

**Mandate of the Special Rapporteur on extreme poverty and human rights**

REFERENCE:  
OL GBR 9/2021

13 September 2021

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolution 44/13.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **its plan to cut an uplift to Universal Credit by £20 per week at the end of September 2021.**

In March 2020, your Excellency's Government introduced an uplift to Universal Credit and Working Tax Credits worth £20 a week, in response to the COVID-19 pandemic and its economic impact on low-income households. The uplift was designed to be a temporary measure for one year until April 2021. It was nevertheless extended in March 2021 for another six months until the end of September 2021.

I would like to commend this decision. Evidence has shown that the £20 uplift played an important role in supplementing the incomes of low-income households and keeping them out of poverty during the pandemic.<sup>1</sup> Given the positive impact of the uplift, many stakeholders have advocated for retaining the uplift beyond the end of September and making it permanent.

In July 2021, however, your Excellency's Government has confirmed its plan to remove the uplift at the end of September and not to extend it further.

There are indications that the proposed removal is likely to leave millions of Universal Credit recipients struggling to meet their daily expenses. According to a recent survey, almost half of Universal Credit recipients indicated that they would not be able to live on a budget with £20 less per week.<sup>2</sup> 61 per cent of respondents said it would be harder to afford food, while 48 per cent indicated that it would be harder to cover essential bills after the cut. Many low-income families and individuals have described the uplift as "a lifeline". One civil society organization has estimated that if the proposed cut is implemented, it would plunge half a million low-income households into poverty, including 200,000 children.<sup>3</sup>

Please allow me to make the following considerations, which relate to the status of the United Kingdom as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). As explained by the Committee on

<sup>1</sup> Legatum Institute, Poverty During The Covid-19 Crisis, 30 November 2020, <https://li.com/reports/poverty-during-the-covid-19-crisis/>; Policy in Practice, Autumn of income shocks: the impact of removing Covid support, 17 August 2021, <https://policyinpractice.co.uk/autumn-of-income-shocks/>

<sup>2</sup> Save the Children UK/Opinium, "Almost Half of Universal Credit Claimants Don't Think They Can Live on £20 Less Each Week," (Survey), 17 August 2021, <https://www.savethechildren.org.uk/news/media-centre/press-releases/universal-credit-almost-half-cant-live-on-20-less>  
Joseph Rowntree Foundation, "UK heading for the biggest overnight cut to the basic rate of social security since World War II", 23 July 2021, <https://www.jrf.org.uk/press/uk-heading-biggest-overnight-cut-basic-rate-social-security-world-war-ii>

Economic, Social and Cultural Rights, this treaty requires that the introduction of measures that are retrogressive, affecting the realization or implementation of the rights protected -- including the right to an adequate standard of living --, be "fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources".<sup>4</sup>

Specifically, such measures would only be allowable under the Covenant if States can demonstrate:

- 1) the existence of a compelling State interest;
- 2) the necessity, reasonableness, temporariness and proportionality of the proposed measures;
- 3) the exhaustion of alternative and less restrictive measures;
- 4) the non-discriminatory nature of the proposed measures;
- 5) protection of a minimum core content of the rights; and
- 6) genuine participation of affected groups and individuals in decision-making processes.<sup>5</sup>

Taking into account these criteria, perhaps your Excellency's Government may wish to reconsider the proposed cut, since it is *prima facie* doubtful whether the removal of the £20 uplift is a measure that conforms to international human rights law and standards. Whether or not it is in conformity would require a detailed impact assessment of the proposed cut. This would include, but not limited to: carefully identifying who will be affected by the cut and how it will affect their standard of living; examining whether affected families and individuals will be guaranteed of an adequate standard of living and social protection after the cut; and exploring whether alternative and less restrictive measures could be implemented. Once such an impact assessment is made, I would encourage your Excellency's Government to make it publicly available and consult with affected families and individuals and wider civil society in order to hear their views and duly take them into account in decision-making processes.

I stand ready to provide your Excellency's Government with any technical assistance in preparing this impact assessment and in relating this to the international obligations of the United Kingdom.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

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<sup>4</sup> General Comment No. 19 (2007): The right to social security (art. 9) (E/C.12/GC/19), para. 41. See also the Letter dated 16 May 2012 addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to States parties to the International Covenant on Economic, Social and Cultural Rights (noting that, in order to comply with the Covenant, austerity measures or adjustment programmes, as have been adopted by a number of States to face the financial and economic crisis after 2009, must be "necessary and proportionate, in the sense that the adoption of any other policy, or a failure to act, would be more detrimental to economic, social and cultural rights"),

<sup>5</sup> Office of the High Commissioner for Human Rights, Report on austerity measures and economic and social rights, 2013, p.12.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned situation.
2. Please indicate how the proposed removal of the uplift to Universal Credit is compatible under international human rights law, especially the rights to social security and an adequate standard of living, as well as the general prohibition against retrogressive measures.
3. Please provide information on any impact assessment or analysis of the proposed cut that your Excellency's Government has carried out.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Olivier De Schutter  
Special Rapporteur on extreme poverty and human rights