

**OPINION ON THE COMPATABILITY OF THE
UNIVERSAL CREDIT AND PERSONAL INDEPENDENCE PAYMENT BILL WITH
INTERNATIONAL HUMAN RIGHTS LAW**

Introduction

1. I am asked to provide an opinion on the extent to which the UK Government's proposed reforms of social security for disabled people are compatible with its obligations under international human rights law ("IRHL"). The reforms are contained in the Universal Credit and Personal Independence Payment Bill ("the Bill"). The Bill is scheduled for its second reading in the House of Commons on Tuesday 1 July 2025.

2. The Bill includes the following relevant provisions:

- a. The 'health element' of Universal Credit will be reduced in value for both new and existing claimants: (a) for new recipients, the health element will be reduced from £97 a week in 2025/26 to £50 a week in 2026/27, and then frozen until 2029/2030 and (b) for existing recipients, the health element will be frozen at £97 a week until 2029/30:
- b. A new "four point" eligibility rule for Personal Independence Payment (PIP) that will seriously restrict eligibility for the main benefit designed to meet the additional costs associated with disability.

Summary of opinion

3. In my opinion it is inevitable that the reforms will breach the UK's international legal obligations to hundreds of thousands, likely many hundreds of thousands, disabled people. The cuts to both the health element of UC and PIP are plainly "regressive measures", and in my firm opinion, the Government cannot show on the current evidence that the reforms comply with the limited conditions in which regressive measures are permitted under international law. The reasons for this opinion are set out below in paragraphs **79-106**.

4. It is highly material that the bodies charged with monitoring the UK's compliance with international human rights law have very recently highlighted that the current system of disability benefits is failing disabled people, in violation of the Government's human rights obligations. These reforms will only exacerbate those violations

5. There has been since this advice was drafted a concession made by the Government's reforms. This does not alter my advice for the reasons I explain in the postscript at the end of the opinion below (**paragraph 106**).

Disability in the UK/England and Wales

The UK has a large population of people with disabilities

6. There are 16 million disabled people (almost 1 in 4, or 24% of the population) in the UK – and almost 4 in 10 families include at least one person who is disabled. Eleven

per cent of children, 23% of working-age adults and 45% of pensioners self-report being disabled.¹

Living with a disability is costly

7. In 2022-23, a disabled household (with at least one disabled adult or child) needed an average of an additional £1,010 a month to achieve the same standard of living as non-disabled households. Adjusted for inflation, these extra costs rise to £1,067 a month in 2023-24. On average, the extra expense of disability is equivalent to 67% of household income after housing costs.²

Being disabled puts people at higher risk of living in poverty

7. About 8.7 million people in poverty are living in families that include a disabled person – this represents over half (54%) of the UK’s population living in poverty.³

8. The poverty rate for disabled people is 30%, 10 percentage points above people who are not disabled. The difference continues to be particularly stark for working-age adults; disabled working-age adults are around twice as likely to live in poverty compared with those who are not (35% and 18%, respectively).⁴

9. The poverty rate for individuals who live in a family where someone is disabled is 29%, 10 percentage points higher than those who live in families where no one is disabled.⁵

Disabled people are disadvantaged on the labour market

10. In 2022-23, the employment rate for disabled people was 53.3 per cent, compared to 82.6 per cent for non-disabled people. This gives an employment gap (the percentage point gap between the employment rates of disabled and non-disabled people) of 29.3 percentage points.⁶

11. In 2022-23, the unemployment rate for disabled workers was 6.7%, compared to 3.3% for non-disabled workers.⁷

12. In 2022-23, the median hourly pay for non-disabled workers (£14.95) was 14.6% higher than for disabled workers (£13.50).⁸

¹ Joseph Rowntree Foundation, UK Poverty 2025: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation, p. 65.

² Scope, Disability Price Tag 2024: Living with the extra cost of disability, p. 5.

³ Social Metrics Commission, Measuring Poverty 2024, October 2024, p. 28.

⁴ Joseph Rowntree Foundation, UK Poverty 2025: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation, p. 66.

⁵ Joseph Rowntree Foundation, UK Poverty 2025: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation, p. 67.

⁶ TUC, Jobs and pay monitor - disabled workers | TUC, 16 November 2023.

⁷ TUC, Jobs and pay monitor - disabled workers | TUC, 16 November 2023.

⁸ TUC, Jobs and pay monitor - disabled workers | TUC, 16 November 2023.

Rates of social security in the UK

13. The poverty rates of people claiming different income-related benefits are much higher than the national average poverty rate. On the one hand, this is to be expected given the ‘low income’ eligibility criteria for claiming these benefits, but on the other hand, it demonstrates that the level of benefits available is frequently not sufficient to enable recipients to escape poverty.

14. Specifically, 48% of households on Universal Credit (or its predecessor legacy benefits) are in relative poverty (including those who received the health component of UC⁹). Whilst this number is 18% for disabled people if their disability benefits (including PIP) are included, it rises to 38% if they are excluded. They should properly be excluded as PIP and other disability benefits designed to meet the extra costs associated with being disabled rather than increasing living standards.¹⁰

The current state of human rights protections for disabled people in the UK

15. In 2017, the UN Committee on the Rights of Persons with Disabilities (CRPD) undertook an inquiry into the UK, where it determined that “there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been crossed in the State party.”¹¹

16. In its 2024 follow-up report, the CRPD concluded that “no significant progress has been made in the State party concerning the situation of persons with disabilities addressed in the inquiry proceedings,” and that “the State party has failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities.”¹² Amongst other recommendations, it “called [the UK] to urgently:”

“(f) Take comprehensive measures to ensure that persons with disabilities are adequately supported through social security payments, benefits and allowances, including by conducting thorough assessments based on the human rights model of disability, and by reviewing the current Universal Credit system, to ascertain the additional costs of living with disabilities and adjusting benefit amounts accordingly to reflect these costs;”

17. In 2025 the UN Committee on Economic, Social and Cultural Rights (“CESCR”) handed down its conclusions following the 7th Periodic Review of the UK and specifically “urged” the UK:

⁹ Joseph Rowntree Foundation Factsheet: “health related benefit cuts”.

¹⁰ Joseph Rowntree Foundation, UK Poverty 2025: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation, p. 66.

¹¹ UN CRPD, Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention, 24 October 2017, para. 113.

¹² UN CRPD, Report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland, 22 March 2024, paras. 88-89.

“To ensure that disability-related benefits, including the Personal Independence Payment and the Employment and Support Allowance, adequately cover additional disability-related costs, in line with the human rights model of disability, taking into account the recommendations of the Committee on the Rights of Persons with Disabilities (para 41(d)).”

18. Further detail is given about these findings and the relevant international human rights law below.

IHRL obligations

19. The United Kingdom of Great Britain and Northern Ireland (“UK” has ratified seven UN Treaties, including of direct relevance the:

- a. International Covenant on Economic, Social and Cultural Rights (ICESCR)
- b. Convention on the Rights of the Child (UNCRC)
- c. Convention on the Rights of People with Disabilities (UNCRPD)

20. The Treaties have not been incorporated into domestic law and as such are not directly enforceable by individuals in the UK Courts. However, the rights within them represent binding obligations in international law. That means the UK has pledged to respect, protect and promote the rights and ensure its domestic laws and policies comply with them. The UK is bound by the general international law requirement to comply with treaty obligations in good faith, expressed in the maxim *pacta sunt servanda*. This is a principle of customary international law and therefore binds the UK through its government. It is enshrined in Article 26 of the Vienna Convention on the Law of Treaties and is foundational to the maintenance of the international legal system, and thereby the UN human rights framework.

21. The Treaties each provide for a treaty monitoring body (“TMB”) “charged with monitoring and enforcing the obligations”.¹³ Each TMB is composed of independent experts of recognized competence in human rights, who are nominated and elected for fixed, renewable terms of four years by States parties.

22. In the context of the three Treaties identified above, the respective TMB is:

- The UN Committee on Economic, Social and Cultural Rights (“CESCR”)
- The UN Committee on Rights of the Child (“CRC”)
- Convention on the Rights of People with Disabilities (“CRPD”)

23. In addition to their obligation to implement the substantive provisions of the treaty, each State party is also under an obligation to engage in periodic reviews carried out by the TMBs. These periodic reviews involve the State Party submitting report(s) and

¹³ In *re Hurley v. Sec’y of State for Bus. Innovation & Skills* [2012] EWHC 201, para 38

other interested parties (including civil societies and National Human Rights Institutions like the UK Equality and Human Rights Commission).

24. The UK is bound by the UNCRPD Optional Protocol and therefore the CRPD may initiate a country inquiry if it receives reliable information containing well-founded indications of serious, grave or systematic violations of the conventions in a State party.

25. In addition to the rights contained in the Treaties themselves, each of the TMBs publishes its interpretation of the provisions of its respective human rights treaty in the form of “General Comments.” These cover a wide range of subjects, from the comprehensive interpretation of substantive provisions to general guidance on the information that should be submitted in State party reports relating to specific articles of the treaties. General comments have also dealt with wider, cross-cutting issues, such as the rights of persons with disabilities or violence against women and the rights of minorities.

Relevant rights contained within the UN Treaties

UN Covenant on Economic, Social and Cultural Rights

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 11

1. *The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*

CESCR General Comment 19 on Article 9 and the right to Social Security

20. *In its general comment No. 5 ((1994) on persons with disabilities, the Committee emphasized the importance of providing adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost, or received a reduction in, their income, have been denied employment opportunities or have a permanent disability.*

22. *Benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realize his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care, as contained in articles 10, 11 and 12 of the Covenant.*

59. *States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant.¹⁴ This requires the State party:*

(a) *To ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care,¹⁵ basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.*

UNCRPD

Article 1 - Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 4 - General obligations

a. *States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:*

¹⁴ See general comment No. 3 (1990) on the nature of States parties' obligations (art.2, para.1 of the Covenant).

¹⁵ Read in conjunction with general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12), paras. 43 and 44, this would include access to health facilities, goods and services on a non-discriminatory basis, provision of essential drugs, access to reproductive, maternal (prenatal as well as post-natal) and child health care, and immunization against the major infectious diseases occurring in the community.

To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

b. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

c. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

Article 19 - Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 28 - Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(c) *To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;*

UNCRPD General comment No 5: the right to independent living

2. *Article 19 of the Convention on the Rights of Persons with Disabilities recognizes the equal right of all persons with disabilities to live independently and be included in the community, with the freedom to choose and control their lives. The foundation of the article is the core human rights principle that all human beings are born equal in dignity and rights and all life is of equal worth.*

3. *Article 19 emphasizes that persons with disabilities are subjects of rights and are rights holders. The general principles of the Convention (art. 3), particularly respect for the individual's inherent dignity, autonomy and independence (art. 3 (a)) and the full and effective participation and inclusion in society (art. 3 (c)), are the foundation of the right to live independently and be included in the community. Other principles enshrined in the Convention are also essential to interpret and apply article 19.*

4. *In the preamble to the Convention, States parties recognize that many persons with disabilities live in poverty and stress the need to address the impact of poverty. The cost of social exclusion is high as it perpetuates dependency and thus interference with individual freedoms. Social exclusion also engenders stigma, segregation and discrimination, which can lead to violence, exploitation and abuse in addition to negative stereotypes that feed into a cycle of marginalization of persons with disabilities. Policies and concrete plans of action for social inclusion of persons with disabilities, including through the promotion of their right to independent living (art. 19), represent a cost-effective mechanism to ensure the enjoyment of rights, sustainable development and a reduction in poverty.*

8. *...It means exercising freedom of choice and control over decisions affecting one's life with the maximum level of self-determination and interdependence within society.*

9. *The right contained in article 19 is deeply rooted within international human rights law. The Universal Declaration of Human Rights stresses in article 29 (1) the interdependence of an individual's personal development and the social aspect of being a part of the community: "Everyone has duties to the community in which alone the free and full development of his personality is possible." Article 19 has its roots in civil and political as well as economic, social and cultural rights: the right to liberty of movement and freedom to choose one's residence (article 12 of the International Covenant on Civil and Political Rights) and the right to an adequate standard of living, including adequate clothing, food and housing (article 11 of the International Covenant on Economic, Social and Cultural Rights), and to basic communication rights form the basis for the right to live independently and be included in the community. Liberty of movement, an adequate standard of living as well as the ability to understand and have one's preferences, choices and decisions understood form indispensable conditions for human dignity and the free development of a person.*

13. *Equality and non-discrimination are fundamental principles of international human rights law and enshrined in all core human rights instruments. In its general comment No. 5 (1994) on persons with disabilities, the Committee on Economic, Social and Cultural Rights highlights that “segregation and isolation achieved through the imposition of social barriers” count as discrimination. It also stresses in relation to article 11 that the right to an adequate standard of living not only includes having equal access to adequate food, accessible housing and other basic material requirements, but also the availability of support services and assistive devices and technologies fully respecting the human rights of persons with disabilities.*

56. *While implementing legislation, policies and programmes, States parties must closely consult and actively involve a diverse range of persons with disabilities through their representative organizations in all aspects concerning living independently in the community, in particular, when developing support services and investing resources in support services within the community.*

59. *Programmes and entitlements to support living independently in the community must cover disability-related costs.*

62. *Cash transfers such as disability allowances represent one of the forms in which States parties provide support for persons with disabilities in line with articles 19 and 28 of the Convention. Such cash transfers often acknowledge disability-related expenses and facilitate the full inclusion of persons with disabilities in the community. Cash transfers also tackle situations of poverty and extreme poverty that persons with disabilities may face. States parties must not add to the hardship faced by persons with disabilities by reducing their income in times of economic or financial crisis or through austerity measures that are inconsistent with human rights standards set out in paragraph 38 above.*

70. *Consultations with and the active involvement of persons with disabilities, through their representative organizations (art. 4 (3)), is critical for the adoption of all plans and strategies as well as for follow-up and monitoring when implementing the right to independent living in the community. Decision makers at all levels must actively involve and consult the full range of persons with disabilities including organizations of women with disabilities, older persons with disabilities, children with disabilities, persons with psychosocial disabilities and persons with intellectual disabilities.*

UNCRC

Article 26

1. *States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.*

2. *The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.*

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Progressive realisation of socio-economic rights and the presumption against retrogression (backward steps).

26. The UN Treaties require state parties to achieve the progressive realization of economic, social and cultural rights by taking steps to the maximum of their available resources.¹⁶ These steps must be taken immediately or within a reasonably short period of time. Such steps should be deliberate, concrete, targeted and use all appropriate means. These rights include the to an adequate standard of living, social security and to the extent that it is dependent on the fulfilment of those rights, the right to independent living.

27. Implicit in the obligation to progressively improve ICESCR rights realization is an additional obligation not to take retrogressive (backward) steps. This obligation has been recognised and promulgated in various General Comments from many of the TMBs and other international human rights bodies and indeed the domestic courts.¹⁷ For example, CECR General Comment 19 in relation to the right to social security says:

42. There is a strong presumption that retrogressive measures taken in relation to the right to social security are prohibited under the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant, in the context of the full use of the maximum available resources of the State party. The Committee will look carefully at whether: (a) there was reasonable justification for the action; (b) alternatives were comprehensively examined; (c) there was genuine participation of affected groups in examining the proposed measures and alternatives; (d) the measures were directly or indirectly discriminatory; (e) the measures will have a sustained impact on the realization of the right to social security, an unreasonable impact on acquired social security rights or whether an individual or group is deprived of access to the minimum essential level of social security; and (f) whether there was an independent review of the measures at the national level.

28. In relation to the right to independent living, CRPD in its General Comment No 5 states:

43. When a State party seeks to introduce retrogressive measures with respect to article 19, for example, in response to an economic or financial crisis, the State is obliged to demonstrate that such measures are temporary, necessary and non-discriminatory and that they respect its core obligations.

¹⁶ See ICESCR Article 2(1); UNCRPD Article 4(2).

¹⁷ Hurley *ibid* at para 38.

44. The duty of progressive realization also entails a presumption against retrogressive measures in the enjoyment of economic, social and cultural rights. Such measures deprive people with disabilities of the full enjoyment of the right to live independently and be included in the community. As a matter of consequence, retrogressive measures constitute a violation of article 19.

The 2017 Review of the UK by the CRPD

29. As is now generally understood and well reported, disabled people were very seriously and disproportionately adversely affected by the austerity measures taken by the then government(s) of the UK after the global financial crisis in 2007.¹⁸

30. After two years of receiving information about the implications of government reforms on the rights of disabled people, the UC Committee decided that to conduct an Inquiry concerning the United Kingdom under article 6 of the Optional Protocol to the Convention in order to examine:

“the cumulative impact of the legislation, policies and measures adopted by the State party relating to social security schemes and to work and employment, from 2010 to the date of adoption of the report, directed to persons with disabilities or affecting their enjoyment of their rights to live independently and to be included in the community (article 19 of the Convention on the Rights of Persons with Disabilities), to an adequate standard of living and social protection (art. 28) and to work and employment (art. 27).

31. The Committee set out the legal standards it applied in the review, reflecting the rights in the Treaty as interpreted in the General Comments.

“Living independently and being in the community

8. Article 19 recognizes the right of all persons with disabilities to live independently and be included in the community.

9. States parties shall respect the autonomy of persons with disabilities and their freedom of choice and control over their place of residence and with whom they live, on an equal basis with others, which entails the possibility of choosing from the same range of options as other members of society or rejecting those options. States parties shall ensure that persons with disabilities exercise their freedom of choice and control and adopt measures to prevent their isolation, segregation or institutionalization.

10. Persons with disabilities are entitled to exercise control over day-to-day decisions, the activities of their routine, the services they require and the living arrangements they need, including those specifically related to impairments, and to relate to and communicate with others in the community.

¹⁸ See for example, the Equality & Human Rights Commission's (EHRC) 2017 report “Being disabled in Britain” found that, “Social security reforms have had a particularly disproportionate, cumulative impact on rights to independent living and an adequate standard of living for disabled people

11. Freedom of choice and control over living arrangements and daily activities are indispensable to ensure the full inclusion and participation of persons with disabilities in the community and to prevent their isolation and segregation. If autonomy, choice and control are not guaranteed and protected through accessible and appropriate support, persons with disabilities risk being separated from their families, friends and communities and excluded from meaningful participation in society.

Work and employment (art. 27)

19. States parties shall ensure that persons with disabilities enjoy equality of opportunity and treatment with respect to access to, retention of and advancement in employment in the open labour market, which, wherever possible, corresponds to their own choice. They also have a duty to raise awareness among employers and the general public of the right of persons with disabilities to work. Persons with disabilities are entitled to assistance and support in finding, obtaining, maintaining and returning to employment.

Adequate standard of living and social protection (art. 28)

26. The Convention recognizes the right of persons with disabilities to enjoy social protection without discrimination on the basis of disability. States parties are required to take appropriate steps to safeguard and promote the realization of that right, including through measures to ensure access by persons with disabilities, in particular women, girls and older persons with disabilities, to social protection programmes and poverty reduction programmes.

27. Social protection includes a variety of interventions designed to guarantee basic income security and access to essential social services, with the ultimate goal of achieving social inclusion and participation in the community.

30. Social protection systems should address the costs associated with disability and protect persons with disabilities from falling into a lower standard of living or into poverty at all stages of their life cycle.

36. States have obligations of immediate effect in relation to the right of persons with disabilities to social protection: persons with disabilities should not be discriminated against in the exercise of their right, access to social protection schemes should be secured and a minimum essential level of benefits for all persons with disabilities and their families should be ensured.

40. The realization of the right to live independently and be included in the community requires an adequate level of income protection, which can be secured both through mainstream and disability-specific social protection programmes, as well as through employment.

41. Given the barriers that still prevent the full participation of persons with disabilities in the labour market and mean higher unemployment rates for them, income-maintenance social security schemes are particularly important for

persons with disabilities. Such schemes allow them to maintain their autonomy and freedom of control and choice of their living arrangements and day-to-day activities. Without an adequate level of social protection, persons with disabilities run the risk of being isolated, segregated from the community and/or institutionalized.

42. States parties should find a balance between providing an adequate level of income security for persons with disabilities through social security schemes and supporting their inclusion in the labour market. The two sets of measures should be seen as complementary rather than contradictory. Measures aimed at facilitating the inclusion in the labour market of beneficiaries of social security should include transitional arrangements to ensure income protection while they reach a certain threshold and sustainability in their wages

46. The duty of progressive realization entails a presumption against retrogressive measures in the enjoyment of economic, social and cultural rights. When retrogressive measures are adopted, States parties should demonstrate that they have been introduced after careful consideration of all alternatives and that they are duly justified, by reference to the totality of the rights provided for in the Convention, in the context of the use of the maximum available resources of the State party. Under the criteria adopted by the Committee on Economic, Social and Cultural Rights on the prohibition of retrogression in the realization of economic, social and cultural rights,¹ States parties should demonstrate that:

(a) There is reasonable justification for the action;

(b) Alternatives were comprehensively examined;

(c) There was genuine participation of affected groups in examining proposed measures and alternatives;

(d) The measures are not directly or indirectly discriminatory;

(e) The measures will not have a direct impact on the realization of the rights set out in the Convention, or an unreasonable impact on acquired rights, or on whether an individual or group will be deprived of access to the minimum level of social security;

(f) There was an independent review of the measures at the national level.”

32. In Part VII of its 2017 Report, the Committee set out a summary of the findings:

General failings

82. The facts submitted by the sources were disputed by the State party. The Committee engaged in a verification exercise, in which the facts that appeared to be controversial were cross-checked with data collected from a variety of sources, including the Government of the State party and the devolved administrations, parliamentary inquiries, reports of the

independent monitoring body of the Convention, official statistics, reports and data originating from other government departments or units, research institutes, service providers, academic centres, independent experts, former government officers, grass-roots non-governmental organizations, organizations of persons with disabilities and individuals. In some cases, some statements made by the State party were not supported by the evidence collected during the investigation. In others, the State party indicated that no data were available. The findings below are based on a comprehensive analysis of the data provided by various sources.

83. A considerable time ago, the State party launched a major policy reform to the welfare system aimed at reducing the fiscal deficit and achieving in 2020 a surplus in its balance of payments. In various policy documents and statements, high-level government officers have stated that this is the most fundamental policy change to the social protection system in recent decades. The stated goals of the policy are to transform British society from a low-wage, low-employment and high-welfare society to a high-wage, high-employment and low-welfare one. The policy makes the assumption that individuals are better off in work, dependency on benefits is in itself counterproductive and perpetuates poverty, and beneficiaries of welfare benefits need to move into work, both through improvement in the incentives to gain employment and through a system of conditionality and sanctions. The intention behind the policy is that those sectors of society that have been dependent on benefits move into work. It has also been stated that the policy aims to protect those people who require more support or who are “most vulnerable”.

D. Adequate standard of living and social protection (art. 28)

110. The Committee had access to official statistics indicating that, overall, households with one or more persons with disabilities are more likely to have a relatively low income than households without persons with disabilities. The Committee was presented with evidence that the changes in the welfare system had had a more negative impact on households with persons with disabilities, especially on those living on low incomes.

111. The Committee observes that equality impact assessments carried out by the authorities for various welfare benefits did foresee that a large number of persons with disabilities would be affected by the policy changes. The Committee also received evidence that the cumulative impact in the reduction of welfare benefits had led persons with disabilities to struggle to maintain a minimum level of income, driving many into increased dependency on relatives and increased levels of indebtedness, resulting in an inability to manage the bare essentials and having to have recourse to food banks.

112. The authorities foresaw that the transition from disability living allowance to personal independence payments would result in 620,000 fewer people receiving that type of benefit and would represent a 20 per cent saving in expenditure. The eligibility criteria and the threshold for qualifying for personal independence

payments have been tightened, with the result that many claimants needing moderate or lower levels of support have been excluded from the benefit.

E. Systematic violations of the Convention

113. Consequently, the Committee considers that there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been crossed in the State party. That conclusion is based on the following findings:

(a) The State party has implemented a policy aimed at reforming its welfare system and the reforms have been justified in the context of austerity measures to achieve consolidation of fiscal and budgetary policy;

(b) The assumptions made under the policy include the following: (i) taxpayers need to be treated with fairness, (ii) large numbers of persons with disabilities have been reliant and dependent on social benefits, (iii) persons are better off in work than on benefits, (iv) the dependency of persons with disabilities on benefits is in itself a disincentive to move into employment, (v) the number of persons with disabilities relying on social benefits needed to be reduced and (vi) tightening sanctions and conditionality on social benefits is a legitimate tool for incentivizing moving people with disabilities into employment;

(c) The impact assessments conducted by the State party prior to the implementation of several measures of its welfare reform expressly foresaw an adverse impact on persons with disabilities;

(d) Several measures have disproportionately and adversely affected the rights of persons with disabilities;

(f) The core elements of the rights to independent living and being included in the community, an adequate standard of living and social protection and the right to employment have been affected: persons with disabilities affected by policy changes have had their freedom of choice and control over their daily activities restricted, the extra cost of disability has been set aside and income protection has been curtailed as a result of benefit cuts, while the expected policy goal of achieving decent and stable employment is far from being attained;

Recommendation

(b) Ensure that any intended measure of the welfare reform is rights-based, upholds the human rights model of disability and does not disproportionately and/or adversely affect the rights of persons with disabilities to independent living, to an adequate standard of living and to employment.

(c) Ensure that any intended legislation and/or policy measure respects the core elements of the rights analysed in the present report, that persons with disabilities ... have access to security social schemes that ensure income protection, including in relation to the extra cost of disability, compatible with

an adequate standard of living and ensure their full inclusion and participation in society, and that they have access to and are supported in gaining employment in the open labour market on an equal basis with others;

(g) Actively consult and engage with persons with disabilities through their representative organizations and give due consideration to their views in the design, implementation, monitoring and evaluation of any legislation, policy or programme related to the rights addressed in the present report;

33. In November 2022, the Committee decided to follow up on the measures adopted by the UK in response to the Committee's 2017 recommendations.

34. In its subsequent 2024 report, the Committee noted the following:

15. The cost-of-living crisis in the UK, exacerbated by factors such as Brexit, the COVID-19 pandemic, and the Russian invasion of Ukraine has led to rapid price increases in essential goods and services since late 2021. This crisis has significantly impacted disposable incomes, with energy, gas, and food prices seeing the most substantial rises. The UK government responded with measures including the Energy Price Guarantee which capped the unit cost of electricity and gas, and various cost of living payments. However, DDPOs have noted feedback from their members that these payments were insufficient to meet the increased cost of living.

16. Several sources informed the Committee that disabled people are among the groups most severely affected by these economic challenges as they are already more likely to live in poverty, with a disposable income that is approximately 44% lower than that of other working-age adults, exposing them perilously to the rising cost of essentials. A notable 41% reported they could not afford to keep their homes warm in winter 2022, and one in ten have fallen into debt due to the crisis.

17. Sources also reported that deep poverty is more common among disabled people, particularly those living alone, who cannot share costs and are twice as likely to live in deep poverty compared to single persons without disabilities. Additionally, disabled people constitute most food bank users in the UK, with recent research indicating that 69% of working-age people using food banks are disabled people, highlighting a stark contrast to the 23% prevalence in the general population

35. In Part III of its Report, it set out its assessment:

B. Living independently and being included in the community (art. 19)

76. The Committee notes with deep concern that the PIP/ADP is not sufficient to cover the extra costs of living with disabilities, that the eligibility criteria for PIP/ADP are contrary to the human rights model of disability and that the UK Independent Living Fund has been closed to new applicants since 2010. Disabled people including persons who are at the intersection of multiple

marginalization, including women and children with disabilities, racialized and ethnic minorities, migrants, and asylum-seekers report inability to afford personal assistance, care support, health, and food.

77. The Committee is also deeply concerned that personal assistance designed to cover bare subsistence is being offered to disabled people instead of the amount of personal assistance required to achieve the holistic potential and full enjoyment of the right to live independently and in the community. Disabled people also report insufficient support for recreational activities, including transportation through public transportation and 24-hour accessible taxis.

36. In part IV came the Committee's conclusions and recommendation

88. **The Committee concludes that no significant progress has been made in the State party concerning the situation of persons with disabilities addressed in the inquiry proceedings. The Committee also notes that while some measures have been taken to address its recommendations issued pursuant to article 6 of the Optional Protocol, there are also signs of regression in the standards and principles of the Convention, in contravention of article 4.2.**

89. **The Committee finds that the State party has failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination as framed in General Comment No. 6 on equality and non-discrimination. This failure exists particularly with respect to the State party's obligation to guarantee the right of persons with disabilities to live independently and be included in the community (art. 19), to work and employment (art. 27), and to an adequate standard of living and social protection (art. 28) in the United Kingdom of Great Britain and Northern Ireland.**

90. **The Committee finds that the recommendations issued in 2017 (CRPD/C/15/4) are not yet fulfilled. It therefore reiterates its recommendations issued in 2017. In addition, the Committee calls the State party to urgently:**

(f) Take comprehensive measures to ensure that persons with disabilities are adequately supported through social security payments, benefits and allowances, including by conducting thorough assessments based on the human rights model of disability, and by reviewing the current Universal Credit system, to ascertain the additional costs of living with disabilities and adjusting benefit amounts accordingly to reflect these costs;

The UN Committee on Economic, Social and Cultural Rights 7th Periodic Review of the UK

37. In 2024 and 2025 UNESCR carried out its 7th Periodic Review of the UK's performance under the UN Committee on Economic, Social and Cultural Rights. After an

extensive investigation including evidence gathering sessions with UK government officials. The Committee made the following recommendations:

Right to social security

40. The Committee is concerned that measures introduced through the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016, including benefit cuts and temporary reductions in or the suspension of benefits, have eroded the rights to social security and to an adequate standard of living, disproportionately affecting persons with disabilities, low-income families and workers in precarious employment. The Committee expresses concern that those reforms have resulted in severe economic hardship, increased reliance on food banks, homelessness, negative impacts on mental health and the stigmatization of benefit claimants (arts. 9 and 11).

41. **The Committee urges the State Party, along with the devolved governments of Northern Ireland, Scotland and Wales:**

(d) **To ensure that disability-related benefits, including the Personal Independence Payment and the Employment and Support Allowance, adequately cover additional disability-related costs, in line with the human rights model of disability, taking into account the recommendations of the Committee on the Rights of Persons with Disabilities;¹⁹**

44. The Committee is concerned about rising poverty rates across regions and cities, which disproportionately affect children, persons with disabilities, ethnic minorities, migrants, female-headed households and lesbian, gay, bisexual, transgender and intersex persons, particularly those in low-paid or precarious employment. It also notes with concern the insufficient social security support in current anti-poverty measures, the lack of a comprehensive child poverty eradication strategy and the growing number of households unable to afford electricity, gas, water, sanitation, heating and clothing (art. 11).

The reforms in the Bill in more detail and their anticipated impacts

38. UC is an “income replacement” benefit designed to ensure that basic or subsistence needs are met. It comprises a standard allowance with additional amounts for children housing and other needs including ill-health and disability. As the White Paper to the 2012 Act explained, the purpose of the standard allowance is to provide for basic living costs.

¹⁹CRPD/C/GBR/CO/1, para. 59.

39. For UC claimants with a health condition or disability the “work capability assessment” (“WCA”) determines where they are entitled to an additional amount, known as the “health element”.

40. The WCA is a functional assessment intended to determine the applicant’s fitness for work. Only those found to have “limited capability for work- and work-related activity” (“LCWWRA”) are entitled to the health element. It is currently worth £423.23 a month, equivalent to £97.40 a week. Individuals with LCWWRA are entitled to work whilst on Universal Credit. The maximum amount of Universal Credit tapers down to zero in relation to earnings received.

41. The Green Paper says households are paid the LCWRA “because they are deemed to be “further away from the labour market” and are “unable to increase their income or build sufficient savings to cover substantial household costs”

The proposed reform:

42. The health element will be reduced in value for both new and existing claimants: (a) for new recipients, the health element will be reduced from £97 a week in 2025/26 to £50 a week in 2026/27, and then frozen until 2029/2030 and (b) for existing recipients, the health element will be frozen at £97 a week until 2029/30.

43. Although the real value of the health element for existing recipients will decrease due to inflation, the Bill confirms the statement in the Green Paper that “no-one who has been found LCWRA prior to April 2026 and remains LCWRA following reassessment will see their UC health element entitlement changed”. In fact, existing claimant’s higher rate will be protected even if their UC stops on income grounds for a temporary period of up to 6 months.

44. There are two further related reforms:

1. The UC standard allowance will be increased above forecast inflation over the period up to 2029/30. For single claimants over 25 it will increase to £98 a week in 2026/27, and to £106 a week by 2029/30. This would be 4.8% higher than the baseline assumption of increasing the standard allowance in line with Consumer Prices Index (CPI) inflation over the period.”

2. From April 2026, UC claimants who meet the special rules for end of life (SREL) criteria and those with the most severe and lifelong health conditions and disabilities will be entitled to the higher protected rate of the UC LCWRA element. This will be assessed using the severe conditions criteria (“SCC”) and SCC claimants will not be routinely reassessed. Claimants meet the severe conditions criteria if they have been assessed as having LCWRA and have a severe, lifelong disability, illness or health condition; and are unlikely to ever be able to move into work.”

45. It is also important to note that analogous reforms are made to the “legacy benefit”, income related Employment and Support Allowance (ESA) that is still being phased out and replaced by Universal Credit.

Rationale for the reforms to UC

46. Evidence published alongside the green paper shows that the number and proportion of claimants being given the highest awards has increased substantially in recent years. The proportion of the UC caseload receiving the health component has increased substantially, from around 11% in 2009 to 68% in 2024, after a spike post-Covid 19 pandemic.²⁰ Without reform, the number of people on Employment and Support Allowance and the health element in UC is set to rise from 1.9 million in 2019/20 to a forecast of three million by 2029/30.

47. The Government has argued that this has been driven in part by the increasing disparity between levels of benefit for people who qualify for the highest health-related awards and people who do not. The financial disparity has increased because of reforms since 2015, particularly the freeze in most working-age benefits between 2016 and 2020. The Government notes that this growth outstrips the increased in the number of disabled working age people.

48. The premise is that claimants have been incentivised to claim that they are LCWWRA.²¹ The DWP also notes that people assessed as having LCWRA in UC are not required to engage with employment support and have low rates of moving into work compared with other groups of claimants. Once people are placed in the LCWRA group, "less than 1% move into work each month and sustain work for at least two months."²²

49. The standard allowance used to be greater than the health element but that changed overtime. If the reforms are enacted this will be reversed in the financial year 2026/7.

Savings

50. The net savings of the reforms to UC (and ESA) will be £800m p/a by 2029/30. This is made up of a saving of approximately £2.7b resulting from the changes to the health element, offset by the costs of the increased standards allowance of £1.8b.

Impact

51. The government estimates that in 2029/30, 2.25 million pre-April 2026 recipients of the health element will be affected by the freeze, experiencing an average loss of £500 a year. In addition, 730,000 new recipients of the health element post-April 2026 will have been affected by the reduced (and frozen) health element. This group will experience an average loss of £3,000 a year, compared with a counterfactual with no policy change. These losses will be partially offset by the increase in the standard allowance. Notably, the Government believes that whilst approximately 200,000 people will receive the protected rate because they are deemed SCC, by 2029 only 71,000 are expected to be new post April 2026 claimants.

²⁰ Pathways to Work, Evidence pack: Chapter 1, Table 1.12

²¹ Green Paper para 91-96, 107.

²² Green Paper para 84-86

52. Some 3.9 million households not on the UC health element are expected to gain from the increase in the standard allowance the average gain being £26523

53. In its response to the green paper, the Resolution Foundation said that the widespread gains for millions of claimants due to the standard allowance increase were welcome but small, bringing the real value of the standard allowance back to its 2018/19 level.²⁴

54. The Resolution Foundation estimated that the reductions in the health element would result in between 34,000 and 50,000 full-time equivalent workers entering employment. It notes that the employment effects of this, and other changes in the green paper, are "much smaller than the affected population".²⁵

55. Child Poverty Action Group argued that the government's case that the system needs to be rebalanced may be true but added that there is "no need to cut the UC health element to achieve this", and the standard allowance should be increased instead.²⁶ Citizens Advice questioned the government's argument that the high rate of the health element relative to the standard allowance actually puts people off trying work. It notes that recipients of the health element can work without their award being affected, although many are not aware of this. Most Citizens Advice advisers surveyed were sceptical that the reductions to the health element would improve employment prospects, and said the reforms failed to address the real barriers disabled people face to finding work.²⁷

56. Chair of the Common Work and Pensions Committee wrote to the Secretary of State on 21 May urging suspension of the reforms in the Bill. In relation to the rationale of the reforms to UC, Debbie Abrahams MP said:

"At this stage, we are inclined to agree with the Government and others: the design of incapacity benefits, particularly the disparity between the standard allowance and UC health, has probably incentivised some people to claim the higher rate.

57. We were told, however, that other factors might also be driving people to claim both incapacity and disability benefits, including, in particular: rising ill-health, including mental ill-health; rising financial insecurity, particularly among disabled people; and the exclusion of disabled people from the workplace, exacerbated by the rise in the state pension age. It seems very possible that these other factors, which we will address in our final report, have indeed contributed to rising caseloads. If this is the case, the legislative changes might not incentivise work, as the Government hopes, but rather push people deeper into poverty, worsen health, especially in more deprived areas, and move people

²³ Spring Statement 2025 Impacts - updated 2 May 2025. These number may be subject to some variation but this is not set out in the May Impact Assessment

²⁴ RF "A Dangerous Road, Examining the Pathways to Work" Green Paper 19 March 2025.

²⁵ RE "No workaround: assessing the impact of the Spring 2025 disability and incapacity benefit reforms on employment, 20 May 2025.

²⁶ CPAG's response to proposed change to sickness and disability benefits, 19 May 2025

²⁷ Citizen's Advice, Pathways to Poverty: How planned cuts to disability benefits will impact the people we support, 27 May 2025

further from the labour market, as evidence suggests has happened in the past with similar reforms.”

58. It cites the Institute for Fiscal Studies (IFS) has stated that “falling real incomes caused by high inflation over recent years might mean higher value is placed on additional income, inducing more people to apply for health-related benefits

“This would increase the standard allowance of Universal Credit, so that people aren’t forced to declare themselves unable to work in order to improve their incomes and also ensure we give people support they need to get jobs. While protecting existing LCWRA claims and providing a higher rate for those with severe conditions and those nearing end of life for whom this may not be an option. We know that work is the best route out of poverty, and that good work is good for people’s physical and mental health, which reduces pressure on the NHS. And it’s good for businesses and the economy to have a bigger pool of our country’s brilliant talent to draw on.”

Personal Independence Payments (PIP)

59. PIP is a non means tested benefit and is intended to help with the extra costs arising from ill health or disability. It has two parts, the daily living component to help with everyday tasks and the mobility component to provide assistance with getting around, which both have two rates, standard and enhanced.

60. The current amounts are:

- Daily Living: £73.90/£110.40
- Mobility: £29.20/£77.05
- Combined: £103.10/£187.45 (£446.76/£812 p/mnth)

61. Eligibility for PIP is also determined by a functional assessment but it looks at how a person's ability to live independently rather than their ability to work is affected by health conditions and disabilities. PIP can be paid to individuals whether they're in work or in receipt of Universal Credit. Receipt of PIP does not automatically entitle a claimant to the health component on UC.

62. Eligibility for PIP does not depend on having a particular health condition or disability, but on how their condition or disability affects what they can do their functional ability. The PIP assessment is intended to give a "holistic" assessment of the impact of a condition on a person’s ability to participate in everyday life and to promote their independence. It is focussed on specific activities, of which in the case of the daily living component there are ten: preparing food; Taking nutrition; managing therapy or monitoring a health condition; Washing and bathing; Managing toilet needs to incontinent; Dressing and undressing; communicating verbally; Reading and understanding signs, symbols and words; Engaging with other people face to face; Making budgeting decisions. For each activity there are ‘descriptors’ that define

increasing levels of difficulty carrying out the activity (and therefore higher levels of need). Each descriptor generates a score from 0-8 and applicants can only be scored for one descriptor in respect of each activity (for example, in relation to dressing and undressing: 'Needs to use an aid or appliance to be able to dress or undress' - Score 2: 'Needs physical help to be able to dress or undress their upper body' - Score 4: 'Cannot dress or undress at all' -Score 8).

63. Currently, the threshold for entitlement is eight points across all 10 activities for standard rate, and 12 for the enhanced rate. The policy will add a new requirement for the applicant to receive a score of 4 or more in relation to at least one activity. Once implemented, claimants who score three points or fewer on each activity will no longer be eligible for the daily living component of PIP, even though they would have a score of 30 (well above the current threshold for the enhanced rate).

64. Two points to note are that (a) there was speculation that the Government might introduce a category of eligibility for persons who score highly across the activities, albeit without scoring 4 or more in respect of one, but this has not materialised in the Bill and (b) the government has announced a wider review of the PIP assessment to ensure that it is 'fit for purpose' having regard to the "significant shifts" that have occurred in the relation to the health conditions and disabilities and in the society and the workplace more generally. This review is not part of the Bill or the consultation, the government indicating that it is "major undertaking" and as such, some time off.

Rationale

65. The Government has stated that the number of people claiming PIP is set to double this decade from 2 million to 4.3 million and that the global amount spent on working-age sickness and disability benefits has increased by £20 billion since the pandemic and would have been set to rise by a further £18 billion by the end of this Parliament to £70 billion a year.²⁸

66. The Green Paper said that the increasing PIP caseload was becoming unaffordable and that the rate of increase in claims and expenditure is not sustainable and has outstripped the growth in disability prevalence. This reform was therefore being introduced to control welfare spending while continuing to support people with higher needs relating to a long-term health condition or disability.²⁹

Savings

67. By 2029/30, the new PIP four-point rule is expected to save £3.5 billion a year in Great Britain.³⁰

Impact

²⁸ Spring Statement, *ibid*.

²⁹ Spring Statement

³⁰ June Impact Assessment published with the Bill.

68. The June Impact Assessment states:

“Before the change is implemented there will be around 3.6m people on PIP. The Department has published an evidence pack which shows that currently around 46% of those receiving PIP daily living score fewer than 4 points on any daily living activity. This does not mean that over 1.6m would lose PIP, because it does not take into account:

- _People’s health changes – some get better and no longer need PIP whereas 1 in 5 people see their award increase at an award review and some will leave benefit for other reasons.
- _OBR assume a behavioural response so that around 50% of people will now qualify when the new rules come into effect.
- _Not all current claimants will have been reassessed under the new criterion.
- _Together these factors mean the OBR expects 370,000 people to have a lower award or lose PIP due to this policy by 2029/30. So around 9 in 10 of the original case are not affected.”

69. The Government also predicts that 430,000 will be prospective future PIP recipients who do not receive the PIP they would otherwise have been entitled to. The average loss is estimated at £4,500 a year.

70. The OBR has stated that the assessment relied upon by the Government involves a “highly uncertain judgement” because of the degree of behavioural changes anticipated in response to the reforms.

71. The Child Poverty Action Group (CPAG) points out that, for some claimants, the impact of the four-point rule will be greater than just the loss of the daily living component. Families no longer entitled to PIP would, for example, lose protection against the benefit cap. It said that there was some uncertainty about the effect of these changes, but that they were “likely to be far greater than the government presented”. It argued the reforms risked undermining the government’s objectives of tackling child poverty and increasing living standards.⁶⁴ <https://cpag.org.uk/news/short-briefing-pathways-work-green-paper>

72. The June Impact Assessment said:

“We have also launched a review of the PIP assessment as we want to make sure the PIP assessment is fit for the future. This includes considering the PIP assessment criteria – including descriptors - and how the PIP assessment can play a role in unlocking wider support to enable better health, good work, higher living standards and greater independence. We will work closely with disabled people, the organisations that represent them and others, to ensure that the voices of those who go through the PIP assessment, those who support them and those with expertise in the system are embedded in the review.”

Combined impact and poverty

73. The Spring Statement confirmed that that it is estimated that there will be an additional 250,000 [200,00 absolute] people (including 50,000 children [absolute]) in relative poverty after housing costs in financial year ending (FYE) 2030 as a result of the modelled changes to social security, compared to baseline projections. The impact on the number of pensioners in poverty is expected to be negligible. This is not a direct sum of the impacts on the individual age groups because of rounding. As stated above this modelling does not include any assessment or assumption of the employment impacts of the package as a whole.”

74. This estimate did not include any assessment of the impact of the protection for SCC claimants who will receive the higher protected rate of the health component.

75. Resolution Foundation estimate that “the Government’s cuts to disability and incapacity benefits will lead to between 38,000 and 57,000 more people in paid work by 2029-30, while additional employment support delivers extra employment of between 23,000 and 48,000. Under a best-case scenario 105,000 more people would be in work by the end of Parliament.” Recognising large uncertainties, Resolution Foundation nevertheless say is “it is clear that any increases in employment by the end of the decade will be far too small to fully offset the hit to family incomes. Even if each and every one of the extra jobs were to prevent people from crossing the poverty line, the increase in poverty would not be halved. And if employment gains are evenly spread among the losers, they amount to only 3 per cent of those affected moving into work. So even after employment increases are accounted for, low-income families will suffer material income losses and the reforms will cause higher poverty rates.”

76. Resolution Foundation also found that that 600,000 households would lose from both PIP changes (see section 3) and the reduction to the health elements, losing an average of £4,940 a year (although most of this due to the PIP changes). A further 2.4 million households would not be affected by PIP changes, but would lose an average of £960 a year.

77. The Government has not revised its estimate in relation to the numbers that will be pushed into poverty by these reforms. The impact assessments published with the Bill indicated that OBR would carry out a full assessment of the labour market impacts of these policies in the autumn 2025.

78. Predicably, the Government accepts that as the package of measures rebalances the system to address perverse incentives and therefore redistributes spend from disability benefits to wider working age benefits, the vast majority (96%) of families that lose financially have someone with a disability in the household. These families losing out are also estimated to represent 20% of all families that report having someone with a disability in the household.

Opinion

The current position

79. As set out above being disabled in the UK is costly and puts you at a much higher risk of experiencing poverty and deprivation, not only because of the higher costs of living

with a disability, but because of barriers in the labour market. Even if they have work, disabled people invariably earn less than non-disabled people. Given these facts, “income-maintenance social security schemes are particularly important for persons with disabilities.”³¹

80. People in receipt of UC very often live below the poverty line. This includes disabled people in receipt of the health element, despite it being an increase designed to off-set the disadvantage disabled people experience in the labour market.

81. It also includes disabled people in receipt of PIP, a benefit that is not supposed to increase living standards, but meet the extra costs of disability, and thereby promote independent living. Even with this disability benefit many disabled people are still living in poverty.

82. In any event, average additional disability related costs are greater than even the highest rate of PIP (when both daily living and mobility component are paid). Therefore, the current level of PIP is not enough to level the playing field for disabled people.

83. These conditions, including the *current* rates of social security for disabled people, give rise to a disproportionate risk of poverty in the disabled population, including deep poverty. Therefore, even now, there is a present and real risk that the rights of disabled people to an independent and adequate standard of living are being breached on a systematic basis.

84. This assessment is corroborated by the findings of the UNCRPD in 2017 and 2024 and the UNCESCR this year. It is obviously of very great significance to the human rights analysis of the proposed reforms that the UN Treaty Monitoring Bodies have very recently “urged” the UK to “ensure” that disabled people are adequately supported by disability benefits to avoid poverty and protect their human rights, explicitly highlighting both Universal Credit and PIP. Of course, the proposals in the Bill reduce the availability and amount of both these benefits.

The proposed reforms

85. No disabled person’s level of enjoyment of their human rights will improve because of these reforms. On the contrary, they will very plainly deteriorate, and in the case of a very significant number, they will deteriorate very seriously indeed. This is very much the opposite of what the UN Committees were urging the UK to do.

86. The loss of PIP is bound to undermine independent living by disabled people; that is the stated purpose of the benefit. The *right* to independent living, contained in Article 19 CRPD, is contingent upon measures being taken by the duty bearing state to offset by way of cash transfers the disability related costs of individuals (see CRPD General Comment No 5 para 56 above). The sheer size of the financial loss for individuals is likely to leave many with a very significant shortfall between their disposable income and the costs of living with their disability, forcing them to choose between meeting the costs of their disability and their ordinary living needs. This undermines their right to “full

³¹ CRPD Cmm 2017 Inquiry into the UK para 41.

inclusion and participation in the community ... with choices equal to others” (Article 19 CRPD). As stated above, even enhanced PIP does not meet the average extra costs of disability. Obviously, the complete loss of the daily living allowance will be totally undermining of the right to independent living for many.

87. The impact of the reforms on disabled people on lower incomes is also likely to seriously impair their human rights. Disabled people on low incomes will receive reduced assistance when their health element is either frozen, or in the case of post April 2016 claimants, half of what they would otherwise have received. The average loss across this cohort, including current and future recipients of the health component is £960 a year. But for the post April 2026 claimants this will amount to real terms loss of £3,000 a year for more than 750,000 disabled people.³²

88. In circumstances where disabled people are already using their disability benefits to meet basic living costs, this huge reduction in their income is only going to render them even less able to meet their essential living needs. Disadvantaged by their limited capability to work, they are necessarily going to struggle to make this up even some of this loss of income.

89. The Resolution Foundation has estimated that 600,000 households are likely to lose by the reforms to both PIP and UC. In other words, whereas currently they would be entitled to PIP to meet their disability related costs and the health component to off-set their disadvantage on the labour market, this large group of people will receive nothing to offset the former and, in the case of post April 2026 claimants, almost 50% less to offset the latter. The average amount of this income reduction is £5,000 a year, which for most if not all these low-income households is likely to be nothing short of catastrophic. Many will formally be pushed into income poverty as a result, including absolute poverty. On the government’s own estimate this will include 250,000 in total (including 50,000 children). But even for those not formally pushed below the poverty line, the loss of PIP (which makes up the bulk of the total financial loss), the implications for their right to independent living are likely to be particularly profound considering their low income and the complete inability to meet their disability related expenditure or their essential living needs.

90. There is evidence to support this. Research produced by WPI Economics for Trussell Trust has modelled the projected impact of proposed changes to social security for disabled people on the number of people facing hunger and hardship in the UK, a measure of deep poverty which captures people at risk of needing to use a food bank now or in the future.

“The analysis has found that 440,000 people in disabled households will be forced into severe hardship and at risk of needing a food bank in 2029/30, if the UK government goes ahead with planned cuts to social security. It also shows that the UK government’s planned increase to the basic rate of Universal Credit will move 95,000 people out of severe hardship – which Trussell says is clear evidence this welcome step cannot

³² Trussell, Welfare reform bill risks forcing nearly half a million disabled people to turn to food banks, 18 June 2025.

possibly make up for the sheer scale of the damage of cuts. The net impact of reforms will be 340,000 more people facing hunger and hardship.”³³

91. On any view there are likely to be many hundreds of thousands of disabled people unable to meet ends meet, resulting in serious breaches of their human rights.

92. This assessment is unlikely to be altered by the Government’s plans to boost employment support. In the absence of any government estimate (the OBR is not expected to report on this until towards the end of the year) the RF analysis cited above is the best available: their conclusion is that *at best* the reforms will result in only 100000 more people in total in work by 2029/30.

93. Considering the above there can be no doubt that the reforms are regressive in human rights terms. Therefore, in accordance with the principle of non-retrogression, they are presumed to be prohibited under UNCRPD, ICESCR and UNCRC. Accordingly, the burden falls on the Government to show that despite their regressive nature the reforms it is complying with its obligations under the Treaties. To do that it must show that:

- (a) there was reasonable justification for the action;
- (b) alternatives were comprehensively examined;
- (c) there was genuine participation of affected groups in examining the proposed measures and alternatives;
- (d) the measures were not directly or indirectly discriminatory;
- (e) the measures will not have a sustained impact on the realization of the rights or deprive the minimum essential level of social security, adequate standard of living and independent living to an individual or group of individuals.

Reasonable justification

94. In respect of the reduction in the UC health element, it is obviously correct that many more people have been found to have LCWWRA than was previously the case. But the premise of the reform, that the disparity between the standard allowance and the health element is having a distorting impact on the caseload, is not based on any objective evidence. The Government relies on the IFS, but it merely stated that (emphasis added) “falling real incomes caused by high inflation over recent years might mean higher value is placed on additional income, inducing more people to apply for health-related benefits.” Against that is the evidence of the Work and Pensions Committee as set out by the Chair in her letter to the Secretary of State that:

³³ Trussell, Nearly half a million people in disabled households will be forced into severe hardship if UK government goes ahead with cuts to social security, 9 June 2025. NB: People face severe hardship if they are more than 25% below the Social Metrics Commission's poverty line.

“At this stage, we are inclined to agree with the Government and others: the design of incapacity benefits, particularly the disparity between the standard allowance and UC health, has probably incentivised some people to claim the higher rate.

We were told, however, that other factors might also be driving people to claim both incapacity and disability benefits, including, in particular: rising ill-health, including mental ill-health; rising financial insecurity, particularly among disabled people; and the exclusion of disabled people from the workplace, exacerbated by the rise in the state pension age. It seems very possible that these other factors, which we will address in our final report, have indeed contributed to rising caseloads. If this is the case, the legislative changes might not incentivise work, as the Government hopes, but rather push people deeper into poverty, worsen health, especially in more deprived areas, and move people further from the labour market, as evidence suggests has happened in the past with similar reforms.”

95. These observations are much more plausible than the one relied upon by the Government. After all, everyone in receipt of the health element has been objectively assessed as having LCWWRA, confirming that they are eligible for the health element, rather than being opportunistic or even disingenuous. This highlights how implausible the Government’s claims around work really are: in the impact assessment it optimistically claims that the increase in the standard allowance will mean “people aren’t forced to declare themselves unable to work in order to improve their incomes and also ensure we give people support they need to get jobs.” This logic fails if in fact the increased cohort is actually comprised of people who genuinely

96. Of course, as the Government accepts in the May Impact Assessment published with the Bill, “people on Universal Credit standard allowance are struggling to get by on the small amount it currently provides.” This is undeniable the case, such is the level of subsistence benefits in the UK. But it is surely robbing Peter to pay Paul to reduce the health element in order to increase standard allowance (by a modest amount).

97. In relation to PIP, as a Resolution Foundation states, the proposed reform is nothing other than a decision to be less generous to people with significant disabilities. The new four-point rule may have a vague connection to the degree of functional impairment resulting from the disability but has no connection at all to the amount of the disability related costs experienced by the individual. Indeed, it is irrational to on the one hand declare the PIP scoring system not fit for purpose, and on the other, decide to make an arbitrary alteration to it merely in order to cut the numbers eligible.

98. Whilst the health and welfare benefits bill might be becoming difficult to manage, this only calls into question the decisions the Government is making about expenditure elsewhere. It doesn’t of itself necessarily justify a decision to restrict the availability PIP when there is no suggestion still less any evidence that those who only scores 3 or less for one of the ten daily activities has a commensurately reduced exposure to disability related expenditure than someone who scores four. The lack of a rational basis for this proposal is exposed further still when one considers that a recipient with a comparatively high overall score but without a score of four in relation to any of the ten activities should

be denied *any* contribution towards their disability costs, when the reforms are ostensibly designed to target those most in need.

99. Again, the observations made by the Chair the Work and Pensions Select Committee are apposite. She stressed in her letter to the Secretary of State that while spending on working age health related benefits as a proportion of GDP has increased by 0.9 percentage points since 2007, the proportion devoted to non-disability and incapacity related and non-housing support for children in working age adults has fallen by 0.8 percentage points. In other words, the latter has balanced out the former.

100. Finally on justification, the government has yet to provide any assessment of the impact it expects its increased funding for employment services to achieve in terms of improving the employment gap for disabled people. But the lag between the reduction in benefits and the new money for support is obviously problematic from a rights-based analysis. How are people to cope in the meantime?

101. In my view the current evidence does not demonstrate a reasonable basis for the reforms.

(b) alternatives were comprehensively examined;

(c) there was genuine participation of affected groups in examining the proposed measures and alternatives

102. There is no evidence that the Government considered any alternatives to the proposals. There is also a very clear to consult still less codesign these reforms with disabled people. These two facts may not be unrelated. If the Government's real concern is to ensure that only those who most need it receive what support is available, it is counterintuitive to seek to meet that objective without engaging with the very people affected. Moreover the decision to review the PIP criteria, which will ultimately be used to determine entitlement to the UC health component too, simply reinforces the absence of a rational and clear justification take these regressive steps now 1 is really only left with the inevitable conclusion that these measures are being taken to save money in the here and now in order to ensure the government can abide by its self-imposed fiscal rules.

(d) the measures were directly or indirectly discriminatory;

103. It is impossible to avoid the conclusion that the Government's intention to save money has resulted in them pursuing a discriminatory policy. It is only disabled people who will experience the adverse effects of these reforms. As the Government concedes, the vast majority (96%) of families that lose financially have someone with a disability in the household. Equally, disabled people will carry a very heavy burden, with hundreds of thousands of disabled people condemned to poverty. The reforms target a particular group who've already experienced the worst impacts of both the post financial crisis austerity measures and the Covid-19 pandemic. This constitutes a form of direct discrimination ordinarily considered to be untenable and unjustifiable. To the extent that the UK is experiencing fiscal difficulties, forcing disabled people to meet the cost is antithetical to human rights. They will also further entrench stigmatisation and social isolation for a particularly vulnerable group. The government has repeatedly said it won't

increase taxes on working people, but implicit in that pledge is a decision to take money away from those who cannot work through no choice of their own.

(e) the measures will not have a sustained impact on the realization of the rights or deprive the minimum essential level of social security, adequate standard of living and independent living to an individual or group of individuals.

104. Finally, the analysis above demonstrates that for hundreds of thousands, potentially many hundreds of thousands of disabled people, the reforms will be totally undermining of their right to an adequate standard of living and live independently. The grave consequences will include even higher levels of food insecurity and deprivation for a group of people already significantly disadvantaged.

Conclusion

105. In conclusion, for all these reasons it is my view that the aggressive measures set out in the Government's proposals will inevitably result in very serious breaches of the UK's obligations under the UNCRPD and by ICESCR. They are likely to be condemned by the treaty monitoring bodies, who have become all too familiar with very similar reforms designed to cut the welfare bill and promote work, but which ultimately result in yet further and long-standing human rights violations for disabled people.

Postscript

106. Since this opinion was prepared, it has become public knowledge that the Government under pressure from its backbenches, has offered concessions on the Bill. The principal concession is a so called 'grandfathering' clause that would preserve PIP for those currently in receipt of it. If this came to pass it would not alter the analysis above as the reforms would still be regressive in a systemic sense and would have the same consequences in terms of breaching the human rights obligations to disabled people not currently in receipt of PIP but who would otherwise be entitled to it after the reforms came into force. The outcome where people with comparable disabilities would be treated drastically differently would also be potentially discriminatory and unlawful on the grounds of arbitrariness. The air of political expediency would be very difficult to expunge.

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