

What are economic & social rights and how are they recognised in international law?

Human rights are recognised in international treaties that the UK was instrumental in bringing to life. These treaties set up independent bodies to monitor and help countries implement human rights at the national level.

One of these treaties is the International Covenant on Economic, Social and Cultural Rights (ICESCR), and its monitoring body is the UN Committee on Economic, Social and Cultural Rights (CESCR).

In June 2016 this Committee made 60 specific recommendations to improve protection of economic, social and cultural rights in the UK.

The UK has historically taken on board recommendations made by this and other bodies, which contributed to improve the level of enjoyment of all human rights in the UK.

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The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The [ICESCR](#) is an international human rights treaty that was ratified by the UK in 1976. So far, 164 countries have signed up to the Covenant.

ICESCR establishes that we are all entitled to certain human rights: **right to social security, right to food and housing as part of an adequate standard of living, labour rights, the right to health, education and participation in cultural life.**

These rights, often known as “economic, social and cultural rights” or “ESCR” for short, have equal status in international law with civil and political rights, such as freedom of expression or the right to a fair trial.

States must take measures to the maximum of their available resources with the aim of achieving progressively the full realisation of economic, social and cultural rights.

The principle of non-retrogression means that any regressive measure must be reasonable and temporary, avoiding disproportionate impact on disadvantaged groups. Regressive measures must not deprive of basic social standards, and they must be accompanied by an independent review.

States that have ratified the ICESCR have a legal obligation to respect, protect and implement the rights contained therein.

The UN Committee on Economic, Social and Cultural Rights (CESCR)

The [CESCR](#) is a UN body of 18 independent experts that monitors the implementation of the ICESCR at the national level.

The CESCR carries out three main functions. Firstly, it issues authoritative statements about the meaning of the different rights proclaimed in the ICESCR. They are called “[general comments](#)”.

Second, every five years the CESCR reviews the level of enjoyment of ESCR in each country. After careful consideration of information provided by governments and civil society, the CESCR makes public a set of conclusions and recommendations to the state party (“**concluding observations**”).

Third, individuals in some countries can submit complaints (“**communications**”) to the CESCR when they consider their rights under the ICESCR to have been violated. If the CESCR then finds there has been a breach of the Covenant, it makes detailed recommendations on the specific case. However, this is only applicable to those countries that have ratified the [Optional Protocol to the ICESCR](#), of which there are 22 today. The UK has for now chosen not to sign up to it, which means that, unlike those living in other countries, people in the UK cannot submit complaints to the UN for the breach of their economic, social and cultural rights.

2016: The UK under the UN spotlight

The CESCR made public its latest [Concluding Observations on the United Kingdom in June 2016](#). The UN raised serious concerns and made 60 specific recommendations, including:

- Adopt all necessary measures to address the deficit of affordable **housing** in the UK and address growing rates of **homelessness** in the UK.
- Eliminate the **gender pay** gap improve access to affordable childcare and reduce the use of temporary and precarious forms of employment, such as “zero hour contracts”.
- Review fiscal policy to make sure that the UK **taxation** provides the necessary resources to meet economic and social rights.
- Allocate greater resources to the treatment of **mental health** and promote wellbeing.
- Enact the **Equality Act 2010** in full, in particular, the socio-economic equality duty of Section 1.
- Make economic and social rights **enforceable in court**, just like civil and political rights, but

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without making any regressive changes to the Human Rights Act 1998.

- Ensure that the implementation of the Trade Union Act 2016 does not constrain the enjoyment of **workers' rights** to collective bargaining.
- Alleviate destitution of **asylum seekers**
- The Committee also expressed serious worries about the impact that **welfare reforms** may have on the enjoyment of human rights, in particular benefit cuts and freezes, the use of sanctions, and the disconnect between state benefits and costs of living. The Committee confirmed that these reforms had hit the most disadvantaged worst.

[Other UN human rights bodies](#) also issued reports on the UK in 2016. **The Committee on the Rights of the Child** made specific recommendations on economic and social rights, such as the need to address inequality in access to health services and health outcomes, as well as a clear focus on child rights in the poverty reduction strategies and action plans.

After an inquiry procedure, the first of its kind anywhere in the world, the **Committee on the Rights of Persons with Disabilities** [highlighted](#) a series of concerns about the negative effects of austerity-led welfare reforms on the rights of people with disabilities.

And the **UN Special Rapporteurs on Housing, on Rights of Persons with Disabilities, on Extreme Poverty, and on the Right to Food**, sent a joint [letter](#) to the UK Government with specific questions about the compatibility of welfare reform with international human rights obligations of the UK. In particular, the four UN experts highlighted five areas of concern: a) the lowering of the household benefit cap; b) the four year freeze on certain benefits; c) the reduction of child tax credits; d) the lowering employment support allowance; and e) the repeal of the Child Poverty Act 2010 and abolition of income-based poverty targets.

Why does this matter? Examples of recommendations implemented in the past

In the past, international human rights bodies like the CESCR have made recommendations that were later implemented by UK authorities. For example:

- **Corporal punishment** was abolished in both state schools and grant-maintained **schools** (Education Act 1986).
- In the 1990s eligibility for **housing benefits** and different social housing options was extended to foreign nationals that are habitually resident.
- **Children were protected from sexual exploitation and trafficking** for economic exploitation (Sexual Offences Act 2003 Asylum and Immigration Act 2004).
- The **Equality Act** was adopted in 2010.
- Housing legislation in Wales and Scotland ensures that accommodation does not cease to be available if there is reason to believe that someone may be rendered **homeless**.
- The Scottish Government announced in November 2016 its intention to recognise and regulate the **right to food** in accordance with international human rights law.

Economic and social rights are human rights recognised in international law.

The UK must comply with its international human rights obligations.

The government must implement the recommendations of the UN Committee on Economic, Social and Cultural Rights and other

Registered as a charity since 2011, Just Fair works to realise a fairer and more just society in the UK by monitoring and advocating the protection of economic and social rights.

Just Fair is committed to increasing public awareness of international human rights law and the capability to use it. Just Fair is also devoted to the advancement of high-quality thinking, training and practice to ensure that economic and social rights are respected, protected and fulfilled.

On behalf of a consortium of more than 70 national and local groups, Just Fair monitored the 2014-16 CESCR review of the UK, and informed the UN's analysis with a [parallel report](#) and a [response to the list of issues of the Committee in 2016](#).

Other recent publications by Just Fair:

Reports

- [Protecting the Right to Housing in England: A Context of Crisis](#) (April 2015)
- [Dignity and Opportunity for All: Securing the Rights of Disabled People in the Austerity Era](#) (July 2014)
- [Going Hungry? The Human Right to Food in the UK](#) (April 2014)

Policy briefings

- [“Submission to the 3rd cycle of the UN Universal Periodic Review of the UK”](#) (September 2016)
- [“Submission to the ‘Sustainable Development Goals in the UK’ inquiry of the House of Commons Environmental Audit Committee”](#) (September 2016)
- [“Submission to the European Commission’s consultation on a European Pillar of Social Rights”](#) (September 2016)

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