

Submission to Just Fair's call for evidence for shadow ICESCR report, Sept 2022

Introduction

Between July and October 2021, The Equality Trust conducted participatory focus groups to gain an in depth understanding of the manner in which different demographic groups based throughout the UK experienced or were affected by socio-economic inequalities during, and as a consequence of, the COVID-19 pandemic, and associated social and economic developments (i.e. the economic downturn, sector shutdowns, government policy responses). An intersectional lens was adopted throughout the research project. There were 51 participants from across the UK, and focus groups were run in person and online. Transcripts were anonymised.

This document demonstrates how high and entrenched structural inequality has driven the UK's lack of progress in upholding the International Covenant on Economic, Social and Cultural Rights - despite it having a legal obligation to do so. These testimonies will augment statistical evidence on the stark inequalities faced in the UK in enjoyment of human rights, and are grouped under the Article that relates most to the themes drawn out, it is also highlighted where these link with other Articles.

Article 2 - duties and non discrimination

Nearly every person of colour who participated in this research mentioned race/racism as an equality issue of serious concern. It was a common experience to have been witness or subjected to racial abuse. When discussing other issues, racism was highlighted as a thread that pervaded through the UK's systems and policies, impacting on other rights - for example one participant recounted:

"...her kid wasn't going on free school meals because she came over here as a refugee... She was homeless and the kid was not given meals... And this kid was starved because of racism, basically: that's all it is. Like, the Government wants to say, "Oh, tough on immigration" or whatever, but what's that matter for like this seven-year-old?" Participant 16.¹

Intersectional discrimination, particularly the intersection of race and gender, was emphasised as having shaped the experiences of participants, particularly in terms of access to care and treatment - linking in with **Articles 3 and 12**.

¹ Focus group 3, held July 2021

"...I had coronavirus and I suffered at home on my own because I was too scared to go to hospital. I literally believed if I go into hospital this time, I'm going to die. Not die from coronavirus but die from discrimination." Participant 42.²

Article 7 - right to just and favourable conditions at work

Alongside systemic discrimination within governmental structures, discrimination in the work place in general, and in terms of recruitment and pay gaps, was highlighted.

"I had to discover as well that the pay I was being paid was like 300 and something pounds less than the previous deputy manager [who was a White man]... He was earning 300 pounds a month more than I was earning when I took over from him and I was doing the deputy manager's job and I was doing a lot of the manager's job..." Participant 42.³

Several testimonies gave examples of people being placed in high-risk situations at work, contravening COVID-19 rules leaving workers unprotected by their employer. In some cases participants reported having to take annual leave instead of being put on furlough or employers not adhering to their own, or the government's, COVID-19 policies.

"There's 15 drivers that drive the forklifts in my area and a couple of people tested positive. What they [the management] should have done is sent everyone home and made them have tests. But they didn't, they just ignored the situation. Eleven people ended up getting positive from Covid in my one work area because of their negligence." Participant 8.⁴

This is indicative of the uneven impact of COVID-19 restrictions and policies, designed by people in positions of power and privilege with no regard to pre-existing inequalities. This links with **Article 12**.

Article 9 - right to social security

Barriers to accessing social security, the paucity of provision and the punitive benefits system in the UK, came through as one of the major themes of the focus groups. This links in with **Articles 6, 10 and 11**.

We spoke to people who were on Universal Credit, Asylum Support and Section 17 Support. All the respondents said the payments were too low and that they had to rely on charitable assistance to survive.

"[I survive on] food banks and handouts really." Participant 36.⁵

² Focus group 8, held September 2021

³ Focus group 8, held September 2021

⁴ Focus group 2, held July 2021

⁵ Focus group 5, held August 2021

Several respondents spoke about the detrimental impacts of the five-week wait for their first Universal Credit payment as a new claimant. One respondent was forced into debt as a result of having to wait five weeks. Several participants commented on the difficulties inherent in working when childcare is so unaffordable. One participant spoke about how the cost of childcare is a significant barrier to mothers who want to enter the workforce, linking in with **Article 3**.

“So many mothers want to work, but the childcare... How much will you be left with at the end of the month? Is it really worth it? You leave your children for so many hours and you’re not better off. You still end up struggling to feed them.” Participant 3.⁶

Several participants commented on how difficult the process of securing access to benefits was, including due to disabilities/potential disabilities/mental health problems. Digital exclusion was also an issue raised by participants as the social security system is now administered almost exclusively online. This posed challenges for those who did not have adequate digital skills or easy access to a reliable internet connection.

“...everything’s been moved online, like benefit payments, you can’t really get them in person any more and so if you’re not digitally literate, you can’t do a lot of these things...But they still seem so unwilling to recognise that they need to put actual work into the systems.” Participant 47.⁷

Facing stigmatisation and discrimination as a result of being a benefit claimant was also frequently cited by respondents. Participants said they felt *“less of a human”* and *“degraded”* as a result of being a benefit claimant and described the process of making a claim as *“really dehumanising”* and *“grim”* - Participants 4 and 49.⁸

One clear example of discrimination faced by benefit claimants is in the housing sector, specifically the ‘no DSS’ (Department for Social Security) policy imposed by some letting agents. The policy excludes anyone in receipt of benefits, e.g. Universal Credit, housing benefit, disability benefits or tax credits from renting a property with that particular agent. This form of discrimination is fairly widespread in the private rented sector and was raised by one of our participants. This links in with **Article 11**.

“You approach them and they tell you to search for a property yourself... and being on benefits doesn’t make it easy because it’s as bad as looking for needles in a haystack.” Participant 3.⁹

⁶ Focus group 1, held July 2021

⁷ Focus group 8, held October 2021

⁸ Focus group 1, held July 2021 and focus group 8 held October 2021

⁹ Focus group 1, held July 2021

Article 12 - health

Unequal access to health care was compounded by the pandemic - for both mental and physical health conditions. Mental health worsened (COVID-19, lockdowns, finances) and people talked about difficulty accessing mental health care - several participants had experienced lengthy treatment delays or impeded access to healthcare even before the onset of Covid.

"I'm personally waiting for some um mental health diagnosis that I'm bipolar, and I've been on the waiting list for a while and I'm still on the waiting list, I've got my...stepdaughter who's 13, she's been on the mental health waiting list as well during the pandemic; she started self-harming and it's just been a waiting process, you know." Participant 18.¹⁰

A far higher number of people reported struggling to gain access to appropriate medical care, for them or their family members - in particular access to GPs - both during Covid but up to the present time. The gatekeeping role played by receptionists also caused a lot of stress i.e. due to privacy related concerns and digital exclusion was also highlighted.

"It was a nightmare trying to get contact [with the GP], get them to ring. The appointments go within two, three minutes...you have to ring at eight o'clock in the morning to get an appointment or [at] twelve o'clock. I mean two, three minutes, the appointments have gone so you have to try it again the next day." Participant 7.¹¹

Digital exclusion was highlighted in relation to accessing healthcare services, again excluding people who have less capacity to engage digitally - whether in terms of skills or access to technology.

"The over 55s couldn't even get through to the doctors, they didn't know what medicine to take or anything. It was a nightmare, it was a nightmare, it was a nightmare. And the more I think about it the worst it actually was when you do, like, reflect a little bit." Participant 27.¹²

Several participants felt that the treatment that they had received in healthcare settings was shaped by racism or commented on the lack of arrangements made for individuals who lack good English skills.

"Well, it's really really difficult when you don't have your stay in the country, when you have No Recourse to Public Funds. You go to the GPs, they won't register you... [They always ask] "Are you legal or an asylum seeker or whatever", the immigration thing is still [there now I have my status]. They always [ask]." Participant 3.¹³

¹⁰ Focus group 4, held September 2021

¹¹ Focus group 2, held July 2021

¹² Focus group 4, held August 2021

¹³ Focus group 1, held July 2021

Several participants commented on the unfairness inherent in the fact that some people can afford to go private and opt out of the NHS.

“Regarding going private and things like that, you know, that's okay if you've got the money to do that but it's always been the case in this country; there's always been the 1% of people that are rich and 99% of the rest of us that aren't rich. So, when Covid hit, and the Government decided to give us 80% of our wages, how are people that are on a minimum wage expected to survive on 80% of their wages when they're barely scraping by as it is? How can you afford to go private?” Participant 8.¹⁴

Conclusion

The evidence gathered from our series of focus groups demonstrates that the UK Government is failing to implement the ICESCR. It is clear that this is driven by systemic structural inequalities which acutely impact those experiencing socio-economic disadvantage, as well as those with a protected characteristic/characteristics. High and entrenched inequalities infringe upon an individual's human rights under the Covenant including access to housing, healthcare (mental and physical), social security entitlements, safety at work, and full participation in society.

In July 2016, the UN Committee on ESCR made a number of recommendations relating to health, social security and tackling discrimination in UK society. The committee specifically raised concerns relating to the benefit sanctions regime, the inaccessibility and high cost of childcare and the ‘No Recourse to Public Funds’ (NRPF) policy. Successive UK Governments since 2016 have failed to address any of these issues.

As a result of the UK Government inaction on reducing structural inequalities the situation today has significantly worsened for those experiencing socio-economic disadvantage and those at the sharp end of structural inequalities - including their access to rights as outlined in the Covenant. The COVID-19 pandemic exacerbated pre-existing inequalities which have plagued UK society for decades, and it is clear that until inequality is reduced the UK government will consistently fail to uphold economic, social and cultural rights for all in the UK.

The new Government should commit to implementing and upholding the ICESCR in full, and should prioritise dismantling the structural inequalities in UK society as highlighted in this evidence.

¹⁴ Focus group 2, held July 2021