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Deflation of Rights Amidst the Cost-of- Living Crisis in England

Submission to the European Committee of Social Rights

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Abbreviations

Consumer Price Index	CPI
Convention on the Rights of the Child	UNCRC
Economic, Social and Cultural Rights	ESCR
European Committee of Social Rights	ECSR
European Social Charter	ESC
International Covenant on Economic, Social and Cultural Rights	ICESCR
International Human Rights Law	IHRL
Joseph Rowntree Foundation	JRF
National Health Service	NHS
Non-Governmental Organisation	NGO
Office for National Statistics	ONS
Retail Price Index	RPI
The National Union of Rail, Maritime and Transport Workers	RMT
United Nations Committee on Economic, Social and Cultural Rights	CESCR
United Nations Committee on the Rights of the Child	CRC
United National Human Rights Council	UNHRC
Universal Credit	UC

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Human Rights Local

Launched in 2020, Human Rights Local is a project of the Human Rights Centre of the University of Essex to make human rights locally relevant.

Human Rights Local shows that human rights are closely linked to everyday life by establishing effective relationships with local and community groups, local authorities and other stakeholders. Human Rights Local brings human rights closer to the ground, adapting international standards and principles to the local context. By identifying local priorities and needs, Human Rights Local supports local communities to translate their concerns into rights-based demands for change and create avenues for dialogue and participation.

Published in 2021, the report “Human Rights and Local Government – lessons from human rights cities in Europe” identified some of the common characteristics among nine European cities, three of them in England, as well as the potential benefit of becoming a Human Rights City.¹

Published in 2022, the report “Poverty and Social Rights in Essex” highlighted the state of social rights in and near Colchester, home of the University of Essex Human Rights Centre.² The report combined quantitative and qualitative desk research, as well as 13 in-depth interviews with representatives and local officials, local community groups, local charities and non-profit organisations and academics. “Poverty and Social Rights in Essex” relied on the International Covenant on Economic, Social and Cultural Rights as the normative and analytical framework, focussing on housing, social security, food poverty and child poverty, and access to libraries.

Published in 2023, “Poverty, Child Protection, and the Right to Protection and Assistance to the Family in England” shed light on the dire state of child protection services, advocating for systemic changes to address a harmful culture.³ Drawing on a mix of desk research, data analysis, and interviews and focus

¹ Irem Aref and Koldo Casla, ‘Human Rights and Local Government’ (University of Essex Human Rights Centre and Law School 2021) <<https://www.essex.ac.uk/research-projects/human-rights-local>> accessed 2 September 2022.

² Lyle Barker and Koldo Casla, ‘Poverty and Social Rights in Essex’ (University of Essex Human Rights Centre and Law School 2022) <<https://www.essex.ac.uk/-/media/documents/research-projects/human-rights-local/poverty-and-social-rights-in-essex-county---human-rights-local.pdf?la=en>> accessed 25 October 2022.

³ Lyle Barker and Koldo Casla ‘Poverty, Child Protection, and the Right to Protection and Assistance to the Family in England’ (University of Essex Human Rights Centre and Law School 2023) <<https://www.essex.ac.uk/>>

groups with 33 stakeholders, including parents, social workers, and young adults, the report highlighted discriminatory practices driven by risk aversion. It called for legislative reforms, regulation of for-profit children's homes, and improved support for separated families, emphasising the impact of austerity measures on vulnerable communities. All of this compromises the economic, social and cultural rights of families in poverty, including the right to protection and assistance to the family of Article 10 of the International Covenant on Economic, Social and Cultural Rights.

Find out more about Human Rights Local here: <https://www.essex.ac.uk/research-projects/human-rights-local>

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</media/documents/research-projects/human-rights-local/poverty-child-protection-and-the-right-to-the-protection-and-assistance-to-the-family-report.pdf>> accessed 7 June 2024.

1. Introduction

1.1. The Cost-of-Living Crisis and its Socio-Economic Impact

In recent years, the global cost-of-living crisis has surged, marked by inflationary pressure on essential goods and services, driven by interconnected factors including supply chain disruptions from the COVID-19 pandemic, geopolitical tensions, environmental challenges, income inequality, and inadequate social safety nets.

The UN Global Crisis Response Group in 2022, and the International Monetary Fund in 2023, have both highlighted the emergence of detrimental cycles within the global cost-of-living crisis.⁴ Escalating energy prices have ripple effects, driving up expenses for fertilizers and transportation, subsequently inflating the costs of food production and leading to reduced farm yields, thus perpetuating elevated food prices in subsequent seasons. These challenges compound inflationary metrics, exacerbating pressures on interest rates and tightening financial conditions. Particularly impactful in developing nations, these circumstances erode the purchasing power of currencies, escalate the import costs of food and energy, limit fiscal capacity, and increase the burden of debt servicing.⁵

In Europe the cost-of-living crisis is intensifying financial strain, particularly for marginalised groups, with 93% of Europeans identifying the crisis as the most pressing worry.⁶ In 2022, inflation in the Euro area surged from 2.5% in 2021 to 10%, driven by post-pandemic economic reopening and supply chain disruptions. Energy price spikes contribute to a 42% increase in energy costs and an 11.1% rise in food prices across the continent. However, impacts vary significantly between countries, with energy-driven cost of living increases ranging from under 5% in some nations to over 10% in others. Swift crisis

⁴ United Nations, "Global Crisis Response Group, Brief No. 2" (*United Nations*, 2022)

<https://unctad.org/system/files/official-document/un-gcrg-ukraine-brief-no-2_en.pdf> accessed May 22, 2024; IMF, "Cost Of Living Crisis" (*IMF*, 2023) <<https://www.imf.org/external/pubs/ft/ar/2023/in-focus/cost-of-living-crisis/>> accessed 7 June 2024.

⁵ *ibid*

⁶ European Commission, "Eurobarometer" (*European Commission*, 2022)

<<https://europa.eu/eurobarometer/surveys/detail/2932>> accessed 7 June 2024.

responses and energy efficiency measures mitigate disparities, but the crisis disproportionately burdens low-income households, amplifying inequalities.⁷

Despite a decline in inflation to 2.3% in April 2024,⁸ the UK's cost of living crisis persists. In the UK, inflation surged in 2021-2022, hitting a 41-year high of 11.1% in October 2022. This surge prompted increased interest rates, impacting borrowing costs, particularly for mortgage holders and renters.⁹ Consequently, 55% of adults reported increased expenses in March and April 2024, disproportionately affecting low-income households, especially in food and energy prices.¹⁰ This disparity has fuelled heightened demand for food bank services, evidenced by record-high emergency food parcel distributions,¹¹ along with an uptick in requests for debt advice,¹² indicating widespread financial strain among individuals and families.

Price rise higher than incomes, burdening lower-income households and causing real wages to decline. Household balance sheets have suffered, with a significant decrease in aggregate wealth.¹³ Public finances have also deteriorated, with public debt as a share of national income rising by 6% between 2021/22 and 2023/24.¹⁴ **Despite the recent decline in the first half of 2024, the aggregate inflation of the last three to four years has had enduring repercussions particularly on households at greater risk of harm, disadvantage and discrimination. This crisis has fundamentally altered the landscape of the UK economy, presenting ongoing challenges for households that extend far beyond statistics.**

⁷ Helen Bernard, 'The cost-of-living crisis and poverty in Europe' (Foundation for European Progressive Studies 2024) <<https://feps-europe.eu/wp-content/uploads/2023/01/9.-The-cost-of-living-crisis-and-poverty-in-Europe-by-Helen-Barnard.pdf>> accessed 22 May, 2024.

⁸ Office for National Statistics, "Consumer Price Inflation, UK" (Office for National Statistics, 2024) <<https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/april2024>> accessed 7 June 2024.

⁹ Nye Cominetti, Ian Mulheirn, Cara Pacitti, Simon Pittaway & James Smith, 'Paying the Price: How the inflation surge has reshaped the British economy' (Resolution Foundation 2024) <<https://www.resolutionfoundation.org/app/uploads/2024/05/Paying-the-price.pdf>> accessed 18 May, 2024.

¹⁰ Daniel Harari, Brigid Francis-Devine, Paul Bolton, Matthew Keep, 'Rising cost of living in the UK' (House of Commons Library 2024) <<https://researchbriefings.files.parliament.uk/documents/CBP-9428/CBP-9428.pdf>> accessed 22 May, 2024.

¹¹ Trussell Trust, "End of Year Stats" (*Trussell Trust*, 2024) <<https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>> accessed 7 June 2024

¹² Flourish, "Spotlight on our debt data" (*Flourish*, 2024) <<https://public.flourish.studio/story/1775092/>> accessed 7 June 2024.

¹³ Cominetti et al. (n 9) 5-6, 23-27.

¹⁴ *ibid* 6, 27-30

Interwoven with a multitude of concurrent challenges, the cost-of-living crisis does not exist in isolation but rather as part of a complex tapestry of crises. This intricate dynamic signifies the simultaneous occurrence of interconnected challenges, whose collective impact exceeds the sum of their individual consequences. The effects of the cost-of-living crisis are compounded by the aftermath of the late 2000s financial crises, during which austerity measures weakened social safety nets, concurrent with the COVID-19 crisis, the war in Ukraine, and the climate crisis. Ultimately, **as observed by the Chair of the European Committee of Social Rights (ECSR), Aoife Nolan, “[a]ll these crises combine to threaten profoundly the enjoyment of human rights, whether social, political, civil, economic, cultural or environmental in nature.”¹⁵**

1.2. The Cost-of-Living Crisis and ESCR in the UK

Declines in household income impact various human rights, particularly economic, social, and cultural rights (ESCR). In the UK, soaring food prices are impeding access to adequate food, affecting the right to food and contributing to a food-bank epidemic.¹⁶ Increased expenses strain housing affordability, impacting the right to adequate housing.¹⁷ High energy costs restrict access to basic utilities, such as clothing and sanitary products, undermining living standards and sanitation rights.¹⁸ Cuts to the NHS, and stagnant wages for doctors and nurses, are impacting health services and jeopardising the right to health.¹⁹ Inflation-driven wage disparities are undermining fair working conditions, infringing on the rights to work.²⁰ Inadequate adjustments of social security benefits compromise family protection and

¹⁵ Aoife Nolan, 'Human Rights and the Cost-of-Living Crisis' (2023) 41 *Netherlands Quarterly of Human Rights* 5 <<https://doi.org/10.1177/09240519231156060>> accessed 22 May, 2024.

¹⁶ Food Foundation, 'From purse to plate: implications of the cost of living crisis on health' (Food Foundation 2023) <https://foodfoundation.org.uk/sites/default/files/2023-03/TFF_Cost%20of%20living%20briefing.pdf> accessed 7 June 2024.

¹⁷ Crisis, 'a tale of two crisses: housing and the cost of living' (Crisis 2023) <https://www.crisis.org.uk/media/249008/a_tale_of_two_crisses_housing_and_the_cost_of_living.pdf> accessed 22 May 2024.

¹⁸ DJS Research, "Our research finds that Millennials are the generation affected most significantly by the cost of living crisis" (*DJS Research*, 2023) <<https://www.djsresearch.co.uk/news/article/Our-research-finds-that-Millennials-are-the-generation-affected-most-significantly-by-the-cost-of-living-crisis>> accessed 22 May, 2024.

¹⁹ NHS Providers, 'Rising living costs – the impact on NHS, staff and patients' (NHS Providers 2022) <<https://nhsproviders.org/media/694201/nhs-providers-cost-of-living-survey-briefing-september-2022.pdf>> accessed 22 May, 2024.

²⁰ Cominetti et al. (n 9) 4, 11-16.

healthcare access, threatening social security rights.²¹ Rising energy expenses for schools may lead to budget cuts, impacting the right to education.²²

Inflationary pressures on essential goods and services pose a risk of regression in the enjoyment of ESCR, with retrogression often resulting from governmental inaction. The obligation to prevent regression of ESCR (non-retrogression) is firmly established in international human rights law (IHRL), with retrogression only being justified by establishing that the contrary actions “were necessary, non-discriminatory, proportional, and temporary in nature.”²³ The Committee on Economic, Social and Cultural Rights (CESCR) has addressed inflation and the cost-of-living crisis in its recommendations to states, urging actions such as safeguarding benefits against inflation,²⁴ regularly aligning minimum wages with living costs,²⁵ conducting reviews to index benefits and minimum wages to real living expenses,²⁶ implementing strategies to counteract rising food prices, and regulating increases in the costs of essential social programmes while subsidising their expenses.²⁷ Additionally, when the cost of living rises beyond what households need for essential rights like food, healthcare, and housing, it indicates a failure to meet minimum core obligations.²⁸ Under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), states must demonstrate that they have utilised their maximum available resources to fulfil these obligations. **States should maximise ESCR enjoyment through prudent fiscal policies, including targeted cash transfers and progressive taxation to combat the cost-of-living crisis.**²⁹

The ECSR has made clear that “the economic crisis should not have as a consequence the reduction of the protection of the rights recognised by the Charter. Hence, the governments are bound to take all necessary steps to ensure that the rights of the Charter are effectively guaranteed at a period of time

²¹ *ibid* 16-18

²² NFER, ‘Cost-of-living crisis: Impact on schools’ (NFER 2023) 14-22

<https://www.nfer.ac.uk/media/j1qbbzkw/cost_of_living_impact_on_schools_school_provision.pdf> accessed 22 May, 2024.

²³ OHCHR, ‘Guiding Principles on Human Rights Impact Assessment of Economic Reforms’ (OHCHR 202) 6

<https://www.ohchr.org/sites/default/files/Documents/Issues/IEDebt/GuidePrinciples_EN.pdf> accessed 22 May, 2024.

²⁴ CESCR ‘Concluding observations on the fourth periodic report of Argentina’ (2018) UN Doc E/C.12/ARG/CO/4 para 44.

²⁵ CESCR ‘Concluding observations on the initial report of Qatar’ (2023) Un Doc E/C.12/QAT/CO/1 para 47(b).

²⁶ CESCR ‘Concluding observations on the sixth periodic report of Italy’ (2022) Un Doc E/C.12/ITA/CO/6 para 48.

²⁷ CESCR (n 24).

²⁸ *Mental Disability Advocacy Centre (MDAC) v Bulgaria* Collective Complaint No 41/2007, Merits (3 June 2008), para 39; CESCR ‘General Comment No. 3: The Nature of States Parties’ Obligations’ (1990) Un Doc E/1991/23 paras 9-10; CESCR ‘General Comment No. 19: The right to social security’ (2008) UN Doc E/C.12/GC/19 para 60.

²⁹ *ibid*

when beneficiaries need the protection most.”³⁰ While not explicitly included in the European Social Charter (ESC), on the basis of its Preamble, the ECSR interprets progressive realisation dynamically, focusing on positive and negative obligations in each provision of the ESC.³¹ The ECSR emphasises the need for states to adopt necessary measures, maintain statistics, review strategies regularly, establish timetables, and prioritise marginalised groups to ensure effective compliance with the Charter.³² **States must demonstrate reasonable timeframes, measurable progress, and financing consistent with maximum resource utilisation.**³³

1.3. Methodology

This study employs a quantitative socio-legal research approach to examine the social, economic and cultural impact of the failing social security safety net on marginalised populations in the UK with a specific focus on England, and the country’s public transport crisis. The methodology integrates standards established by the ECSR under the original 1961 European Social Charter ESC and relevant IHRL standards, including those outlined in the International Covenant on ICESCR and the Convention on the Rights of the Child (UNCRC), all signed and ratified by the UK. This framework guides the assessment of the UK Government’s policies and practices, ensuring alignment with international norms and principles.

A review of literature, reports, and data pertaining to public transport and social security systems in the UK, particularly England, was conducted. Sources include official government publications, academic articles, reports from non-governmental organisations (NGOs), and international human rights bodies. Data encompassing public transport usage, service provision, affordability, and socio-economic indicators was collected to provide a holistic understanding of the issues. The analysis of the UK’s social security system encompasses an examination of Universal Credit and legacy benefits, along with financial crisis support provided through local welfare assistance programmes. This analysis includes an assessment of the impact of austerity measures, stigma towards benefit claimants and benefit caps,

³⁰ ECSR ‘General introduction to Conclusions XIX-2’ (2009) para 15. Collective Complaints Nos 65/2011, 66/2011, 76–80/2011 and 111/2014 against Greece.

³¹ ESCR *Roma Rights Centre v Bulgaria* Collective Complaint No 31/2005, Merits (18 October 2006), para 37; *Autism-Europe v France* Collective Complaint No 13/2000, Merits (4 November 2003), para 53.

³² Nikolaos A Papadopoulos, ‘Revisiting the Preamble of the European Social Charter: Paper Tiger or Blessing in Disguise?’ (2021) 22 Human Rights Law Review 11-12 <<https://doi.org/10.1093/hrlr/ngab021>> accessed 7 June 2024.

³³ *ibid* 12-14; *Mental Disability Advocacy Centre (MDAC) v Bulgaria Collective* (n 28).

and the two-child limit on the adequacy and accessibility of social security benefits, particularly concerning groups at greater risk of harm, disadvantage and discrimination.

Based on the findings of the analysis, policy recommendations are formulated to address the identified challenges and shortcomings in the public transport system and social security framework. These recommendations aim to promote compliance with IHRL standards, enhance access to essential services, and safeguard the rights of marginalised populations.

1.4. Structure

This report responds to the call from the ECSR by addressing the cost-of-living crisis in accordance with the Ministers' Deputies' decision of September 27, 2022.³⁴ It examines the impact of the crisis on ESCR within the context of England's social security and public transport systems. By highlighting the challenges faced by groups at greater risk of harm, disadvantage and discrimination due to rising costs and service cutbacks, the report contributes to the ongoing dialogue on ESCR and inequalities in the wake of the cost-of-living crisis.

Chapter 1 provides an overview of the escalating global cost-of-living crisis. Focusing on how it has been exacerbated by factors like the COVID-19 pandemic and geopolitical tensions, impacting households' financial stability and how, even with inflation currently at 2.3% in the UK, high inflation from 2020-24 continues to disproportionately effect marginalised groups. The chapter highlights the challenges to ECSR this crisis has raised, emphasising the need for policies aligned with international human rights standards. The chapter also outlines the methodology used for this research.

Chapter 2 delves into the UK's social security system, examining the impact of the cost-of-living crisis on Universal Credit, legacy benefits, and local welfare assistance programmes. It addresses the stigma associated with benefit claimants, the ramifications of the two-child limit, and the importance of local welfare assistance in mitigating financial crises. The chapter underscores the need for reforms to uphold international human rights standards and ensure equitable access to essential support services for all households, particularly those facing economic hardships.

³⁴ Council of Europe, "Third Party Organisations Invited to Submit Additional Information to ECSR on Ad Hoc Reports on the Cost-of-Living Crisis by 30 June 2024" (*Council of Europe*, 2024) <<https://www.coe.int/en/web/european-social-charter/-/third-party-organisations-invited-to-submit-additional-information-to-ecsr-on-ad-hoc-reports-on-the-cost-of-living-crisis-by-30-june-2024>> accessed 7 June 2024.

Chapter 3 looks at England's public transport crisis, examining its impact on ESCR. It discusses how rising costs and service cutbacks disproportionately affect marginalised communities, exacerbating inequalities. The chapter also explores the consequences of austerity measures, privatisation, and the cost-of-living crisis on public transportation accessibility and affordability. Additionally, it addresses challenges faced by children, older people, and people with disabilities in accessing essential services due to inadequate public transport.

Finally, chapter 4 provides a conclusion to the compounded challenges of the UK's social security and public transport systems due to the ongoing cost-of-living crisis. It calls for urgent reforms to address systemic inequalities, improve support for marginalised groups, and enhance public transportation. The chapter concludes with specific recommendations for the UK Government to its IHRL obligations in relation to ESCR are upheld.

2. A Failing Safety Net

2.1. Social Security in the UK

In its ad hoc report to the ECSR on the cost-of-living crisis, the UK Government addressed queries regarding changes to its social security system since late 2021 and the indexing of social security benefits to the cost of living. They reported an expenditure of approximately £276 billion in 2023/24 on the social security system, highlighting the implementation of Cost-of-Living Payments totalling nearly £15 billion and aid for marginalised groups.³⁵ The Government's report also discussed the annual adjustments of social security benefits, including State Pensions, to align with changes in the cost of living, emphasising the Triple Lock commitment to state pensions to ensure stability for pensioners.³⁶ The UK Government note that working-age benefits and extra-needs disability benefits increased in line with the consumer price index (CPI) for the year to September 2020, and the benefit cap levels rose by 10.1% from April 2023.³⁷ Additionally, the Government said to plan to spend around £19 billion in 2024/25 on increasing State Pensions and benefit rates, with significant allocations for pensioner benefits and other forms of assistance.³⁸

Universal Credit was introduced through the Welfare Reform Act 2012 as a flagship reform of the UK social security system. It aimed to simplify welfare provision by merging several means-tested benefits, including Housing Benefit, Income Support, and Jobseeker's Allowance, into a single payment. The implementation of Universal Credit has faced criticism for various reasons, including delays in payments and the digital-by-default approach, which can pose challenges for claimants, particularly those with limited digital literacy or access to technology.³⁹ Alongside Universal Credit, legacy benefits continue to play a significant role, providing support to individuals who have not transitioned to Universal Credit or are ineligible for it, with around 2.2 million people still in receipt of these benefits as

³⁵ UK Government, 'European Social Charter: Ad hoc report on the cost-of-living crisis submitted by the Government of the United Kingdom' (Council of Europe 2023) 10 <<https://rm.coe.int/uk-ad-hoc-report-on-the-cost-of-living-crisis/1680ae111b>> accessed 7 June 2024.

³⁶ *ibid* 15

³⁷ *ibid* 17

³⁸ *ibid* 18

³⁹ UNHRC 'Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on extreme poverty and human rights' (2019) UN Doc A/HRC/41/39/Add.1 paras 11-13.

March 2023.⁴⁰ Financial crisis support in England is also delivered through local welfare assistance, encompassing a range of programmes and initiatives operated by both local authorities and voluntary organisations. These initiatives offer timely and discretionary financial aid to individuals and families encountering crises or unexpected expenses.

Since the 2010s, austerity measures have eroded the UK's social security system safety net, rendering it incapable of adequately assisting those most in need.⁴¹ The benefit cap, introduced in 2013 and the two-child limit, introduced in 2017 have imposed restrictions on the benefits certain families could access, regardless of their actual need. According to the Resolution Foundation, nearly half a million families feel the impact of at least one of these policies in 2024. While the benefit cap primarily affects unemployed families, the two-child limit affects families irrespective of their employment status. With six out of ten families affected by the two-child limit have at least one working adult.⁴²

The Joseph Rowntree Foundation (JRF) reports that Universal Credit is now at its lowest real-term level since it was established, leaving the basic needs of 66% of the public unmet. Research highlights a significant gap between essential costs and what Universal Credit offers. For example, while a single adult needs £120 per week for essentials, the standard allowance is only £85, leaving a £35 shortfall. This gap is even wider for young adults and couples.⁴³ Additionally, deductions from Universal Credit worsen this financial strain, with nine out of ten low-income households unable to afford necessities, leading to increased reliance on food banks.⁴⁴ This lack of support not only perpetuates financial hardship but also hinders individuals' ability to find and maintain employment, exacerbating social exclusion and mental health challenges. In May 2024, the Resolution Foundation also reported that wages were falling behind rising prices, decreasing by 2.3% since early 2021. Benefits have been

⁴⁰ House of Commons Committee of Public Accounts, 'Progress in implementing Universal Credit Twenty-Ninth Report of Session 2023–24' (House of Commons Library 2024) 4

<<https://committees.parliament.uk/publications/44438/documents/220821/default/>> accessed 7 June 2024.

⁴¹ Anna Barford and Mia Gray, 'The Tattered State: Falling through the Social Safety Net' (2022) 137 *Geoforum* <<https://doi.org/10.1016/j.geoforum.2022.09.020>> accessed 7 June 2024.

⁴² Lalitha Try, 'Catastrophic caps: An analysis of the impact of the two-child limit and the benefit cap' (Resolution Foundation 2024) 1 <<https://www.resolutionfoundation.org/app/uploads/2024/01/Catastrophic-Caps.pdf>> accessed 7 June 2024.

⁴³ Ian Porter, Maudie Johnson-Hunter, "Inadequate Universal Credit and barriers to work" (*Joseph Rowntree Foundation*, 2023) <<https://www.irf.org.uk/social-security/inadequate-universal-credit-and-barriers-to-work>> accessed 7 June 2024; Trussell Trust, Joseph Rowntree Foundation, "Guarantee our Essentials: reforming Universal Credit to ensure we can all afford the essentials in hard times" (Joseph Rowntree Foundation, 2024) 4 <<https://www.irf.org.uk/report/guarantee-our-essentials>> accessed 7 June 2024.

⁴⁴ *ibid* 7

protected from inflation.⁴⁵ **However, it is crucial to note that while there may be a general level of inflation in the country, the real inflation experienced by those with less purchasing power is higher, particularly when the costs of essentials rise quicker and more than other items measured in the inflation rate.** Therefore, JRF and other UK NGOs have proposed an Essentials Guarantee within Universal Credit, an initiative that has gained broad support, offering a legislative framework to prevent destitution and facilitate recovery amidst the cost-of-living crisis.⁴⁶ At a minimum, the UK Government should commit to raising benefits not merely in line with inflation, but to levels that ensure those with less purchasing power can afford basic essentials.⁴⁷

Despite Government's pledges to implement a "levelling up agenda" to enhance people's lives,⁴⁸ the stark reality is that the social security system remains in urgent need of reform. **This failure to tackle a failing safety net puts the most marginalised at further risk, especially amid a deepening cost-of-living crisis.**

In its General Comment No. 19, the CESCR stated State **Parties must use their maximum available resources to progressively realise access to and maintenance of benefits** in various circumstances, including lack of income due to factors like illness, disability, maternity, job-related injuries, unemployment, old age, or loss of a family member, healthcare and inadequate family support, especially for children and adult dependents.⁴⁹ The provision of adequate social security is pivotal in reducing and alleviating poverty, while also serving as a prerequisite for fulfilling other rights, such as the right to an adequate standard of living.⁵⁰

⁴⁵ Torsten Bell, "The End of the Inflation Shock" (*Resolution Foundation*, 2024)

<<https://www.resolutionfoundation.org/comment/the-end-of-the-inflation-shock/>> accessed 7 June 2024.

⁴⁶ Trussell Trust, Joseph Rowntree Foundation (n 43).

⁴⁷ Action for Children UK, "Why We're Urging the Government to Raise Benefits" (*Action for Children*, 2023)

<<https://www.actionforchildren.org.uk/blog/the-cost-of-living-crisis-far-from-over/>> accessed 7 June 2024; Sam Ray-Chaudhuri and Tom Waters, "Using October Rather than September Inflation to Uprate Working-Age Benefits Represents a £3 Billion Cut" (*Institute for Fiscal Studies*, 2023) <<https://ifs.org.uk/articles/using-october-rather-september-inflation-uprate-working-age-benefits-represents-ps3>> accessed 7 June 2024.

⁴⁸ UK Government, 'Levelling Up: Levelling Up the United Kingdom Executive Summary' (UK Government 2022)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052046/Executive_Summary.pdf> accessed 2 April 2024.

⁴⁹ CESCR 'General Comment No. 19: The Right to Social Security' (2008) UN Doc E/C.12/GC/19 paras 2, 12-27.

⁵⁰ *ibid* paras 1, 3

The ECSR notes that **"it is of paramount importance that social security systems are adequate to protect the population"**. It underscores that a robust social security framework should effectively uphold the right to social security, especially concerning the benefits provided across various categories.⁵¹ The European Committee further asserts that income replacement benefits must be reasonably proportionate to an individual's prior income and should not dip below the poverty threshold, defined as 50% of the median equivalised income according to Eurostat's at-risk-of-poverty threshold value.⁵² If an income replacement benefit falls between 40 and 50% of the median equivalised income, the Committee will also take into account other pertinent benefits.⁵³ **However, should the minimum level of an income replacement benefit drop below 40% of the median equivalised income, it is deemed inadequate, and the availability of additional benefits cannot rectify the situation to meet the standards set forth.**⁵⁴ Hence, considering Universal Credit's failure to adequately support single adults, young adults, and couples in meeting their basic needs, it falls short of meeting this criterion. Other **international human rights bodies have denounced that austerity measures and policies are contrary to the realisation of ESCR, and specifically the right to social security.**⁵⁵ **In consideration of this, the UK Government should ensure that Universal Credit payments meet the essentials guarantee.**

2.2. Stigma Towards Those that Claim Benefits

The UK Government's contentious approach towards benefit claimants has roots in a multifaceted blend of political, economic, and social dynamics. Throughout successive administrations, strategies

⁵¹ Lyle Barker, 'The Right to Social Security' in Stefano Angeleri, Koldo Casla and Sébastien van Drooghenbroeck (eds), *The European Social Charter: A Commentary* (Brill 2024) 27 <http://dx.doi.org/10.1163/9789004434141_003> accessed 7 June 2024; Council of Europe, Case-law on the European Social Charter, Supplement No.3, Council of Europe 1993, p. 113.

⁵² Barker (n 51) 38; ESCR 'Conclusions xxi- 2 (2017), United Kingdom'.

⁵³ Barker (n 51) 38; ESCR 'Conclusions 2013, Hungary'.

⁵⁴ Barker (n 51) 38; ESCR 'Conclusions 2013, Finland'; ESCR *Finnish Society of Social Rights v. Finland* Complaint No 88/2012, Merits (9 September 2014), paras 59– 63; ECSCR *Federation of Employed Pensioners of Greece (ika- etam) v. Greece* Complaint No 76/ 2012, Merits (7 December 2012), para 74.

⁵⁵ CESCR 'Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (2016) paras 18, 19, 40, 41, 42; OHCHR 'Report on Austerity Measures and Economic and Social Rights' (2013) UN Doc E/2013/82; Thorbjørn Jagland, 'Report by the Secretary General for the Ministerial Session in Helsinki, 129th Session of the Committee of Ministers: Ready for future challenges- reinforcing the Council of Europe' (Council of Europe 2019) 19

<<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168093af03>> accessed 7 June 2024.

have been deployed to shape public opinion about welfare recipients, often painting them in disparaging terms as idle or undeserving. This vilification escalated notably during times of economic austerity, where welfare reforms were justified as necessary steps to combat fraud and encourage self-reliance.⁵⁶ Stigmatisation has persisted under the current Prime Minister, Rishi Sunak, who, in April 2024, announced a crackdown on "sicknote culture" and an excessive reliance on medicalising common life challenges and concerns, adding that "good work" can have a positive impact on both mental and physical well-being.⁵⁷ However, as of December 2023, 38% of people receiving Universal Credit were, in fact, employed, indicating that Universal Credit alone may not provide sufficient resources for essential needs.⁵⁸

Measures like the implementation of Universal Credit and stringent sanctions have exacerbated this stigma, subjecting claimants to heightened scrutiny, punitive measures, and public ridicule. Whilst the Department for Work and Pensions reported that only 3.6% (£8.3 billion) of total benefit expenditure was overpaid due to fraud and error in 2022/23.⁵⁹ Media portrayals and political rhetoric labelling benefit claimants as "scroungers" or "welfare cheats" have fuelled a divisive narrative, eroding empathy and solidarity while perpetuating misconceptions about poverty and reliance on welfare. Consequently, marginalised individuals and families seeking assistance not only confront a labyrinthine bureaucratic process but also grapple with societal prejudice and discrimination. This rhetoric of cracking down on benefit claimants has been a recurring theme in political discourse, overshadowing larger issues such as tax avoidance and financial fraud, and diverting attention from systemic economic challenges.⁶⁰ Stigma against benefit claimants reflects povertyism, a concept introduced by ATD Fourth World and its allies in 2008, and later adopted by UN Special Rapporteur on Extreme Poverty and Human Rights, Olivier de Schutter, to address discrimination based on poverty or socio-economic status.⁶¹ This

⁵⁶ Darren McGarvey, "The Toxic Trope of 'Benefit Scroungers'" (*UnHerd*, 2024) <<https://unherd.com/2024/04/the-toxic-trope-of-benefit-scroungers/?=frlh>> accessed 7 June 2024.

⁵⁷ Elliott Johnson, Howard Reed, Matthew T. Johnson, "Rishi Sunak Wants to Cut the Cost of 'Sicknote' Britain. But We've Found a Strong Economic Case for Benefits" (*The Conversation*, 2024) <<https://theconversation.com/rishi-sunak-wants-to-cut-the-cost-of-sicknote-britain-but-weve-found-a-strong-economic-case-for-benefits-228561>> accessed 7 June 2024.

⁵⁸ UK Department for Work and Pensions, "Universal Credit Statistics, 29 April 2013 to 11 January 2024" (*UK Government*, 2024) <<https://www.gov.uk/government/statistics/universal-credit-statistics-29-april-2013-to-11-january-2024/universal-credit-statistics-29-april-2013-to-11-january-2024>> accessed 7 June 2024.

⁵⁹ UK Department for Work and Pensions, "Fraud and Error in the Benefit System: Financial Year 2022 to 2023 Estimates" (*GOV.UK*, May 11, 2023) <<https://www.gov.uk/government/statistics/fraud-and-error-in-the-benefit-system-financial-year-2022-to-2023-estimates>> accessed 7 June 2024.

⁶⁰ McGarvey (n 56).

⁶¹ UNHRC 'Report by Special Rapporteur on Extreme Poverty and Human Rights' (2022) UN Doc A/77/157 paras 4, 46.

prejudice perpetuates negative stereotypes, portraying claimants as lazy or undeserving, and is often fuelled by political rhetoric and media portrayals. The CESCR has stated that, **to eradicate indirect and direct discrimination, State Parties have a duty to implement specific measures to mitigate or eradicate conditions that sustain discrimination.**⁶² The CESCR has also noted that **any social security benefits should be accessible without discrimination of any kind.**⁶³

The public outcry often fails to align with the actual scale of benefit fraud. Additionally, the rhetoric of blaming benefit claimants for economic woes overlooks structural issues like low-wage labour markets and inadequate public services, exacerbating social inequalities.⁶⁴ **The UK Government should refrain from the pursuance of such toxic rhetoric.**

2.3. The Two-Child Limit in England

The two-child limit, introduced in the 2015 Summer Budget and enforced from April 2017 as part of austerity-related budget cuts, restricts welfare support to a maximum of two children per family. Before this policy, families could receive means-tested support for their children. However, the implementation of the two-child limit meant that families with a child born after April 2017, who already had two siblings, could not receive welfare support for this child or any subsequent children.⁶⁵ The Resolution Foundation reports that the two-child limit imposes a significant financial burden on low-income families, resulting in a loss of approximately £3,200 annually for any child born after April 2017 beyond the second child. This reduction in benefits has a profound impact on poverty rates, with projections indicating a sharp increase from 34% to 51% in the poverty rate among children in larger families by 2028-29. Conversely, the poverty rate among two-child families is expected to remain relatively stable at around 25% during the same period. Additionally, larger families face worse outcomes across various indicators: in 2021/22, 75% of them experienced material deprivation, compared to 34% of families with fewer than three children; and 16% of larger families faced food insecurity, in contrast to 7% of families with fewer than three children.⁶⁶

⁶² CESCR 'General Comment No. 20: Non-discrimination in economic, social and cultural rights' (2009) UN Doc E/C.12/GC/20 para 9.

⁶³ CESCR CG No. 19 (n 49) paras 2, 4, 40, 62.

⁶⁴ McGarvey (n 56); Johnson et al. (n 57).

⁶⁵ UK Department for Work and Pensions, "Families with More than 2 Children: Claiming Benefits" (*UK Government*, 2017) <<https://www.gov.uk/guidance/claiming-benefits-for-2-or-more-children>> accessed 7 June 2024.

⁶⁶ Try (n 42).

The Committee on the Rights of the Child (CRC) has noted that States should ensure that laws and policies support resource mobilisation, budget allocation, and spending to realise children's rights. The CRC emphasises principles such as non-discrimination, the best interests of the child, and the right to life, survival, and development. Implementing children's rights requires States Parties to mobilise, allocate, and spend public resources in a manner consistent with their obligations of implementation.⁶⁷ The CESCR highlights the importance of family benefits for realising the rights of children and adult dependents to protection under the Covenant. Such **benefits should be provided without discrimination and cover essential needs such as food, clothing, housing, water, and sanitation.**⁶⁸

The ECSR stresses **the need for family benefits to constitute an adequate income supplement for families, adjusted as necessary to keep pace with inflation.**⁶⁹

The Resolution Foundation estimates that the removal of the two-child limit could lift half a million children out of poverty at a cost of £2.5 billion annually; this would rise to £3.6 billion in 2024/25 prices if the two-child limit applied to all families claiming Universal Credit.⁷⁰ **To uphold its IHRL obligations, the UK Government should abolish the two-child limit.**

2.4. Local Welfare Assistance in England

Since 2013, local assistance programmes have played a crucial role in England's social safety net. However, these programmes have faced inconsistent funding, resulting in unequal access to vital support across different regions. During the pandemic, initiatives like the Household Support Fund (HSF) provided significant reinforcement, especially as rising living costs placed greater strain on households.⁷¹ Through this fund, according to the Department for Work and Pensions, by October 2023, nearly £800 million had been disbursed to families with children, aiming to alleviate the financial

⁶⁷ UN Committee on the Rights of the Child 'General comment No. 19 (2016) on public budgeting 34 for the realisation of children's rights' (2016) UN Doc CRC/C/GC/19 paras 19, 21(a), 23.

⁶⁸ General Comment No. 19 (n 49) para 18.

⁶⁹ ECSR 'Conclusions 2006, Statement of Interpretation on Article 16'; ESCR 'Conclusions XVII-1, The Netherlands (Aruba)' (2005).

⁷⁰ *ibid*

⁷¹ Ali Cooper, Ivy Mullen, 'No crib for a bed: a closer look at bed poverty and the Household Support Fund crisis' (Bernardo's 2024) <<https://www.barnardos.org.uk/sites/default/files/2024-02/No%20crib%20for%20a%20bed%20Poverty%20briefing%20FOI%20data.pdf>> accessed 7 June 2024.

burden, with more 26 million in awards between October 2021 and March 2023.⁷² While the HSF was extended for six more months in the 2024 Spring Budget,⁷³ **it neglects to meet the continual requirement for a sustainable local welfare safety net that serves as a backup for the inadequacies of the social security system.**

Many households continue to struggle with expenses surpassing their incomes, leaving them vulnerable to financial shocks. Unexpected life events such as job loss, bereavement, or appliance breakdowns can plunge individuals and families into crisis. Responsive support from local authorities can prevent them from falling into debt and destitution. With national funding set to expire in September 2024, there is growing concern that most local welfare support will disappear, leaving financially strapped local authorities to manage diminished schemes.

In a January 2024 survey, the Local Government Association reported that 50% of councils would be unable to fund additional local welfare schemes without continued HSF funding against the backdrop of a £4 billion local government funding gap.⁷⁴ Local assistance programmes, including crisis support and aid from voluntary and community sectors, are vital components of the local ecosystem aimed at helping families regain financial stability after unexpected challenges. These programmes offer timely and discretionary assistance to those in need, often in the form of direct grants or in-kind support.⁷⁵ Even if social security payments were adequate, households must have access to financial support during unexpected crises. Evidence from National Audit Office shows that an investment of £500,000 into local welfare assistance generated £9.7 million in savings to other public services.⁷⁶ However,

⁷² UK Department for Work and Pensions, “Families in Need Encouraged to Check for Local Cost-of-Living Support as 26 Million Awards Already Made” (*UK Government*, 2023) <<https://www.gov.uk/government/news/families-in-need-encouraged-to-check-for-local-cost-of-living-support-as-26-million-awards-already-made>> accessed 7 June 2024.

⁷³ UK HM Treasury, “Spring Budget 2024” (*UK Government*, 2024) <<https://www.gov.uk/government/publications/spring-budget-2024/spring-budget-2024-html>> accessed 7 June 2024.

⁷⁴ Local Government Association, ‘Household Support Fund Survey Report’ (Local Government Association 2024) 1-2 <<https://www.local.gov.uk/sites/default/files/documents/Household%20Support%20Fund%20Survey%20Report%202024.pdf>> accessed 7 June 2024; Local Government Association, “Save local services: Council pressures explained” (*Local Government Association*, 2023) <<https://www.local.gov.uk/about/campaigns/save-local-services/save-local-services-council-p pressures-explained#:~:text=Without%20Government%20action%2C%20councils%20face,cost%2Dof%2Dliving%20crisis>> accessed 7 June 2024.

⁷⁵ David Bond, Claire Donovan, ‘On the Cliff Edge: Crisis Support 2022/23’ (End Furniture Poverty 2023) 56 <<https://endfurniturepoverty.org/wp-content/uploads/2023/11/On-the-Cliff-Edge-The-State-of-Crisis-Support-2022-23-Final1.pdf>> accessed 7 June 2024.

⁷⁶ National Audit Office, ‘Local Government Report: Local Welfare Provision’ (National Audit Office 2016) 32 <<https://www.nao.org.uk/wp-content/uploads/2016/01/Local-welfare-provision.pdf>> accessed 7 June 2024.

without continued national funding, many local authorities may be forced to scale back or close their welfare schemes, leaving millions without essential support.

The provision of local welfare assistance carries significant human rights implications, particularly concerning social assistance and benefits delivery. While Article 13(1) ESC does not prescribe a specific form for social assistance, it mandates that such assistance should cover the entire population.⁷⁷ **States remain accountable for upholding international obligations, including the effective exercise of responsibilities by sub-national bodies.** Therefore, while there may be variations in the level of protection across regions, a reasonable uniformity of treatment is required under the Charter.⁷⁸ Additionally, Article 13(3) ESC **underscores the preventive, supportive, and treatment roles of social services, emphasising the importance of providing advice and assistance to individuals to access their entitlements effectively.** Moreover, as observed by the ECSR, the welfare system should adopt an integrated strategy to alleviate poverty and empower individuals, with a focus on tailored benefits and services adapted to their needs and circumstances.⁷⁹

The UK Government should extend the Household Support Fund until March 2025 to offer transitional funding while a sustainable long-term scheme is developed and put into effect. Additionally, **the Government should allocate long-term ring-fenced funding and offer guidance to ensure that every local authority in England operates a scheme that provides cash-first support to individuals in crisis, accompanied by comprehensive advice to help them regain stability.** Initially, this funding should match the level provided through the Household Support Fund.⁸⁰

While the UK Government's recent initiatives like its Cost-of-Living Payments and increases in certain benefits demonstrate recognition of the need to support groups at greater risk of harm, disadvantage and discrimination, further action is required to meet fully meet their IHRL obligations. Specifically, Universal Credit must be reformed to ensure it meets essential needs and is adjusted in line with inflation. Efforts to combat benefit stigma and abolish policies like the two-child limit are essential for equitable access to support. Additionally, long-term funding for local welfare

⁷⁷ ECSR 'Conclusions XIII-4, Statement of Interpretation on Article 13(1)' (1996); ECSR 'Conclusions 2006, Republic of Moldova'.

⁷⁸ ESCR 'Conclusions 2013, Italy'.

⁷⁹ ECSR 'Conclusions XIV-1, Statement of Interpretation on Article 13' (1998).

⁸⁰ Turn2Us, 'Strengthening Local Welfare Assistance Briefing' (Turn2Us 2024)

<<https://www.turn2us.org.uk/Turn2Us/media/Downloads/Strengthening-Local-Welfare-Assistance-Briefing-October-2021-FINAL.pdf>> accessed 7 June 2024.

assistance programmes is crucial to provide vital support during crises. Addressing these issues comprehensively will ensure the government meets its duty to provide adequate social security and assistance in line with international human rights standards.

3. England's Public Transport Crisis

The UK's ad hoc report on the cost-of-living crisis to the ECSR fails to acknowledge the significant impact of the crisis on public transport accessibility and affordability. This omission overlooks the crucial linkage between accessible transportation and the realisation of socio-economic rights.

While public transport is not explicitly recognised as a right in the ESC and ICESCR, its importance intersects with various rights enshrined in these instruments. **The failures ingrained in the UK's public transportation system extend beyond mere inconvenience, resulting in significant negative impacts on socio-economic rights.**⁸¹

3.1. Public Transport and Economic, Social and Cultural Rights

Public transport is vital for low-income families and individuals, providing access to public services, education and jobs, which are crucial for enabling social mobility. In 2020, the Health Foundation reported that 37% of the poorest fifth of households did not have access to a car and therefore had no choice but to rely heavily on public transport.⁸² Research from the UK Government Office for Science in 2019 showed that low-income households often spend a relatively large proportion of their income on commuting costs: around 25% compared with the average of approximately 13%.⁸³ Asylum seekers face even greater difficulties, surviving on a fixed income of £49.18 per week and not permitted to work, reduced to £8.86 if the accommodation provides meals, making essential travel virtually unaffordable.⁸⁴

⁸¹ Philip Alston, Bassam Khawaja, Rebecca Riddell, 'Public Transport, Private Profit: The Human Cost of Privatizing Buses in the United Kingdom' (Centre for Human Rights & Global Justice) 21-28 <<https://chrgj.org/wp-content/uploads/2021/07/Report-Public-Transport-Private-Profit.pdf>> accessed 7 June 2024.

⁸² The Health Foundation, "Trends in households without access to a car" (*The Health Foundation*, 2023) <<https://www.health.org.uk/evidence-hub/transport/transport-trends/trends-in-households-without-access-to-a-car>> accessed 7 June 2024.

⁸³ Karen Lucas, Gordon Stokes, Jeroen Bastiaanssen, Julian Burkinshaw, 'Inequalities in Mobility and Access in the UK Transport System' (Government Office for Science 2019) 8 <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784685/future_of_mobility_access.pdf> accessed 7 June 2024.

⁸⁴ UK Government Digital Service, "Asylum Support" (*UK Government*, 2012) <<https://www.gov.uk/asylum-support/what-youll-get>> accessed 7 June 2024.

Rising transportation costs, service cutbacks, and the privatisation of UK public transport present significant barriers, leading some to prioritise transportation expenses over basic needs like food and utilities. Inadequate and unreliable public transport systems can also impede job searches, prolong commutes, and can result in job loss. Poor public transport is also preventing families and individuals from accessing essential groceries. The Office for Science reported that over 6% of the population, approximately 3.34 million individuals, cannot reach any food outlets within a 15-minute public transport journey.⁸⁵ This lack of food access in marginalised areas often leads to limited dietary options and related health issues, such as heart disease, diabetes, obesity, and cancer.⁸⁶ Additionally, difficulty reaching more affordable stores exacerbates the "poverty premium", forcing lower-income individuals to spend more on essential groceries.⁸⁷

In England, Wales and Northern Ireland, children aged 5-16 qualify for free school transportation if they attend their nearest suitable school and reside a certain distance away.⁸⁸ In Scotland, children and young people aged 5-21 who have lived in the country for over six months are entitled to free bus travel.⁸⁹ Transportation is crucial for young people to access education, leisure activities, and social connections, facilitating their transition to higher education or the workforce. According to the Office for Science, nearly 300,000 children in 2019 faced challenges reaching a secondary school within a 30-minute public transportation radius.⁹⁰

For many individuals, public transport represents their sole means of reaching vital healthcare services. However, inadequate services severely limit access, resulting in missed appointments and delayed medical care. In 2019, Urban Transport Group reported that transportation issues contribute to approximately 10% of missed hospital outpatient appointments, costing the healthcare system around

⁸⁵ Lucas et al. (n 83) 14.

⁸⁶ ibid 28; Social Exclusion Unit, 'Making the Connections: Final Report on Transport and Social Exclusion' (UK Office of the Deputy Prime Minister 2003) 14 <<https://www.ilo.org/media/312721/download>> accessed 7 June 2024.

⁸⁷ Sara Davies, Jamie Evans, 'The Poverty Premium in 2022: Progress & Problems' (University of Bristol 2023) 58-64 <<https://www.bristol.ac.uk/media-library/sites/geography/pfrc/documents/The%20poverty%20premium%20in%202022%20-%20Progress%20and%20problems.pdf>> accessed 7 June 2024.

⁸⁸ UK Government Digital Service, "Free School Transport" (UK Government, 2012) <<https://www.gov.uk/free-school-transport>> accessed 7 June 2024.

⁸⁹ Transport Scotland, "Under 22s Free Bus Travel" (Scottish Government, 2023) <<https://www.transport.gov.scot/concessionary-travel/under-22s-free-bus-travel/>> accessed 7 June 2024

⁹⁰ Lucas et al. (n 83) 10-11.

£750 million annually.⁹¹ Furthermore, public transport services play a pivotal role in promoting mental health and well-being by encouraging physical activity and fostering social connections. Engaging in public travel fosters valuable social interactions and helps alleviate chronic loneliness.⁹²

Public transport is vital for people with disabilities and older individuals yet cuts and inconsistent service make it unreliable. Deregulated systems create accessibility challenges, with varying approaches from operators. Despite requirements for wheelchair spaces, issues persist, such as inconsistent enforcement of priority seating. In rural areas, where many lack access to vehicles, reliable public transport is crucial. However, declining services due to profitability concerns exacerbate the issue. Efforts like community transport and on-demand services help but cannot fully replace traditional public transport.⁹³

The ECSR has stressed the importance of physical accessibility in public transport, buildings, and cultural activities.⁹⁴ Similarly, the CESCR noted the obligation to provide special measures for older persons' mobility.⁹⁵ The UN Independent Expert on the enjoyment of all human rights by older persons has also highlighted the link between social participation and the mental and physical health of older individuals.⁹⁶ Additionally, the Committee of Ministers of the Council of Ministers stressed the need for older persons to live dignified lives free from isolation and recommended measures to facilitate their mobility.⁹⁷

⁹¹ Lucas et al. (n 83) 12; Rebecca Fuller, 'The Cross-Sector Benefits of Backing the Bus' (Urban Transport Group 2019) 11 <<https://www.urbantransportgroup.org/system/files/general-docs/UTG%20%E2%80%93%20Bus%20Sector%20Benefits%20report%20WEB.pdf>> accessed 7 June 2024.

⁹² Alston et al. (n 81) 24-25.

⁹³ *ibid* 25-27

⁹⁴ ECSR 'Conclusions 2016, Latvia'. Citing ECSR 'Conclusions 2003, Italy'.

⁹⁵ CESCR 'General Comment No. 6: the economic, social and cultural rights of older persons' (1996) Un Doc E/1996/22 paras 10, 36.

⁹⁶ UNHRC 'Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Montenegro' (2018) UN Doc A/HRC/39/50 para 30.

⁹⁷ Committee of Ministers 'Recommendation CM/Rec (2014)2 of the Committee of Ministers to Member States on the Promotion of Human Rights of Older Persons' (2014) paras 7, 22.

3.2. The Impact of Austerity, Privatisation and the Cost-of-Living Crisis

Austerity measures from the 2010s and privatisation initiatives have severely impacted the quality and accessibility of buses and trains in the UK, leading to widespread service cuts and deteriorating infrastructure. The implementation of austerity policies resulted in significant funding reductions for public transportation, forcing many local authorities to slash bus subsidies and routes to mitigate budget deficits.⁹⁸ The privatisation of bus and rail services has fragmented the system and prioritised profit over service quality, leading to higher fares, overcrowding, and reduced investment in maintenance and upgrades.⁹⁹ Privatisation of public transport erodes accountability, leaving affected individuals with limited recourse for addressing infringements on their rights.¹⁰⁰ These austerity-driven cuts and privatisation initiatives have collectively undermined the reliability, affordability, and accessibility of buses and trains, disproportionately affecting marginalised communities and furthering social and economic inequalities.

The CESCR has extensively commented on how privatisation can impede ESCR. Under General Comment No. 24, the CESCR addresses the impact of privatisation on essential services. The Committee highlights the need for regulations to ensure that private actors delivering social services meet specific human rights conditions:¹⁰¹

- **Public service obligations:** These regulations aim to restrict private involvement in social service delivery by mandating non-selective access and fee regulation.
- **Affordability:** Private actors providing essential goods and services should ensure that access is not contingent on the ability to pay.
- **Quality:** Profit considerations should not compromise the quality of services provided.

⁹⁸ National Audit Office, 'Improving local bus services in England outside London' (National Audit Office 2020) 8 <<https://www.nao.org.uk/wp-content/uploads/2020/10/Improving-local-bus-services-in-England-outside-London.pdf>> accessed 7 June 2024; Michael Goodier, Carmen Aguilar García and Richard Partington, "How a Decade of Austerity Has Squeezed Council Budgets in England" (*The Guardian*, 2024) <<https://www.theguardian.com/uk-news/2024/jan/29/how-a-decade-of-austerity-has-squeezed-council-budgets-in-england>> accessed June 12, 2024.

⁹⁹ Alston et al. (n 81) 16-20; UK Department for Transport, 'Great British Railways: The Williams-Shapps Plan for Rail' (2021) 17-20 <<https://assets.publishing.service.gov.uk/media/60cb29dde90e0743ae8c29c1/gbr-williams-shapps-plan-for-rail.pdf>> accessed 7 June 2024.

¹⁰⁰ Alston et al. (n 81) 29.

¹⁰¹ CESCR 'General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities' (2017) UN Doc E/C.12/GC/24 paras 21-22.

- **Preventing socio-economic segregation:** Upholding the prohibition of discrimination.
- **Accountability:** Procedural aspects are crucial, like individuals' rights to assess service adequacy and regular service evaluations to meet evolving public needs. However, adherence to these requirements alone does not inherently limit private actor involvement.

The CESCR clarifies that while privatisation is not inherently prohibited, it may raise concerns depending on its effects and processes. The Committee suggests that in most cases, full privatisation of essential services may not align with human rights obligations, emphasising the importance of quality public services.¹⁰² Overall, **privatisation does not inherently align with or oppose the international ESCR framework. However, the current model of privatisation, within a human rights framework where states hold primary responsibility, raises significant human rights issues.**¹⁰³

The cost-of-living crisis is only exacerbating the challenges faced by the UK's already decimated bus and train services. As households grapple with soaring prices for essential goods and services, the affordability of public transportation becomes an increasingly pressing concern. Higher fares coupled with stagnant wages are likely to make it difficult for individuals and families to afford regular bus and train travel, further reducing ridership and revenue for transport operators. Moreover, the strain on local authority budgets means that publicly owned bus services are likely to continue deteriorating,¹⁰⁴ with private bus and rail companies likely to raise ticket prices to maintain profitability amid high inflation while failing to raise wages for their workers.¹⁰⁵

3.3. Buses in England

The UK's bus sector underwent extreme privatisation and deregulation in the 1980s, creating a system primarily driven by profit rather than public service. This approach, devoid of adequate oversight and planning, has resulted in an expensive, unreliable, and fragmented bus system that fails to meet the needs of families and individuals. Despite being the majority mode of public transportation, access to

¹⁰² *ibid*

¹⁰³ Aoife Nolan, 'Privatization and Economic and Social Rights' (2018) 40 Human Rights Quarterly 821-827 <<https://doi.org/10.1353/hrq.2018.0047>> 7 June 2024.

¹⁰⁴ Friends of the Earth, 'How Britain's bus services have drastically declined' (Friends of the Earth 2023) <<https://policy.friendsoftheearth.uk/print/pdf/node/314>> accessed 7 June 2024,

¹⁰⁵ Jasper Jolly, "Rail Fare Increase of 4.9% in England Expected to Exceed Inflation" (*The Guardian*, 2023) <<https://www.theguardian.com/money/2023/dec/22/rail-fare-increase-of-49-in-england-expected-to-exceed-inflation>> accessed 7 June 2024.

buses is not recognised as an essential right, leaving passengers to grapple with disappearing routes, high fares, and poor service quality. Privatisation has prioritised profit extraction over service improvement, leading to serious human rights impacts, especially for older individuals and people with disabilities.¹⁰⁶

Rural areas have also suffered immensely from inadequate public transport, exacerbating economic stress for vulnerable households. In 2019, the Urban Transport Group estimated around 10% of rural households lacking access,¹⁰⁷ with the Campaign to Protect Rural England estimating this affects 50% of rural residents.¹⁰⁸ The County Councils Network reported in 2023 that, over the past decade, vehicle miles indicated that over a quarter of bus services have disappeared in rural areas.¹⁰⁹ Despite this, the UK Government lacks a comprehensive plan to address rural transport needs.¹¹⁰ The 2021 “Bus Back Better” strategy for England prioritised “demand responsive travel” over comprehensive bus services.¹¹¹ The Campaign to Protect Rural England’s 2021 modelling suggests that the UK could provide hourly bus services to every village for £2.7 billion annually, with options to make the network revenue neutral.¹¹²

¹⁰⁶ Alston et al. (n 81) 21-29.

¹⁰⁷ Fuller (n 91) 61.

¹⁰⁸ The Campaign to Protect Rural England (CPRE), ‘Policy Guidance Notes Transport’ (CPRE 2019) 5 <https://www.cpre.org.uk/wp-content/uploads/2019/11/2472_policy_guidance_notes_transport_1.pdf> accessed 7 June 2024.

¹⁰⁹ County Councils Network, ‘The State of Country Buses: Recovering Services Post-Pandemic’ (County Councils Network 2023) 22-34 <<http://www.countycouncilsnetwork.org.uk/download/4970/?tmstv=1689688074>> accessed 7 June 2024.

¹¹⁰ Better Transport, ‘The future of rural bus services in the UK’ (Better Transport 2018) <<https://bettertransport.org.uk/wp-content/uploads/legacy-files/research-files/The-Future-of-Rural-Bus-Services.pdf>> accessed 7 June 2024.

¹¹¹ UK Department for Transport, ‘Bus Back Better’ (UK Government 2021) 13 <<https://assets.publishing.service.gov.uk/media/6086912fd3bf7f013c8f4510/DfT-Bus-Back-Better-national-bus-strategy-for-England.pdf>> accessed 7 June 2024.

¹¹² *ibid* 4

Greater Manchester and West Yorkshire have brought buses back into public ownership,¹¹³ and efforts are underway in Glasgow,¹¹⁴ but they face challenges such as bans on new municipal bus companies and stringent franchising barriers that no authority has successfully navigated yet.¹¹⁵

Successive governments have failed to effectively address the shortcomings of deregulation. A fragmented system currently prevails in the UK's bus network due to a lack of centralised strategy or organisation. Despite promises of efficiency gains, privatisation has failed to deliver.¹¹⁶ The Government's own bus strategy for England now acknowledges these shortcomings, highlighting confusing services split between different companies, slower and less reliable buses, and higher costs.¹¹⁷

Unprofitable routes often disappear entirely, leaving passengers with no alternatives. Deregulation has also hindered local authorities' ability to fund minimum services, resulting in deep cuts across the country. In 2020, the Campaign for Better Transport reported that since 2009, over 3,000 local authority bus routes in England alone had either been fully or partially discontinued and miles on local authority-funded bus services experienced a 54% reduction between 2009/10 and 2017/18.¹¹⁸ Furthermore, in 2020, Transport for New Homes conducted research on new housing developments and determined that they frequently prioritise car usage and are situated in relatively secluded areas. The study

¹¹³ Cat Hobbs, "Manchester's Buses Are Back under Public Control: This Is How to Run Local Transport" (*The Guardian*, 2023) <<https://www.theguardian.com/commentisfree/2023/sep/22/andy-burnham-manchester-buses-public-control-local-transport>> accessed 7 June 2024; Gwyn Topham and Robyn Vinter, "West Yorkshire to Bring Bus Services under Public Control" (*The Guardian* 2024) <<https://www.theguardian.com/uk-news/2024/mar/14/west-yorkshire-to-bring-bus-services-under-public-control>> accessed June 12, 2024.

¹¹⁴ Christopher Carey, "Glasgow Buses Set to Return to Public Ownership" (*Cities Today*, 2024) <<https://cities-today.com/glasgow-buses-set-to-return-to-public-ownership/>> accessed 7 June 2024.

¹¹⁵ Bassam Khawaja, "Bus Privatisation Has Destroyed a British Public Service – but There Is a Way Back" (*The Guardian*, 2021) <<https://www.theguardian.com/commentisfree/2021/jul/26/bus-privatisation-public-service-strategy-british-private-market>> accessed 7 June 2024.

¹¹⁶ *ibid* 16; Bus Back Better (n 111) 8.

¹¹⁷ *ibid*

¹¹⁸ Campaign for Better Transport, 'The future of the bus Policy and fiscal interventions as part of a National Bus Strategy' (Campaign for Better Transport 2019) 6-7 <<https://bettertransport.org.uk/wp-content/uploads/legacy-files/research-files/The-future-of-the-bus-August-2019.pdf>> accessed 7 June 2024.

revealed that while the government co-funds roads with developers, it fails to provide adequate incentives for public transportation.¹¹⁹

Under deregulation, passengers face challenges such as unreliable buses, limited-service hours, and scarce information on routes and fares. Lack of integration among operators has led to disjointed services, forcing passengers to pay multiple fares and navigate complex timetables.¹²⁰ Consequently, bus ridership has plummeted, particularly outside London, pushing many lower-income individuals into forced car ownership.¹²¹

The strain on local government budgets has taken a toll on essential services like bus transportation, as revealed by recent surveys and analyses. In January 2024, the Local Government Association conducted an online survey among council chief executives in England to gauge budgetary decisions for the upcoming financial year. Despite a Government announcement of an additional £600 million in funding for councils, a follow-up survey in February 2024 found that 85% of respondent councils still anticipated the need for cost-saving measures to balance their budgets.¹²² In 2023, the University of Leeds, in collaboration with Friends of the Earth, found that this financial pressure had translated into substantial cuts to local bus services, particularly in England and Wales, where some areas have witnessed reductions exceeding 80% over the past 15 years. The research also highlighted a decline of 48% in urban bus services and 52% in rural areas since 2008. The impact of these cuts is far-reaching, disproportionately affecting low-income individuals, ethnic minorities, and those with disabilities, exacerbating issues of poverty, health disparities, and social exclusion.¹²³ Additionally, research conducted by iNews in March 2024 also found that millions of people in England have been left marooned as cash-strapped councils have cut more than 90% of bus services since 2010, resulting in the loss of a combined 16 million miles of bus routes across the 10 worst-affected areas.¹²⁴

¹¹⁹ Transport for New Homes, 'Project Summary and Recommendations July 2018' (Transport for New Homes 2018) 5 <<https://www.transportfornewhomes.org.uk/wp-content/uploads/2018/07/transport-for-new-homes-summary-web.pdf>> accessed 7 June 2024.

¹²⁰ Alston et al. (n 81) 17-20.

¹²¹ Friends of the Earth (n 104).

¹²² Local Government Association, 'Local government budget setting surveys 2024/25' (Local Government Association 2024) 1-2 <https://www.local.gov.uk/sites/default/files/documents/2024_02_22%20-%20Local%20Government%20Budget%20Setting%20report.pdf> accessed 7 June 2024.

¹²³ Friends of the Earth (n 104).

¹²⁴ Steven Robson, "16 million miles of England's bus routes axed" (*iNews*, 2024) <<https://inews.co.uk/news/million-miles-england-bus-routes-axed-2975179>> accessed 7 June 2024.

As a result of all impacts of deregulation and cuts to public buses, residents' efforts, such as those in Perthshire,¹²⁵ to start their own bus companies underscores the UK Government's failure to prioritise adequate and effective bus services. The Campaign for Better Transport estimated in 2018 that there were over 600 organisations offer community transport services in rural England, with nearly 50,000 volunteers involved.¹²⁶

3.4. Trains in England

Britain's rail network has undergone significant changes over the years. Initially nationalised by the 1948 UK Government, it was later privatised in 1993. While Network Rail, responsible for railway infrastructure in England and Wales, remains publicly owned, trains and most smaller stations are operated by various private companies under franchises.¹²⁷ The pandemic prompted a shift in railway funding, leading to the abandonment of the franchise system in September 2020.¹²⁸ However, in Scotland, all railway services were transferred into public control and ownership in 2022.¹²⁹

The UK Government has provided significant subsidies to private rail companies in England and Wales, with the projected rail subsidy for 2022/23 is estimated at £11 billion, a decrease from the initial two years of COVID-19 pandemic (£17.6 billion and £13.3 billion for 2020/21 and 2021/22, respectively), yet an increase from the pre-pandemic figures (£4.7 billion and £6.8 billion for 2018-19 and 2019-20).¹³⁰

The UK Government has prioritised management contracts, with the Government retaining all fares and assuming the risk of decreased ridership.¹³¹ Additionally, five major rail lines have been effectively nationalised under the "operator of last resort" scheme, which results in contracts being awarded

¹²⁵ Graeme Ogston, "Our Bus Service Was Cancelled so We Started Our Own" (*BBC News*, 2023) <<https://www.bbc.co.uk/news/uk-scotland-tayside-central-66536184>> accessed 7 June 2024.

¹²⁶ Better Transport (n 111) 152.

¹²⁷ William Mata, "What Does Rail Renationalisation Mean and Who Owns UK Railways?" (*Evening Standard*, 2024) <<https://www.standard.co.uk/news/transport/rail-nationalisation-trains-who-owns-labour-party-keir-starmer-b1028349.html>> accessed 7 June 2024.

¹²⁸ *ibid*

¹²⁹ Transport Scotland, "ScotRail franchise" (Scottish Government, 2022) <<https://www.transport.gov.scot/public-transport/rail/scotrail-trains-limited/>> accessed 7 June 2024.

¹³⁰ Phil Basey, 'The true cost of rail subsidies' (Tax Payers' Alliance 2022) <https://assets.nationbuilder.com/taxpayersalliance/pages/17655/attachments/original/1672562471/The_real_cost_of_rail_journeys_-_Final_V2.pdf?1672562471> accessed 7 June 2024.

¹³¹ UK Department for Transport (n 99) 18.

without competition.¹³² Despite the Railways Act 1993 prohibiting the UK state from directly managing railways, several foreign state-owned enterprises from the Netherlands, Germany, France, Italy and Hong Kong operate rail franchises in the UK.¹³³

The Williams Rail Review was commissioned by the UK Department for Transport in 2018 to look at the structure of the whole rail industry and the way passenger rail services are delivered. It highlighted issues with UK rail system such as fragmented industry structures, inconsistent service quality, and complex ticketing systems. Its final report, published in May 2021, proposed reforms to simplify the industry structure, improve accountability, and enhance passenger experience. Key recommendations included creating a new industry structure focused on integration, introducing a passenger-focused model, overhauling the franchising system, simplifying ticketing and fares, and strengthening the role of the regulator.¹³⁴

Austerity measures, privatisation, and the ongoing cost-of-living crisis have profoundly impacted train ticket prices and the wages of rail workers, leading to poor and expensive services for passenger and often labour disputes and strikes for workers. In 2023, the National Union of Rail, Maritime and Transport Workers (RMT) reported that three decades of privatised railways in the UK have resulted in at least £31 billion leaking out of the system, mostly into shareholders' pockets, while passengers are paying 8% more in real terms to travel on a deteriorating network.¹³⁵ In March 2024, rail fares increased by 4.9%, a move sanctioned by the Government, albeit with a capped rise. Despite this measure, ticket costs are anticipated to outpace inflation rates. Rather than aligning with July's retail prices index (RPI), as has been customary in prior years, the Government opted to limit the hike for regulated fares.¹³⁶ Furthermore, the Williams Rail Review highlighted stress and dissatisfaction due to confusing pricing, inadequate value for money, and accessibility challenges at stations, especially for disabled travellers, with passengers also expressing concern over overcrowded and late trains.¹³⁷

¹³² *ibid.* An operator of last resort is a business in the United Kingdom that operates a railway franchise on behalf of the government when a train operating company is no longer able to do so. As of May 2023, there are six such operators in England, Wales, and Scotland.

¹³³ Mata (n 127).

¹³⁴ UK Department for Transport (n 99).

¹³⁵ RMT, 'Rail privatisation – 30 years of waste and rising fares' (RMT 2023) < <https://www.rmt.org.uk/news/publications/rail-privatisation-30-years-of-waste-and-rising-fares/>> accessed 7 June 2024.

¹³⁶ Jolly (n 105).

¹³⁷ UK Department for Transport (n 99) 17-20.

The UK Government's ad hoc report to the ECSR regarding the cost-of-living crisis fails to acknowledge the profound impact of the crisis on public transportation accessibility and affordability, thus neglecting the vital connection between accessible transportation and the realisation of ESCR. The UK Government must prioritise measures to ensure affordable, accessible and reliable public transportation, particularly for marginalised communities to ensure compliance with its IHRL obligations. This includes addressing the root causes of service cutbacks, rising costs, and privatisation in the transportation sector, and implementing policies that safeguard the rights of individuals to access essential services, education, and employment without discrimination.

4. Conclusions and Recommendations

Overall, the interwoven challenges confronting the UK's social security system and public transport infrastructure are compounded by the enduring impact of the cost-of-living crisis. While inflation dropped to 2.3% in April 2024, it is evident that the cost-of-living crisis persists, and these issues are poised to worsen amid this ongoing challenge. The inadequacies of the social security system, aggravated by policies such as the two-child limit and benefit cap, leave vulnerable individuals and families without sufficient support, perpetuating cycles of poverty and inequality. The complexities of Universal Credit and persistent stigma towards benefit claimants hinder equitable access to support, exacerbating financial hardships for many.

Simultaneously, England's public transport crisis is worsening existing social and economic disparities, hindering access to essential services, education, employment, and healthcare, particularly for groups at greater risk of harm, disadvantage and discrimination. The failure to address the accessibility and affordability of public transportation underscores a systemic neglect of socio-economic rights.

These crises demand urgent attention and comprehensive reforms. To address the shortcomings of the social security system, Universal Credit must be updated to ensure claimants can afford essentials, ensuring that benefits are not just aligned with inflation but also sufficient to cover basic essentials. Additionally, efforts must be made to combat benefit stigma, abolish discriminatory policies like the two-child limit, and secure long-term, ring-fenced funding for local welfare assistance programmes.

On the public transport front, the UK Government must ensure that deregulated and privatised transport systems are effectively monitored and adequately funded. Public transportation should be sustainable, reliable, and accessible to all, particularly marginalised groups. This includes investing in infrastructure, maintaining affordable fares, and ensuring that services meet the needs of low-income individuals, ethnic minorities, people with disabilities, older adults and people living in rural areas.

In summary, addressing the cost-of-living crisis requires a comprehensive approach from the UK Government, extending beyond the reported efforts outlined in the country's ad hoc report to the ECSR. It is imperative to prioritise the respect, protection, and fulfilment of socio-economic rights to safeguard the well-being and dignity of all individuals in the UK.

The UK Government should consider implementing the following recommendations:

- Ensure that Universal Credit payments not only keep pace with inflation but also enable claimants to afford essential needs
- Refrain from and actively prevent toxic, discriminatory rhetoric against benefit claimants.
- Eliminate the two-child limit policy to provide equitable support for all families.
- Extend the Household Support Fund until March 2025, offering transitional funding while developing a sustainable long-term scheme.
- Allocate long-term, ring-fenced funding and provide guidance to ensure every local authority in England offers cash-first support and comprehensive advice to help individuals regain stability. Initially, this funding should match the level provided through the Household Support Fund.
- Avoid pursuing austerity measures and actively address the socio-economic fallout from the austerity policies of the 2010s.
- Introduce regulations to ensure that privatisation in the transportation sector prioritises service quality, affordability, and accessibility over profit extraction.
- Ensure that publicly funded transport services receive sufficient funding to deliver adequate services.
- Invest in infrastructure upgrades and accessibility measures to improve public transportation for individuals with disabilities and older adults.
- Implement policies to protect vulnerable groups, including low-income families, asylum seekers, and children, from the negative impacts of rising transportation costs and service cutbacks.
- Foster greater integration and coordination among public transportation operators to streamline services, reduce costs, and improve the overall passenger experience.
- Develop comprehensive strategies to address the transport needs of rural communities, including investing in alternative transportation options and improving connectivity to essential services.
- Enhance regulatory oversight of the transportation sector to ensure compliance with human rights standards and accountability for service provision.
- Engage stakeholders, including local communities, advocacy groups, and transportation operators, in developing and implementing transportation policies to meet the needs of all passengers.
- Prioritise the passenger experience by simplifying ticketing and fare systems, improving service reliability, and addressing overcrowding and accessibility issues at stations.