**CLASS NOTES**

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**TOPIC: International Covenant on Economic, Social and Cultural Rights (ICESCR) & its significance**

The Covenant on Economic, Social and Cultural Rights (ICESCR) is bold step taken towards the protection and promotion of human rights by the United Nations. The ICESCR was also adopted by the UN General Assembly on 16 December, 1966. It came into force on 23 March 1976. The Covenant is engaged in providing economic, social and cultural rights to the individuals. These rights are called positive rights which require active intervention on the part of the states.

The Covenant on Economic, Social and Cultural Rights commence with a Preamble and consists of 31 Articles. The whole Covenant is divided into five main parts. The Part-I of the Covenant deals with the right to self-determination as provided in Art.1 of the ICCPR. All other rights are elaborated in Part-III of the Covenant on Economic, Social and Cultural Rights.

**Provisions of the ICESPR:**

**Part-I,**

**Article-1**,

1. All people have the right to self-determination. The state parties to the present Covenant shall respect the right, in conformity with the UN Charter.
2. All people, may for their own ends, freely dispose of their own natural wealth and resources without prejudice to any obligations.

**Article 2**,

* 1. Each state party to the present Covenants undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum utilization of its available resources.
	2. Each state party undertakes to ensure the rights of the individuals will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
	3. Developing countries may determine to what extent they would guarantee the economic rights recognised in the Covenant to non-nationals, with due respect to human rights and their national economy.

**Article 3,**

It is the duty of the states parties to the Covenants to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights.

 **Part-III,**

Most of the other economic, social and cultural rights are enumerated in Part -III of the Covenant. Some of the significant rights incorporated in the Covenant are-

1. **Article 6,** recognises the right to work.
2. **Article** 7, recognises the right of everyone to the enjoyment of just and favourable conditions of work. This ensures fair wages and equal remuneration for work of equal value, a decent living conditions for the workers and their families, safe and healthy working condition.
3. **Article 8,** provides the right to form and join trade unions.
4. **Article 9,** provides social security of everyone including social insurance.
5. **Article 10,** provides the rights to motherhood, childhood, marriage and the family.
6. **Article 11,** recognises the right of everyone to an adequate standard of living for himself and his family, including right to food, clothing, housing and freedom from hunger.
7. **Article 12,** recognises the right of everyone to the enjoyment of physical and mental health.
8. **Article 13,** right of everyone to education and directed to the full development of human personality, sense of dignity and strengthen the respect for human rights and freedoms.
9. **Article 14,** each state party to provide compulsory free primary education to all.
10. **Article 15,** recognises the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications.
11. **Article 16,** the states parties to the Covenant undertake to submit in conformity with this part of the covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognised herein.
12. **Articles 17-24,** it provided for measures considered essential for the enforcement of the rights enumerated in this Covenant.

Thus, from the above it becomes amply clear that all the provisions incorporated in the Covenant provides social, economic and cultural security to the people. It has fixed the standards for the state parties are to achieve in future.

**Significance of ICESCR:**

The significance of both the Covenants can be pointed out as follows:

1. The Covenant on Economic, Social and Cultural Rights incorporated provisions concerning—(i) right to self determination; equality of socio-economic and cultural rights; right to work and adequate wages; right to social security; right to adequate standard of living; right to enjoyment of highest attainable standard of physical and mental health; right to free and compulsory education; right to benefits of scientific progress; right to family; and right to enjoyment of national wealth and resources. In the absence of these rights, civil and political rights become a futile.
2. The importance of the Covenants lies in the fact that they recognize the equal and inalienable rights of all members of the human family which is the foundation of freedom, justice and peace in the world.
3. The Covenants are obligations of the state parties to provide these rights to the individuals as they derive from the inherent dignity of the human persons.
4. Many security rights included in the ICESCR are essential to people’s ability to live, function and develop. Without access to these basic rights of goods, life, health and food, the human rights of the people will be endangered.

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