



justfair

# **Submission to UN Committee on Economic, Social & Cultural Rights**

**CESCR seventh review of the UK**  
Submission on behalf of civil society in England

# Introduction

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1. This submission is made on behalf of civil society groups and individuals in England, who submitted written evidence in response to a [call for evidence](#) organised by [Just Fair](#). Just Fair is a UK-based charity with specific expertise in economic, social and cultural rights (ESC rights). The aims of Just Fair are to increase awareness and understanding of these rights; encourage UK governments and public authorities to respect, protect and fulfil these rights; and support individuals and groups to advocate for their rights. In 2023, Just Fair coordinated and produced a written submission ([Just Fair PSWG SUB](#)) as part of the Pre-Sessional Working Group (PSWG) stage of the ongoing seventh periodic review of the UK on behalf of civil society in England and Wales. This submission is intended to update the 2023 [Just Fair PSWG submission](#), and **the Committee is strongly encouraged to read both submissions together** to have the fullest picture of the state of ESC rights in the State Party.
2. This submission is evidence-led. There were over 30 inputs to Just Fair's [call for evidence](#) which took place in September 2024 with follow up desk research conducted October to December 2024. A full list of participants is available in Annex 1. References to the evidence submitted are indicated throughout by reference to the document submission number in Annex 1 and a hyperlink to the relevant written submission where applicable. The Committee is strongly encouraged to read the [evidence submissions](#) in full.
3. This submission is organised thematically according to rights in the Covenant and in accordance with the CESCR [General Reporting Guidelines](#) for non-governmental organisations (NGOs) submitting written information to the Committee. Terms used in the report in respect of protected characteristics reflect the terms used in the evidence submitted. This necessarily means that a variety of terms are used. The submission is not intended to be an exhaustive account of all potential rights violations or concerns in England since the last review. The absence of an issue should not thus be interpreted as evidence of that issue being resolved or otherwise altered. Similarly, the existence of issues raised in the Just Fair PSWG submission in 2023 and not in this submission is not reflective of the issue being resolved. Rather, all that it indicates is that evidence submitted did not include further updates.

# Access to rights and equality

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4. The context for ESC rights in the UK outlined in Just Fair's submission to the PSWG ([Just Fair PSWG SUB](#)) is one underpinned by a period of fiscal austerity, the Covid-19 pandemic and a subsequent, ongoing cost-of-living crisis which continue to significantly influence the enjoyment of rights for many across the UK. Negative impacts arising from political decisions made in relation to the UK's withdrawal from the European Union (EU), the climate emergency and a deeply economically destabilising 'mini-budget' (called [The Growth Plan](#)) by the then UK Government in September 2022, have further exacerbated the situation. This 'mini-budget' resulted in criticism from the [International Monetary Fund](#) and began a financial crisis requiring [intervention from the Bank of England](#). It is said to have contributed to an increase in the fiscal hole in the UK Treasury by approximately [£30 billion](#).
5. These events or crises present discrete and cumulative challenges for the protection of ESC rights. For specific groups (highlighted in this submission, and the earlier [Just Fair PSWG submission](#)), who have been at the sharpest end of each of them and for whom the situation continues to worsen, this further regression is perpetuating poverty and exclusion. Issues are compounded by being interlinked, with the current system failing specific groups - in particular those with protected characteristics - and this is deepening inequality and depriving people of their ESC rights.
6. Macroeconomic policy, including on taxation, continues to impact the enjoyment of ESC rights in England, and the UK more broadly, and raises questions about whether the State Party is ensuring that maximum available resources are being used to progressively ensure the full realisation of rights. Specifically, there are reforms that could have been made to the tax system (and still could be made) to tax wealth more effectively ([SUB 26](#)).
7. The Committee has previously identified the regressive nature of various reforms to the UK tax system and recommended that the State Party take steps to ensure that its policies are 'adequate, progressive and socially equitable' ([Concluding Observations, UK sixth periodic review](#), para. 16). Similarly, the Committee also recommended that the State Party 'improves tax collection so as to increase resources available for implementing economic, social and cultural rights,' 'take[s] strict measures to tackle tax abuse, in particular by corporations and high-net-worth individuals' and 'intensify its efforts, in coordination with its Overseas Territories and Crown Dependencies, to address global tax abuse' ([Concluding Observations, UK sixth periodic review](#), para. 17). Questions were raised in the Just Fair PSWG submission about the extent to which the State Party has acted on these Committee recommendations ([Just Fair PSWG SUB](#), p. 4). These questions remain. For instance:
  - a. By 2023 the richest 50 families in the UK held more wealth than half of the UK population (33.5 million people) ([SUB 28](#), p. 2).
  - b. Wealth inequality is double that of income inequality in the UK, but wealth is taxed at far lower rates than income. Increasing taxes and limiting opportunities to avoid tax payment could generate significant income for the UK Government, for instance:
    - i. Despite previous indications to the contrary, the UK Government elected not to increase [tax on carried interest private equity profit shares](#) to a level consistent with income. The 32 per cent rate which applies, generates significantly less funds for the Treasury than the top rate of income tax. This is in a context where 3,140 people (85 per cent male) shared £3.7 billion worth of carried interest payments in 2023. Of these payments only 12 per cent were received in regions

- of the UK outside of London and the South East of England, and 16 per cent were received in one London borough alone.
- ii. An exemption for partners of limited liability partnerships (such as private equity, accounting and law firms) in relation to increases in national insurance contributions, despite potential salaries of millions of pounds, was [noted by one analyst](#), as meaning an opportunity to generate revenue perhaps 'into the billions' has been missed.
  - c. The UK and its overseas territories are responsible for around a third of global tax avoidance and can play a leading role in ending these inequalities ([SUB 26](#), p. 5).
8. Questions are also raised in relation to the adequacy and reasonableness of existing policy in practice and the loss of potential revenue. For instance:
- a. Reform of migration policy could lead to a gain of £280 million each year, saving in asylum support costs and generating accrued taxes ([SUB 16](#), p. 4).
  - b. The wider societal cost of child poverty is over £39 billion per year and rising levels of hardship is one of the single biggest brakes on growth in the North East of England ([North East Child Poverty Commission \(NECPC\)](#)).
  - c. Research has concluded that the removal of the 'No Recourse to Public Funds' (NRPF) condition applied to some migration statuses would lead to gains for individuals affected as well as for society more widely, including gains from: access to work and increased productivity, better/ more affordable housing, earlier diagnosis of medical conditions, better education, and interventions in relation to domestic abuse ([SUB 20](#), p. 5).
  - d. £23 billion of social security payments go unclaimed due to lack of investment in advice services ([SUB 14](#), p. 5).
9. Despite being urged to incorporate Covenant rights into the domestic legal order with access to remedies, the UK has not done so, nor has the State Party acted on encouragement from the Committee to ratify the Optional Protocol. In the Committee's List of Issues, the State Party is specifically asked to address the question of the case of [\(SC and Ors\) v Secretary of State for Work & Pensions \[2021\] UKSC 26 \(SC\)](#) and the steps taken to guarantee the justiciability of ESC rights in the UK. The State Party asserts that it is 'confident that it is fully compliant with its UN treaty obligations including ensuring effective remedies where required for any breaches' (State Party [Response to the List of Issues \(RLOI\)](#), para. 8). It remains unclear how this assertion can be squared with the SC case given the UK Supreme Court made it expressly clear in SC that unincorporated rights are not binding on UK courts. The State Party should be invited to clarify at the in-person discussion in Geneva why the UK still has not incorporated ESC rights into domestic law despite many calls to do so by the Committee and civil society and a period of almost 50 years having elapsed since ratification of the Covenant.
  10. In addition to the failure to incorporate ESC rights into domestic law, evidence received raises repeated issues relating to access to justice in relation to mechanisms which do exist, for instance: a lack of legal advice for people seeking asylum and for migrants ([SUB 1](#), p. 5), a lack of legal aid in relation to the welfare system, and inadequate support for navigating social care decisions meaning many Disabled people experience unequal access to justice ([SUB 13](#), p. 6). It is also observed that access to justice is a spectrum with courts only at the final stage ([SUB 21](#), p. 5). A human rights culture where public bodies are proactively ensuring rights protection is crucial so that litigation is less necessary ([SUB 21](#), p. 5). In addition to the need for legally enforceable and accessible rights via the judicial system, there is a need to foster a human rights culture across the public sector in England, and UK society broadly. This would mirror developments in this area in Scotland, Northern Ireland and Wales.

11. The UK Government has announced an intention to bring the socio-economic duty in Section 1 of the [Equality Act 2010](#) into force across the UK, building on existing provision in [Scotland](#) and [Wales](#). Although there is as yet no date timetabled for commencement, this is a welcome development as an [enforceable socio-economic duty](#) would be an important step forward towards greater protection of ESC rights for people in the UK. There is already evidence of the benefit of such a measure where it has been adopted on a voluntary basis by some local authorities in England ([Just Fair](#)). To provide a powerful foundation for a fairer society, beyond a mere tick box exercise, it will be important that the duty is well and properly implemented and resourced, with training to ensure it is transformational. It is vital that the UK Government make implementation of the duty practical and effective ([SUB 21](#), p. 2 and p. 4). Commencement of the duty requires a body to proactively enforce it ([SUB 28](#), p. 4).
12. High and entrenched levels of inequality and poverty are a feature of the UK ([SUB 28](#), p. 2) and this is evident from the submissions set out in Annex 1. It is also the case that certain groups experience these inequalities more deeply and in specific ways, particularly where there are intersecting issues underlying them ([SUB 9](#), [SUB 13](#) and [SUB 29](#)). The State Party is asked in the [List of Issues](#) (para. 9) to provide information on actions taken in relation to discrimination protections. The State Party reports that it will strengthen protections for dual discrimination ([RLOI](#), para. 55). The Committee may wish to note that it is unclear why dual, rather than intersectional discrimination, entailing protection of more than two characteristics, is not protected or within contemplation. The dual discrimination provision was considered a weakness in the draft Equality Act 2010 at the time it was made. Those concerns persist. Protection against intersectional discrimination should be incorporated in the UK and not restricted to an arbitrary limit of two characteristics. For intersectional discrimination protection to be meaningful it would also be important to address the need for broader protection, for instance in relation to: indirect discrimination; how to address the issue of

comparators; how to ensure that the protection is proactive and not only reactive; and that all relevant characteristics which may be relevant are protected ([S. Atrey](#)).

13. UK climate change adaptation efforts fall short of what is needed to safeguard the enjoyment of human rights ([SUB 19](#), p. 5). The effect of climate change has wide ranging impacts, including on Disabled people's rights, particularly during emergencies. Older people and Disabled people are particularly affected by the environmental crises mainly due to additional health issues and the need for emergency planning. This is all the more significant for those in low-income households and housing not adapted for use by Disabled families or individuals ([NPC, Re-engage, Disability Rights UK](#)).

### Proposed Recommendations:

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Take steps to incorporate ESC rights into domestic law, including by legislative means, to comply with obligations under ICESCR and to address the inconsistency generated by the SC judgment in order to guarantee justiciable rights across the UK.
- B. Urgently ratify the Optional Protocol to ICESCR to provide a complaint mechanism in the current absence of domestic provision.
- C. Ensure that taxation policy is adequate, progressive, and socially equitable in order to maximise the generation of financial resources available in order to progressively realise rights within the Covenant.
- D. Ensure the effective commencement and implementation of the socio-economic duty across the State Party.
- E. Take steps to ensure there is a broad intersectional discrimination provision in domestic law that adequately reflects the protection required and which avoids arbitrary limitation.

## Work (articles 6, 7, 8)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 9-14)

14. Unemployment continues to disproportionately affect disadvantaged and marginalised individuals and groups. This leaves the right to work inadequately protected. For instance:
- a. People seeking asylum are effectively prohibited from working while their claim is being processed which places them under acute financial pressure and may increase risk of exploitation, including modern slavery ([SUB 16](#), p. 4). Individuals may only apply for permission to work if a final decision has not been made regarding their asylum claim after one year. Even when permitted to work, this is restricted to jobs from a designated list. Previously this list was very limited with examples including classical ballet dancer and archaeologist. In January 2024 the list was expanded to include care workers and home carers though there is evidence of significant exploitation in the care sector (see below) ([SUB 16](#), p. 2). The UK is currently the only European country that enforces a minimum 12 month waiting period before permission to work may be sought. Additionally, many other countries do not place restrictions on the type of employment somebody can take up when permission is granted, making the UK an international outlier ([Lift the Ban](#), p. 10).
  - b. Stateless people do not have permission to work and are only eligible for very basic support and shelter if they are destitute or will imminently become so ([SUB 10](#), p. 3).
  - c. Although overall unemployment rates have dropped, unemployment rates for Black people remain double that of white peers, and this is more pronounced for Black women and young Black workers (age 16-24 years) who experience unemployment levels of 8 per cent and 20 per cent respectively, compared to their white peers at 3 per cent and 9 per cent ([SUB 4](#), p. 2).
  - d. The 2021 Census highlighted significant inequalities for Gypsy, Roma and Traveller people in England and Wales. Only 41 per cent of Gypsies or Irish Travellers were employed compared to 70.9 per cent of the general population. Although Gypsies or Irish Travellers had significantly higher rates of self-employment (26 per cent) compared to the general population (15 per cent) in 2011, this had declined to 15 per cent by 2021. 24 per cent of Gypsies or Irish Travellers and 28.5 per cent of Roma were working in 'elementary' occupations compared with 10 per cent of the general population ([SUB 12](#), p. 5).
  - e. 59 per cent of unpaid carers are women. Research highlights that 64 per cent of unpaid carers have either had to give up work altogether or reduce paid hours because of caring responsibilities ([SUB 30](#), p. 5). Gypsies and Travellers provided the highest levels of unpaid care of 50 hours or more per week compared with all other ethnic groups. The most common reason for Gypsies and Travellers economic inactivity was due to caring responsibilities (18 per cent) or long-term illness or disability (15 per cent) ([SUB 12](#), p. 5).
  - f. Delays in 'Access to Work' support which is available for Disabled people to get into and stay in work result in additional barriers. Delays of over six months for assessment (and longer still for implementation of adjustments) are reported and raise serious questions about the adequacy of inclusive planning for new UK Government proposals to encourage more people into work ([Big Issue](#)). These barriers negatively affect Disabled people's ability to progress. There is an employment gap of 29.3 per cent for Disabled people ([SUB 13](#), p. 3). Further, there have been no serious attempts to support severely learning-Disabled people into employment if they want to work. Learning-Disabled people are still unable to access employment opportunities ([SUB 27](#), p. 5).

- g. Access to work also includes access to establishing a business. Only 0.1 per cent of UK small and medium businesses are Black-led. Difficulty in obtaining funding for business persists as an issue for Black-led businesses. Only 12 per cent of Black entrepreneurs are likely to approach banks for funding. The [Black, British, In Business and Proud Report 2022](#) found that negative discrimination in past entrepreneurial efforts has been experienced by 67 per cent of Black business owners, an increase from 51 per cent in 2021 ([SUB 4](#), p. 4).
15. The new UK Government has announced a [package of measures](#) including an Employment Bill and a plan to 'Make work pay' which they state is intended to modernise employment law and boost pay and productivity. It is unclear at the time of writing what the full impacts of these proposals will be as details are subject to consultation with new initiatives anticipated. It is however to be welcomed that the UK Government is taking steps to address the labour rights of workers and taking steps to improve just and favourable conditions of work given the insufficient progress made under previous administrations. Low pay and an insufficient number of hours were previously highlighted as key drivers of in-work poverty ([Just Fair PSWG SUB](#), para. 10), evidence demonstrates that this continues to be the case, as is the resultant violation of other rights. For example, the North East of England has the lowest weekly median pay for full time employees of any nation or region in the UK ([NECPC](#), p. 24) and the highest rates of food insecurity for children ([NECPC](#), p. 1). Issues relating to decent work and safe working conditions also include:
- a. Precarious work arrangements. Although it is said that the Employment Bill will outlaw 'exploitative zero hours contracts' (ZHC) there is currently insufficient detail to assess how this will operate in practice and what impact it will have ([IER](#), para. 29-33). It is also unclear how they would address [emerging gig-economy style precarious work practices](#). The classification of 'exploitative ZHCs' is a construction which will require careful definition so that it is clear what will and will not be considered to render this type of hyper-flexible contractual arrangement exploitative. The State Party was asked in the List of Issues to provide data on the use of ZHCs in the UK, including measures already taken to reduce their use and information on the impact on marginalised individuals. The State Party was specifically asked to provide statistical data on the scale of ZHC use and precarious work arrangements on a disaggregated basis ([LOI](#), para. 16). The State Party has not done so in the [RLOI](#). The absence of provision of this information is concerning in a context where analysis from the [Trades Union Congress](#) shows the number of Black Minority Ethnic (BME) workers in insecure work more than doubled from 2011 to 2022 (from 360,200 to 836,300) and that BME women are nearly three times as likely to be on ZHCs as white men (6.8 per cent compared to 2.5 per cent). Disabled workers are more likely to be employed on a ZHC (4.0 per cent compared to 2.9 per cent). Disabled BME women are three times more likely than non-disabled white men to be employed on a ZHC (7.0 per cent compared to 2.3 per cent) ([TUC](#)). It is unclear how the State Party can be sure that measures they intend to take and their construction of 'exploitative ZHC' will protect the rights of workers, particularly those with protected characteristics and overrepresented in precarious work, if they are not engaging with the monitoring requests of the Committee in relation to these arrangements.
- b. Pakistani workers and Black/African/Caribbean workers are more likely to be in insecure work - 23.4 per cent and 18.9 per cent respectively - compared to 9.6 per cent of white workers ([The Health Foundation](#)).
- c. The Just Fair PSWG submission ([Just Fair PSWG SUB](#), para. 10 d) raised the use of 'fire and rehire' practices. The UK Government has announced proposals which it claims will address aspects of this practice although concerns persist in relation to the

- likely effectiveness of such plans as they are said not to address the issue which arose in the [P&O Ferries case](#). There is no provision made to address terms in contracts of employment which entitle employers unilaterally to change terms and conditions, and it will still be possible for an employee to be dismissed without compensation for refusing to accept a contractual variation. Further, no express provision is made for situations where, as occurred in the P&O Ferries case, the employer fails to comply with the terms of a collective agreement. This is despite recommendations from the International Labour Organisation (ILO) Freedom of Association Committee in the P&O Ferries case reminding the UK Government ‘to ensure mutual respect for the commitment undertaken in collective agreements, which is an important element of the right to bargain collectively and should be upheld in order to establish labour relations on stable and firm ground’ ([IER](#), para. 34-37).
- d. Low wages are prevalent and do not ensure a decent standard of living resulting in in-work poverty – 69 per cent of children living in poverty across the UK were from working households ([NECPC](#)). Issues also persist in relation to enforcement of the minimum wage in certain sectors such as the care sector, where the situation has been described by the trade union UNISON as one of the (then) UK Government having ‘completely given up on tackling non-payment of the minimum wage’ ([UNISON](#) p. 71).
- e. Pay inequality persists – UK-born Black employees earn on average 5.6 per cent less than white counterparts, and non-UK-born Black employees earn on average 12 per cent less. Although the UK Government has indicated proposals to require pay reporting, it is too early to evaluate what impact the proposals might have ([SUB 4](#), p. 2). According to the [Trades Union Congress](#) the disability pay gap is now 17.2 per cent meaning non-disabled workers earn on average £2.35 per hour more than Disabled workers.
- f. Previous reported evidence ([Just Fair PSWG SUB](#), para. 9 e) of exclusion from employment and discriminatory treatment by employers and colleagues persist in relation to Trans people ([SUB 29](#), p. 2-3). Eight in ten Trans workers report experiences of bullying at work in the last 5 years ([TUC](#)).
- g. Greater Manchester Disabled People’s Panel highlights the impact of a prevailing and damaging narrative across the UK of ‘economic inactivity’ blaming Disabled people for increased benefit claims (and thus costs). The Panel reports discrimination as a result of this negative stereotype in the city-region in which it operates. Additionally, the access delays referred to above and failures to make reasonable adjustments in the workplace result in workplace discrimination for Disabled people. This is reflected in the rising number of employment tribunal claims being brought alleging disability discrimination ([SUB 13](#), p. 3).
- h. Evidence indicates that immigration enforcement can exacerbate the exploitation of workers. 25 per cent of social care workers in England are non-UK nationals ([Skills for Care](#)). The trade union UNISON estimates that 16 per cent of the social care workforce in England are workers recruited from overseas and reports evidence of exploitation including threats of dismissal and deportation, excessive hours or no work at all, racial abuse, and examples of 80-hour weeks and 19-hour shifts without a break. This is coupled, in many cases, with a requirement to always be available for work. Issues are also highlighted by research ([UNISON](#), [Work Rights Centre](#)) showing that migrant care workers are subject to fees, demands they repay thousands of pounds if they try to move jobs and charges of ‘extortionate rent for substandard accommodation’. This is in addition to concerns regarding predatory recruitment practices by overseas agents. There is an absence of a safety net to protect workers. The extreme vulnerability of their rights and in turn the workers themselves is



highlighted by the fact that should the employing care company cease to operate, workers face potential deportation. [UNISON](#) (p. 2) highlights an example of 100 migrant care worker staff in Cambridgeshire who were made redundant when the employer returned the contract to the local authority. Migrant workers face deportation if they cannot find alternative work in 60 days. Research indicates that, in many cases, this is an unrealistic time scale and workers are often not provided with information or support from local authorities despite there now being funds set aside for this ([Work Rights Centre](#), p. 16). There is also evidence of employers adopting punitive measures to make staff comply with bad working practices. The situation for migrant care workers is thus particularly complex should they wish to complain or assert their rights. The risk of victimisation or reprisals for challenging employers applies to all workers. However, this is compounded for care workers recruited on visas tied to their sponsoring employer. They risk deportation if they raise concerns – even in a best-case scenario where their concerns are investigated and taken seriously, it may mean that the operator loses the contract or license to employ them ([UNISON](#), p. 3 and [Work Rights Centre](#), p. 33). This is further compounded by risk of significant financial hardship and even ruin on return to their home country as many have sold all they have to relocate ([UNISON](#), p. 3 and [Work Rights Centre](#), p. 27).

16. Despite new proposals from the UK Government in relation to trade unions, concerns persist regarding the UK's compliance with article 8 obligations. Trade union rights non-compliance has been highlighted by the [Council of Europe's Social Rights Committee](#) (p. 18) in relation to the right to organise for members of the armed forces, restrictions on trade unions' ability to indemnify members for penalties for an offence or contempt of court and legislation which severely restricts the grounds on which a trade union may lawfully discipline members. In addition, the [ILO Freedom of Association Committee](#) (para.

648) expressed concern about the adequacy of sanctions available to workers who are dismissed because of trade union membership or activities. The Committee is strongly encouraged to address this non-compliance with international obligations with the State Party. Specific concerns relate to:

- a. The State Party's claim ([SPR](#), para. 78) that all workers have the right to join a trade union and be represented by that union in collective bargaining has been contested on the grounds that there is no legal right to be represented by a trade union in collective bargaining except by way of a flawed statutory recognition procedure ([Just Fair PSWG SUB](#), para. 13 b). That issue is reiterated in this submission with two specific difficulties having become apparent since the Just Fair PSWG submission. Workers who are not assigned worker status by the employer are prevented from seeking statutory recognition (highlighted by the [Deliveroo case](#)). This is a particular issue in the so-called 'gig economy' where the issue of worker status is often disputed, and workers are engaged under precarious work arrangements ([SUB 15](#), para. 11). The second issue is that employers are not effectively restrained from hostile resistance to attempts to establish a collective bargaining arrangement on behalf of workers (highlighted by the example of the [GMB union attempt to organise Amazon workers](#)) ([SUB 15](#), para. 11). There is a need for legislation to prevent employers interfering with the right of workers to freely choose their bargaining representatives, which the reforms proposed by the State Party in the Employment Bill will not address ([SUB 15](#), para. 13).
- b. The high-profile P&O Ferries case was also highlighted in the Just Fair PSWG submission, with questions raised regarding the lack of remedy and accountability in place ([Just Fair PSWG SUB](#), para. 14). P&O Ferries publicly accepted in evidence before the [House of Commons Transport Committee & Business, Energy and Industrial Strategy Committee](#) that

they chose not to comply with statutory obligations in summarily dismissing 786 employees, ([Just Fair PSWG SUB](#), para. 14). In addition, the collective agreements between the company and the trade unions were alleged to have been ‘intentionally and flagrantly breached’. According to the ILO Freedom of Association Committee, collective agreements should be binding on the parties, and it has urged the UK Government to ensure mutual respect for the commitment undertaken in collective agreements. Nothing has been done to address these concerns ([SUB 15](#), para. 15).

- c. In relation to the right to strike, some positive developments are acknowledged – an intention to repeal the Strikes (Minimum Service Levels) Act 2023 and some increased protection for individuals taking strike action. Despite this, concerns persist and have been raised by the [Council of Europe’s Social Rights Committee](#) (p.23). According to the Committee, the UK is not in conformity with the European Social Charter, article 6(4) for the following reasons:
- i. Lawful collective action is limited to disputes between workers and their employer.
  - ii. Notice requirements for ballots and strike action are excessive (the obligation to notify employers of an intention to hold an industrial action ballot should be removed).
  - iii. Protection of workers against dismissal when taking industrial action is insufficient though this is to be addressed by the Employment Bill ([SUB 15](#), para. 20).
- d. Concerns also continue to be raised by the ILO Freedom of Association Committee in relation to the total ban since 1990 on sympathy/solidarity or secondary action which is an important tool for addressing imbalance in a context (for example the P&O Ferries case) where an employer elects

to ignore their legal obligations. Secondary action is mandated by international law. Despite this the UK Government has not acted on the request by the ILO Freedom of Association Committee to ensure the UK is in conformity with international obligations. These obligations are critical for ICESCR, as ILO standards expressly set the minimum requirements for ICESCR, article 8 ([SUB 15](#), para. 21-23).

### **Proposed Recommendations:**

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Ensure that decent, including decently paid, non-precarious work is widely accessible, remove barriers which particularly impact people and groups with protected characteristics, and apply proactive measures to facilitate participation.
- B. Urgently review and ensure protection for workers who experience additional violations and risk of exploitation due to the interplay between immigration and labour law, including by removing the prohibition on working for people seeking asylum and removal of the tie between immigration status and a specific employer.
- C. Take urgent steps to ensure compliance with trade union rights given the findings of non-conformity by multiple different international supervisory bodies.
- D. Ensure that impact assessment and rights monitoring are part of any reform process.

## Social security (article 9)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 15-20)

17. Social security provision remains inadequate, fails to meet people's needs and is one driver, along with issues such as insecure work and low wages, of rising poverty with consequential impacts for rights realisation. The Independent Food Aid Network notes that 'inadequate social security payments and wages as well as benefit deductions, a five-week wait for Universal Credit, and insecure work alongside punitive policies such as the benefit cap, sanctions, the two child limit, and NRPF status are continuing to drive unconscionable levels of food insecurity' (see below for further details and explanation of these policies) ([SUB 14](#), p. 4).
18. Poverty continues to disproportionately impact Disabled people, women and children, and older people. 5.2 million children are living in relative poverty in the UK - which represents 36 per cent of all children in 2022/23, and is an almost 5 percentage-point increase since 2019/20 ([Social Metrics Commission](#), p. 10). Child poverty rates have risen faster in the UK than in any other OECD country. Racialised children are at greater risk of poverty than white children and levels of child poverty among Bangladeshi, Pakistani and Black children are especially high ([SUB 9](#), p. 2).
19. Specific concerns about the level of social security provision include:
  - a. Working benefits and tax credits increased by 6.7 per cent in April 2024 in line with the September 2023 CPI rate. The increase did not remedy historic freezes, and tougher conditions were applied for accessing benefits which were disproportionately likely to impact Black and minority ethnic people ([SUB 4](#), p. 5).
  - b. In April 2024 Local Housing Allowance (LHA) was re-linked to the cheapest 30 per cent of local rent costs, however this is significantly less than the pre-2011 policy of 50 per cent. LHA is also subject to the cap on housing cost support as well as the overall benefits cap. Only 8.5 per cent of private rented homes are affordable under the uplifted LHA ([SUB 4](#), p. 5).
- c. There is no protected minimum floor below which no one can fall, and that would ensure people have sufficient support to afford the essentials for a dignified life - an [Essentials Guarantee](#). This should be implemented alongside an integrated social protection system which is rights based ([SUB 28](#), p. 5).
- d. A lack of confidence in a positive change as a result of the new UK Government may be exemplified by their approach to a [winter fuel payment](#) to help older people with elevated fuel prices during the cold winter months. The winter fuel payment, a universal provision, will only, from the winter of 2024-25, be paid to those in receipt of pension credit or other means tested benefits. It is estimated that 70 per cent of Disabled people currently receiving the winter fuel payment will lose it under new rules. This also underscores the intersectional disadvantage experienced by some people and the importance of impact assessment (which was not carried out in relation to the winter fuel payment changes) and data gathering and monitoring which takes the multi-layered nature of people and their lives into account ([SUB 13](#), p. 5-6).
20. The social security system is failing to adequately uphold the right to social security, specifically:
  - a. The five-week delay for the first Universal Credit payment continues to push people into debt ([SUB 3](#), p. 2 and [Joseph Rowntree Foundation](#)).
  - b. Current rates of Universal Credit are insufficient to meet basic needs, and over half of households in receipt of Universal Credit are receiving significantly less due to

- deductions made by the UK Department for Work and Pensions (DWP). 75 per cent of Universal Credit overpayment debt recorded on the DWP's debt manager system were recorded as due to 'Official Error'. One third of respondents to a Public Law Project survey reported that deductions led to destitution with consequential mental and physical health impacts. People experienced increased debt and 9 per cent reported that they slept rough for one or more nights ([SUB 21](#), p. 3). This extreme hardship occurred in a context of a failure by the DWP to use available discretion – irrespective of the reason for overpayment. People must make a case for reduction in recovery even in cases where the overpayment was an error by the State Party governmental department and this requirement is an unnecessary barrier for many ([SUB 21](#), p. 3).
- c. Concerns about the level of social security support are further compounded by the application of a [benefit cap](#) that has been frozen since 2016, despite rising living costs and rents ([Just Fair PSWG SUB](#), para. 17).
  - d. A policy referred to as the 'two child limit' which is a restriction on the payment of the child benefit related element of Universal Credit to the first two children in a family. Families do not receive payment for any additional children born on or after 6 April 2017 (with some exceptions). One egregious exception to this policy limit requires the mother to disclose and demonstrate that the child was conceived non-consensually ([CPAG](#)). Furthermore, case law highlights that this exception only applies where the child conceived non-consensually is the third or subsequent child and not if the mother has 3 children and the non-consensual conception relates to one or both of the first two children born to the mother ([CPAG](#)).
  - e. Systemic flaws in the management of social security provision by the DWP is identified as being [linked to claimant deaths](#).
  - f. Women born between 6 April 1950 and 5 April 1960 have been negatively impacted by changes introduced to increase women's state pension age ([WASPI](#)). Despite the recommendations of the [Parliamentary and Health Service Ombudsman](#) that those affected should be compensated due to the failure by the DWP to properly notify them of the changes, the [UK Government has confirmed](#) it does not intend to make payments.
21. People continue to be excluded and/or to experience discriminatory impacts in accessing support:
- a. The DWP has stated that with the exceptions of age and gender, it does not hold reliable data for protected characteristics for Universal Credit. This undermines the State Party's ability to effectively monitor and comply with article 2.2 and to guarantee the right to social security ([SUB 21](#), p. 2).
  - b. As highlighted in the Just Fair PSWG submission '[No Recourse to Public Funds](#)' (NRPF) is an immigration condition imposed on a person who is 'subject to immigration control', as defined at section 115 of the [Immigration and Asylum Act 1999](#). It means they cannot access the social security system, must pay to access public healthcare, and have no safety-net should problems such as unemployment or long-term ill-health arise. This can lead to destitution and exploitation. Households with NRPF (who, due to statelessness, undocumented status or unresolved immigration status, or have NRPF as a visa condition) cannot access mainstream benefits – this puts children at risk of destitution, exploitation and abuse ([SUB 9](#), p. 3). The number of people with the NRPF condition has risen since 2016 from approximately 1.1 million to 2.6 million people in 2022. In addition, there are people whose irregular immigration status also means they have no recourse to public funds – estimated at approximately 674,000 people in 2020 ([SUB 20](#), p. 2). This leaves

- people without a safety net with serious consequences for health and wellbeing - consequences which have included a [London Coroner](#) linking the death of two year old [Mazeedat Adeoye](#) to the NRPF condition. The policy also has a disparate impact. In 2023 77 per cent of families working with Project 17 were headed by lone parents, 93 per cent of whom were mothers and who were facing homelessness and destitution because of immigration status. The NRPF condition disproportionately impacts women, families with children, Disabled people, those who are pregnant, and racialised minorities ([SUB 20](#), p. 3).
- c. A lack of progress in realising the rights of Disabled people is highlighted, as are concerns about regression. Disabled people continue to be disproportionately living in poverty. Despite a change in the UK Government, it is not clear that there are plans to reverse the negative impact of austerity. Lived experience highlights governmental failure to assess the cumulative impact of overlapping issues of rent, food, social care charges, inadequacy of benefits, and lower paid work undertaken by Disabled people. According to the Greater Manchester Disabled People's Panel, current social security provision is keeping Disabled people in poverty ([SUB 13](#), p. 5).
- d. Weaknesses in the DWP system are exacerbated for claimants with mental or physical health conditions and for neurodivergent claimants ([SUB 21](#), p. 3).
- e. Children in larger families are more likely to be living in poverty. 1.6 million children in 440,000 families are affected by the two-child limit policy. Removing the limit would lift 300,000 children out of poverty and mean 700,000 children would be in less deep poverty ([SUB 8](#), p. 4). Some racialised groups are more likely to have larger families and are therefore disproportionately affected, further exacerbating inequalities ([SUB 9](#), p. 2).
- f. Access to social security is dependent on digital access, and digital exclusion disproportionately impacts people in poverty. Universal Credit claimants were six times more likely to have stopped spending on broadband altogether in the last twelve months than those not in receipt of Universal Credit which may further compound issues experienced, as those affected are at increased risk of sanctions and increased poverty ([Good Things Foundation](#)).
- g. Evidence from the State Party's own [documentation](#) of [discriminatory bias](#) in Artificial Intelligence (AI) systems used to assess welfare fraud risk means people from certain groups are disproportionately targeted for investigation.
- h. Funeral payments are insufficient and not accessible to all who need them. Although those in receipt of certain benefits and tax credits may be eligible to receive support, this rarely covers the full cost of a simple funeral, and the eligibility criteria can be complex and exclusionary which causes significant stress and distress ([Quaker Social Action](#), para. 15).

### Proposed Recommendations:

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Ensure a system of social protection to all, without discrimination which recognises people's inherent dignity. This should be rights based, universally accessible and should include a minimum floor of protection below which no one can fall, ensuring all benefits are uprated in line with inflation.
- B. Take proactive steps and make provision appropriate for individuals and groups who experience discrimination in realising the right to social security. The State Party should maintain disaggregated data which should be made available for monitoring in order to assess

and address inequalities which exist or emerge in relation to evolving policy and practice.

- C. Investigate and address, as applicable, biases and discriminatory algorithmic decision making where automation and AI is adopted. This may include the need to consider the appropriateness of the use of such technologies

and the development of regulation for use in order that rights are protected as a fundamental foundation.

- D. Specifically remove the two-child limit, the benefit cap and the NRPF condition and make provision for accessible funeral payments, without complex and exclusionary criteria.

## Family life (article 10)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 21)

22. The widest possible protection and assistance is not being accorded to the family by the State Party. Specific issues include:
- a. A persistent failure to ensure there is a formal standalone procedure for determining nationality or statelessness. Barriers to accessing nationality such as high fees and limited access to legal aid means that some children born in the UK are at increased risk of statelessness. There are concerns that the [Nationality and Borders Act 2022](#) restricts existing safeguards aimed at preventing statelessness and risks leaving children in limbo, restricting their access to register as British citizens. In the absence of nationality, the ability to access and realise ESC rights is significantly negatively impacted and research has identified a nexus between (risk of) statelessness and children affected by domestic abuse, trafficking and other forms of exploitation, due to the inability to access proof of identity and/or nationality. Stateless people face barriers to family unity, and this has been made more acute by the removal in 2024 of the special immigration route for the family members of a stateless person and the removal of exemptions from relevant immigration fees ([SUB 10](#), p. 4).
  - b. Delays in decision making in relation to asylum claims leave families in limbo and in 'enforced and inescapable poverty'. Latest immigration statistics indicate that there are 76,268 people waiting more than 6 months for a decision on their asylum claim. The resulting poverty can impact children significantly as they are unable to engage in recreational and educational activities available to other children ([SUB 16](#), p. 2-3).
  - c. Despite the change in UK Government, the [two-child limit](#) on Universal Credit introduced in 2017 remains in place and families experience poverty as a result. It is estimated that approximately 1.3 million children live in households subject to the two-child limit to benefit payments. This means that even when benefits are uprated, the support offered to some families does not increase ([SUB 2](#), p. 3). It has been calculated that ending the two-child limit would be the most effective way to tackle child poverty (see para. 21 e).
  - d. Analysis has found an 'extremely high' correlation between the parliamentary constituencies with the highest rates of child poverty and those with the highest proportions of children affected by the two-child limit. For example, 19 per cent of all children growing up in the Middlesbrough and Thornaby East constituency, in the North East of England, are affected by the policy ([NECPC](#)).

- e. Evidence highlights how poverty is confused with neglect and families are stigmatised rather than supported as a result. The blame rather than help that some families can experience may be attributed to a 'reshaping of services and practices away from ESC responsibilities of the State and towards focus on the individual as responsible' (SUB 22, para. 3 and 5). The Child Welfare Inequalities Project 2018 report notes that '[c]hildren who live in the most deprived 10% of neighbourhoods are ten times more likely to be looked after or on a child protection plan, than the children in the least deprived 10% of areas' (SUB 2, p. 3).
- f. In 2022 the UK Government's [Independent review of children's social care](#) noted that the system was overly focussed on crisis intervention and child removal. Outcomes for children were described as 'unacceptably poor'. Despite this, the State Party has failed to act on any of the recommendations. Further, concerns are raised that the failure to invest in early intervention services means that many families do not receive the support needed before they reach crisis point. This results in more money now being spent on children's residential care than on early intervention services which could prevent children entering the care system in the first place and would also avoid the consequential impacts of family separation. (SUB 2, p. 3-4).
- g. Concerns are raised that the commissioning and use of for-profit providers within children's social care for many services means that significant sums of money are 'seeping out' of the system in profits while economically disadvantaged families are not being supported adequately (SUB 2, p. 5).
- h. Data sharing and the use of AI is identified as being associated with significant harms and risks to children and families, especially those already marginalised. The use of AI and automated decision-making raises the prospect of automation of existing patterns of discrimination and further alienation of marginalised sections of society. Concerns raised about the use and biases of such techniques has led to research which refers to automated welfare systems working to 'police and punish the most vulnerable families in society, constructing a digital version of the Victorian poorhouse' (SUB 22, para. 15-20).
- i. There is evidence that women subject to domestic abuse can face a double oppression by being subject to domestic abuse and subject to investigation and threatened with removal of their children (SUB 22, para. 10).

### Proposed Recommendations:

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Take steps to ensure that the widest possible protection and assistance is accorded to families, in particular to children and young people, and women experiencing domestic abuse, without discrimination based on immigration status, protected characteristic or circumstance.
- B. Make maximum use of resources to proactively support the inherent dignity and rights of all family members.
- C. Address regional disparity in child poverty, and this should include specific support for those with protected characteristics and those, such as children in large families, who have proportionately less support.
- D. Review and critically examine the role of AI and automation in decision making and take steps to ensure the greatest transparency in the identification and elimination of discriminatory stereotypes and approaches.

# Adequate standard of living (article 11)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 22-32)

23. The right to an adequate standard of living is not ensured in the UK. Further, rather than *continuous improvement* (article 11.1), a decline in living conditions continues to be experienced. Poverty in the UK has increased to [24 per cent](#). Repeated concerns are raised, once again, in the submitted evidence about significant hardship, poverty, and destitution being experienced in the UK relating in particular to adequate housing, food, and clothing as well as fuel and water affordability.
24. The cost-of-living persists as a factor which deeply compounds the impact on existing inequalities particularly for already marginalised groups. For instance, evidence demonstrates a particular gendered impact of the cost-of-living ([SUB 30](#), p. 2). Further, the impact is felt by different groups of women differently, demonstrating the intersectional nature of experiences. Poverty rates are higher amongst Bangladeshi, Pakistani and Black women compared to white women ([SUB 30](#), p. 3).
25. As of December 2024, the rate of inflation is 3.5 per cent which represents a lowering from a previous higher rate of 9.6 per cent in October 2022. However, a lower rate of inflation does not translate into lower prices, rather it means that prices are increasing more slowly than before. Additionally, some key goods and services have risen in cost more than the rate of inflation. Poorer households have been impacted most significantly by inflation as they spend more of their total budget on essential items ([SUB 30](#), p. 2).
26. There is a lack of adequate affordable housing which may be described as a housing crisis in the UK ([SUB 28](#), p. 3):
- Housing costs are variable across the UK. For example, the average London home costs 11.9 times the typical household income. This compares to 5 times the average household income for the average home in the North East of England in 2023 ([SUB 24](#), p. 2).
  - Average private rents increased by 9.2 per cent in the year to March 2024 ([SUB 30](#), p. 2).
  - Households spending more than one third of income on housing are said to be in unaffordable housing. 17 per cent of households cannot afford their homes which is double the proportion of 20 years ago and this is projected to rise to one in five by 2030 in England if action is not taken ([SUB 30](#), p. 3).
  - The amount of social housing as a proportion of total stock has reduced in England so that the proportion of housing for social or affordable rent was 16 per cent in 2023, down from 20 per cent in 2000 ([SUB 24](#), p. 2 and [House of Commons Library](#)).
  - The shortage of genuinely affordable housing or social housing leaves people in temporary accommodation for long periods of time. This accommodation includes houses, flats, hotels, and hostels, but also converted offices, warehouses or shipping containers. It is often in poor condition with habitability concerns ([Human Rights Watch](#)). [UK Government data](#) shows that there are currently 123,100 households in temporary accommodation which includes 159,3800 children currently growing up homeless in England. The number of households in temporary accommodation has increased by 18 per cent since the PSWG stage of the review of the UK in 2023.
  - Instability in the private sector housing market is reported as a major driver of homelessness ([SUB 24](#), p. 2).
27. The impact of the housing crisis is felt more deeply and with different impacts for certain groups:



- a. Women are the majority of those who meet the definition of statutorily homeless (60 per cent) and more likely to experience hidden homelessness. Families with a lone mother make up two thirds of those in which children are experiencing homelessness despite being only one quarter of all families with children ([SUB 30](#), p. 4).
  - b. Unsuitable housing for learning-Disabled people remains the main reason why people cannot be discharged from inpatient units – with 56 per cent of delayed discharges as of March 2024 wholly or partly due to a lack of suitable housing ([SUB 27](#), p. 3).
  - c. The inability to access suitable housing in the community is also reported as a factor in learning-Disabled people being detained under the Mental Health Act, with reports that it is difficult to access funding to buy or rent suitable housing without a period of detention under the Mental Health Act. This has additional rights violation impacts where the person may be detained in an inpatient unit far from family, in an inappropriate environment and subject to restraint and/ or segregation resulting in long term traumatic impact ([SUB 27](#), p. 3).
  - d. Right to rent checks are leading to discrimination ([SUB 24](#), p. 3).
  - e. Higher housing costs in the private rented sector are reported to cause families to meet the Consumer Council for Water definition of water poverty with one in five families struggling to pay water bills ([SUB 24](#), p. 2-3).
  - f. As highlighted in the [Just Fair PSWG submission](#) (para. 27 d), many 16 and 17 year olds who experience homelessness also continue to experience inadequate broader support. Provision is routinely made under legislation which should only be used as a last resort. This leaves them without legal entitlement to a social worker or ongoing support from the local authority ([SUB 9](#), p. 3).
28. Accommodation provided to people seeking asylum is the subject of many concerns. Specifically:
- a. ‘Initial’ or ‘contingency’ accommodation is often used for long periods of time for asylum seeking families, despite being unfit for long-term stays. This accommodation often makes use of bed and breakfasts, barracks, hostels, or hotels that have been repurposed for their new use and often have numerous reported habitability issues ([Just Fair/Human Rights Watch](#), p. 39).
  - b. For people seeking asylum, accommodation is provided on a ‘no choice’ basis via the asylum dispersal system. ([SUB 1](#), p. 4). For those subsequently granted refugee status, accommodation may be provided by private landlords with tenants expected to sign a 2-year lease without seeing the property which may be far from established community ties and support ([SUB 24](#), p. 2).
  - c. Accommodation for people seeking asylum is often poor quality and sub-standard, with an overreliance on unsuitable hotel accommodation. Certain groups are particularly impacted in terms of negative mental health outcomes, including, amongst others, women and LGBTQI people ([SUB 1](#), p. 4).
  - d. A lack of space is an issue for children and families, with adverse consequences for privacy, mental health, familial relationships, and day-to-day life. Dampness and mould are also a common problem with consequential health implications. There are also multiple reports of broken furniture and other items missing or in disrepair, as well as of pest infestations ([Just Fair/ Human Rights Watch](#), chapter 2).
  - e. There is a lack of dignity and at times safety linked to the policy of ‘maximisation’ which requires the sharing of rooms by unrelated adults, including lone women being required to share with unknown men ([SUB 1](#), p. 4).

- f. Since July 2021 the UK Home Office has placed more than 3,000 unaccompanied children in hotels, including 725 who were under the age of 16. Unaccompanied children wrongly deemed to be adults are also housed with unrelated adults; the Home Office does not publicly report the number of unaccompanied children who receive hotel placements as adults and are subsequently found to be under 18 ([Just Fair/Human Rights Watch](#), p. 15-17).
- g. People housed in hotels have been subject to aggression from far-right agitators with hotels becoming the target of violent rioting and arson attempts in August 2024 ([SUB 1](#), p. 4 and [BBC](#)).
- h. Concerns are raised about the use of former army barracks for housing of people seeking asylum with conditions said to be 'inhumane' and allegations of safeguarding failures and a lack of access to legal advice ([SUB 1](#), p. 4-5).
- i. Ending the use of the Bibby Stockholm barge is a welcome step by the State Party as it was highlighted as unsafe, frightening and the source of serious mental and physical health risks, with evidence of segregation by nationality and unacceptable levels of harm and self-harm, including suicide ([SUB 1](#), p. 5).
29. There continues to be a chronic shortage of Gypsy and Traveller sites which the State Party has failed to address. In particular:
- a. Between January 2014 and January 2024 there has been a decrease of 102 permanent pitches. The January 2022 Caravan Count recorded 2,893 caravans with no place to stop, and therefore statutorily homeless ([Just Fair PSWG SUB](#), para. 28 a). According to the July 2024 Caravan Count this had risen to 3,658 caravans without a place to stop ([SUB 12](#), p. 2).
- b. The existence of a statutory duty is essential to ensure that local authorities meet their assessed need for Gypsy and Traveller pitches in England as research indicates that out of 100 planning authorities which formed part of the research, 64 per cent had failed to allocate Gypsy and Traveller sites as part of their development process. Out of 149 socially provided sites, 119 were built before the revocation of the duty in 1994. Since then, only 30 have been built ([SUB 12](#), p. 2).
- c. The use of newcomer injunctions was recognised by the [UK Supreme Court in 2023](#) as being an equitable remedy, but that in some cases a wide injunction had a negative impact on Gypsies' and Travellers' ability to pursue a nomadic way of life. This has led to guidance to local authorities applying to courts for injunctions so although the scope of the injunctions has been restricted, they remain ([SUB 12](#), p. 3-4).
- d. Site conditions continue to present significant issues, for example:
- i. Disrepair, and serious health and safety risks to residents.
- ii. Absence of effective protections and accountability mechanisms to challenge poor site conditions.
- iii. Environmental hazards – for example four in ten sites in Great Britain are within 50 metres of at least one environmental hazard ([SUB 12](#), p. 2-3).
30. There is a need to ensure that any solutions are rooted in human rights principles:
- a. Concerns are raised that the planned [Renters' Rights Bill](#) will not help the most disadvantaged renters who are said to be squeezed into the bottom end of the market which includes almost a million properties being let in conditions that are harmful to health and safety ([SUB 11](#), p. 2).
- b. There must be a factoring in of the importance of living in dignity and the need to avoid the creation of 'ghettos', isolated from the rest of society, by only housing the most disadvantaged ([SUB 11](#), p. 2-3).

31. The impact of food insecurity and food poverty continues to be experienced by a wide range of people, with income and austerity policies noted as key drivers ([SUB 3](#), p. 2 and [SUB 14](#), p. 4):
- a. 7.2 million people in the UK reported food insecurity in 2022/23 which was an increase from 4.7 million in 2021/22 with 14 per cent of households who reported severe food insecurity accessing a foodbank ([SUB 14](#), p. 2-3).
  - b. Between April 2022 and 2024 food prices rose by 22.5 per cent in the UK ([SUB 30](#), p. 2).
  - c. People seeking asylum are unable to afford food (amongst other essential items such as shoes, clothes, medicines, cleaning products, public transport fares, data and mobile phone credit) due to the poverty they experience as a result of inadequate support which, though minimally increased for some individuals following legal challenges, has been cut for those in full-board accommodation. In any event, asylum support rates are 29 per cent lower in real terms than in 2000 ([SUB 1](#), p. 2).
  - d. The North East of England has the highest proportion of school age children known to be eligible for means-tested free school meals, the lowest wages in the UK and the highest rates of food insecurity for children with one in five (21 per cent) of children and young people in the North East living in food insecure households in 2022/23 ([NECPC](#), p. 3).
  - e. Concerns are reiterated about the ability of people to access food which is appropriate for their dietary, cultural, and religious requirements as a matter of dignity and respect for their rights. The cost-of-living crisis has seen rises in the price of food including religiously, culturally and dietarily (due to health restrictions for those with allergies, at risk of anaphylaxis or with celiac disease or accommodations required for some Disabled children) appropriate items. For those who require access to culturally and religiously appropriate food, this is reported as presenting a dilemma between adhering to religious dietary laws and customs or skipping meals ([SUB 23](#), p. 4).
  - f. Not all communities are impacted in the same way, for example, economic inequalities within the Jewish community, particularly in larger and ultra-Orthodox families, are said to have worsened food poverty with low-income households disproportionately affected and the high price of kosher food a further restriction on access ([SUB 23](#), p. 4).
32. There are concerns regarding the protection of the right to an adequate standard of living for Disabled people, particularly following a 2024 [UN Committee on the Rights of Persons with Disabilities report](#) (para. 89) in relation to the UK which noted that ‘the State Party has failed to take all appropriate measures to address grave and systemic violations of the rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination’ ([SUB 13](#), p. 5). Examples raised in submitted evidence include:
- a. A lack of progress made in relation to Disabled people living in poverty and concerns are raised that it is not clear that the new UK Government plans to reverse the negative impact of austerity ([SUB 13](#), p. 2). On the contrary, following the first budget of the new UK Government, concerns have been expressed that Disabled people will continue to disproportionately face the consequences of harsh fiscal policies which leave them in poverty ([Disability Rights UK](#)).
  - b. This is underlined by lived experience of the failure by the State Party to assess the cumulative impact of overlapping issues of rent, food, social care charges, inadequacy of benefits and lower paid work undertaken by Disabled people. It is submitted that this results in a structural impact on the adequacy of the standard of living experienced by Disabled people ([SUB 13](#), p. 2).

- c. There are around 9.8 million Disabled people in England, who historically have been overrepresented in social housing, the most affordable and secure form of tenure. However, the shortage of social housing has meant that renting privately has become the only option for many Disabled people, with 18.8 per cent currently relying on the private rented sector. Despite this, one in three Disabled renters in the private rented sector are forced to live in homes which are unsuitable for them. Living in unsuitable accommodation has profound negative implications not just for Disabled people but for society broadly. Disabled people living in unsuitable accommodation are less likely to be in work, are more likely to experience a deterioration in their physical and mental health, are more likely to be admitted to hospital as a result of falls, are more likely to rely on social care and, most importantly, cannot live independently ([Disability Rights UK](#)).
- d. The [Grenfell Tower Inquiry](#) into the fire in 2017 in which 72 people died, including almost half of the tower's Disabled residents, none of whom had Personal Emergency Evacuation Plans (PEEPs), made a series of recommendations. These included mandating PEEPs for Disabled people living in high-rise housing blocks. Instead of implementing PEEPs as recommended, the UK Government is proposing that fire risk assessments be undertaken for those in high-rise blocks, but these fall short of PEEPs ([Disability Rights UK](#)).
- e. Disabled people are twice as likely to be experiencing poverty as non-disabled people. Disabled homes need to spend an additional £1,010 per month on average due to additional costs. Some Disabled people face higher fuel bills due to the need to constantly heat their homes. The affordability of this both undermines enjoyment of the right to an adequate standard of living and the right to health. The effects of underheating may be substantially worse for some Disabled people, yet 62 per cent of people seen by Citizen's Advice who could not afford to top up prepayment meters are disabled. 40 per cent of people responding to a MENCAP survey reported keeping their heating turned off despite being cold ([SUB 13](#), p. 3-4).
- f. Concerns are raised with regard to regression in relation to independent living for Disabled people due to the costs associated with and delays to social care provision. This is an additional source of debt for some Disabled people which pushes people into poverty and exacerbates debts linked to utilities and other services ([SUB 13](#), p. 5).
33. The right to adequate clothing has not yet been addressed in the seventh periodic review and the Committee is encouraged to examine the issue. There has been a 'proliferation' of NGOs providing clothing free of charge to those in need and the lack of access to adequate clothing is an under-recognised facet of poverty in the UK with intersecting implications for mental health, employment and equality. Monitoring by the Committee of the State Party on this issue would be highly important to enable understanding of the full extent of the implications under ICESCR ([SUB 17](#), p. 4).
34. In addition to child poverty rates generally, evidence suggests that some children are more impacted by poverty than others:
- a. In April 2023 51 per cent of children in Black African/Caribbean and Black British families were living in poverty compared to 24 per cent of children in white families ([SUB 4](#), p. 5).
- b. In 2022/23 1 in 3 (30 per cent) of babies, children and young people across the North East of England were living in relative poverty after housing costs. At least one in four children are growing up in poverty in 66 per cent of constituencies across the UK. In the North East of England this rate rises to 89 per cent of the region's 27 parliamentary constituencies having at least one in four children living below the poverty line ([NECPC](#), p. 3).

- c. 48.3 per cent of young people in Birmingham are living in poverty – the highest child poverty rate in the UK and this represents a rise of 12.8 per cent since 2014/15. Over half of Birmingham’s parliamentary constituencies have a child poverty rate of over 50 per cent ([SUB 28](#), p. 3).
35. The intersection of environmental protections and ESC rights is highlighted as an issue for the right to adequate standard of living in a context where the UK has one of the worst-insulated housing stocks in Europe ([SUB 19](#), p. 3):
- a. It is estimated that approximately 31 million people in the UK live in poorly insulated properties which means more fuel and higher costs for heating are required. Unaffordable heating and the absence of good insulation leads to cold, damp conditions in people’s homes. Inadequate insulation prevents adequate cooling during heatwaves. Both situations give rise to health and environmental concerns ([SUB 19](#), p. 4).
- b. 3.17 million people are estimated to live in fuel poverty in England ([SUB 19](#), p. 4).
- c. In 2023 28.8 per cent of single-parent households were in fuel poverty, an increase from 18.9 per cent in 2018 ([SUB 30](#), p. 2).
- B. Take steps to increase the availability of adequate and culturally appropriate housing – including increasing the stock of social housing or genuinely affordable housing, ensuring that provision represents the needs and accessibility requirements of those using it.
- C. Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that provides physical safety, adequate space, protection against threats to health and from structural hazards, and accessibility for Disabled children.
- D. Create a legally enforceable temporary accommodation standards framework in consultation with local authorities, housing providers, civil society organisations, and residents and former residents of temporary accommodation.
- E. End the use of hotel accommodation for unaccompanied children. Instead, all unaccompanied children should be in the care of child protection authorities in settings that safeguard their welfare and are consistent with the best interests of the child.
- F. As a matter of extreme urgency ensure that all Disabled residents of high-rise residential blocks have a Personal Emergency Evacuation Plan as recommended by the Grenfell Tower Inquiry Panel.

### Proposed Recommendations:

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Adopt all necessary measures to ensure that everyone enjoys an adequate standard of living and improvement of living conditions without discrimination based on immigration status, protected characteristic or circumstance. This should include specifically, taking all appropriate measures to address violations of the rights of Disabled people with a focus on the elimination of the root causes of inequality and discrimination.
- G. Urgently address food insecurity and take adequate measures to reduce reliance on food banks. This should also include appropriate provision so that cultural and dietary needs can be met.
- H. Implement a comprehensive national strategy for the protection and promotion of the right to adequate clothing, including monitoring, on a disaggregated basis.

## Health (article 12)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 33-36)

36. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health continues to be directly undermined by the ongoing cumulative effects of underfunding, fiscal austerity, cuts to public health care services and this is taking place in the context of residual impacts of the aftermath of the Covid-19 pandemic. Enjoyment of the highest attainable standard of physical and mental health is also indirectly undermined by the health-related consequences of the failure to adequately protect intersecting ESC rights (such as Adequate Standard of Living - [SUB 1](#), [SUB 28](#); Adequate Standard of Living and Right to Work - [SUB 16](#); Environment - [SUB 19](#); Adequate Standard of Living and Social Security - [SUB 20](#)). The new UK Government has indicated a commitment to improving waiting times and care provided by the National Health Service in the Response to the List of Issues. This is to be welcomed. However, there is a lack of coherent detail on how this will be delivered with deep concerns that promises of delivery ‘through innovation’ may mostly entail further privatisation of public health care services without adequate safeguarding of ESC rights.
37. Issues identified relating to access to healthcare include:
- a. Waiting times are excessive, in a way that negatively impacts quality of healthcare, and this is also not experienced equally. Those living in deprived areas are nearly twice as likely to wait over a year for treatment compared to those in the least deprived areas in England ([SUB 30](#), p. 4).
  - b. Access to mental health care for children and young people and specifically long waiting times have been noted by the UN Committee on the Rights of the Child as being deeply concerning ([UNCRC Concluding Observations June 2023](#), para. 42-43).
  - c. Access to healthcare for Gypsy, Roma and Traveller people. In particular accessing and use of services digitally is reported as being problematic – 46 per cent of Gypsy, Roma and Traveller people responding to a Friends, Families and Travellers survey in 2023 in England said they had no access to digital primary care services ([Friends, Families and Travellers, p. 6](#)).
  - d. The [Trans Inclusive Healthcare report](#) highlights how Transgender and Non-binary individuals in the UK encounter significant challenges and disparities in accessing healthcare services, including discrimination. Extreme waiting times are highlighted as a specific concern for Trans people, with reports of historic waiting times in South West England being 88 months for access to transition related care ([SUB 29](#), p. 4). Projected waiting times are worse, with suggestions of up to 15 year waiting periods for assessment ([SUB 29](#), p.4) and in some cases even longer ([Translucent](#), p. 20). The impact of increased waiting times for transition care is identified as potentially exacerbating socio-economic inequality between those who are subject to a system which takes years to navigate and those who can afford to pay for the care they require ([Transition Access Survey 2022](#), p. 58-66). Many of these issues were highlighted by the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI) following their country visit to the UK ([Report](#), para. 52-57).
38. Inequalities in relation to health and health care include:
- a. Learning-Disabled people continue to be subject to the inappropriate use of Do Not Administer Cardiopulmonary Resuscitation orders (DNACPR orders) (see also [Just Fair PSWG SUB, para. 34 a](#)) and this remains a source of significant inequality with only minor improvement in use down from 39 per cent of cases in 2021 to 37 per cent of cases in 2023 ([SUB 27](#), p. 5).

- b. Life expectancy continues to be worse for learning-Disabled people than for the general population. The average age of death for learning-Disabled people is 62.9 years (compared to an average age of death in the general population, according to the [Office of National Statistics](#), of 79.3 years (males) and 83 years (females)). Evidence reports that learning-Disabled people also experience more avoidable deaths (42 per cent) compared to the average (22 per cent) ([SUB 27](#), p. 5).
- c. Evidence continues to raise concerns that learning-Disabled people, particularly those whose behaviour challenges, are subject to high levels of restrictive interventions used in educational, health and social care settings. Despite the [Hollins report](#) highlighting the harms and lack of therapeutic benefit of long-term segregation, recommendations were not taken forward by the previous UK Government and it is not clear what the current UK Government intends to do in relation to this ([SUB 27](#), p. 5).
- d. Inappropriate use of medication to control behaviour is an ongoing issue. Psychotropic medications are prescribed to learning-Disabled people even when the person has not been diagnosed with the condition that the medication is designed to treat. Concerns are raised that this is a form of restraint which negatively impacts the quality of life of people as well as having side effects with consequential health impacts ([SUB 27](#), p. 5).
- e. Life expectancy for Gypsies and Travellers also continues to be a source of concern. Because of a lack of national disaggregated health data there is scarce reliable data on life expectancy comparisons between Gypsies and Travellers and the general population – this is presented here as a clarification of evidence submitted at the PSWG stage. The most notable research identified is the Leeds Baseline 2004-2005 study which found that of 1071 people who identified as Gypsy/Traveller, the average life expectancy was 50 years, compared with an average expectancy of 78 years in the general Leeds population ([SUB 12](#), p. 4).
- f. There is a significant gap in healthy life expectancy (years lived in good health) between the richest and poorest parts of England. Healthy life expectancy for women in the most deprived areas is 78.9 years compared to 86.3 years in the least deprived areas. For men, healthy life expectancy is 73.4 years in the most deprived areas compared to 83.7 years in the least deprived areas. Women living in the poorest 10 per cent of areas in England can expect 26.4 years of poor health at the end of their lives, compared to men in the richest 10 per cent, who can expect 12.7 years of poor health at the end of their lives ([SUB 30](#), p. 4).
- g. Organisations working with Trans people report increased examples of GPs refusing to prescribe Hormone Replacement Therapy (HRT) for Trans people of all ages. Additionally, these organisations have received reports of Trans people being refused HRT treatment in mental health inpatient settings ([SUB 29](#), p. 4).
- h. According to figures published in October 2023 by the Care Quality Commission, almost half of maternity services are rated as either ‘inadequate’ or ‘requires improvement’ ([SUB 30](#), p. 4).
- i. Black women are four times more likely to die in pregnancy and childbirth than white women. Asian women are twice as likely to die in pregnancy and childbirth than white women. Black and Asian babies have higher mortality rates than white babies ([SUB 30](#), p. 4).
39. The impact on health of government policies negatively impacts the realisation and enjoyment of the right to health:
- a. The impact of statelessness is reported to be severe and complex and can lead to experiences of intergenerational discrimination, marginalisation and injustice which can lead to, or exacerbate, mental and physical health challenges for stateless people ([SUB 10](#), p. 4).

- b. A new 'Immigration Rules Appendix Statelessness' came into force from 31 January 2024 and has removed (amongst other changes) an exemption from the health surcharge which applies to certain immigration categories. These surcharges are high and reduce accessibility to family reunion procedures for sponsors with a statelessness permit and although waivers may be applied in some cases, this is in practice a high bar ([SUB 10](#), p. 4).
- c. Restrictions on the right to work and limited financial support for people seeking asylum continues to cause significant hardship with 75 per cent of people seeking asylum reporting that they cannot always afford the over-the-counter medicines they require ([SUB 1](#), p. 3).
- d. Migrants also experience challenges in accessing primary healthcare due to language and information barriers ([Just Fair](#), p. 12).
- e. Since 2017, all hospitals have been required by law to verify patient eligibility for free NHS healthcare. This policy creates an environment of fear (of charges or consequences including potential reporting of qualifying debts to the UK Home Office which can influence decisions on immigration applications) for some migrants and confusion amongst healthcare workers and can lead to people not seeking the healthcare they require ([Just Fair](#), p. 12-13).
- f. The previous UK Government failed to take forward a Draft Mental Health Bill which would have removed the ability to detain learning-Disabled and autistic people under the powers of the Mental Health Act which has previously been highlighted as a source of concern by the UN Committee on Civil and Political Rights ([UN CCPR Concluding Observations](#), para. 36-37). The new UK Government has committed to reforming the Mental Health Act 1983, which is to be welcomed. However, for any reforms to be effective and protective they need to be

accompanied by concurrent investment in community support and services to ensure that the rights of learning-Disabled, and autistic people are upheld ([SUB 27](#), p. 3).

- g. Increased reliance on private companies (outsourcing) to provide health care services combined with long waiting times leading to people seeking private health care options raise concerns about the right to health being undermined and about increased inequality in access to, and quality of, care ([Just Fair](#), p. 11).

### **Proposed Recommendations:**

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Take steps to ensure that everyone enjoys the highest attainable standard of physical and mental health without discrimination based on immigration status or protected characteristic. This should include removal of additional charges for NHS fees for migrants and ending the reporting of qualifying debts to the UK Home Office.
- B. Take urgent steps to reduce treatment delays and waiting lists and implement measures to ensure equal access to public healthcare services. Ensure that interventions and medications provided are necessary and provided in accordance with the recognition of the inherent dignity of all people.
- C. Take concrete steps to reduce suicide rates for Gypsy, Roma and Traveller people including effective action to ensure adequate and culturally appropriate support is available.
- D. Develop health policy and strategies which take into account the interlinked nature of rights realisation and recognise and address the impact of poverty on mental and physical health.



## Education (article 13)

This section should be read in conjunction with [Just Fair PSWG SUB](#) (para. 37-41)

40. The State Party's stated commitment ([SPR](#), para. 165) to ensuring high level qualifications for as many students as possible, while positive, continues to be undermined by further evidence submitted of persisting inequalities ([SUB 9](#), p. 4-5 and [SUB 22](#), para. 12). The State Party is not guaranteeing the right of everyone to education, and it is not taking all necessary measures as recommended ([Concluding Observations, UK sixth periodic review](#), para. 64) and in the case of some measures, is positively adopting policies which are counter to those recommendations. Further, the State Party's [RLOI](#) is lacking in detail and information in relation to England in particular – for example there is a failure to provide information requested in relation to Gypsy, Roma and Traveller children in education in England and there are no statistics provided, disaggregated or otherwise, on enrolment and completion in England. The absence of this data cannot be explained by the change in the UK Government.
41. Persisting discrimination in access to education and inequality during the compulsory schooling stage includes:
- a. Ongoing unacceptably high levels of structural race discrimination against Black children and young people ([Black Equity Organisation](#)).
  - b. Black children are still disproportionately strip searched, although this has fallen from 6 times, according to data gathered between 2018 and June 2022, to 4 times the national average, according to data gathered between July 2022 and June 2023 ([Children's Commissioner](#), p. 29 and [SUB 4](#), p. 3).
  - c. Failures to address the discriminatory experiences of minoritised children in school persist, with concerns raised that calls to collect data on school responses to racial discrimination, bullying and cyberbullying to ensure effective monitoring and measured improvements have been ignored ([SUB 4](#), p. 3). Disaggregation of data is also important – for example – Bristol ranks 159 out of 348 districts in England and Wales for educational inequality. For Black people, Bristol has the third highest level of educational inequality in England and Wales ([SUB 5](#), p. 4).
  - d. Widespread inequalities for children living in poverty and from racialised groups ([SUB 9](#), p. 4-5) are exemplified by a widening attainment gap. By the end of secondary school, or the end of compulsory schooling, disadvantaged pupils were over 18.8 months behind their peers ([SUB 9](#), p. 5). This disadvantage is disproportionately experienced by Gypsy, Roma and Irish Traveller children who, by the end of primary school, have an attainment 19.2 and 18.2 months respectively behind white British pupils ([SUB 9](#), p. 5). Data showed that Black Caribbean pupils in South West England were 18 percentage points lower than the national average when it came to GCSE attainment ([SUB 5](#), p. 4).
  - e. Disproportionality and inequality in discipline and exclusion persist as concerns. Gypsy and Roma children are five times more likely to be permanently excluded and Mixed-white and Black Caribbean pupils two times more likely to be excluded ([SUB 9](#), p. 5). In Gloucestershire, 12.4 per cent of all Black Caribbean students were given an exclusion in the 2018-19 school year, compared with 2.4 per cent of white British students ([SUB 5](#), p. 4). These exclusion rates are attributed to the adultification of racialised young people ([SUB 9](#), p. 5). Concerns also remain about the use of exclusion against children with special education needs, including learning-Disabled children and young people ([SUB 27](#), p. 5).

- f. Little progress has been made on decolonising the euro-centric curriculum ([SUB 9](#), p. 5). In 2019, only 11 per cent of GCSE pupils were studying modules that referred to Black people in the British empire ([SUB 5](#), p. 3).
- g. Increasing police presence in schools creates unsafe school environments for marginalised young people in particular and risks the increased criminalisation of young people. Evidence suggests that police presence in schools is targeted at 'high deprivation' areas which has a disproportionate impact on racialised communities ([SUB 9](#), p. 5).
- h. The absence of information from the State Party in relation to Gypsy, Roma and Traveller children and young people in England, should be noted by the Committee as particularly concerning given past evidence ([Just Fair PSWG SUB](#), para. 38 d) of inequalities and ongoing evidence including:
- i. Gypsy, Roma, and Traveller children continue to have the lowest education attainment at all stages of compulsory education ([SUB 12](#), p. 4).
  - ii. Government data for the school year 2021-22 showed that Gypsies/ Roma and Irish Travellers had the highest rates of suspension (25.63 per cent for Gypsy/ Roma pupils and 19.34 per cent for Irish Traveller pupils compared to 6.91 per cent for all ethnicities) and permanent exclusion (0.31 per cent for Gypsy/ Roma pupils) compared with other ethnicities (0.03 per cent) ([SUB 12](#), p. 4-5).
  - iii. The context for education attainment and exclusion is one of discrimination and bullying – 86 per cent of pupils responding to a 2019 survey reported that the biggest challenge faced in school was bullying, followed by racism at 73 per cent ([SUB 12](#), p. 5).
- i. There is an unknown impact in relation to a proposal to remove a cap on faith-based admissions criteria. Research demonstrates that faith schools already under-admit children from disadvantaged socio-economic backgrounds, children in care, Disabled children and those with special educational needs. Socio-economic segregation is higher in areas with greater numbers of faith schools and there is persisting evidence of increased segregation of ethnic groups ([SUB 18](#), p. 3-4).
- j. Lack of attention to systemic barriers for children attending school ([SUB 22](#), para. 12). The pressure on attendance strategies (mentioned by the State Party in the [RLOI](#), para. 328 as an action adopted) is identified as a measure which places parents under significant pressure, at risk of fines and accusations of educational neglect. This is not considered a supportive approach by families whose children experience barriers to attending as it is not a child-centred approach ([SUB 22](#), para. 12).
- k. Discrimination and inequality experienced by Trans pupils and Trans parents (also highlighted by the UN Independent Expert on SOGI following their country visit to the UK ([Report](#), para. 44-51):
- i. 100 per cent of Transgender respondents to a [2023 Youth Voice Census Report](#) did not feel welcome at their secondary school and 30 per cent of Transgender parents have heard negative comments about Trans people at school according to the [Just Like Us LGBT+ Parents Report 2024](#).
  - ii. Concerns about the application of draft guidance which is not agreed or statutory in force and its discriminatory and rights violating impact ([SUB 29](#), p. 4-5). Specific concerns relate to the suggestion that Trans and gender questioning students should be 'outed' to parents by teachers, irrespective of student consent.

- l. [Research](#) (p. 3) found that 92.1 per cent of children with school attendance problems were neurodivergent. The research also assessed that the current education system in the UK is not fit for purpose for neurodivergent children and that it is causing significant and enduring harm to neurodivergent children and young people and their families.
- m. Inequality for Disabled children persists as a concern with increasing reports since 2023 of Disabled children and young people losing access to home-to-school transport provision which enables them to access education. Examples include direct travel support being replaced by a per mile payment for family carers to arrange transport. The payment is insufficient to meet the needs of young people who may require specialised vehicles and carer accompaniment ([SUB 27](#), p. 2). The Challenging Behaviour Foundation report that the explanation given by many local authorities making these changes is that they are doing so as a consequence of a lack of funding from the UK Government and the local authority's need to balance a deficit ([SUB 27](#), p. 2).
- n. Concerns previously raised ([Just Fair PSWG SUB](#), para. 34 a) regarding frequent use of restraint, seclusion, segregation and over-medication of severely learning-Disabled children persist. Developments are awaited in relation to the creation of a legal duty for the recording of such incidents and requirement to inform families although recording and informing will not be sufficient alone to address the high level of these practices ([SUB 27](#), p. 4-5).
- o. The [PREVENT duty](#), which is used as part of a safeguarding response to concerns about radicalisation has disproportionate and significant impact on Muslim children and mothers ([SUB 22](#), para. 12 and 14). There are further concerns that safeguarding approaches fail to support those identified as victims and may cause harm to the most marginalised young people, particularly young people of colour ([SUB 22](#), para. 13).
- p. Experiences of poverty impact the ability of children and young people to fully participate – for example costs of uniforms, school trips, school lunches, school supplies and clothing for non-uniform days can be difficult to afford for low-income families. This can lead to children and young people feeling excluded and this can make it more difficult for them to learn, achieve and be happy at school ([SUB 8](#), p. 5).
42. Discrimination in access to education in Higher Education including:
- a. The lack of statutory requirement to provide travel costs for over-16s has a disproportionate impact on Disabled young people who have Education Health Care Plans which apply until the age of 25. Despite the provision of a plan, they may be prevented from benefiting from the provisions and from accessing education because of prohibitive unfunded transportation costs ([SUB 27](#), p. 2).
- b. 45 per cent of students who declare a disability, report that their university approved all the adjustments to make their experience as equal as possible to the experience of a non-disabled student. Of students who had an adjustment rejected, 54 per cent had been offered a harmful or inadequate adjustment as the only option. 33 per cent of students who had support rejected were told the adjustment would not be fair to other students, 25 per cent were told they did not really need the adjustment, 22 per cent were told they should interrupt their studies instead of asking for adjustments and 20 per cent were told that they did not have the right evidence for the adjustment ([Disabled Students UK](#), p. 11)
- c. Experiences of racism – a study of Black students' experience at university indicated that '[a]ll participants experienced both overt and covert racism' ([SUB 4](#), p. 3).

- d. The high cost of university tuition remains an issue in England. The UK Government has announced an [increase in fees in England](#), effective from the start of the 2025 academic year – including for those who have already commenced their university studies as well as those who will commence study in 2025. This is despite the Committee previously recommending that the State Party reduce fees and progressively introduce fee-free higher education ([Concluding Observations, UK sixth periodic review](#), para. 66).
- e. The proportion of entrants to higher tariff Higher Education institutes is markedly lower for Black students (19 per cent) than white students (30 per cent) and Chinese students (51 per cent) ([SUB 5](#), p. 2).
- D. Ensure that there is sufficient funding to ensure access to school and education for Disabled children and young people, including appropriate transport services and that their rights are respected in educational environments.
- E. Take steps to reduce higher education fees and progressively introduce free higher education to ensure equal opportunity of access.

### **Proposed Recommendations:**

The Committee is encouraged to make the following recommendations in respect of the State Party, which should:

- A. Take all necessary measures to ensure the right of everyone to education without discrimination based on protected characteristic, to enable all people to participate effectively in society.
  - B. Effectively monitor educational attainment levels, application of sanctions and punishments, and experiences of bullying and discrimination on a disaggregated basis with specific regard to protected characteristics and take positive measures to address inequalities and discrimination.
  - C. Proactively implement strategies to increase diversity and representation in the education system in terms of both staffing and the curriculum.
-

# Annex 1. Organisations and individuals who submitted evidence

## Written submissions

- SUB 1. [Asylum Matters](#)
- SUB 2. [ATD Fourth World](#)
- SUB 3. [Bassetlaw Food Bank](#)
- SUB 4. [Black Equity Organisation](#)
- SUB 5. [Black South West Network](#)
- SUB 6. [British Institute of Human Rights](#)
- SUB 7. [CEDAWinLAW](#)
- SUB 8. [Child Poverty Action Group](#)
- SUB 9. [Children's Rights Alliance for England](#)
- SUB 10. [European Network on Statelessness](#)
- SUB 11. [Fairer Housing](#)
- SUB 12. [Friends, Families and Travellers](#)
- SUB 13. [Greater Manchester Disabled People's Panel](#)
- SUB 14. [Independent Food Aid Network](#)
- SUB 15. [Institute of Employment Rights](#)
- SUB 16. [Lift the Ban Coalition](#)
- SUB 17. [Dr Luke D Graham, University of Manchester](#)
- SUB 18. [National Secular Society](#)
- SUB 19. [Opportunity Green](#)
- SUB 20. [Project 17](#)
- SUB 21. [Public Law Project](#)
- SUB 22. [Reclaim Rights for Children](#)
- SUB 23. [René Cassin](#)
- SUB 24. [Renters' Rights London](#)
- SUB 25. [Centre for Human Rights Law and Policy, School of Legal Studies, REVA University](#)
- SUB 26. [Tax Justice UK](#)
- SUB 27. [The Challenging Behaviour Foundation](#)
- SUB 28. [The Equality Trust](#)
- SUB 29. [TransActual](#)
- SUB 30. [UK Women's Budget Group](#)

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**Steering Group:** Professor Katie Boyle, Professor of Human Rights and Social Justice Law, University of Strathclyde; Jamie Burton KC, Co-founder of Just Fair and Chair of its Board of Trustees, and barrister at Doughty Street Chambers; Nic Cook, Disability Justice Activist and Researcher; Allan Hogarth, Head of Government and Political Relations, Amnesty International UK; Japheth Aquino Monzon, Research & Policy Project Officer, Black South West Network.

**Just Fair:** Jess McQuail, Director; Neha Anvar, Research and Policy Intern; Rossella De Falco, Head of Right to Health Campaign; Alex Firth, Advocacy and Communications Officer; Helen Flynn, Head of Policy, Research and Campaigns and Laura Grace, Human Rights Officer.

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