

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS**

UK EXAMINATION – 12 / 13 MAY 2009

Opening Statement by Dr Vijay Rangarajan

[DRAFT – CHECK AGAINST DELIVERY]

1. Mr Chairman, members of the Committee, ladies and gentlemen, good afternoon. I am Dr Vijay Rangarajan – leader of the UK delegation.
2. I am the Constitution Director in the United Kingdom Ministry of Justice. The Ministry of Justice leads the development of policy on human rights for the UK and has lead responsibility for the UK's obligations under the International Covenant on Economic, Social and Cultural Rights. We prepared the UK's 5th Periodic Report under the Covenant, which we submitted to you in July 2007.
3. On behalf of the UK delegation, I warmly welcome this opportunity to discuss with you the UK's fulfilment of its obligations under the Covenant, and the Government's achievements and ambitions.
4. I emphasise at the outset the high value which the United Kingdom places on the work of this Committee and of other UN treaty monitoring bodies. The UK views the monitoring process led by expert committees as an essential element in the promotion and protection of rights internationally, and a catalyst for achieving meaningful change. The UK Government respects your advice on the implementation of the Covenant and gives it serious consideration in the development of UK policy on matters concerning economic, social and cultural rights.

5. We gave careful consideration to the Committee's concluding observations and recommendations following the previous examinations in 2002. The action we have taken in response to the Committee's concerns and recommendations is summarised in our 5th Report. But of course, we continue to bear the Committee's recommendations in mind as we develop policies and monitor performance on delivery of the rights within the Covenant.
6. In preparing the Report, we consulted with members of civil society in the UK, including Non-Governmental Organisations, National Human Rights Institutions, academia and individuals concerned about rights. We took on board suggestions as to how the report could be improved and are confident that the process of consultation strengthened the report and continues to enhance the monitoring process more generally. We have noted a real appetite from NGOs for a more systematic and structured approach to collaboration on the reporting process for this and our other international commitments, and we will take action on this.
7. Mr Chairman, for this examination the Committee has raised an important range of issues on which we are pleased to respond. We sent you a preliminary written response addressing all these issues on 17 February this year. On these responses too, we consulted with members of civil society.
8. Meanwhile, we have studied carefully the parallel reports submitted to you by UK NGOs. Within the NGO reports, there is positive recognition of steps the UK Government has taken since the previous examination in 2002. These include the recently launched consultation on a UK Bill of Rights and Responsibilities; the Equality Bill; progress in improving overall levels of health; action to reduce child poverty; flexible working reforms, and pension reform.

9. The UK is fully committed to a vigorous development of economic, social and cultural policy. It has consistently pursued a progressive agenda, largely through the 'Welfare State', and can point to sustained progress on social inclusion and increased funding for education and healthcare, as well as measures to eradicate child poverty, as evidence of its commitment to domestic realisation of the rights set out in the Covenant.
10. While there has been significant progress, we acknowledge that there is room for improvement. We continue to set challenging targets for improvement in those areas which still pose difficulties, and to pursue a range of measures including legislation, policies and programmes which advance the principles and objectives set out in the Covenant. The Government believes that its progressive social policy ensures that the rights in the Covenant are being delivered.
11. The Government sees provision of these rights as a progressive endeavour. It notes that different jurisdictions take different approaches depending on their constitutions, their history and their social and economic conditions. It is the Government's clear view that, for the UK, democratically elected representatives are better placed than are the judiciary to make politically sensitive decisions on resource allocation. Parliamentary sovereignty remains the cornerstone of the UK constitution. Our approach to social and economic rights reflects the fact that although some rights require immediate realisation, the obligation under the Covenant is one of progressive realisation.
12. The Committee should be in no doubt about the UK's commitment both to meet this obligation, especially in the current economic climate. Indeed, the economic situation has heightened the need to ensure that people's basic economic and social needs are fulfilled. The UK is taking action internationally, nationally and locally to help people and businesses to cope with the financial downturn. In the recent Budget, the Chancellor announced

that households and families are receiving support including increases in tax allowances and child benefits; pensioners have received one-off payments and increased pension credits; over £8 billion is being invested in social housing from 2008-11, including further support for homeowners with mortgage payments where they have lost their jobs. There is also a £1.6 billion per year 'Supporting People Programme', which funds housing related support for 1.2 million vulnerable people. When people are made redundant in the UK our flexible labour market allows for innovative measures to combat unemployment. Extra resources in job centres have helped to get 1.2m (75% of) people off benefits and back to work since last November and all 18-24 year olds who have been out of work beyond 12 months are now guaranteed jobs or training. In the international context, the UK remains committed to providing overseas aid¹ and working towards its Millenium Development Goals, at a time when developing countries are more than ever in need of assistance.

13. In the domestic context, the UK has continued to make progress in key socio-economic areas since the last reporting session in 2007. Its commitment to the ICESCR objectives has been notably reinforced by the establishment of the Equality and Human Rights Commission, which came into operation on 1 October 2007. The Commission's brief is to eliminate discrimination, reduce inequality, protect human rights and build good relations, ensuring that everyone has a fair chance to participate in society. The new commission brings together the work of three previous equality commissions and takes on new equality responsibilities in relation to age, sexual orientation and religion or belief. Together with the Scottish Human Rights Commission, brought into operation 2008 with a mandate to promote all human rights – civil, political, economic, social and cultural – and the already established Northern Ireland

¹ [The UK is committed to providing 0.7% of its Gross National Income (GNI) as Official Development Assistance (ODA) by 2013, two years ahead of the European Union target. The latest provisional UK Official Development Assistance (ODA) figures for 2008 estimates ODA at £6,306 million or 0.43% of gross national income. This figure represented the highest increase of 28% (between 2007 and 2008) among DAC members in current sterling price terms, reflecting a general scaling up of UK aid.]

Commission on Human Rights, the UK now enjoys a full complement of human rights Commissions for its various jurisdictions. This is in accordance with the Concluding Recommendations of the Committee in 2007.

14. The UK's record on addressing discrimination goes back 40 years to the first Race Relations Act in the 1960s. Our approach is tailored to the UK context. We have more to do and are taking our work forward in the Equality Bill, which was recently introduced into UK Parliament. This Bill will extend the protection against discrimination from gender, race and disability considerations to include age, sexual orientation, religion or belief, gender reassignment and pregnancy/maternity. It will also streamline the current, complex web of equality legislation, making it more accessible and understandable to those who will benefit from it and those who need to comply with it. The Bill reflects the Government's determination to prioritise equality issues. The Committee may wish to note a number of further initiatives in this field. A newly established Judicial Diversity Panel is working with the senior judiciary, Judicial Appointments Commission, legal professions and equality and diversity sector to produce recommendations for reform by November 2009. In Parliament, a Speaker's Conference is under way to consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large. A Panel on Fair Access to Professions has also been set up to focus on identifying barriers to entering the professions for people from disadvantaged socio-economic backgrounds.

15. Meanwhile, the UK labour market is increasingly designed to encourage women, parents, older workers and those with disabilities to be economically active. Its flexibility enables businesses to respond quickly to changes in the market place, but also ensure that there are fair standards and support for people when they need to move between jobs. The UK Government works closely with trade unions, business organisations and other interested parties

on employment law and policy issues and will continue to bring forward measures to ensure that the legal framework remains up to date, that the rights of employees are adequately protected and that all workers who should be aware of and benefiting from these rights are doing so. Since 2007, the minimum annual entitlement to paid leave has been increased to 28 days; working mothers' Statutory Maternity Pay, Statutory Adoption Pay and Maternity Allowance have been increased; since October 2008, over 1 million workers have benefited from increases in National Minimum Wage rates, around two thirds of them women; the right to request flexible working has recently been extended to parents of children aged 16 and under. The UK Government is also taking action in relation to vulnerable workers, having embarked on a programme to combat abuse of worker rights and ensure that all workers, including migrant workers, have access to their rights and an improved enforcement framework.

16. Clear progress is being made in health and education reforms across the UK. Education standards have risen at all levels and across all major ethnic groups since the last UK report. The achievement gaps are closing between most of the historically under-performing ethnic groups and the national average. While UK Governments continue to focus on those ethnic minority groups such as Gypsy, Roma and Traveller children who under perform at school, there is also renewed focus on poor children, those with special educational needs and children looked after by a local authority. In health, there has been major progress in terms of the 12-month 'Next Stage Review', led by 2,000 clinicians and staff across the country and which involved 60,000 patients, public and staff. The policy plans which emerged from the Review are set to give patients more choice and information, reward hospitals and clinics that offer both the highest quality of care, and provide the most responsive services. Meanwhile, the new National Health Service Constitution brings together, for the first time, the principles, values, rights and responsibilities that underpin the NHS. It is designed to renew and secure commitment to the enduring principles of the NHS, making sure that

the NHS continues to be relevant to the needs of patients, the public and staff in the 21st century.

17. Of course, in all the UK Government's dealings with economic, social and cultural rights, it is important to bear in mind that we have multiple jurisdictions and the constitutional context with regard to the UK's Overseas Territories, Crown Dependencies and Devolved Administrations. Each is able to a great extent (whether through self-Government or wide legislative competence) to prioritise its various concerns in this field and tailor its legislation and practice accordingly. Devolution has been a major achievement and important constitutional reform. The degree of self-determination accorded to each administration allows for innovative measures to ensure progressive realisation of the Covenant rights in a way which reflects local culture and needs. My colleagues will be happy to advise on variations in areas such as the health service, education and child wellbeing as you proceed with your questioning.

18. The issue of cultural variance more generally is central to the UK Government's policy agenda. The United Kingdom is home to a rich diversity of communities, faith groups and cultures. The Government positively encourages the freedom of these communities to express themselves in a creative and free environment. The Olympic and Paralympic Games 2012 will present a unique opportunity to promote our cultural diversity and the value we attach to this as a society. As a delegation we also welcome any considerations the Committee wish to highlight as UK preparations continue for this major event on the world stage.

19. Finally, I wish to draw the Committee's attention to an initiative which we believe will enhance awareness of, and civic participation and engagement with, economic and social rights in the UK. The UK Government has recently launched a public consultation on a UK Bill of Rights and Responsibilities, following publication of its Green Paper *'Rights and Responsibilities'*:

developing our constitutional framework'. The Paper explores a range of entitlements which we enjoy as members of UK society and which go beyond the civil and political rights in the European Convention on Human Rights (as incorporated in the Human Rights Act 1998). These entitlements sit, as part of our well established welfare state, firmly in the sphere of social and economic rights. The Government proposes that including provisions in a new constitutional document which point to key aspects of our welfare state, such as the NHS entitlements; victims' rights; equality; good administration; children's well being and principles of sustainable development in relation to our environment, could help to paint a fuller picture of the rights and responsibilities we share in the UK. A formal public engagement exercise has begun, with the aim of involving all parts of UK society in discussions on what is potentially a major constitutional reform. Meanwhile, progress continues on a potential Bill of Rights for Northern Ireland. The Northern Ireland Human Rights Commission has provided statutory advice to the Secretary of State for Northern Ireland on the scope for defining in UK legislation, rights supplementary to those in the European Convention on Human Rights to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. The advice is under consideration and the UK Government will ensure that the public debate around a UK instrument does not detract from the process relating to a potential Bill for Northern Ireland.

20. In advance of this examination the UK delegation has answered questions on issues covering the general overarching provisions [Articles 1 – 5] of the Covenant and its specific substantive provisions [Articles 6 – 15], all of which raise questions of Government policy that continue to fuel debate in the UK. We value the opportunity to extend that debate today and my colleagues will now be pleased to answer your questions.

21. Mr Chairman, with that I conclude this brief overview of recent developments in the UK and look forward to hearing your views and advice.