

# “Human Rights, An Endangered Concept: The United Nations and the Advancement of Human Rights”

## Economic Rights Session

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### THE BIRTH OF ECONOMIC RIGHTS

#### An Overview

One of the cardinal aspects deemed necessary for the advancement of human rights in the contemporary era is the protection afforded to economic rights. Economic rights serve as the foundation for the protection of property and fair labor that would allow all individuals to enjoy the fruits of production and services. Though often relegated to the backdrop of human rights observance over more glaring issues involving conflict and ethnic strife, economic human rights over the past century have gained greater prominence and pertinence. Especially with the passing of the Universal Declaration of Human Rights in 1948, a consensus on the necessity of economic rights was observed, though the reality of practice yielded a result that was far from ideal. With abuses ranging from the use of child and slave labor, to the restrictions on collective bargaining amongst worker groups, the reality of economic rights is far from achieving its prescribed goals. This applies to both international and regional observance, each presenting their unique difficulties and impasses.

#### Economic Rights Preceding the Modern Era

Economic rights were initially given importance during the period of the French Revolution with the Declaration of the Rights of Man and Citizen in 1789. The Declaration of the Rights of Man and Citizen provided the groundwork for enumeration of laws and requirements for public security after the bourgeois revolution. This also included the protection of property as exemplified in Article 17:

*Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.*

The Bill of Rights, the first ten amendments to the United States Constitution, also served to provide the grounds for the protection of property and defined the bounds of individual economic rights. This is especially the case with respect to the Fourth Amendment.

#### *Amendment IV*

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

#### Codification of Economic Rights in the 20<sup>th</sup> Century

The enumeration of economic rights is a concept that was not easily derived from older treaties and declarations found throughout the world. Though many documents have affirmed the

nature of the importance of economic rights, few have in fact defined the principles underlying those rights until recent decades. The need to elaborate on the tenets of economic rights emerged largely as a function of the numerous catastrophic wars that rendered populations and economies unstable. Indeed many of the conflicts gained fuel due to restrictions on economic rights, such as the levying of large indemnities and loss of resources in post-First World War Germany. During the Second World War, the gravity of the economic rights issue reached a boiling point as governments realized the enormity and desperation in economic injustices that could brew instability in the world. In his 1944 State of the Union address, President Franklin Roosevelt proposed a Second Bill of Rights to be passed concerning economic protection, ushering in an understanding that national security was inextricably tied to the material wealth of its citizens:

*“This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.*

*As our nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.*

*We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. ‘Necessitous men are not free men.’ People who are hungry and out of a job are the stuff of which dictatorships are made.”*

Three years earlier in the Four Freedoms speech, Roosevelt also affirmed that individuals should be “free from want” and this concept became part of the principle underlying the future Universal Declaration of Human Rights.

### **The Universal Declaration of Human Rights**

The Universal Declaration of Human Rights was unanimously ratified by the UN General Assembly in 1948, and has since served as the basis for much of international human rights law. Articles 23 and 24 of the Declaration are especially pertinent in addressing issues of work, remuneration, and collective bargaining.

#### **Article 17**

- (1) *Everyone has the right to own property alone as well as in association with others.*
- (2) *No one shall be arbitrarily deprived of his property.*

#### **Article 24.**

*Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.*

#### **Article 25.**

- (1) *Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*
- (2) *Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.*

## **International Covenant on Economic, Social, and Cultural Rights**

After the introduction of the Universal Declaration of Human Rights, other international agreements have also been created to ensure the endurance of economic human rights. Principally among these is the International Covenant on Economic, Social, and Cultural Rights, a multilateral treaty approved by the UN General Assembly in 1976 and ratified by 155 nations. The United States is among the few nations that have yet to ratify the Covenant. The Covenant provides important details about the assurance of economic rights. Articles 6 through 15 of Part III ensure the protection of working conditions, to proper education, to social security:

### **Article 6**

*1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

*2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*

### **Article 7**

*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable 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*

## **Persisting Abuses of Economic Human Rights**

Despite international legislation prescribing the necessities of fair labor practices, numerous instances of economic human rights abuses still persist. Among these is the practice of trafficking disenfranchised and indigent people from underdeveloped countries for unpaid labor.

The International Labour Organization estimates that:

- 12.3 million people are victims of forced labor
- more than 2.4 million have been trafficked
- 9.8 million are exploited by private agents
- 2.5 million are forced to work by the state or by rebel military groups

The profits from forced trafficked labor are estimated to be in excess of \$30 billion dollars.

Though international attention to economic human rights abuses has been augmented in recent years, the United Nations has little executive power to prevent violations. Intergovernmental, interagency, and NGO collaboration are the mainstays for discovering and publicizing abuses, though even these elements have often been constrained by unwilling regimes.

### **North Carolina Economic Rights**

Economic rights within the state of North Carolina are largely the oversight of the NC Department of Labor. Safety and labor complaints as well as wage determinations are decided by the department. In recent years, several organizations including the International Labor Organization have lobbied against the state for numerous economic rights violations. Among these are violations against the state for not protecting the right of workers to engage in collective bargaining and other forms of labor association.

The United Electrical, Radio and Machine Workers of America (UE) has been the principle litigant in recent years against the State of North Carolina, and it represents thousands of public employees who work for state agencies and municipal governments. The main grievance in the debate is North Carolina General Statute 95-98, which renders it illegal for the State, counties, cities or any political subdivisions of the State, to enter into contracts or agreements with any labor union or other bargaining agent. This has caused the UE to cite several UN decisions conferred in UN Conventions 87 (Freedom of Association and the Right to Organize), 98 (Right to Organize and Bargain Collectively), and 151 (Right of Public Workers to Organize, and Conditions of Employment in the Public Sector).

As the UE Director of International Labor Affairs, Robin Alexander said, "International law is clear: workers have a right to organize and to bargain collectively to protect and improve their wages and working conditions. General Statute 95-98 flies in the face of that, specifically denying those basic rights to the people who provide services to North Carolina taxpayers. The governments of the United States and the State of North Carolina owe workers the protections of international law, and have failed to deliver."

These and other violations by the State still have yet to be addressed and perpetuate the struggle to protect economic human rights throughout the regional and world stage. With the work of independent unions and organizations and the confluence of government power and intervention, there is yet hope that the overbearing consensus of international proclamations and treaties will have binding effect to augment the economic livelihood of all world citizens.