

Written evidence from Just Fair (COV0228)

Just Fair works to realise a fairer and more just society by monitoring and advocating for the protection of economic and social rights. Just Fair is committed to increasing public awareness of international human rights law and the capability to use it, and is devoted to the advancement of high-quality thinking, training and practice to ensure that economic and social rights are respected, protected and fulfilled.

What steps need to be taken to ensure that measures taken by the Government to address the COVID-19 pandemic are human rights compliant

1. In order to ensure that measures taken by the UK Government to address the COVID-19 pandemic are human rights compliant, the UK Government need to take into account human rights at all stages of decision making and have a particular focus on how the measures introduced have an impact upon people who have protected characteristics or who are economically vulnerable.
2. As we have outlined in our submission to the Women and Equalities Select Committee inquiry into COVID-19 and the protected characteristics, existing inequalities are being exacerbated by COVID-19.¹ Whilst COVID-19 itself does not discriminate, discrimination based on protected characteristics and/or socio-economic status is leading to people being disproportionately impacted by the virus.
3. People across the UK were already experiencing a number of violations of their socio-economic rights including their rights to food, housing, education, work, and social security before the pandemic started.² Many of these same people are now being disproportionately impacted by the consequences of COVID-19.³
4. Socio-economic rights are afforded to all without discrimination and are included in a number of international human rights standards that successive UK Governments have ratified.⁴
5. Incorporating human rights principles of universality and non-discrimination into the response to the pandemic will help bring the success of the response.

1 Just Fair (2020) Written Submission to Women and Equalities Select Committee: Inquiry into unequal impact: Coronavirus (COVID-19) and the impact on people with protected characteristics.

<https://committees.parliament.uk/writtenevidence/3531/pdf/>

² Just Fair (2018) Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018 Written submission

http://justfair.org.uk/wp-content/uploads/2018/09/Just_Fair_15_Alston_Submission-FINAL.pdf

³ Imogen Richmond-Bishop and Dr Sara Bailey (2020) Coronavirus in austerity Britain: poverty and discrimination compounded <https://www.openglobalrights.org/coronavirus-in-austerity-britain-poverty-discrimination-compounded/>

⁴ Just Fair (2017) What are economic & social rights and how are they recognised in international law? <http://justfair.org.uk/wp-content/uploads/2018/05/What-are-economic-and-social-rights.pdf>

6. The measures used to protect people and respond to the COVID-19 pandemic must however not be used to undermine anyone's dignity, autonomy, or human rights.
7. Furthermore any new forms of support made available during the pandemic such as the extension of free school meals to some children who have No Recourse to Public Funds; the uplift in Universal Credit; or the provision of accommodation support to must not be removed once the pandemic is over.

Eradicating Poverty

8. The eradication of poverty is a core part of the UK's human rights obligations as *"no social phenomenon is as comprehensive in its assault on human rights as poverty"*⁵. Poverty impacts on a number of human rights including the right to food, housing, education, and health.
9. The COVID-19 mortality rate in economically deprived areas is double that of the rate in the least deprived areas.⁶
10. Social security is not only a right but also a key tool in eradicating poverty alongside the right to work.
11. In order to respect all people's right to social security a number of changes need to be undertaken, namely removing the two-child limit;⁷ removing the benefit cap; restoring the link between the cost of living and welfare payments; and lifting the No Recourse to Public Funds condition.
12. In order to help fund the changes that are needed to the social security system, the UK Government should consider fair ways of raising extra revenue through taxation. This could include re-examining the recent cuts to corporation tax and looking at smarter taxes on wealth.⁸
13. Section One of the Equality Act 2010 should be implemented in England and Northern Ireland to address socio-economic inequality. Wales is scheduled to implement the duty on the 29th September 2020.⁹ The same duty was introduced in Scotland in 2018 under the name 'Fairer Scotland Duty'.

⁵ Office of the High Commissioner on Human Rights. Human Rights Dimensions of Poverty. <https://www.ohchr.org/EN/Issues/Poverty/DimensionOfPoverty/Pages/Index.aspx#:~:text=Indeed%2C%20no%20social%20phenomenon%20is,on%20human%20rights%20as%20poverty.&text=It%20gives%20due%20attention%20to,human%20dignity%20that%20accompany%20poverty.>

⁶ ONS (2020) Deaths involving COVID-19 by local area and socioeconomic deprivation: deaths occurring between 1 March and 17 April 2020 <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsinvolvingcovid19bylocalareasanddeprivation/deathsoccurringbetween1marchand17april?hootPostID=f8f83cc51cba7b7e20edce0e1993cadf>

⁷ Just Fair (2020) Why is the two-child limit contrary to the UK's human rights obligations http://justfair.org.uk/wp-content/uploads/2020/07/Two_Child_Limit_Human_Rights-copy.pdf

⁸ Tax Justice UK, The World We Want: The role of taxes in funding the NHS and other public services, October 2018.

⁹ Welsh Government/ Llywodraeth Cymru (2020) Written Statement: A More Equal Wales – Commencing the Socio-economic Duty <https://gov.wales/written-statement-more-equal-wales-commencing-socio->

Information Access

14. Digital exclusion is an issue that many face in particular those on lower incomes and disabled people.¹⁰ This exclusion has been exacerbated by the COVID-19 pandemic as many services that were once in person moved online.
15. Responses to a variety of surveys carried out in the North East by Just Fair and other organisations suggest that the primary barrier to digital inclusion is lack of access to the internet, mainly due to in affordability of internet and data packages. Other barriers include lack of access to laptops and smart phones, poor accessibility for those with visual impairments and learning difficulties, concerns around privacy, and in some cases a lack of confidence to use the technology available. Those unable to enjoy digital inclusion are expressing severe feelings of isolation, hopelessness, and concern for their ability to succeed in their studies and work. Regional and national organisations are identifying a need for digital inclusion to be viewed as a necessity, not a luxury; it is essential for people to exercise and enjoy many of their human rights.
16. The Committee on Economic, Social, and Cultural rights has warned that school closures “carry the risk of deepening educational inequalities between rich and poor learners due to unequal access to affordable internet services and equipment such as computers, smart phones and tablets.”¹¹
17. It is not just the digital divide that impedes information access, all information on COVID -19 needs to be accessible to all people, including but not limited to through Easy Read formats, braille, British Sign Language and in hard copy.

Healthcare for all

18. Any restriction in access to healthcare will undermine efforts to control COVID-19.
19. Whilst we welcome that treatment and testing for COVID-19 is on the list of conditions exempt from charge, we are concerned that there are still patients who are avoiding care¹² because they are worried they will be charged.¹³ As it stands if a patient is liable then they will have to pay for any care that is unrelated to the treatment for COVID-19 and is not exempt from charge. If a

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¹⁰ ONS (2019) Internet users, UK: 2019

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2019>

¹¹ Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights (2020) Committee on Economic, Social, and Cultural Rights.

¹² Imogen Richmond-Bishop (2020) Coronavirus: Why Some People In The UK Are Dying In Fear Of Seeking Help – And How To Stop It <https://eachother.org.uk/uk-covid-19-undocumented-migrants-dying-fear-of-getting-help/>

¹³ RAPAR (2020) Yesterday Elvis died <http://www.rapar.co.uk/news/yesterday-elvis-died>

person tests negative for COVID-19 but still require treatment, they will be charged for any care provided after the negative test result.

20. Civil society groups including Just Fair have written to the Home Secretary and the Secretary of State for Health and Social Care asking them to suspend the National Health Service (Charges to Overseas Visitors) Regulations 2015 and 2017 and all associated immigration checks and data sharing.¹⁴
21. Age or disability should not be a barrier in accessing appropriate treatment either for COVID-19 or for other conditions. The Institute for Fiscal Studies suggest that those who will be most impacted by disruptions to non-COVID-19 related care will be those who are older or who are less affluent as they are the population groups that are most likely to have elective care.¹⁵
22. The suspension of most of the duties contained in the Care Act 2014 (CA 2014) during the crisis are of concern due to the impact this may have on the quality of life of an individual as well as their health. Many adults with care needs may now find themselves without the support that they need.¹⁶

Respect of the right to housing

23. Leilani Farha, UN Special Rapporteur on the right to adequate housing, has stated that “housing is the frontline defence against COVID-19”.¹⁷ However for far too many people housing is a particular concern.
24. In our submission with Migrants Rights Network to the Housing, Communities and Local Government Committee inquiry into COVID-19 we highlighted how migrant communities are severely impacted by housing issues.¹⁸
25. In particular overcrowded housing is of significant concern for Black Asian and Minority Ethnic communities. For example, 30% of Bangladeshi households live in overcrowded households compared to 2% of the white British population.¹⁹ Research has found that overcrowded households leads people to having a heightened risk of catching COVID-19 as self-isolation is much more difficult, this is of particular concern for multigenerational households.²⁰

¹⁴ Doctors of the World et al (2020) Letter to Home Secretary and Secretary of State for Health and social care 13th April 2020 https://www.doctorsoftheworld.org.uk/wp-content/uploads/2020/04/Letter-to-HS-and-SSHSC_13.04.2020.pdf

¹⁵ IFS (2020) The wider impacts of the coronavirus pandemic on the NHS <https://www.ifs.org.uk/uploads/BN280-The-wider-impacts-of-the-COVID-19-pandemic-on-the-NHS-1.pdf>

¹⁶ Jamie Burton and Mary-Rachel McCabe (2020) The Coronavirus Bill and Adult Social Care <https://insights.doughtystreet.co.uk/post/102g29e/the-coronavirus-bill-and-adult-social-care>

¹⁷ Special Rapporteur on the right to adequate housing (2020) COVID-19 Guidance Note Protection for those living in Homelessness https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf

¹⁸ REF

¹⁹ UK Government (2018) Overcrowded Households <https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest>

²⁰ New Policy Institute (2020) Accounting for the Variation in the Confirmed Covid-19 Caseload across England: An analysis of the role of multi-generation households, London and time

Key Recommendations:

- Develop a process to incorporate socio-economic rights into UK domestic legislation so as to continue to improve protections for all people
- In England and Northern Ireland enact Section One of the Equality Act 2010
- Develop a framework to allow people with lived experience to feed into policy development
- Make information on COVID -19 accessible to all people, including but not limited to through Easy Read formats, braille, British Sign Language and in hard copy – as well as a campaign to address digital exclusion
- Suspend the National Health Service (Charges to Overseas Visitors) Regulations 2015 and 2017 and all associated immigration checks and data sharing
- Remove the No Recourse to Public Funds condition
- Uplift child benefit; remove the two-child limit; remove the benefit cap; remove the five-week wait that has been built into Universal Credit; and restore the link between the cost of living and social security payments.

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