dialogue”). At the end of this process, the CESCR makes public a set of conclusions and recommendations to the state party (“**Concluding Observations**”). This second function, “state country review”, is what this document is about.

There is a third function that is relatively new and does not apply to the UK just yet, but it is worth mentioning nonetheless. Since the entry into force of the Optional Protocol to the ICESCR in May 2013, individuals may submit complaints (“**communications**”) to the CESCR when they consider

themselves to have been victims of the violation of any of the rights proclaimed in the ICESCR. However, this is only applicable to those countries that have ratified the Optional Protocol. To this day 21 have done so. The UK is not among them. The CESCR concluded its [first communication](#) in June 2015 in a case concerning mass mortgage evictions in Spain.

JUST FAIR works for the advancement of human rights in the UK, particularly economic, social and cultural rights (ESCR). Together with a CONSORTIUM of 77 charities and NGOs, since 2013 JUST FAIR has been following closely the ongoing review of the UK by the UN Committee on Economic, Social and Cultural Rights (CESCR) to ensure that the Committee makes strong recommendations to advance the protection and enjoyment of ESCR in the UK.

Consortium Members

1. Article 12 2. ATD Fourth World 3. Black Environment Network 4. [Amnesty International UK](#) 5. [Anti-Bedroom Tax and Benefit Justice Federation](#) 6. [Brap](#) 7. [Cambridge Ethnic Community Forum](#) 8. [Campaign for a Fairer Society](#) 9. Centre for Economic and Social Inclusion 10. [Centre for Secular Space](#) 11. Centre for Welfare Reform 12. [Child Poverty Action Group](#) 13. Church Action on Poverty 14. [Children's Rights Alliance England](#) 15. [Compass](#) 16. [Community Food Enterprise](#) 17. [Consortia of Ethnic Minority Organisations](#) (COEMO) 18. [Crisis](#) 19. [Dalit Solidarity Network](#) 20. Design Charity 21. [DIAL Peterborough](#) 22. [Disability Law Service](#) 23. [Disability Rights UK](#) 24. [Discrimination Law Association](#) 25. [Doctors of the World](#) 26. [Disabled People Against Cuts](#) 27. [Eaves](#) 28. [Employability Forum](#) 29. English Regions Equality and Human Rights Network (EREN) 30. [Equal Rights Trust](#) 31. [Equality and Diversity Forum](#) 32. [Esther Community Enterprise](#) 33. [Fareshare](#) 34. [Fatherhood Institute](#) 35. [Fawcett Society](#) 36. [Food Cycle](#) 37. [Freedom from Torture](#) 38. [Friends, Families and Travellers](#) 39. [Galop](#) 40. [High Pay Centre](#) 41. [Housing Justice](#) 42. [Howard League for Penal Reform](#) 43. [Inclusion London](#) 44. [JUST West Yorkshire](#) 45. Kirkby Unemployment Centre 46. [Law Centres Network](#) 47. [Lesbian and Gay Foundation](#) 48. [LGBT Consortium](#) 49. [Luton Foodbank](#) 50. [Mencap](#) 51. Merseyside & Cheshire Unemployed Workers Centre Co-ordinating Committee 52. [Migrants Rights Network](#) 53. [National Council for Voluntary Youth Services](#) (NCVYS) 54. Pavement, The 55. [Public and Commercial Services Union](#) 56. [Reconnect](#) 57. [Refugee Council](#) 58. [Refugee Youth](#) 59. [Refugees in Effective and Active Partnership](#) (REAP) 60. [Right to Education Project](#) (Action Aid) 61. [Race on the Agenda](#) (ROTA) 62. [Runnymede Trust](#) 63. Save the Children 64. [Southall Black Sisters](#) 65. [SWAN](#) (Social Work Action Network) 66. [The Adolescent and Children's Trust](#) (TACT) 67. [Taxpayers Against Poverty](#) 68. [Trade Union Congress](#) 69. [Trussell Trust](#) 70. [Vegan Society](#) 71. [Unison](#) 72. [Unicef UK](#) 73. [West London Churches Homeless Concern](#) 74. [Women in Prison](#) 75. [Women's Budget Group](#) 76. [Women's Resource Centre](#) 77. [Zacchaeus 2000 Trust](#) (Z2K)

Consortium Observers

1. [Equality and Human Rights Commission](#) 2. [London School of Economics \(Human Rights Futures Project\)](#) 3. British Institute of International and Comparative Law