

# [A two types of treaties, the international](https://assignbuster.com/a-two-types-of-treaties-the-international/)

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A social, economic and cultural rightsare rights which are socio-economic human rights, which gives rights toindividuals such as, the right to education, the right to housing, the right toan adequate standard of living, and the right to health. 1These were introduced as first and second generation rights, first generationbeing civil and political rights, and second generation being Economic, socialand cultural rights. These rights were formulated after the second world war, in 1946 TheUnited Nations had created a Commission on Human Rights which led to thecommission drafting the Universal Declaration of Human Rights, which wasadopted by 48 Members of the United Nations.

2 Human rights are set by theInternational Bill Of Rights, which include two types of treaties, theInternational Covenant on Civil and Political Rights and the InternationalCovenant on Economic, Social and Cultural rights. 3Economic, social and cultural rights areboth recognised and are protected in what is known as international humanrights instruments. It is so that member of sates have a legal obligation toprotect and fulfil these rights, and are expected to take action towardsensuring that such rights are fulfilled.  4But what is a civil andpolitical right? A civil and political right is a class of rights which protectindividuals’ freedom from being infringed by governments, social organisationsand private individuals. 5Economic, social and cultural rights, are universal rights.

When looking at these rights from a personal perspectiveone can argue, that Economic social and cultural rights can have differentmeanings, what I may think as a social and cultural right somebody else maynot, there is no set definition as to what it could mean. However, argued underthe ICESR, they have given definition to these rights for example, Article 3 ofthe ICESCR states that “ state parties to the present covenant undertake toensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.” 6Article 11, states theentitlement “ to adequate standard of living.

” 7Article 13, gives “ theright to education.” 8 Although these rights havebeen defined under the ICESCR, the argument presented is that these rights aretoo vaguely defined. In the words of Scott and Macklem “ social rights suffer apainful lack of precision.” 9 And therefore lack thereason to be judicially enforceable.

An extended example of this is the SouthAfrican Constitution, under section 26 it states that, “ everyone has the rightto access adequate housing…” 10  but what is adequate housing? It is toovaguely defined, as what one may take as “ adequate”. This is set to be one ofthe main arguments presented forward that Economic, social and cultural rightsshould not be legally enforceable as in order for a right to be enforceable incourt, human rights have to be defined in precise terms. Economic, Social andcultural rights are argued that they should be legally enforceable, however, this is easier said than done, as by implementing these rights would cost eachstate a large sum of money. In which it is