

ECONOMIC, SOCIAL, AND CULTURAL RIGHTS: QUESTIONS AND ANSWERS

? What, in general, do we mean by “economic, social, and cultural rights”?

“Human rights” is an expression that covers a wide range of aspects of human existence considered essential for life in dignity and security. Some of these relate to the freedom of the individual to act as she or he pleases as long as that action does not infringe on the rights and freedoms of others. These liberty-oriented rights are usually called ***civil and political rights*** and include freedom of speech and religion, the right to fair trial, and the right to be free from torture and arbitrary arrest. Other rights relate to conditions necessary to meet basic human needs, such as food, shelter, education, health care, and gainful employment. These are called ***economic, social and cultural rights***.

? Which are more important: economic, social, and cultural rights or civil and political rights?

All rights—civil, cultural, economic, political, and social—are considered “***universal, indivisible, interdependent*** and ***interrelated***” (1993 Vienna Declaration and Program of Action, Part I, paragraph 5). When considered together, these rights basically address the human being, whoever he or she is, as a whole person free from fear and free from want. In the USA, when people speak of rights, they often stress the civil and political rights guaranteed citizens by the US Constitution and its Amendments. In countries where the basic needs of individuals are not fulfilled and for groups of people discriminated against in certain countries, social and economic rights are often of primary concern.

In all societies, both types of rights are integrally related. People who are denied civil and political rights have no means of protecting the economic, social, and cultural rights that guarantee them their basic needs. Similarly, in a society where basic survival needs are not met, civil and political rights are meaningless if an individual must first be concerned with obtaining adequate food, shelter, and health care.

The interdependence and importance of rights extend to the global level. Violations of social, economic, and cultural rights are responsible for patterns of increased income disparity and economic exploitation.

? Which economic, social, and cultural rights are guaranteed in international human rights documents?

In the **Universal Declaration of Human Rights** (UDHR), Article 16 and Articles 22 through 27 encompass economic, social, and cultural rights.

Article 16 of the UDHR sets forth the right to marry, to have free choice in marriage, and to found a family.

Article 22 states “Everyone is entitled to the realization of the economic, social and cultural rights indispensable for his dignity.” Article 23 articulates the right to work, to choose employment, and to form labor unions.

Article 24 sets forth the right to rest and leisure and of reasonable limitation of working hours.

Article 25 includes a person's right to a “standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.”

Article 26 states that individuals have the right to education, free and compulsory at the elementary level, with technical and professional education generally available, and higher education equally accessible on the basis of merit.

Article 27 describes the right to freely participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement.

Article 28 and 29 include the right to a social and international order that enables these rights to be realized and refers to one's duties to one's community.

These rights are further elaborated in the **International Covenant on Economic, Social and Cultural Rights**. They are also articulated in specialized human rights treaties such as the **Convention on the Rights of the Child** (CRC) and the **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW), **treaties** that focus on the needs of particularly disadvantaged, marginalized, and vulnerable groups of people all over the world.

? Do any of these human rights documents have the force of law?

The Universal Declaration is a resolution of the General Assembly of the United Nations, which creates a high expectation that it will be taken seriously. However, a **declaration** does not create obligations that are technically binding in law. Nevertheless, since the Universal Declaration is so widely used as the primary statement of what are considered human rights today, it is often regarded as having legal