

A two types of treaties, the international

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

2 Human rights are set by the International Bill Of Rights, which include two types of treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights.

3 Economic, social and cultural rights are both recognised and are protected in what is known as international human rights instruments. It is so that member of states have a legal obligation to protect and fulfil these rights, and are expected to take action towards ensuring that such rights are fulfilled.

4 But what is a civil and political right? A civil and political right is a class of rights which protect individuals' freedom from being infringed by governments, social organisations and private individuals. 5 Economic, social and cultural rights, are universal rights.

When looking at these rights from a personal perspective one can argue, that Economic social and cultural rights can have different meanings, what I may think as a social and cultural right somebody else may not, there is no set definition as to what it could mean. However, argued under the ICESR, they

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have given definition to these rights for example, Article 3 of the ICESCR states that “ state parties to the present covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.” Article 11, states the entitlement “ to adequate standard of living.

” Article 13, gives “ the right to education.” Although these rights have been defined under the ICESCR, the argument presented is that these rights are too vaguely defined. In the words of Scott and Macklem “ social rights suffer a painful lack of precision.” And therefore lack the reason to be judicially enforceable.

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