

ICESCR Concluding observations – July 2016

Human Rights issue	UN Article number	Government should:	Paragraph number
General Measures of implementation	2 (implementation of the convention)	Make ICESCR part of UK law. Ensure that where rights are violated, people can take legal action see also UN advice on the domestic application of the ICESCR ,	6
	2 (implementation of the convention)	Ensure economic, social and cultural rights are a reality for people living in the UK and in all overseas territories.	8
	2 (implementation of the convention)	Hold a public consultation on plans to repeal the Human Rights Act, and on the proposal for a new Bill of Rights. Ensure any new laws strengthen human rights protections, including economic, social and cultural rights. Speed up the introduction of a bill of rights for Northern Ireland.	10
	2 (implementation of the convention)	(a) Set up clear regulations to ensure companies operating in the UK do not infringe economic, social and cultural rights. (b) Introduce new laws and policies to hold UK companies responsible for breaches of rights abroad committed by them or their subsidiaries. (c) Carry out risk assessments before granting arms export licences. Refuse or stop licences where there is a risk of human rights violations.	12
	2 (implementation of the convention)	Consider UN advice on business and economic, social and cultural rights .	13
	2 (implementation of the Convention), 11 (adequate	Align its international development cooperation with human rights by: (a) assessing the potential human rights impacts of international development projects before giving them the go ahead. (b) monitoring any impacts of international development projects, and taking action when needed. (c) ensuring people affected by such projects can complain if their economic, social or cultural rights are infringed.	15

	standard of living), 23 (international cooperation)		
	2 (implementation of the convention)	(a) Assess how recent tax policy changes have affected human rights, including the rights of disadvantaged groups. Ensure the public is widely consulted as part of this assessment. (b) Ensure tax and spending policies are adequate and fair. Improve tax collection so there are more resources available for implementing economic, social and cultural rights. (c) Tackle tax abuse, especially by companies and wealthy individuals. (d) In partnership with all overseas territories, do more to combat global tax abuse.	17
	2 (implementation of the Convention), 11 (adequate standard of living)	Use all available resources to make economic, social and cultural rights a reality for everyone. In line with UN advice on economic, social and cultural rights during economic and financial crises, government should review austerity policies introduced since 2010 and assess their impacts on people's rights (in particular on women, children and disabled people). Austerity measures must be temporary, necessary, proportionate and fair. They must not disproportionately affect the rights of disadvantaged people. Such measures must also guarantee that everyone can enjoy minimum levels of each right.	19
	2 (implementation of the convention)	Bring into force the outstanding provisions of the Equality Act 2010 to tackle socio-economic inequality and end intersectional discrimination.	23
	2 (implementation of the Convention), 3 (equality between men and women)	Consider UN advice on the equal right of men and women to economic, social and cultural rights.	28

	9 (social protection), 11 (adequate standard of living)	Ensure older people receive an adequate pension, care and treatment. Educate all health care workers on the rights of older people, and the treatment of dementia and Alzheimer's disease.	60
	2 (implementation of the Convention)	Ratify the Optional Protocol to the ICESCR to allow people who feel their rights have been breached to complain to the ICESCR Committee.	69
	2 (implementation of the Convention)	Consider ratifying outstanding human rights treaties including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocols to the ICCPR and the CRC on complaints procedures.	70
	2 (implementation of the Convention)	Government should: Develop and apply indicators and benchmarks to monitor progress on economic, social and cultural rights. Consider the UN framework on human rights indicators.	71
	16 (reports by States Parties), 17 (timing and content of reports)	Government should: Share these recommendations widely. Consult with civil society organisations in the follow-up and before submitting the UK's next periodic report. Work with all devolved administrations and overseas territories to implement the recommendations, and when preparing the next report.	72
	16 (reports by States Parties), 17 (timing and content of reports)	Submit the UK's next report to the UN by 30 June 2021. Update its common core document.	73
Health	11 (adequate standard of living)	Develop a national strategy on the right to adequate food. Promote healthy diets, including supporting breastfeeding. Introduce higher taxes on junk foods and sugary drinks. Consider strictly regulating the marketing of these products, while ensuring better access to healthy	54

		diets. Consider UN advice on the right to adequate food, the UN Guidelines on this right in the context of national food security, and the International Code of Marketing of Breast-milk Substitutes.	
	12 (physical and mental health)	Ensure temporary or undocumented migrants, asylum seekers, refugees and Roma, Gypsies and Travellers can access all necessary health care. Ensure health facilities, goods and services are available to everyone, without discrimination in line with UN advice on the right to health.	56
	12 (physical and mental health)	Government should: Promote a full health service (including mental health) in line with the duty introduced by the Health and Social Care Act 2012. Ensure mental health laws are implemented properly across the UK. Improve mental health care in the UK, ensuring services are properly funded, accessible and high quality (including for people in detention).	58
	9 (social protection), 11 (adequate standard of living)	Government should: Ensure older people receive an adequate pension, care and treatment. Educate all health care workers on the rights of older people, and the treatment of dementia and Alzheimer's disease.	60
	12 (physical and mental health)	Government should: Amend abortion laws in Northern Ireland in line with women's rights to health, life and dignity. Consider UN advice on the right to sexual and reproductive health.	62
Education	13 (education)	Government should: Reduce achievement gaps in education, particularly among children from low income families. Take further action to avoid segregating students based on religion, national or social origin, and economic background.	64
	13 (education)	Government should: Cut fees to make higher education more accessible, in accordance with capacity. Gradually introduce free higher education.	66
Work	2 (implementation of the Convention), 6 (right to work), 11 (adequate	Government should: Increase support for asylum seekers (including daily allowances) to guarantee their economic, social and cultural rights, in particular the right to an adequate standard of living. Allow asylum seekers to access employment while their claims are being processed.	25

	standard of living)		
	3 (equality between men and women), 6 (right to work), 7 (just and safe working conditions)	(a) Increase the number of women in decision-making roles, in public and private sectors. (b) End the gender pay gap, and tackle gender-based segregation in the labour market. (c) Guarantee equal pay for work of equal value, without discrimination.	27
	2 (implementation of the Convention), 6 (right to work)	Review its employment policies to address the root causes of unemployment. Develop an action plan focusing specifically on young people, disabled people and ethnic, religious or other minorities.	30
	2 (implementation of the Convention), 7 (just and safe working conditions), 9 (social protection)	Government should: (a) Reduce the use of temporary employment, precarious self-employment and 'zero-hours' contracts. Create opportunities offering security and protection of work rights. (b) Ensure the work and social security rights of all workers, regardless of contract type, are guaranteed and enforced.	32
	7 (just and safe working conditions)	Government should: Consider UN advice on the right to just and favourable working conditions.	33
	7 (just and safe working conditions), 9	Government should: (a) Ensure all migrant workers enjoy equal rights for pay, protection from unfair dismissal, rest and leisure, working hour limits, social security and maternity leave. (b) Protect migrant workers (including migrant domestic workers) from all forms of exploitation and abuse, including through the Modern Slavery Act 2015. (c) Ensure migrant	35

	(social protection)	workers who feel their rights have been violated can make formal complaints and get legal assistance. (d) Monitor the working conditions of migrant workers (including migrant domestic workers).	
	7 (just and safe working conditions), 11 (adequate standard of living)	Government should: Extend the national living wage to under 25s. Set it at a level which provides workers and their families with a decent standard of living.	37
	8 (right to form or join trade union)	Government should: Review the Trade Union Act 2016. Ensure all workers enjoy full trade union rights without interference. Implement the Employment Relations Act 1999 (Blacklists) Regulations 2010 to prevent blacklisting of trade union members. Guarantee that blacklisted workers can take effective legal action and receive compensation.	39
	3 (equality between men and women), 7 (just and safe working conditions), 10 (assistance and support for families)	Government should: Ensure childcare services are accessible and affordable, particularly in Northern Ireland. Review the system of shared parental leave. Make changes to support the equal sharing of duties within the family and in wider society.	44
Living Standards	2 (implementation of the Convention)	Government should: Ensure economic, social and cultural rights are a reality for people living in the UK and in all overseas territories.	8
	2 (implementation of the Convention), 6	Government should: (a) Assess how recent tax policy changes have affected human rights, including the rights of disadvantaged groups. Ensure the public is widely consulted as part of this assessment. (b) Ensure tax and spending policies are adequate and fair. Improve tax collection so there are more resources available for implementing economic, social and	17

	(right to work), 11 (adequate standard of living)	cultural rights. (c) Tackle tax abuse, especially by companies and wealthy individuals. (d) In partnership with all overseas territories, do more to combat global tax abuse.	
	2 (implementation of the Convention), 11 (adequate standard of living)	Government should: Use all available resources to make economic, social and cultural rights a reality for everyone. In line with UN advice on economic, social and cultural rights during economic and financial crises, government should review austerity policies introduced since 2010 and assess their impacts on people's rights (in particular on women, children and disabled people). Austerity measures must be temporary, necessary, proportionate and fair. They must not disproportionately affect the rights of disadvantaged people. Such measures must also guarantee that everyone can enjoy minimum levels of each right.	19
	2 (implementation of the Convention), 6 (right to work), 11 (adequate standard of living)	Government should: Increase support for asylum seekers (including daily allowances) to guarantee their economic, social and cultural rights, in particular the right to an adequate standard of living. Allow asylum seekers to access employment while their claims are being processed.	25
	2 (implementation of the Convention), 7 (just and safe working conditions), 9 (social protection)	Government should: (a) Reduce the use of temporary employment, precarious self-employment and 'zero-hours' contracts. Create opportunities offering security and protection of work rights. (b) Ensure the work and social security rights of all workers, regardless of contract type, are guaranteed and enforced.	32
	7 (just and safe working	Government should: (a) Ensure all migrant workers enjoy equal rights for pay, protection from unfair dismissal, rest and leisure, working hour limits, social security and maternity	35

	conditions), 9 (social protection)	leave. (b) Protect migrant workers (including migrant domestic workers) from all forms of exploitation and abuse, including through the Modern Slavery Act 2015. (c) Ensure migrant workers who feel their rights have been violated can make formal complaints and get legal assistance. (d) Monitor the working conditions of migrant workers (including migrant domestic workers).	
	7 (just and safe working conditions), 11 (adequate standard of living)	Government should: Extend the national living wage to under 25s. Set it at a level which provides workers and their families with a decent standard of living.	37
	9 (social protection), 10 (assistance and support for families), 11 (adequate standard of living)	Government should: (a) Review conditions attached to social security benefits. Reverse the cuts introduced by the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016. (b) Ensure rates of social security benefits reflect the costs of living and are sufficient for an adequate standard of living, including access to health care, adequate housing and food. (c) Review social security benefit sanctions. Ensure they are proportionate and that prompt, independent dispute resolution processes are available. (d) Monitor the impact of social security reforms on women, children, disabled people, low-income families and families with two or more children.	41
	9 (social protection), 10 (assistance and support for families), 11 (adequate standard of living)	Government should: Consider UN advice on the right to social security.	42
	3 (equality between men and women), 7	Government should: Ensure childcare services are accessible and affordable, particularly in Northern Ireland. Review the system of shared parental leave. Make changes to support the equal sharing of duties within the family and in wider society.	44

	(just and safe working conditions), 10 (assistance and support for families)		
	9 (social protection), 11 (adequate standard of living)	Government should: In line with UN advice on poverty and the ICESCR, guarantee support to all those living in (or at risk of) poverty, in particular disabled people, ethnic, religious or other minorities, single-parent families and families with children. Adopt an anti-poverty strategy in Northern Ireland. Develop a child poverty strategy. Reinstate targets and reporting duties on child poverty [from the Child Poverty Act 2010].	48
	2 (implementation of the Convention), 11 (adequate standard of living)	Government should: (a) Ensure there is sufficient housing (especially social housing), particularly for the most disadvantaged groups, including those on middle and low incomes, young people and disabled people. (b) Regulate the private rental market, including by protecting security of tenure and accountability systems. Ensure people on housing benefits can access the private rental market. (c) Ensure all homes are fit for habitation. (d) Ensure adequate stopping sites are available for Roma, Gypsy and Traveller communities. Avoid all forms of discrimination in accommodation. Repeal the Unauthorised Encampments (Northern Ireland) Order 2005. (e) Do more to overcome housing inequalities for Catholic families in North Belfast, and fully involve all parties in housing-related decisions. (e) Do more to overcome housing inequalities for Catholic families in North Belfast, and fully involve all parties in housing-related decisions	50
	11 (adequate standard of living)	Government should: Provide local authorities with sufficient funds to reduce homelessness, particularly in England and Northern Ireland. Ensure there are enough emergency shelters, hostels and rehabilitation centres. Avoid criminalising rough sleepers. Develop programmes to help them integrate back into the community. Consider UN advice on the right to adequate housing.	52
	11 (adequate standard of living)	Government should: Develop a national strategy on the right to adequate food. Promote healthy diets, including supporting breastfeeding. Introduce higher taxes on junk foods and sugary drinks. Consider strictly regulating the marketing of these products, while ensuring	54

		better access to healthy diets. Consider UN advice on the right to adequate food, the UN Guidelines on this right in the context of national food security, and the International Code of Marketing of Breast-milk Substitutes.	
	9 (social protection), 11 (adequate standard of living)	Government should: Ensure older people receive an adequate pension, care and treatment. Educate all health care workers on the rights of older people, and the treatment of dementia and Alzheimer's disease.	60
Justice, Liberty and Personal Security	2 (implementation of the Convention)	Government should: Make ICESCR part of UK law. Ensure that where rights are violated, people can take legal action see also UN advice on the domestic application of the ICESCR,	6
	2 (implementation of the Convention)	Government should: (a) Set up clear regulations to ensure companies operating in the UK do not infringe economic, social and cultural rights. (b) Introduce new laws and policies to hold UK companies responsible for breaches of rights abroad committed by them or their subsidiaries. (c) Carry out risk assessments before granting arms export licences. Refuse or stop licences where there is a risk of human rights violations.	12
	2 (implementation of the Convention)	Government should: Consider UN advice on business and economic, social and cultural rights .	13
	2 (implementation of the Convention), 11 (adequate standard of living), 23 (international cooperation)	Government should align its international development cooperation with human rights by: (a) assessing the potential human rights impacts of international development projects before giving them the go ahead. (b) monitoring any impacts of international development projects, and taking action when needed. (c) ensuring people affected by such projects can complain if their economic, social or cultural rights are infringed.	15

	2 (implementation of the Convention)	Government should: Review legal aid reforms to ensure everyone has access to justice and, where needed, free legal aid (especially disadvantaged people). Do not charge fees in employment tribunals.	21
	7 (just and safe working conditions), 9 (social protection)	Government should: (a) Ensure all migrant workers enjoy equal rights for pay, protection from unfair dismissal, rest and leisure, working hour limits, social security and maternity leave. (b) Protect migrant workers (including migrant domestic workers) from all forms of exploitation and abuse, including through the Modern Slavery Act 2015. (c) Ensure migrant workers who feel their rights have been violated can make formal complaints and get legal assistance. (d) Monitor the working conditions of migrant workers (including migrant domestic workers).	35
	8 (right to form or join trade union)	Government should: Review the Trade Union Act 2016. Ensure all workers enjoy full trade union rights without interference. Implement the Employment Relations Act 1999 (Blacklists) Regulations 2010 to prevent blacklisting of trade union members. Guarantee that blacklisted workers can take effective legal action and receive compensation.	39
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	9 (social protection), 10 (assistance and support for families), 11 (adequate	Government should: Consider UN advice on the right to social security.	42

	standard of living)		
	2 (implementation of the Convention), 3 (equality between men and women)	Government should: Provide information on the impact of the national strategy on gender-based violence (particularly with regard to violence against disabled women and girls) in its next report to the UN.	46
	12 (physical and mental health)	Government should: Promote a full health service (including mental health) in line with the duty introduced by the Health and Social Care Act 2012. Ensure mental health laws are implemented properly across the UK. Improve mental health care in the UK, ensuring services are properly funded, accessible and high quality (including for people in detention).	58
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Participation	3 (equality between men and women), 6 (right to work), 7 (just and safe working conditions)	Government should: (a) Increase the number of women in decision-making roles, in public and private sectors. (b) End the gender pay gap, and tackle gender-based segregation in the labour market. (c) Guarantee equal pay for work of equal value, without discrimination.	27

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	13 (education), 15 (right to cultural life and benefit from scientific progress)	Government should: Adopt an Irish language act.	68

Timeline: International Covenant on Economic Social and Cultural Rights

Key

Civil Society Groups
Committee on
Economic, Social and
Cultural Rights
UK Government
Everyone

justfair

- May 2022 **01** STATE PARTY REPORT - THE UK GOVERNMENT SUBMITS ITS 'STATE PARTY REPORT' - EXPLAINING TO THE COMMITTEE HOW IT'S ACHIEVING RIGHTS IN THE COVENANT.
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- June 2022 - 9 Jan 2023 **02** PARALLEL REPORT TO PRE-SESSIONAL WORKING GROUP (PSWG) - CIVIL SOCIETY GROUPS CAN SEND IN A REPORT TO THE COMMITTEE ON HOW THEY BELIEVE THE UK GOVERNMENT IS ACHIEVING RIGHTS IN THE COVENANT.
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- 6-10 March 2023 **03** PSWG - A NUMBER OF MEMBERS OF THE COMMITTEE MEET IN GENEVA TO DEVELOP A 'LIST OF ISSUES' THAT THEY WANT MORE INFORMATION ON FROM THE UK GOVERNMENT.
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- At least 3 months before review **04** RESPONSE TO THE LIST OF ISSUES - UK GOVERNMENT SENDS A WRITTEN REPORT ON THE ISSUES THE COMMITTEE ASKED ABOUT.
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- Predicted deadline 23 Dec 2024 **05** PARALLEL/SHADOW REPORT - CIVIL SOCIETY GROUPS SUBMIT AN UPDATED REPORT TO THE COMMITTEE ON THE ACHIEVEMENT OF RIGHTS IN THE COVENANT.
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- Predicted Feb 2025 **06** 'THE REVIEW' - OVER 2 DAYS IN GENEVA THE COMMITTEE EXAMINES ALL THE EVIDENCE IT HAS RECEIVED, INCLUDING FROM THE UK GOVERNMENT, CIVIL SOCIETY AND OTHER, IT QUESTIONS THE UK GOVERNMENT AND CIVIL SOCIETY CAN GIVE INFORMAL ORAL EVIDENCE.
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- About a month after the review **07** CONCLUDING OBSERVATIONS - THE COMMITTEE PRODUCES A REPORT WITH A SERIES OF RECOMMENDATIONS FOR THE UK ON HOW IT COULD BETTER ACHIEVE RIGHTS IN THE COVENANT.