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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Forty-second session
Geneva, 4-22 May 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE
CROWN DEPENDENCIES AND THE OVERSEAS DEPENDENT TERRITORIES**

**Comments by the United Kingdom of Great Britain and Northern Ireland, the Crown
Dependencies and the Overseas Dependent Territories on the Concluding Observations
(E/C.12/GBR/CO/5)**

1. On behalf of the UK delegation, I wish to thank the Committee on Economic, Social and Cultural Rights for its Concluding Observations, published 25 May 2009. We have now had time to consider and reflect on the findings of the Committee.
2. The UK welcomes the Committee's comments in relation to the positive developments in the UK's implementation of the provisions of the ICESCR.
3. In relation to its substantive recommendations, however, we were concerned at a number of inaccuracies in the text of the Concluding Observations and surprised at the inclusion of certain recommendations on issues which the Committee did not raise during the examination.
4. The Committee notes in **paragraph 10** 'the draft Bill of Rights for Northern Ireland, which includes economic, social and cultural rights which are justiciable and calls for its enactment without delay'. For clarification, there is no draft legislative Bill of Rights for Northern Ireland as such. On 10 December 2008 the Northern Ireland Human Rights

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Commission (NIHRC) submitted its statutory advice on a potential Bill of Rights for Northern Ireland to the UK Secretary of State for Northern Ireland. This includes advice on the content of such a Bill of Rights. The UK Government is considering the advice of the NIHRC and will announce its plans for consultation in due course.

5. In **paragraph 13** the Committee states that it ‘regrets the statement made by the State party’s delegation that economic, social and cultural rights are mere principles and values’. The UK delegation does not recollect making such a statement. As recorded in the Committee’s press release, ‘The [UK] Government does not dispute that economic, social and cultural rights are as important and indivisible from civil and political rights. However, this does not mean that all human rights require identical approaches...’. We are aware of the Committee’s continuing concerns over the legal status of the Covenant in UK law. We re-iterate our position that the UK regards itself as legally bound to comply with the Covenant. However, how to ensure compliance with the Covenant is a matter for each State, as confirmed by General Comment No 9. There is no provision in the Covenant obligating its comprehensive incorporation or requiring it to be accorded any specific type of status in national law. We consider that the UK’s method of implementation ensures the fulfilment of the obligations under the Covenant.

6. The UK considers the Committee’s description in **paragraph 30** of the situation relating to those Gypsies and Travellers affected by the construction of the Olympics site to be an unfair reflection of the reality. As stated in the UK Response to Issues Raised, there were two Gypsy/Traveller sites affected by the Olympic development (one in Hackney and one in Newham) and they, along with many other homes and businesses, were relocated to enable the Games development to proceed. However, they were relocated to alternative sites elsewhere, including a new, purpose built, site. As drafted, the paragraph is misleading, suggesting that the residents were left homeless, which was not the case.

7. The UK considers that the recommendation in **paragraph 35** conflates a number of issues in a potentially unhelpful and even misleading way. The point about access by mental health patients was only raised in relation to Northern Ireland during the review, yet paragraph 35 applies it also to Scotland. The UK delegation is not aware of this being a significant issue in Scotland, nor did it feature in the submissions to the Committee by the Scottish NGOs (including the Scottish Association for Mental Health) and the Scottish Human Rights Commission. More importantly, it is incorrect to say that suicide rates in Scotland are increasing. As stated in the examination, there has in fact been a decrease in population suicide rates in Scotland in recent years. The age-sex-standardised rate of suicide was 17.4 per 100,000 in 2000/01/02 but 15.9 per 100,000 in 2005/06/07, which is a fall of 13%.

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8. Finally, the UK delegation is surprised that, in **paragraph 36**, the Committee has made recommendations about provision of English language courses, the inclusion of children from ethnic minorities in classes for children with learning difficulties, and the need to adopt measures to reduce the achievement gap in terms of school performance between “British pupils and pupils belonging to ethnic, religious or national minorities (the UK notes that of course most of those in the latter categories are themselves British). The examination concentrated on reducing school drop-out rates for these groups, not the issues in the comments and recommendations, on which we would have welcomed to opportunity to provide details if we had been asked.

9. I hope that the Committee will take the above points into consideration. As the review process continues, we hope to ensure a constructive and progressive dialogue between the Committee and the UK Government in relation to the implementation in the UK of the International Covenant on Economic, Social and Cultural Rights.
