

Focus On: **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)**

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Democracy is one of the core values of the United Nations. Democratic principles respecting human rights are enshrined in United Nations conventions.



Today's review of the INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS (ICESCR) is the third in a year-long series of monthly reviews of United Nations human rights conventions and treaties. All of the reviews are written by a team of League members from across the country who are inspired by the League's history of human rights advocacy and motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of **Empowering Voters. Defending Democracy.**

The ICESCR, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR) comprise the International Bill of Human Rights.

The ICESCR came out of the same process that produced the UDHR, starting in 1945. The UDHR was designed to enumerate foundational human rights. There was to be a second document containing binding commitments, and this evolved into the two covenants, ICCPR and ICESCR.

The ICESCR was adopted by the UN General Assembly on December 16, 1966. It came into force on January 3, 1976, following the fulfillment of Article 27 of the Covenant, which stipulated that the ICESCR would come into force after the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession. It is a multilateral treaty that requires a commitment from its State parties to work toward greater economic, social, and cultural rights for individuals both within States and within their non-self-governing territories, which are territories that are governed by a country and are rarely allowed representations in that country's legislature. Examples of non-self-governing territories controlled by the US are American Samoa and Guam.

The rights set out in the ICESCR include labor rights, and the rights to health, education, housing, food, water, social security, the right to work, the right to just and favorable conditions at work, and the right to an adequate standard of living.

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

The United States **signed** the Covenant in 1979 under the Carter administration. However, the US is not fully bound by it until it is ratified in the Senate. Since 1979, no presidents have pushed the Senate for ratification, either for political reasons (in the case of Democratic presidents) or for ideological reasons (in the case of Republican presidents).

The Preamble of the ICESCR Covenant asserts that the economic, social and cultural rights enumerated within it derive from the "inherent dignity of the human person" and that "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as civil and political rights." The two major principles set forth in the ICESCR are 1) equality and non-discrimination in regard to all of the rights set forth in the treaty; and (2) an obligation by states to respect, protect and fulfill economic, social and cultural rights.

The UN High Commissioner on Human Rights recently presented her Opening Statement on Human Rights to the 41st Session of the Human Rights Council. On June 24, 2019 Ms. Michele Bachelet stated "Social protection is a fundamental right, and it is also an essential safety net....Particularly in times of turbulence and crisis, they enable people to secure at least minimal enjoyment of the rights to health, food, water, sanitation, education and housing."
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24724&LangID=E>

Specific ARTICLES in the ICESCR that are noteworthy and in alignment with the policies of the LWV are listed below.

Article 3, which affirms the equal right of men and women to the enjoyment of all human rights:

The States 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 set forth in the present Covenant.

Article 7, which affirms the right to just and favorable conditions at work:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

The ICESCR Covenant is monitored by the UN [Committee on Economic, Social and Cultural Rights](#). All State parties must submit reports to this Committee on a regular basis that describe how human rights are being implemented. In turn, the Committee examines the reports and recommends that the State party consider its “concluding observations.”

The Committee also releases General Comments, comments that pertain to all State parties and are not specific to any one nation. Some General Comments have dealt with the right to sexual and reproductive health

(https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11); others with the view on State obligations in the context of business activities https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en

“The International Bill of Human Rights represents a milestone in the history of human rights, a veritable Magna Carta marking mankind's arrival at a vitally important phase: the conscious acquisition of human dignity and worth.” (Fact Sheet No.2 (Rev.1), The International Bill of Human Rights. <https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>). Even though the US has not ratified the ICESCR, there is still a role for NGOs like the LWV to play in educating its members and the public about the rights enshrined in the ICESCR and the importance of holding the US government accountable in promoting those rights. As stated in the League’s Impact on Issues, “The League strongly supports the central role of the United Nations in addressing the social, economic, and humanitarian needs of all people.”