

**Dr Alice Donald**

**Senior Lecturer, School of Law, Middlesex University (and Trustee, Just Fair; co-author of UK shadow report to the Committee on Economic, Social and Cultural Rights, May 2016)**

**The Future of Human Rights in the UK, University of Brighton, 10 November 2016**

**ABSTRACT: The future of economic and social rights in the UK: challenges and opportunities**

Economic, social and cultural rights (ESCR) have historically been downplayed in the UK. In the four decades since the UK ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which imposes obligations of both an immediate and progressive nature, successive governments have declined to recognise ESCR in domestic law. This approach contrasts with that of other European states where these rights are enforced through a range of administrative, legal and constitutional structures. Human rights have been strikingly absent from policy responses to the financial crisis since 2008: government assessments of the impact of austerity and social security reform on human rights have been lamentable and Conservative politicians have evinced increasing resistance to supranational human rights oversight of all kinds. At the same time, few critiques of austerity have adopted a rights-based discourse and there is a common misconception that human rights have little relevance to problems of economic inequality and social injustice. This is despite the fact that there is a growing body of norms, allied with sophisticated monitoring techniques, that is being used to promote ESCR internationally. Yet there are signs of change. Notably, the Supreme Court has begun to recognise the UK's international ESCR obligations. In June 2016, the UN committee monitoring ICESCR issued strongly-worded Concluding Observations on the UK, calling, inter alia, for a 'socially equitable' tax policy and the reversal of social security cuts. This report provides a potent tool for UK-wide civil society advocacy. This paper assesses the challenges and opportunities for advancing recognition and fulfilment of ESCR in the UK, in respect of both governmental and non-governmental actors. It argues that greater recognition of ESCR has the potential not only to deliver tangible gains but also – given the evident popularity of ESCR – to shift the negative discourse surrounding human rights in the UK.