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Human Rights and Economic Injustice

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ABSTRACT

This paper talks about human rights as the basic norm that aspire to protect all the people from any severe political, legal, and social abuses that would hamper their rights as a human being. And also talks about economic injustice or economic inequality as the unequal distribution of income and opportunity between the different groups in society.

Judicial enforcement has a clear and wide role in developing the understanding of these rights, like in remedying clear violations, and in providing decisions on test cases that can lead to a proper institutional change and prevent future rights violations.

Economic issues have very much entered the human rights arena, they primarily have done so with the aim of poverty reduction, through the deployment of social and economic rights, and therefore the right to development also. Moreover, to some extent, these approaches not only remain on the margins of human rights but are also often embedded in prescriptions for development that specialise in economic process, and neglect the distributive consequences of that growth.

Keywords – Human rights, economic injustice.

I. INTRODUCTION

Economic inequality and poverty create a critical challenge to human rights in an increasingly globalized world. Poverty not only contributes to the devastating material inequality that shapes the lives of the poor, but it also undermines the human dignity of the people it affects. The enforcement of economic rights remains important, both in ensuring the adequate and equal operationalization of individuals civil and political rights and in ensuring adequate standards of living. By observing, respecting, and adhering to the goals of economic justice, government actions toward protecting human dignity transition from aspirational to productive. The enforcement of economic rights through judicial channels forces us to question whether rights pertain to needs or democratic values.

II. HUMAN RIGHTS

These are the essential norms that aspire to guard all people everywhere from any severe political, legal, and social abuses. Examples of human rights are the right to freedom of faith,

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to a good trial when charged with a criminal offense, to not be tortured, and the right to education.

The philosophy of human rights addresses questions on the existence, nature, universality, justification, and status of human rights. The strong claims often made on behalf of human rights (for example, that they're universal, inalienable, or exist independently of legal enactment as justified moral norms) have frequently provoked sceptical doubts and countering philosophical defences.

(A) Which rights can be termed as human rights?

- Security rights that protect people against murder, torture, and genocide;
- Due process rights that protect people against arbitrary and excessively harsh punishments and require fair trials for those accused of crimes;
- Liberty rights that protect people's fundamental freedoms
- Political rights protecting people's liberty to participate in politics by assembling, protesting, voting, and serving in public office;
- Equality rights that guarantee equal citizenship, equality before the law, and freedom from discrimination; and
- Social rights that require that governments ensure all the availability of work, education, health services, and an adequate standard of living.
- A seventh category, minority and group rights, has been created by subsequent treaties. These rights protect women, racial and ethnic minorities, indigenous peoples, children, migrant workers and therefore the disabled.

III. ECONOMIC INJUSTICE

Economic justice may be a component of social justice and welfare. It is a set of moral and ethical principles for building economic institutions, the ultimate goal is to create an opportunity for each person to establish a sufficient material foundation upon which to possess a dignified, productive, and artistic life. Economic injustice can be defined as the unequal distribution of income and opportunity between different groups in the society. It is a concern in almost all countries around the world and often people are trapped in poverty with a minimal chance to get through the social ladder. But, being born into poverty does not automatically mean you stay poor. Concepts like education, at all levels, enhancing skills, and training policies can be used alongside social assistance programs to help people out of poverty and to reduce inequality and thus economic injustice. Several countries are also now exploring

whether a universal basic income could be the answer.²

Achieving economic justice can include addressing wage gaps and other deficiencies in individual earnings. As an example, there may be members of the workforce employed in jobs that do not make full use of their skills. This typically results in workers earning wages that don't reflect the complete potential of their professional abilities. As a result, they do not earn the highest income of which they are capable of. Such a loss of possible wages creates an inefficiency within the economy because those workers won't have the income to participate to their fullest. If this inefficiency reaches significant magnitude—wherein large portions of the population are not purchasing goods and services they might have otherwise spent their earnings on—it can also slow the economy.³

IV. HUMAN RIGHTS AND ECONOMIC INJUSTICE: RELATION

Socioeconomic inequality and poverty create a critical challenge to human rights in an increasingly globalized world. Poverty not only contributes to the devastating material inequality that shapes the lives of the poor, but it also undermines the human dignity of those it affects.⁴

This reconsiders the human rights and economic justice debate through four interrelated researches:

1. the way law contributes to the creation and maintenance of socioeconomic inequality;
2. how inequality and unrealized socioeconomic rights in turn undermine civil and political rights;
3. To find a proper way to develop effective human rights strategies to realize economic justice when the state is no longer the exclusive actor and territorial boundaries are less determinative of unjust outcomes;
4. How poverty and economic injustice represents a critical challenge for current human rights discourse and approaches.⁵

Socioeconomic inequality has been called together “the defining challenge of our time,” and “the root of all social evil.” Inequalities in income and wealth are growing, and quite clearly affect human rights. They mostly determine who can avoid harm and reap profits from human rights violations also as who will bear the value of and suffer from ongoing harms done to

² <https://www.equalitytrust.org.uk/how-economic-inequality-defined>

³ <https://www.investopedia.com/terms/e/economic-justice.asp>

⁴ <http://humanityjournal.org/issue10-3/introduction-human-rights-and-economic-inequality/>

⁵ <https://www.mcgill.ca/humanrights/research/areas-research>

humanity. The international human rights law and discourse have long focused, a minimum of in theory, on the promotion of what's often termed "status equality," by prohibiting discrimination on the idea of various attributes including race, nationality, religion, and sex. More recently, the prohibition has been extended to areas like disability and sexuality. Notwithstanding the inclusion of property and birth within the Universal Declaration's list of prohibited bases of discrimination, some have argued that human rights law and discourse have largely remained inattentive to inequalities of wealth and income—within countries, among countries, and globally.

To the extent that economic issues have entered the human rights arena, the argument goes, they primarily have done so with the aim of poverty reduction, through the deployment of social and economic rights, and therefore the right to development.

Moreover, by some accounts, these approaches not only remain on the margins of human rights but are also often embedded in prescriptions for development that specialise in economic process, and neglect the distributive consequences of that growth. To the extent that human rights concentrate only on achieving minimum standards for a dignified existence, they'll well ignore the growing distance between the poor and therefore the wealthy.

The tradition of regarding economic rights as second-class is rather deceptive, especially considering the fundamental nature of these rights. America has embraced and adopted the Universal Declaration of Human Rights, which states, under Article 25, that there is a "right to a standard of living adequate for the health and well-being"⁶ of each person and their family, including basic food, medical care, social services, and security in the event of unemployment or disability.⁷

It is these human rights that offer a means of articulating and fulfilling basic human needs. These needs are encompassed by the protections provided by economic rights. It follows, then, that the judicial protection of human rights is crucial. A right without a remedy raises questions of whether it is in fact a right at all. This is not to say that judicial enforcement is the only, or even the best, way of protecting economic, social, and cultural rights. However, judicial enforcement has a clear role in developing our understanding of these rights, in remedying clear violations, and in providing decisions on test cases that can lead to systematic institutional change and prevent future rights violations. The judicial protection of human rights is crucial. A right without a remedy raises questions of whether it is in fact a right at all.

⁶ ARTICLE 25 of UDHR

⁷ https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic_justice/economic-rights--are-they-justiciable--and-should-they-be/

This is not to say that judicial enforcement is the only, or even the best, way of protecting economic, social, and cultural rights. However, judicial enforcement has a clear role in developing our understanding of these rights, in remedying clear violations, and in providing decisions on test cases that can lead to systematic institutional change and prevent future rights violations.

V. THE DOSSIER

As a whole, the dossier provides an opportunity to distinguish among different types of, and perspectives on, economic inequality and rights. In what follows, we offer a brief descriptive overview of inequality and how the various authors engage with the concept. The discussion then turns to the ways authors have engaged human rights frameworks in their contestations of inequality.

In considering inequality among countries, for example, measures of inequality that are weighted for population will differ from those that are not. Further, those who rely on a population-weighted average often conclude that intercountry inequality is decreasing—albeit at the expense of higher inequality within wealthier countries. Critics, however, counter that population-weighted measures are largely driven by the income growth in just two countries, China and India, and that, overall, developed countries continue to grow faster than developing countries. But measures that are not weighted are distorted by the fact that small countries like Luxembourg contribute just as much as either of those two giants to the overall average.

Indicators also differ depending on whether they measure gross domestic product, gross national product, or per capita income adjusted to reflect purchasing power parity.

The dossier helps demonstrate our sense that analysing human rights together with economic inequalities provides a useful opportunity to consider both terms anew as well as to build discussions of rights and to situate, contextualize, and humanize discussion of justice or inequality. Human rights frames help to illuminate the real human cost and impact of policies and proposals that are typically represented in economic discussions by abstract formulas and equations.

VI. CONCLUSION

Human rights are norms that aspire to guard all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to a good trial when charged with a criminal offense, the right to not be tortured, and the right to education.

It is important to recollect the role played by the human rights movement in achieving earlier

safeguards against inequality, like worker's rights to negotiation, the right to primary education or the right to Social Security. Likewise, without laws against gender inequality and racism, wealth and income inequalities would be even more gaping. Many of those historic advances are now taken without any consideration.

The increasing concentration of wealth must be understood not even as an incidental human rights concern, but as an inherent injustice and therefore the product of an internet of regressive policies that systematically flout governments economic and social rights obligations. How the complete panoply of human rights norms are often applied more effectively to constrain the present drivers of economic inequality needs much further exploration. The Universal Declaration of Human Rights and therefore the treaties that are due it's going to be silent on the gap between the rich and the poor, but they need an excellent deal to mention about the policies that perpetuate this disparity. At their core may be a concern for substantive equality altogether areas of human well-being. The tradition of regarding economic rights as second-class is actually deceptive, especially considering the fundamental nature of these rights. America has embraced and adopted the Universal Declaration of Human Rights, which states, under Article 25, that there is a "right to a standard of living adequate for the health and well-being" of each person and their family, including basic food, medical care, social services, and security in the event of unemployment or disability.⁸

Regardless of the answer, the enforcement of economic rights remains important both in ensuring the adequate and equal operationalization of individuals' civil and political rights and in ensuring adequate standards of living. By observing, respecting, and adhering to the goals of economic justice, government actions toward protecting human dignity transition from aspirational to productive. The enforcement of economic rights through judicial channels forces us to question whether rights pertain to needs or democratic values. Choosing the latter might mean advocating for the legal got to ignore social realities or remain purposely abstract so individuals can decide if democracy should run itself or maintain a more robust structure of ensuring that rights—as operationalized—meet demands.

⁸ <http://humanityjournal.org/issue10-3/introduction-human-rights-and-economic-inequality/>