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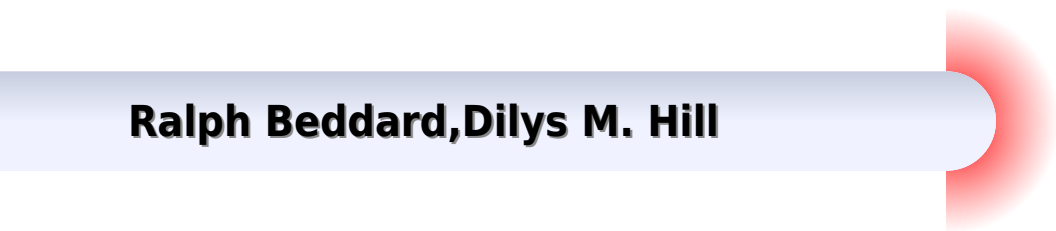
**Contextualising the
International Covenant
on Economic, Social
and Cultural Rights:
Assessing the
Economic Deficit**

International Studies in Human Rights

Martinus Nijhoff Publishers

Contextualising The International Covenant On Economic Social And Cultural Rights Abeking The Ec

Ralph Beddard, Dilys M. Hill



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The International Covenant on Economic, Social and Cultural Rights Ben Saul, David Kinley, Jaqueline Mowbray, 2014-03 Economic social and cultural rights are finally coming of age This book brings together all essential documents materials and case law relating to the International Covenant on Economic Social and Cultural Rights ICESCR one of the most important human rights instruments in international law and its Optional Protocol This book presents extracts from primary materials alongside critical commentary and analysis placing the documents in their wider context and situating economic social and cultural rights within the broader human rights framework There is increasing interest internationally regionally and in domestic legal systems in the protection of economic social and cultural rights The Optional Protocol of 2008 allows for individual communications to be made to the UN Committee on Economic Social and Cultural Rights after its entry into force in 2013 At the regional level socio economic rights are well embedded in human rights systems in Europe Africa and the Americas At the national level constitutions and courts have increasingly regarded socio economic rights as justiciable narrowing the traditional divide with civil and political rights This book contextualises these developments in the context of the ICESCR It provides detailed analysis of the ICESCR structured around its articles drawing on national as well as international case law and materials and containing all of the key primary materials in its extensive appendices This book is indispensable for the judiciary human rights practitioners government legal advisers and agencies national human rights institutions international organisations regional human rights bodies NGOs and human rights activists academics and students alike

Contextualising the International Covenant on Economic, Social and Cultural Rights Mary Dowell-Jones, 2004-11-01 This work builds on existing studies of the International Covenant on Economic Social and Cultural Rights by reviewing the challenges to implementation posed by the evolving global macroeconomic environment The inter disciplinary focus adopted highlights the limits to a purely legal approach to this instrument at both a theoretical and practical level issues such as the justiciability debate and the difficulties which the Committee on Economic Social and Cultural Rights have experienced in applying the ICESCR to States parties economic policy choices are reviewed from a macroeconomic perspective and it is argued that only once the economic de contextualisation of this instrument has been addressed will the guarantees in the ICESCR be fully actualised In this vein it is proposed that reform of the existing supervisory architecture to incorporate economic expertise would be a more positive step forward for the ICESCR than the adoption of the proposed optional protocol This work is aimed at those working within the sphere of socio economic rights as well as human rights specialists interested in the implications of global economic integration for the international human rights system as well as the possibility of new paradigms in international human rights methodology

The Nature of the Obligations Under the International Covenant on Economic, Social and Cultural Rights María Magdalena Sepúlveda Carmona, 2003 1 2 A new momenttim

The Optional Protocol to the International Covenant on Economic, Social and

Cultural Rights: A Commentary Catarina de Albuquerque, Rebecca Brown, Başak Çalı, Lilian Chenwi, Christian Courtis, Brian Griffey, Viviana Krsticevic, Cheryl Lorens, Malcolm Langford, Bruce Porter, Julieta Rossi, Michael Ashley Stein, Donna Sullivan, Natasha Telson, 2016-12-30

Economic, Social and Cultural Rights in International Law Manisuli Ssenyonjo, 2016-10-06 Since the first edition published in 2009 there have been several important treaty developments including the entry into force of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights ICESCR on individual communications and significant developments in the case law on economic social and cultural ESC rights The second edition addresses these developments and explores ESC rights from foundational issues to substantive rights and systems of protection It has been fully updated to include new material and up to date coverage of the case law of human rights bodies and national courts on ESC rights In addition to the rights to health education and work covered in the first edition the second edition analyses new developments such as the rights to adequate food water and sanitation adequate housing social security and cultural rights It also considers several contemporary issues including the extraterritorial human rights obligations of states in the area of economic social and cultural rights non state actors relationship of the ICESCR to other areas of international law the Optional Protocol to the ICESCR regional protection of ESC rights more examples of the domestic protection of ESC rights the protection of ESC rights of vulnerable groups contemporary challenges to ESC rights including poverty corruption armed conflicts and terrorism It concludes by exploring the possible establishment of a World Court of Human Rights

The International Covenant on Economic, Social and Cultural Rights Ben Saul, David Kinley (Conférencier en droit), Jacqueline Mowbray, 2014

Economic, Social and Cultural Rights Ralph Beddard, Dilys M. Hill, 2016-07-27 This book explores two main themes First the claim that these welfare education health and equality can be accorded the status of rights Second and relatedly the issue of whether they are justiciable that is can they be the subject of adjudication and enforcement through traditional legal mechanisms This book provides a timely and wide ranging exploration of these topical and controversial issues

The International Covenant on Economic, Social and Cultural Rights Ben Saul, 2016-12-15 This book is the first collection of the drafting records of the one of the world's two foremost human rights treaties the International Covenant on Economic Social and Cultural Rights ICESCR of 1966 It makes an important contribution to understanding the origins and meaning of economic and social rights which were drafted over almost two decades years between 1947 and 1966 There is increasing global interest in the stronger protection of economic social and cultural rights which are vital to the survival dignity and prosperity of everyone Since 2013 individuals have been able to complain to the United Nations about violations of their rights and action can also often be taken through regional and national human rights procedures In this context many of the current debates surrounding economic and social rights can be best understood in the light of their drafting history This book judiciously selects and chronologically presents the most important drafting documents or extracts thereof between 1947 and 1966 The book contains an extensive annotated

table of documents allowing researchers to track the progress of the key rights and issues in the drafting. It also includes an original analytical introductory essay which summarises and analyses the main procedural and substantive developments during the drafting. The essay charts the many influences on the recognition of economic and social rights at a key moment in history: the aftermath of the Second World War which demonstrated the need to eliminate the economic and social causes of threats to global peace and security. This book is essential reading for scholars, practitioners and students of international human rights law.

The International Covenant on Economic, Social and Cultural Rights, Travaux Préparatoires 1948-1966 Ben Saul, 2016. Llibre que incorpora per ordre cronològic documentació oficial del 1947 fins al 1966 amb anotacions dels debats i dels informes de tots els òrgans de l'Organització de les Nacions Unides que van treballar en la elaboració i aprovació del Pacte Internacional dels Drets Econòmics, Socials i Culturals de 1966.

The International Covenant on Economic, Social and Cultural Rights Great Britain. Parliament. Joint Committee on Human Rights, 2004. The Joint Committee on Human Rights examined the implementation of the UN International Covenant on Economic, Social and Cultural Rights in the UK. Domestic legislation protects many of the economic, social and cultural rights with the Covenant itself having little impact in UK domestic law. The Committee believes that there is scope for incorporating further protection of rights in the UK by enshrining some of the guarantees contained in the Covenant. Further, that for the Covenant rights to be effective they should be part of a framework for government policy development and that Government along with the Commission for Equality and Human Rights should develop ways of measuring the progress of these rights. The Committee also recommends that explanatory notes to Bills should include discussion of the Bills' compatibility with Covenant rights, which is a way of enhancing the scrutiny of proposed Government legislation. Furthermore, the Committee recommends the introduction of an Equality Bill to address the concerns of discrimination faced by ethnic minorities and persons with disabilities in employment, housing and education.

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Malcolm Langford, Bruce Porter, Rebecca Elizabeth Brown, Julieta Rossi, 2016. On 10 December 2008 the UN General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. This new commentary aims to address the need for scholarly research, reasoned argument, consistent interpretation and creative approaches to adjudication under the new OP-ICESCR to ensure that its promise and purpose is fully realised. The edited book is divided into three main sections that respectively address procedural issues, substantive interpretation and remedies and enforcement. Each of the chapters sets out the background to the relevant article of the Protocol and analyses the different issues that are likely to arise in its interpretation and application. It seeks to move beyond a standard legal commentary to ask how the mechanism can be effectively applied and interpreted.

The International Covenant on Economic, Social, and Cultural Rights Matthew C. R. Craven, 1995. *E Rest and Leisure*

The International Covenant on Economic, Social and Cultural Rights and the Employment Relation Klaus Lörcher, Niklas Bruun, Ana Teresa

Ribeiro,2025-08-21 Comprehensive treatment of the International Covenant on Economic Social and Cultural Rights ICESCR and employment rights *International Covenant on Economic, Social and Cultural Rights* ,2005 The International Covenant on Economic, Social and Cultural Rights Ben Saul,2016 This work collects the drafting records of the one of the world s two foremost human rights treaties the International Covenant on Economic Social and Cultural Rights ICESCR of 1966 It makes a contribution to understanding the origins and meaning of economic and social rights which were drafted over almost two decades between 1947 and 1966 **Economic, Social, and Cultural Rights in International Law** Eibe Riedel,Gilles Giacca,Christophe Golay,2014-03-13 Recent years have seen a remarkable expansion in the scale and importance of economic social and cultural rights ESC rights culminating in the adoption of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights in December 2008 The Protocol gives individuals and groups the ability to bring complaints about rights violations before the UN Committee on Economic Social and Cultural Rights Against this background this book focuses on the question of how fundamental socio economic human rights enshrined in international law are defined interpreted understood and implemented It assesses how effective efforts to realize ESC rights have been and investigates the contemporary challenges obstructing their protection It sets out the impact of the global financial crisis and austerity measures the human rights responsibilities of corporations and trends in the justiciability of those rights at the national and international level The interrelationship between ESC rights and other legal regimes such as trade and investment law environmental law international criminal law and international humanitarian law is also thoroughly examined After an introduction by the editors the book contains seventeen chapters looking at the main questions which shape the progressive realization of ESC rights and their monitoring mechanisms The authors of the chapters both scholars and practitioners adopt interdisciplinary approaches that move beyond traditional analyses of ESC rights In doing so they clarify and illuminate multiple aspects of the law by bringing together the different aspects of ESC rights restating the challenges they face and assessing the progress that has been made in expanding their adoption *Economic, Social and Cultural Rights in Action* Mashood A. Baderin,Robert McCorquodale,2007 The protection of economic social and cultural rights is vital for everyone no matter where they live This volume sets out some of the important legal issues about these rights including who has obligations when they apply and how they are relevant to contemporary concerns such as trade and democracy **International Covenant on Economic, Social and Cultural Rights** International Law,2020-11-12 The International Covenant on Economic Social and Cultural Rights ICESCR is a multilateral treaty that commits its parties to work toward the granting of economic social and cultural rights ESCR to the Non Self Governing and Trust Territories and individuals and it is part of the International Bill of Human Rights along with the Universal Declaration of Human Rights UDHR and the International Covenant on Civil and Political Rights ICCPR International Covenant on Economic, Social, & Cultural Rights ,2017 **Introduction in 'The International Covenant on Economic, Social and Cultural Rights** Ben

Saul, 2014 Economic social and cultural rights have long been seen as the poor cousins of civil and political rights subject to progressive realization through measures of state policy rather than judicial enforcement This characterisation is challenged in Saul Kinley and Mowbray's book *The International Covenant on Economic Social and Cultural Rights Commentary Cases and Materials* who establish that there is now a fairly comprehensive integrated and sophisticated international law of economic social and cultural rights Many aspects of the rights embodied in the International Covenant on Economic Social and Cultural Rights ICESCR are immediately applicable and capable of judicial supervision The principle of progressive realization is also in part amenable to judicial oversight of various kinds Saul Kinley and Mowbray's book responds to this by engaging empirically with how such rights have manifested in international practice It draws on the ICESCR drafting records considers the supervisory practice of the Committee on Economic Social and Cultural Rights CESCR and engages in comparative methodology by considering jurisprudence from other fields of international human rights law and the work of domestic and regional bodies and tribunals

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Introduction

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