

GENDER EDIT OF THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 'LIST OF ISSUES' IN RELATION TO THE UK'S SEVENTH PERIODIC REPORT

This is a gender edit of the UN Committee on Economic, Social and Cultural Rights' recent 'List of issues' for the UK Government. It compiles all references to women, gender, and key issues with implications for gender equality in Scotland which appear in the document.

The Committee is currently examining the UK on its performance under ICESCR (the International Covenant on Economic, Social and Cultural Rights). In 2022, the UK submitted its state party report (including input on devolved matters from Scottish Government), and the Committee received 'shadow reports' from civil society. Engender's report, co-signed by twenty organisations, maps women's rights in Scotland across the articles of ICESCR and highlights potential areas of focus for the Committee's scrutiny.

Following an evidence session with civil society in March 2023, the Committee has now published a List of issues, requesting further data from the UK Government and devolved administrations, and setting the direction for its review.

This gender edit sets out extracts from the List of issues in sequence, with emphasis added by Engender.

A. GENERAL INFORMATION

"2. With reference to the Committee's previous concluding observations,¹ please provide further information on the measures implemented to ensure the full justiciability of economic, social and cultural rights in the State party, including concrete examples of rulings in which the domestic courts have invoked or applied Covenant provisions. [...] With reference to the Committee's previous concluding observations,² please provide information on the measures taken and their impact in

¹ CESCR (2016) Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=E%2FC.12%2FGBR%2FCO%2F6&Lang=en.

² Ibid, para. 9.

preventing a potential weakening of the scope of human rights protection and access to remedies under the proposed new bill of rights.”

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“7. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the effects of climate change on the enjoyment of economic, social and cultural rights, particularly for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights.”

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B. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTICLES 1-5)

Maximum available resources (art. 2 (1))

“8. Please provide information on the evolution of the following, covering the past 10 years: [...]

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, **the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population**, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, **the proportion of the public budget allocated to social spending**, including social security, food, water and sanitation, housing, health and education;

(f) The proportion of the public budget allocated to defence;”

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Non-discrimination (art. 2 (2))

“9. With reference to the Committee’s previous concluding observations,³ please provide information on measures taken to adopt **a comprehensive anti-discrimination law prohibiting direct, indirect and multiple forms of discrimination on all grounds** providing for effective remedies for the victims, including within judicial and administrative procedures in all jurisdictions of the State party.

10. [...] Please provide information on the impact of section 115 of the Immigration and Asylum Act 1999, “Exclusion from benefits”, on the economic, social and cultural rights of refugees and asylum-seekers and provide statistical data on **access to employment, social security benefits, housing, health-care services and education to refugees and asylum-seekers**. Please provide information on the applicability of the Convention relating to the Status of Refugees in all territories and jurisdictions of the State party. In this regard, please provide information on the measures taken to ensure that all persons applying for international protection are given **access to fair and efficient asylum procedures**, protection against refoulment and access to independent appeal mechanisms. Please provide up-to-date statistical information on the number of asylum requests filled and the number of asylum requests granted and rejected, including the grounds for rejection, for all jurisdictions of the State party over the last five years. Please also provide information on the average waiting time for the processing of asylum requests.”

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Equal rights of men and women (art.3)

“11. With reference to the Committee’s previous concluding observations,⁴ please provide information on the following:

(a) Results achieved and impact of the initiatives mentioned in paragraphs 46 through 51 of the State party’s report on equality between women and men;⁵

(b) Updated statistical data on the **representation of women, including those of disadvantaged and marginalized groups**, in political and public life, including in

³ Ibid, para. 23.

⁴ Ibid, para. 27.

⁵ UK Government (2022) The United Kingdom’s 7th periodic report under the United Nations Convention on Economic, Social and Cultural Rights. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1076698/icsrc-uk-7-periodic-report-may-2022.pdf.

parliament, counties, districts, and executives authorities in all jurisdictions of the State party;

(c) Measures taken to address and monitor **occupational segregation** in all jurisdictions of the State party;

(d) Statistical data on the evolution of the gender pay gap disaggregated by age, sex, gender, ethnic group, employment sector, disability and region, over the last five years, including **impacts of the COVID-19 pandemic on job loss among women and men**, and means of enforcement of gender pay gap reporting regulations.”

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C. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)

Right to work (art. 6)

“12. [...] Please provide information on the measures taken, and their impact, to prevent the impacts of the COVID-19 pandemic on the labour market, including **unemployment and under-employment rates disaggregated by sex**, gender, age, ethnicity, disability, and region in all jurisdictions of the State party over the last five years. [...] Please indicate the measures taken by the State party to address the barriers preventing refugees and asylum seekers from accessing employment.

13. Please provide information on results achieved, including **statistical data disaggregated by sex, gender, age, employment sector, region, rural/urban area, ethnicity, disability** or any other relevant indicator, for all jurisdictions of the State party, on the following:

(a) Measures taken to promote youth employment, including the Kickstart and Youth Offer programmes;

(b) Measures taken to promote the labour market insertion and retention of persons with disabilities, including the Work and Health Programme, the Intensive Personalized Employment Programme, and the Access to work and Disability support, including disaggregated data for persons with severe learning disabilities;

(c) Any measures taken to increase and ensure the participation of ethnic minorities and disadvantaged and marginalized individuals and groups in the job market, including concrete results;

(d) Measures taken to create employment opportunities at the middle-income level, particularly in regions and jurisdictions where the percentage of workers on low-income salaries is significant.

14. In light of paragraph 40 of the State party's report,⁶ please provide information on the measures taken to ensure that practices with regard to recruitment, retention, promotions, salaries and other conditions of employment in all jurisdictions are not discriminatory or have a discriminatory effect. In this regard, please provide information on the measure taken to address the underrepresentation of members of ethnic minorities in senior positions, in the public and private sectors, and self-employment. Please provide statistical information disaggregated by sex, gender, age, ethnicity, disability, region or any other relevant indicator regarding the number of **discrimination claims before employment tribunals**, the most common type of claims raised, the investigations carried out, decisions rendered and remedies provided to victims since 2015."

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Right to just and favourable conditions of work (art. 7)

"15. Please provide information on the coverage of the national minimum wage and the enforcement of the minimum wage in all jurisdictions of the State party, **the indexation of the national minimum wage to the level of inflation** and the measures taken or envisaged to increase the national minimum wage to a level that provides workers and their families with a decent living. Please indicate if there are plans to apply the national minimum wage equally to all those in employment, regardless of their age, including those holding an apprentice position. Please provide statistical information on the evolution and impact of **in-work poverty, disaggregated by age, sex, gender, ethnicity, region, and rural/urban area**, in all jurisdictions of the State party over the last five years. In this regard, please indicate whether the minimum salaries introduced in the crown dependencies and overseas territories provide workers and their families with a decent living. Please indicate whether the State has considered lifting the reservation of postponement of the application of article 7 (a) (i) regarding **the provision of equal pay to men and women for equal work in the private sector**.

16. With reference to the Committee's previous concluding observations,⁷ please provide information on the measures taken, and their impact, to reduce the use of

⁶ Ibid, para. 40.

⁷ CESCR (2016) Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, para. 32. Available at:

temporary employment, precarious self-employment and “zero hour contracts” in all jurisdictions of the State party. Please provide information on the measures taken and their impact in addressing the overrepresentation of disadvantaged and marginalized individuals and groups on zero hour contracts, and increase their options to opt for more secure working conditions and employment contracts. Please provide **statistical data on the scale of zero hour contracts and precarious work arrangements** in all jurisdictions of the State party disaggregated by age, sex, gender, ethnicity, disability, sector of employment, and media hourly wage over the last five years.

17. [...] Please provide information on the measures taken to address the disability and ethnicity income gap across all jurisdictions of the State party and include statistical information on their evolution disaggregated by sex, gender, age, ethnicity, disability, region, and employment sector over the last five years.

18. Please provide information on any measures taken to ensure that **all workers are free from physical and mental harassment, including sexual harassment**, and its means of enforcement in all jurisdictions of the State party. Please provide statistical data on **trends of harassment in the workplace disaggregated by sex, gender, age, region, disability, ethnic group** or any other relevant indicator, including the most common types of workplace harassment. In this regard, please indicate how the findings from the 2021 consultation on sexual harassment in the workplace have contributed to addressing this issue in the State party.”

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Right to social security (art.9)

“22. With reference to the Committee’s previous concluding observations,⁸ please provide information on the steps taken to **review and reverse the cuts in social security** introduced by the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016. Please provide **disaggregated data on the impact of the reforms to social security on women**, children and persons with disabilities, low-income families and families with children. Please provide statistical information on access to social protection schemes, including health insurance, disaggregated by sex, gender, age, disability, ethnicity, region and rural/urban area. With reference to the State party’s reservations to the Covenant, please indicate whether the State has considered lifting the reservation of postponement of the implementation of article 9 on the right to social security.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGBR%2FCO%2F6&Lang=en.

⁸ Ibid, para. 41.

23. Please provide information on the **impact and results of implementing the Universal Credit scheme**, including the percentage of the current population under its coverage, coverage targets and milestones for all jurisdictions of the State party, disaggregated by sex, gender, age, region, ethnicity, disability, and employment sector. Please provide information on the impact of reducing the Universal Credit earnings taper rate from 63% to 55%.

24. Please provide information on the steps taken to ensure **indexation between State benefit rates and the cost of living and guarantee that all social security benefits provide a level of benefit sufficient to ensure an adequate standard of living**. In this regard, please provide information on the findings and recommendations of the latest **statutory benefit cap review** and the methodology to calculate the Local Housing Allowance. Please provide information on the steps taken to ensure that sanctions in relation to social security are subject to prompt and independent dispute resolution mechanisms.

25. Please provide information on steps taken to ensure that procedural requirements for non-nationals to access social security services are practical and easy to understand, and, do not lead to the barring of such services in the form of sanctions. Please comment on the measures and initiatives implemented to train and raise awareness among social security and immigration personnel towards facilitating a culturally-sensitive, inclusive and non-discriminatory environment when processing requests made by non-nationals.”

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Protection of the family and children (art.9)

“26. With reference to the Committee’s previous concluding observations,⁹ please provide information on the steps taken to ensure the **availability, affordability, and accessibility of childcare services** across all the jurisdictions of the State party. Please provide information on the impact of the Shared Parental Leave scheme, including **data on parental leave uptake disaggregated by sex, gender, age, ethnicity, income, disability, region** and any other relevant indicator for all jurisdictions of the State party. Please indicate how the Shared Parental Leave evaluation findings have impacted parental leave benefits in the State party, including information on the challenges identified and measures implemented to address them. With reference to the State party’s reservations to the Covenant, please indicate whether the State has considered

⁹ Ibid, para. 44.

lifting the reservation of postponement of the implementation of article 10 (2) with regard to **paid maternity leave.**”

“28. With reference to the Committee’s previous concluding observations,¹⁰ please provide information on the measures taken to ensure **adequate provision of social care services** for older persons by both private and non-profit providers in all jurisdictions of the State party, including data on the ratio of staff per resident in residential care services, visiting hours and other arrangements, and standards for adequate accommodation for residential facilities and nursing homes.”

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Right to an adequate standard of living (art. 11)

“29. In light of the COVID-19 pandemic, please provide updated information on the poverty rate, including data on the number of children living in poverty, measured as relative **income poverty**, both before and after housing costs, **disaggregated by age, sex, gender, ethnicity, disability, and region** for all jurisdictions in the State party, over the last five years.

30. Please provide information on the following: [...]

- (d) The extent of overcrowded housing in all jurisdictions of the State party, including statistical data disaggregated by region, sex, gender, age, disability, ethnicity, income and any other relevant indicator, over the last five years;
- (e) The number of **social housing requests** presented at the council level in all jurisdictions of the State party, including **statistical data disaggregated by region, sex, gender, disability, ethnicity, income** and any other relevant indicator, over the last five years;
- (f) The extent of **homelessness and rough sleeping** in the State party, including **statistical data disaggregated by region, sex, gender, disability, ethnicity**, and any other relevant indicator, over the last five years;
- (g) Information on the standards for adequate provision of **temporary accommodation, maximum time spent in temporary housing conditions**, and

¹⁰ Ibid, para. 60.

measures implemented to transition to permanent housing arrangements, including for asylum seekers in reception centres and other temporary facilities.”

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Right to physical and mental health (art. 12)

“34. Please provide information on the impact of the COVID-19 pandemic on the National Health Service in all jurisdictions of the State party, including the backlog of operations, procedures, medical examinations and other medical procedures, waiting times, and working conditions of health service personnel.”

“36. Please outline the measures taken to increase **access to services in the area of sexual and reproductive health** in all State party jurisdictions, including the provision of services at the community-level and the establishment of referral mechanisms for women who have been **refused abortion by medical practitioners on the basis of conscientious objection**. Please provide information on whether **legislative amendments are foreseen to scale up the access to reproductive and healthcare services, including termination of pregnancies** in all jurisdictions of the State party.”

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Right to education (arts. 13-14)

“38. Please provide updated statistical information on the enrolment and completion rates of primary and secondary education students, disaggregated by age, sex, gender, region, disability, income, ethnicity or other relevant indicator.”

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Cultural rights (art. 15)

“42. Please provide information on measures taken to facilitate everyone’s **access to the right to enjoy the benefits of scientific progress**, including ensuring access to the Internet and digital literacy training specifically for disadvantaged and marginalized individuals and groups, aiming at **closing the digital divide**, as well as measures to safeguard the right to privacy and cultural identities.”

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FOR FURTHER INFORMATION

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ABOUT ENGENDER

Engender is Scotland's feminist policy and advocacy organisation, working to increase women's social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.