

Economic Reform Is a Human Right

International law can be a powerful advocacy tool for improving economic and social policy.

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When most people hear the words “human rights,” they immediately think of torture, unlawful detention, censorship and political oppression. These are important concerns, but they constitute only one aspect of the human rights framework: what are referred to as “civil and political rights.” A wide range of human rights obligations referred to as “economic and social rights”—the right to work, the right to health, the right to an adequate standard of living, the right to food, and the right to housing and shelter, among others—are routinely overlooked. This is unfortunate because this second set of rights provides powerful tools to assess and conduct economic policy. It is precisely these rights that were most threatened by the global economic crisis and that provide the most compelling basis for an alternative set of policies.

Human rights are often criticized by those on the left as being individualistic and therefore feeding into neoliberal ideologies that cast the challenge of social justice narrowly, in terms of protecting and advancing individual freedoms. But the full realization of economic and social rights requires a strong state, international cooperation and robust social institutions. Securing individual rights demands collective action and responsibility.

Article 28 of the Universal Declaration of Human Rights (UDHR)—one of the key foundation documents for the human rights framework—states that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” This goes well beyond the idea that human rights are purely individualistic. Instead, it suggests that sweeping changes are needed to achieve social justice. Another key document, the International Covenant on Economic, Social and Cultural Rights (ICESCR), enumerates the principles that signatory states must follow to safeguard economic and social rights.

One of these principles—the idea that the state should use the “maximum of its available resources” to ensure the full realization of these rights—has enormous implications for how budgets are set and how public funds are used. In this context, the US government’s decision to bail out gigantic financial institutions while offering minimal assistance to homeowners facing foreclosure raises serious concerns. Resources were certainly available, but they were not used to protect economic and social rights to the fullest extent. More generally, the

principle requires a careful reconsideration of tax policies—including those that enable transnational corporations to avoid paying taxes.

The human rights framework would necessarily push the austerity debate in new directions. Many of the spending cuts enacted in the wake of the crash—particularly those targeting health, education, food programs and housing—arguably represent acts of retrogression in violation of the human rights requirement that states progressively move forward in the realization of rights. Similarly, reductions in public expenditures that disproportionately affect women and people of color may violate the principle of nondiscrimination and equality.

Within the human rights framework, governments are obligated to prevent third parties from acting in ways that undermine people's economic and social rights. The speculative, fraudulent and predatory behavior of financial institutions in the months leading up to the financial crash were the proximate causes of the global economic collapse that led to an erosion of core economic rights. The absence of a regulatory framework that would have restricted such behavior arguably represents a failure of the obligation to protect.

These are not simply academic ideas being tossed around. Economic and social rights are a potent part of international law, and they have a strong institutional foundation. The relevant principles and obligations are enshrined in documents including the UDHR, the ICESCR, the Convention on the Elimination of

All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention of the Rights of the Child, among others. Some countries—for instance, South Africa—have incorporated these rights into their national constitutions. And the European Union has set up regional bodies that include protection of economic and social rights as part of their mandate.

There are many mechanisms available to hold governments accountable for their human rights violations. Countries that have ratified a human rights convention are reviewed periodically by international committees of independent experts, who encourage signatories to uphold their international obligations. The Universal Periodic Review (UPR), a peer-review process among members of the United Nations' Human Rights Council, examines human rights records across the globe—including countries, like the United States, that have not ratified many human rights treaties.

These processes and institutions have become an important organizing tool for activists. Consider the work of the US Human Rights Network, a group of more than 300 US organizations that use the human rights framework to hold the US government accountable for a range of violations. In 2010 the network orchestrated a UPR review of the United States. As a result, the government accepted a human rights obligation to decent work. This implies that it can now be held accountable for policies that affect employment and job quality.

The US Human Rights Network has also helped facilitate a coordinated effort by organizations all over the country to work on a range of issues such as the death penalty, indigenous people's rights, migrant rights, the right to decent work, and macroeconomic and financial policy. The process brought people who often focus only on singular issues together to build linkages across diverse areas of activism. The network is currently gearing up for the review of how the United States has complied with its obligations under the International Covenant on Civil and Political Rights, which will take place in March.

The human rights infrastructure can be a powerful advocacy tool with great potential to change policy-making, but only if governments' responsibilities are taken more seriously. To realize a vision of an economic system whose purpose is to meet human rights obligations, we must rethink the ways we formulate and evaluate economic policy.



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