**Comments from Meghan Campbell**

**Social Protection in the UK**

Attached are two articles I have written that critique the UK's approach to social protection. The Oxford Journal of Legal Studies paper marks out how the UK Supreme Court fails to address the gender dimensions of social care and only sees the reduction in benefits in terms of income poverty. It makes the case that this a problem as it activates concerns on judicial legitimacy in redistribution and results in the Court subjecting the government's rationale to minimal scrutiny. The second piece is coming out early next year in an edited collection that examines how political narratives demonizing welfare dependency are legitimatised by courts.

I also address Melissa's question on how to design social protection in the OJLS paper, stressing that it should facilitate women's agency to make meaningful choices on whether to stay-at-home and care for their own children or to find decent work in the paid labour force.

Virgina M's paper is also attached, she outlines how work conditionalities to social protection have pushed recipients in the UK into exploitative work.

**Dignity**

These are two cases on dignity in social protection. The Canadian Supreme Court in [Gosselin](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fscc-csc.lexum.com%2Fscc-csc%2Fscc-csc%2Fen%2Fitem%2F2027%2Findex.do&data=05%7C01%7Csamhitha.reddy%40un.org%7Ce1e625c62c62486421c908daacf4e0b9%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C638012465888903955%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=N4srxLqbJD3JAzCMN9fdwcf64ZnSrhhJIvQ4Zus9w7c%3D&reserved=0) used dignity to say the reduction in benefits was not a violation of the equality guarantee in the constitution. The majority held there was nothing undignified in cutting benefits to young people as the reduction only recognised that young people were better able to find jobs. The South African Constitutional Court, however, in [Khosa](https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.saflii.org%2Fza%2Fcases%2FZACC%2F2004%2F11.html&data=05%7C01%7Csamhitha.reddy%40un.org%7Ce1e625c62c62486421c908daacf4e0b9%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C638012465888903955%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=XMq1YoGapGjssOcRhDo3lR9%2Fo9fKdHN3bh4ZIDOzFx8%3D&reserved=0) used dignity to expand social protection to include permanent residents. These decisions are older but they highlight the malleability of dignity and how important it is to reclaim a substantive and thick conception of it.

**Pensions**

These are two good gender decisions on pensions. The Canadian Supreme Court in [Fraser](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fscc-csc.lexum.com%2Fscc-csc%2Fscc-csc%2Fen%2Fitem%2F18510%2Findex.do&data=05%7C01%7Csamhitha.reddy%40un.org%7Ce1e625c62c62486421c908daacf4e0b9%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C638012465888903955%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=9xBqRn9iMWl89Jg%2B3bbwt%2BWrnd2KnFXB9bKej7X7W5E%3D&reserved=0) said the pension scheme was discriminatory when it did not let job-sharers (who were mostly women) buy-back full pension credits. Basically, calling out how the design of the pension system did not account for women's caring roles. The other is [Trujillo Calero](https://juris.ohchr.org/Search/Details/2409) from CESCR which applied a strong gender lens to non-contributory pensions

**ETOs**

I have also attached a chapter I wrote looking at the duty to cooperate in ICESCR. I went through all the Concluding Observations for the last 5 years are so, and you can find reference to CESCR urging states like Germany to use their power and influence in international financial institutions to ensure fiscal policies are compliant with human rights. France and the UK are criticized for aid policies that violate human rights overseas.