
MANAGING OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Victorija Kafedziska

European University - Republic of Macedonia, viktorija.kafedziska@eurm.edu.mk

Abstract: Economic, social and cultural rights as one aspect of human rights include the right to work, the right to an adequate standard of living, the right to food, clothing and housing, the right to physical and mental health, the right to social security, the right to a healthy environment and the right to education. In addition, all religions, moral traditions, philosophers and revolutionaries have a common view that all human beings deserve to live freely, justly, dignified and in a society filled with economic security. Since the Universal Declaration of Human Rights came into force in 1976¹⁷⁷ legal science on economic and social rights began to develop, followed by great progress following the establishment of the United Nations Economic, Social and Cultural Rights Committee. Economic and social rights require management by governments and other powerful players, with the sole purpose of ensuring that people have access to basic needs and participate in decision-making that affects their well-being. Poverty and injustice are neither inevitable nor natural, but derived from unconvincing decisions and policies. The global violations of economic, social and cultural rights were among the radical causes of conflict, and failure to address systemic discrimination and inequalities in the enjoyment of these rights could undermine recovery from conflict. Therefore, within the framework of the management of these rights, discrimination should be eliminated, rights that are not subject to progressive realization should be respected and guaranteed. Also, countries should commit themselves and make continuous efforts to improve the enjoyment of economic, social and cultural rights by using all appropriate means. Disobedience and denial of economic, social and cultural rights may have very serious consequences and catastrophic effects. Forcible displacement or eviction can result in homelessness, loss of existential conditions and the destruction of social interaction that can cause devastating psychological effects. The engagement for the protection of economic, social and cultural rights is strengthened by the Strategy 2014-2020 - European Instrument for Democracy and Human Rights, which specifically refers to the promotion of economic, social and cultural rights, including the right to an adequate standard of living and basic labor standards, but also corporate social responsibility, in particular through the implementation of the United Nations Guiding Principles on Business and Human Rights.¹⁷⁸ The Republic of Macedonia is also involved in the management of these in numerous agreements that have been signed and ratified for this purpose.

Keywords: economic, social, cultural rights, contracts, management

INTRODUCTION

Economic and social rights guarantee that every person is provided with conditions to meet his needs. Economic and social rights include: the right to education, the right to food, the right to health, the right to housing, the right to social security and the right to work¹⁷⁹

Right to education: The right to education provides access to quality schools and education aimed at the full development of the human personality. The two committees, the Committee on Economic, Social and Cultural

¹⁷⁷ Universal Declaration of Human Rights (UDHR) is an important document that is a milestone in the history of human rights. The Declaration was drafted by representatives of various legal and cultural backgrounds from all regions of the world and was proclaimed by the United Nations General Assembly on December 10, 1948 in Paris as a common standard for achievements for all peoples and nations.

Rights and the Committee on the Rights of the Child have issued General Comments on Education. Additionally, UN Special Rapporteurs have been appointed to investigate human rights issues in countries around the world.¹⁸⁰

Right to food: The right to food guarantees access to safe and nutritious food. The United Nations Committee on Economic, Social and Cultural Rights has issued General Comments on Food.¹⁸¹

Right to health: The human right to health means that everyone is entitled to the highest standard of physical and mental health, which includes access to all medical services, sanitation, proper food, decent housing, healthy working conditions and a clean environment. Regarding the right to health, in 2000 the Committee on Economic, Social and Cultural Rights issued a legal instruction for the implementation of this right.¹⁸²

Housing right: Everyone has a basic human right to housing, which provides access to a safe, secure, affordable and affordable home without forced eviction. It is an obligation of every government to ensure that everyone can exercise this right and live in a safe, peaceful and dignified life. This right must be provided to all persons, regardless of income or access to economic resources. The Committee on Economic, Social and Cultural Rights has issued General Comments on the right to housing. Additionally, UN Special Rapporteurs have been appointed to investigate human rights issues in countries around the world.¹⁸³

Right to social security: The right to social security ensures that everyone, regardless of age or ability to work, is guaranteed the means necessary to provide basic needs and services. Regarding this right, no general comments were issued, but the Committee on Economic, Social and Cultural Rights referred to the right to social security within the General Comments concerning persons with disabilities and the elderly.¹⁸⁴

Right to work: The right to work guarantees the possibility of dignified work in safe and secure conditions with fair wages, allowing decent living for the person and her family, as well as the right to organize.¹⁸⁵

1. The management of economic, social and cultural rights imposes obligations and measures that need to be taken

In order for economic, social and cultural rights to be respected, it is necessary to take certain steps by countries. Although countries can gradually exercise these rights, there are certain areas for which they must take urgent measures, regardless of the resources they have, for:

- Eliminating discrimination, that is, countries must prohibit discrimination in health care, education, workplace and other grounds (race, sex, religion)
- Respect and guarantee rights that are not subject to progressive realization, ie do not require significant resources, such as joining unions and the right to strike, as well as the obligation to protect children and young people from economic and social exploitation.
- Obligation to take steps, that is, countries should make continuous efforts to improve the enjoyment of economic, social and cultural rights by using all appropriate means, including in particular legislative measures, but not just adopting them.
- Countries should respect minimum basic obligations. According to the International Covenant on Economic, Social and Cultural Rights, there are obligations that are deemed to be immediately implemented so that they can meet the minimum basic levels of each of the rights and they are called (minimum core obligations)

2. POSSIBLE CONSEQUENCES OF POOR MANAGEMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Disobedience and denial of economic, social and cultural rights can have very serious consequences and catastrophic effects. Forced resettlement or eviction can result in homelessness, loss of existential conditions and the destruction of social interaction, and causes devastating psychological effects. Malnutrition has a health impact, especially in children under five, which affects all their organs, including the development of their brain, liver and heart, as well as their overall immune system. Also, disrespect for economic, social and cultural rights can affect a large number of people. For example, diarrheal dehydration caused by a lack of safe drinking water threatens the

lives of almost two million children each year, and in the past ten years more children have been killed than all those killed in armed conflicts in World War II.¹⁸⁶

The global violations of economic, social and cultural rights were among the radical causes of conflict, and failure to address systemic discrimination and inequalities in the enjoyment of these rights could undermine recovery from conflict. For example, discriminatory access to employment, the forcible expulsion of communities from their homes, the retention of food aid from political opponents, and the erosion of water sources actually constitute an abuse of economic, social and cultural rights, and this has led to conflicts in the past. Disrespect for economic, social and cultural rights can also lead to violations of other human rights. For example, individuals who do not know how to read and write often have difficulty finding jobs, participating in political activities, or using their freedom of expression. Failure to protect a woman's right to adequate housing can make her more vulnerable to domestic violence, since often a woman may be forced to choose between staying in a relationship in which she is abusing her or becoming a homeless person.¹⁸⁷

3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND IMPLEMENTATION IN EUROPEAN UNION

The European Union attaches great importance to the interdependence of all human rights. It, in cooperation with member states and with many other donors, uses a wide range of financial instruments (civil society organizations, local authorities, the European Instrument for Democracy and Human Rights, etc.) to support activities and projects in order to promote and strengthen economic, social and cultural rights around the world. The engagement for the protection of economic, social and cultural rights is strengthened by the Strategy 2014-2020 - European Instrument for Democracy and Human Rights, which specifically refers to the promotion of economic, social and cultural rights, including the right to an adequate standard of living and basic labor standards, but also corporate social responsibility, in particular through the implementation of the United Nations Guiding Principles on Business and Human Rights.¹⁸⁸

Over the past years, a large number of actors (civil society organizations, social partners, national human rights institutions and international organizations) have been supported through projects that have so far resulted in promoting intercultural dialogues, increasing the protection of labor rights, access to drinking water, support for environmental activists and promotion of the right to housing. Recently, special attention has been paid to the issue of business and human rights in line with the commitments made in the Action Plan for Human Rights and Democracy 2015-2019 (goal 18) and the United Nations Guiding Principles on Business and Human Rights. When it comes to projects, we will mention here: Regional Political Cooperation with the Southern African Development Community (SADC), Improving health care and education for women prisoners and their children in prisons through Promotion of human rights (Promoting and protecting older women's rights in Tanzania), Ensuring the recognition of minorities and the promotion of women's rights in Tanzania.

4. ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE REPUBLIC OF MACEDONIA

The managing of these rights in our country is aimed at establishing and enabling the rule of law as a fundamental system of government; guaranteeing human rights, civil liberties and national equality. The Republic of Macedonia, in accordance with its constitutionally prescribed goals, takes steps to protect the basic human rights, and of course the economic, social and cultural rights, as an integral part of human rights. The proofs are the ratified agreements, with which significant obligations have been taken. They are the following:

Agreement	Date of signing	Date of ratification Date of accession (a), Date of succession (d)
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment - CAT		12 Dec 1994 (d)
Optional Protocol of the Convention against Torture - CAT-OP	01 Sep 2006	13 Feb 2009
International Covenant on Civil and Political Rights -		18 Jan 1994 (d)

CCPR		
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty - CCPR-OP2-DP		26 Jan 1995 (a)
Convention for the Protection of All Persons from Enforced Disappearance - CED	06 Feb 2007	
Convention on the Elimination of All Forms of Discrimination against Women - CEDAW		18 Jan 1994 (d)
International Convention on the Elimination of All Forms of Racial Discrimination - CERD)		18 Jan 1994 (d)
International Covenant on Economic, Social and Cultural Rights - CESCR)		18 Jan 1994 (d)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - CMW)		
Convention on the Rights of the Child - CRC)		02 Dec 1993 (d)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict - CRC-OP-AC	17 Jul 2001	12 Jan 2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography - CRC-OP-SC	17 Jul 2001	17 Oct 2003
Convention on the Rights of Persons with Disabilities - CRPD	30 Mar 2007	29 ec 2011

In the concluding observations of the second to the fourth periodic report of the Republic of Macedonia adopted by the Committee on Economic, Social and Cultural Rights at the 58th session from 6 to 24 June 2016, he congratulated the adoption of the Law on Prevention and Protection against Domestic Violence by 2014; National Strategy for Gender Equality 2013-2020; Law on Minimum Wage of 2012; Law on Equal Opportunities for Women and Men from 2012; Law on Prevention and Protection against Discrimination of 2010; Law on free legal aid from 2009; Law on Social Protection from 2009; National Strategy for Reduction of Poverty and Social Exclusion 2010-2020.¹⁸⁹

This report also provides an overview of the aspects of social, economic and cultural rights, the criticism of the Committee and the recommendations that the Republic of Macedonia should take into account in order to improve the situation. For example, with regard to the domestic application of the International The Committee on Economic, Social and Cultural Rights states that Articles 98¹⁹⁰ and 108¹⁹¹ of the Constitution of the Republic of Macedonia provide direct application of the Covenant to the domestic legal order, but on the other hand there are no specific cases or articles which would illustrate the case law in this section

¹⁸⁹ Economic and Social Council, Committee on Economic, Social and Cultural Rights, *Concluding observations on the combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia*, 15 July 2016, стр. 1 и 2, достапно на

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MKD/CO/2-4&Lang=En

¹⁹⁰ Article 98: Judicial power is exercised by the courts. Courts are independent and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. The organization of the judiciary is unique. Extraordinary courts are prohibited. The types, competence, establishment, abolition, organization and composition of the courts, as well as the procedure before them, are regulated by law, which is adopted by a two-thirds majority vote of the total number of Representatives. (<https://www.sobranie.mk/WBStorage/Files/Ustavnamizmeni.pdf>)

¹⁹¹ Article 108: The Constitutional Court of the Republic of Macedonia is a body of the Republic that protects the constitutionality and legality (<https://www.sobranie.mk/WBStorage/Files/UstavnaRmizmeni.pdf>)

In the area of access to health services, there is concern about insufficient financing of the health sector, the lack of qualified medical professionals and the inadequate coverage and use of benefits from the Health Insurance Fund, resulting in limited access to health services. Also, the Republic of Macedonia should to ensure the termination of the practice of unlawful collection of fees, and to monitor the compliance of private healthcare providers with licensing agreements with according to which they work.¹⁹²

Regarding the right to education, the Committee is concerned that school enrollment and retention rates have been reduced, especially for Roma children, where there is a low level of academic preparation at both primary and secondary levels. There is also concern that disproportionately large number of Roma children are still classified as persons with psychological disabilities, and consequently they are still too represented in special schools and special classes in regular schools.

Also, the realization of economic, social and cultural rights largely depends on government policies. However, reassessing government policies in this area, as well as in each other, to ensure that policies are in line with constitutional principles and obligations under international human rights law is a function of the judiciary. While the role of the judiciary in re-examining government policies can vary from country to country, political reexamining is not a decision-making process. That is why there is a judiciary in order not to overstep the constitutional role by making decisions on economic, social and cultural rights.

National human rights institutions, intergovernmental organizations, experts and civil society organizations are increasingly examining ways to monitor the progressive realization of these rights through the use of statistical indicators, as well as analysis of national law and policy, such as the budgetary politics. Examples can be mentioned: identification of trends ,analyzing legal provisions and policies and analyzing budgets. Concerning the availability of resources, there is concern about the overall low level of public funding for areas related to economic, social and cultural rights. The Committee recommends that our country intensify efforts to increase the level of public consumption at both the national and municipal levels in order to ensure the gradual realization of economic, social and cultural rights. It also recommends that all necessary measures be taken to ensure that the planning and spending of public funds is carried out in a transparent manner.

CONCLUSION

The management of economic and social rights should exclude discrimination based on sex, religion, race, language or nationality is a category that should be completely rejected, whether it is a person living in a highly developed or poor country. It is clear that many countries have limited resources and that many people are poor and do not have the basic means of subsistence. Every country should make every effort to enable every person to respect the fundamental human rights. In this regard, the United Nations and the Committee on Economic, Social and Cultural Rights and many other bodies at the international and national levels are working. All together with the joint forces aim to enable a common and secure future, a future in which all people will have food and drink water, all people will live a life filled with health, respect, love and understanding, all children will have a warm home, all they will live freely and evenly. However, global injuries to economic, social and cultural rights were among the radical causes of conflict, and failure to address systemic discrimination and inequalities in the enjoyment of these rights could undermine recovery from conflict .On the other hand, the European Union attaches great importance to the interdependence of all human rights. It, in cooperation with member states and with many other donors, uses a wide range of financial instruments (civil society organizations, local authorities, the European Instrument for Democracy and Human Rights, etc.) to support activities and projects in order to promote and strengthen economic , social and cultural rights around the world. The Republic of Macedonia, as a sovereign, independent and democratic state, has the basic aims of guaranteeing human rights, civil liberties and national equality, as well as ensuring social justice, economic well-being and the progress of personal and community life. Having in mind the above, our country should make an effort and work on the recommendations given by the Committee on Economic, Social and Cultural Rights to enable every citizen to enjoy economic, social and cultural rights.

LITERATURE

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