

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

After World War Two, many countries agreed to an International Bill of Rights.

This includes:

- The Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)



The big purpose of all of these treaties is for governments to treat people with dignity.

Governments can't pick and choose which human rights to respect - all of our human rights are interrelated, interconnected and indivisible.

What is in the International Covenant on Economic, Social and Cultural Rights - or ICESCR for short?



Key ICESCR principles

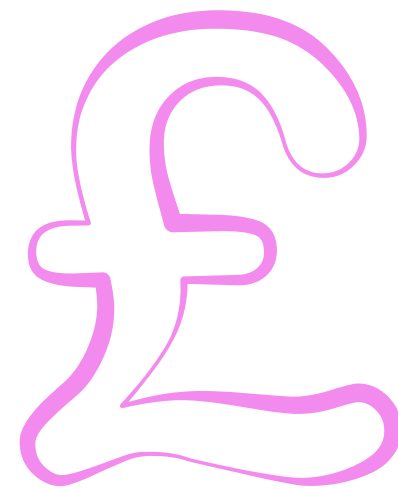
The main things that government is required to do are set out in Article 2 of ICESCR. This states that governments have a **duty to progressively realise ESC rights**. This includes:

- Taking deliberate, concrete and targeted steps to design strategies and programmes that realise the rights. They have got to have a plan in place to improve on these rights.
- Make sure that **no one falls below a minimum threshold of ESC rights**. These minimums must be delivered immediately, for everyone, all of the time.
- **Non-discrimination** –the way that Government delivers on ESC rights must not exclude any groups. This means collecting good data to design strategies and policies that benefit everyone, and not ignoring any negative impacts on particular groups.
- **No going backwards** -the principle of non-retrogression is a duty on governments not to backslide on rights. Even in the midst of crisis, they have got to make sure any regression is temporary, reasonable, proportionate and does not breach the Minimum Core Obligations.
- Using **maximum available resources** to progress rights.

What does 'use maximum available resources' actually mean?

This important ICESCR principle doesn't mean that Governments should stop funding everything else. However, there has to be a correlation between overall spend or GDP, and what is spent on ESC rights. Resources are finances, but also information, people, technology etc.

The UN gives big principles to guide spending. Allocation of resources to ESC rights has got to be **effective, efficient, adequate, and equitable** – prioritising the most marginalised to achieve equality of outcome.



When the UK signed up to ICESCR, it agreed to:

- Respect rights – not interfere with a person's rights unnecessarily
- Protect rights – guard against human rights abuse
- Fulfil rights – take positive steps to ensure all people can access their human rights as well as ensure that human rights are enforceable

UN guidance on the rights

To give more guidance on many of the ICESCR rights, a UN Committee has published some General Comments. For example, the Committee produced General Comments on the right to housing, and to health, and to social security. You can find the full list [here](#).

The UN's ESCR Committee also monitors the UK's progress to implement this treaty. Civil society organisations can give submissions to inform their reviews. Then the Committee publishes recommendations to the UK. Find out more about the ICESCR review of the UK [here](#).

What about in Scotland?

It is the UK as a whole who signed up to ICESCR, so the primary responsibility for implementing the treaty rights lies with the UK Government. BUT, Scottish Ministers are required to observe and implement international agreements, so they need to implement ICESCR too.

For years, people have been campaigning for ESC rights to be realised for everyone in Scotland. But many people live without even the minimum levels of these rights. Now, Scottish Government has committed to incorporating ICESCR directly into Scots law. A new Human Rights Bill will be introduced that will make most of the ICESCR rights enforceable. There will be new duties on government and public authorities to implement them, and all new Scottish legislation will need to comply with these ICESCR rights.

There is huge civil society support for this Bill. Read more about this Bill [here](#).



Find more resources around ICESCR [here](#).

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