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The Global Pursuit of Economic Rights: Enforcement Examining International Legal Frameworks Amid Contemporary Challenges

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ABSTRACT

To establish an orderly society, most governments provide fundamental human rights to their inhabitants. The economic, political and civic spheres are all included by these rights. However, how they are put into action is where the rubber meets the road. Even if the civil rights are enforceable in most of the nations, the enforceability of economic rights is a topic of contention till today. The subtleties of economic rights and how they are implemented inside the international legal system are explored in this paper through qualitative approach. It offers a comprehensive historical overview and delineates essential elements of economic rights, examining the legal frameworks under international law. The article delineates enforcement measures and observes the challenges of enforcing economic rights under international law, highlighting issues such as state sovereignty, fragmented legal frameworks, limited institutional capacity and the impacts of globalization and rapid technological change. Drawing on real-world examples, it demonstrates how both domestic reforms and international cooperation can address these challenges effectively. The article concludes by emphasizing the indispensability of a synergistic approach that integrates legal, technological and collaborative strategies to translate international commitments into practical, measurable outcomes in the realm of economic rights.

Keywords: Human Rights, Economic Rights, International Law, UDHR, ICESCR.

I. INTRODUCTION

Economic rights have immense importance in the wide context of human rights, nonetheless, they barely get adequate attention. Economic rights include the rights to an adequate standard of living, equal opportunities to work, social protection, fair wages, etc., which are at the core of the economic freedom and dignity of an individual. These rights ensure everyone's participation in economic activities and acquire the resources necessary to support themselves

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and their families. Nevertheless, the enforcement of economic rights in the modern world faces various obstacles. Although these rights were recognized as fundamental human rights many years ago, their enforcement in practice is still an ongoing struggle. At the international level, the Universal Declaration of Human Rights (UDHR) of 1948 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 have included these rights and provided specific guidance to states. In addition, region specific treaties such as the African Charter on Human and Peoples' Rights and the European Social Charter have also supported these rights (Heyns 2003). However, the practical transformation of ideological commitments in the international arena is a complex and continuous process. After analyzing the existing international legal instruments on recognizing economic rights and its enforcement mechanisms, this study shows that the prevalence of economic inequality, wide gaps in income and expenditure, constraint of resources, lack of political will and accountability, complex legal frameworks and restraining judiciary, extreme capitalism, technological changes and digitalization, etc. have become the main obstacles to the enforcement of these rights. These global crises are highlighting the weaknesses of social protection systems, which are affecting marginalized communities (Raihan et al. 2024). To address these challenges, this study emphasizes the need for a comprehensive and integrated approach, that includes strengthening the legal framework and institutional capacity, ensuring good governance and political accountability, formulating inclusive economic policies, increasing multilateral cooperation, etc. Furthermore, this study indicates that bridging the digital divide, developing social protection systems and ensuring the active participation of civil society, etc., are tools for significant progress in the enforcement of economic rights for all.

Methods

This study adopts a qualitative research methodology by collecting and analyzing data from both primary and secondary sources. As primary sources international instruments, treaties, conventions, declarations and precedents of various cases have been analyzed. A wide range of materials such as books, academic publications, journal articles and online resources have been used and analyzed as secondary sources.

II. HISTORICAL BACKGROUND

The conception of economic rights in international legal arena began to gain importance during the post-World War II period, when the global community focused on rebuilding a just and stable world after witnessing the devastations and injustices of the war. A milestone in

this regard was the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 by the United Nations General Assembly, which provided international recognition to economic rights along with other human rights. The primary purpose of the Declaration was only to introduce rights of the humans to the world without giving those any binding effect.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966 and entering into force in 1976, expanded the concept of economic rights as set out in the Declaration of 1948. This covenant created an obligation for signatory states to protect the rights concerned (MacNaughton and Frey 2010; De Schutter 2013). However, even if it is not possible for states to provide immediate remedy by the states, the Covenant emphasizes the progressive realization of these rights, i.e., at least, those rights should be included in the legal system of the states and the states should take steps to enforce these rights from time to time.

From the later part of the twentieth century to now, international community further strengthened the basis of economic rights through various international instruments and organizations. For example, the ILO has been acting as a significant figure in setting global labor standards and protecting the rights of the workers. In addition, global changes such as the termination of colonialism and Cold War, globalization and lastly, the increased attention of states and peoples to the recognition of human rights have played a strong role in establishing the idea that the states are now bound to enforce economic rights as like the other fundamental human rights (Alston 2004).

III. ECONOMIC RIGHTS: DEFINITION AND KEY ASPECTS

Economic rights are subset of rights of the human that ensure individuals have the resources, opportunities and appropriate environment necessary for a dignified life and economic well-being. These rights are essential for securing social justice and the complete realization of human potential. The subject-matters of economic rights include the right to work, the right to just and favorable working conditions, social security rights, the right of living to an adequate standard, the right of forming and joining trade unions, the right to participate in economic activities, etc. These rights enable individuals to participate in economic activities, earn a livelihood and thereby enable them to fulfil their potential, contribute to their communities and lead productive as well as meaningful lives (Liebenberg 2005). According to Khan, Usman and Amjad (2020), the enforcement of socio, economic and cultural rights is currently an unavoidable issue worldwide. In addition to the international instruments like UDHR and the ICESCR, various region-specific instruments have recognized these economic rights as well. These rights are now considered fundamental components of the global human rights

structure (Young 2008).

IV. ECONOMIC RIGHTS IN INTERNATIONAL LEGAL FRAMEWORKS

A. Universal Declaration of Human Rights (UDHR), 1948

The Universal Declaration of Human Rights (UDHR), introduced by the UNGA on 10th December 1948, is one of the most important documents protecting human rights under international law. This declaration was a landmark step in the post-World War II era. Although the concept of human rights was not new, the declaration consolidated these rights into a well-organized and single document. As a consequence, human rights were recognized worldwide and people became aware of these rights. The UDHR has put a immense impression on various international treaties, constitutions of different states and legal structure around the world (Wilson 2022; Kritz 1996; Baderin and Ssenyonjo 2016; Heyns and Viljoen 2001; Gilabert 2018). As a reflection of this declaration, the principles and standards of human rights were popularized, which later played an important role in the development and enforcement of international human rights law.

In its clauses, the UDHR expressly acknowledges a number of economic rights. The interconnection of these rights with other human rights is crucial for achieving social and economic fairness. According to Article 22 of the UDHR, every individual as a member of the society has the right to social security; for realizing of the ESC rights necessary for their dignity; and to the unhindered growth of their persona through international and national collaboration in line with the resources and structure of each state. This article highlights the value of social security programs in protecting and assisting people during difficult periods such as old age, disease, disability, or unemployment. Social security contributes to people's overall well-being by guaranteeing access to financial aid and necessary services. Article 23 covers several essential elements of the right to work. It asserts that everyone has the right to work, the freedom to choose employment, fair and comfortable working conditions and protection against unemployment. In addition, it stipulates that everyone is entitled to equal compensation for equal work, free from discrimination and that workers have the right to equitable remuneration adequate to ensure dignified living, with supplementary social protections if needed, and the right to organize or join a trade union in order to safeguard their interests. Article 24 guarantees the right to rest and leisure, including reasonable limitations on working hours and the provision of paid periodic holidays. Article 25 sets out the right to an adequate standard of living, ensuring that everyone has access to sufficient food, clothing, housing, medical care and essential social services.

Despite significant progress, issues such as poverty, social isolation and economic inequality persist, making the economic rights in UDHR as important today as they were when first promulgated.

B. International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

ICESCR was ratified by UNGA in 1966 and it entered into force in 1976, establishing it as one of the main pillars of inter-national human rights law. The Covenant codifies a wide range of economic, social and cultural rights intended to ensure individuals can lead lives of dignity and fulfilment. After the World War II, when global efforts were concentrated on rebuilding shattered economies and societies, provided the impetus for drafting the ICESCR, building on the philosophical and ethical foundations established by the UDHR (Carmona 2003; Kalantry, Getgen and Koh 2010).

The ICESCR recognizes an array of economic rights as essential components of human dignity and well-being. It guarantees the right to work, not only as the opportunity to secure a livelihood through freely chosen or accepted employment, but also by obliging states to provide training programs, technical and vocational education and supportive policies for economic growth. Article 7 ensures just and favorable working conditions, including equitable wages and equal remuneration for work of equal value without discrimination; safe and healthy work environments; equal opportunities for promotion; and provisions for rest and recreation with appropriate restrictions on working hours and paid holidays, along with safeguards against unjust dismissal to promote employment security and stability. Article 8 affirms the freedom to form and join trade unions (subject to compliance with organizational rules), thereby strengthening the defense of employees' interests and collective bargaining power and it also recognizes the right to strike within the limits prescribed by national laws. Article 9 underscores the critical role of social security in protecting individuals against diverse risks such as old age, widowhood, disease, disability and unemployment by requiring states to establish comprehensive social security programs with adequate benefits. Article 10 emphasizes the need to protect the family as the basic social unit by ensuring additional support for women prior and following childbirth, such as paid leave, and by safeguarding children and youth against economic and social exploitation. Furthermore, Article 11 guarantees the right to an adequate standard of living, which includes reliable access to food, clothing, shelter and continuous improvement in living conditions, as well as security from forced evictions. Article 12 recognizes the right to the highest attainable standard of physical and mental health, which incorporates the right to prompt and sufficient medical care as well as proactive measures to reduce infant mortality, manage health crises and improve

environmental conditions. Finally, Articles 13 and 14 uphold the right to education by providing for free and compulsory primary education, ensuring wide accessibility to secondary education and guaranteeing that higher education is accessible on the basis of individual merit while also calling for remedial measures for those who have not completed basic schooling (Narumugai 2021; Gutterman 2024; Riedel 2006; Arat, Çelik, Koç and Topukcu 2024; Potts 2009; Veriava and Paterson 2020).

According to the ICESCR, economic rights are pivotal to the broader concept of human rights. They are crucial for promoting social justice, reducing disparities and empowering individuals to lead lives of dignity—even as challenges remain in ensuring their full realization.

V. ENFORCEMENT MECHANISMS OF ECONOMIC RIGHTS UNDER INTERNATIONAL LAW

A. The Role of the Committee on Economic, Social and Cultural Rights (CESCR)

The United Nations Economic and Social Council (ECOSOC) founded the Committee on Economic, Social and Cultural Rights (CESCR) in 1985 to monitor the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee's primary mandate is to monitor the implementation of the ICESCR by its state parties. In this regard, the CESCR reviews the periodic reports submitted by states, issues concluding observations and recommendations to guide improvements in compliance and provides general comments that interpret specific provisions of the Covenant and assist states in fulfilling their responsibilities (Ssenyonjo 2011). States submit detailed reports that covering laws, court rulings, policies and assorted measures implemented to make effective the rights enumerated in the ICESCR, which the CESCR evaluates and then discusses constructively with the respective governments (Odusote 2014; Kalantry, Getgen and Koh 2010; Ssenyonjo 2011).

Enacted in 2008, the Optional Protocol to the ICESCR empowers the CESCR to accept and evaluate individualistic complaints from persons or organizations claiming violations of their covenant rights. This additional mechanism enhances the Committee's authority to protect economic rights by providing victims with a route to international redress (Roy 2024).

The CESCR has significantly advanced the realization of economic rights. Its Concluding Observations and General Comments have influenced domestic law and policies, prompting states to adopt measures that further comply with their ICESCR obligations. Moreover, the individual complaint mechanism has facilitated access to international justice. For example, in

South Africa the CESCR's recommendations have contributed to judicial rulings and legislative changes aimed at improving access to housing, healthcare and education; in India, the Committee's guidance on working and social security rights has spurred reforms in labor rights and social protection programs. More recently, the CESCR has also addressed emerging challenges such as the am-bivalent impact of climate change, the contribution of digital technologies to the realization of economic rights and the intersection of economic rights with gender, disability and migration (Liebenberg 2002; Razavi 2022; MacNaughton, Frey and Porter 2021).

B. The Role of the Optional Protocol to the ICESCR

The establishment of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) marked a significant step forward in the enforcement of economic rights. Ratified by the United Nations General Assembly on 10 December 2008 and entering into force on 5 May 2013, the Protocol provides a framework whereby individuals may seek restitution for violations of economic, social and cultural rights. In outlining its enforcement mechanisms, namely, individual communications, interstate communications and an inquiry procedure, the Protocol further develops the framework for protecting economic rights (Sepúlveda 2006).

The individual communications mechanism introduces a legal basis for sufferers of economic rights violations to file complaints and seek appropriate relief. Under this system, the CESCR evaluates each complaint to determine whether a state party has contravened its responsibilities under the ICESCR, subsequently offering recommendations for redress and preventive action. This process has generated landmark cases that have clarified and extended the application and interpretation economic rights. In one notable example, the CESCR examined the right to adequate housing and evictions, stressing that countries should provide effective legal safeguards against forced evictions (IDG v. Spain 2015).

Although the interstate communications mechanism is used rarely, it remains an important tool for holding states mutually accountable for shortcomings in protecting economic rights. By allowing states to raise each other's deficiencies in adhering to international norms, it reinforces collective commitment to economic rights (Sepúlveda 2006). Similarly, the inquiry procedure empowers the CESCR to conduct visits, gather data and engage directly with state parties to assess the situation on the ground, thereby providing an objective basis for global oversight and urging corrective measures (Sepúlveda 2006).

The Optional Protocol has thus enhanced both the visibility and enforcement of economic

rights. By establishing institutional arrangements for individuals and organizations to secure redress, it has elevated the prominence of economic rights within the international human rights framework. The CESCR's findings and recommendations under the Protocol have spurred amendments in housing regulations, labor laws and social security systems, thereby strengthening the protection of economic rights for marginalized communities. In effect, the Protocol has increased state awareness of their international obligations and promoted proactive measures to prevent violations (Ssenyonjo 2011).

C. Incorporating International Legal Framework into Domestic Legal Systems

Countries that ratify the ICESCR are obligated to embed its provisions into their domestic legal systems. This often involves enacting laws that safeguard economic rights and launching initiatives to actualize those rights. Many nations have therefore developed social security programs, minimum wage laws and labor protections to ensure equitable treatment for workers. National courts and governmental institutions play a key role in this context by providing a forum where individuals can pursue legal remedies if their economic rights are breached; administrative bodies such as human rights commissions and labor boards further contribute to monitoring and enforcing compliance with national legislation (Chenwi and Hardowar 2010; Canagarajah and Sethuraman 2001).

VI. OBSERVATIONS

Despite widespread recognition, the practical enforcement of economic rights remains uneven (Carnegie and Brown 2018). Political pressures, domestic priorities and the rapid pace of globalization and technological change have created a landscape in which contemporary challenges demand equally modern solutions. Examples drawn from Latin America, Africa and Europe illustrate that while significant hurdles persist, innovative strategies are beginning to yield encouraging results (Carnegie and Brown 2018).

A. Contemporary Challenges in Enforcing Economic Rights

One core challenge is the tension between international economic rights obligations and state sovereignty, which is deeply entwined with political will (Mendelson 2015). Many governments, especially those with traditions of emphasizing national interests, are reluctant to cede decision-making authority to international bodies. For example, the United States has not fully committed to external accountability mechanisms. Even when economic rights are under threat, it has been reluctant to do so (Mendelson 2015). Similar reluctance is reflected in many other states. Domestic priorities often obstruct international commitments, leading to adopt policies that often further marginalize vulnerable populations. On the other hand, states

like Costa Rica have used their relatively stable political environment to embed international standards within strong national legal frameworks. Through this process, they have achieved consistent improvements in public health and education (Gómez 2017). This reality highlights the importance of political will in the effective realization of international strategies for achieving economic rights.

The fragmentation of legal frameworks and inconsistencies in jurisdictions are a significant challenge to the implementation of economic rights internationally. While economic rights are codified in a variety of international treaties, declarations, and regional instruments, this diversity reflects different legal traditions and has created a patchwork of legal landscapes (Wright 2012). For example, the discussions on the Optional Protocol to the ICESCR in consultative forums such as the 2007 Chatham House Meeting highlighted how different legal interpretations and implementation frameworks across states can create gaps (Silva 2014). In Latin America in particular, the Inter-American Court of Human Rights (IACHR) has ruled on a number of cases in which indigenous peoples' rights to land and resources have been violated due to inconsistencies in domestic laws. This situation highlights the urgent need to establish more uniform legal standards and strengthen transboundary cooperation (Silva 2014).

Institutional capacity and resource constraints pose significant challenges to the accomplishment of these economic rights. The effective implementation of these rights is dependent on mostly the strength of a States's administrative structure and institutions. In many developing countries, limited budgets, inadequate technical expertise, and weak legal frameworks make it difficult to implement social protection and equitable public service delivery policies. Bangladesh is a prime example of this reality, where although policies exist to ensure social protection and public service delivery, budgetary constraints and administrative inefficiencies have often hampered their practical implementation. However, capacity-building efforts are underway through initiatives by international organizations such as the United Nations Development Programme (UNDP), which are helping to overcome these constraints and pave the way for effective implementation.

Globalization and rapid technological change have accelerated the restructuring of economic structures and challenged traditional regulatory systems, transforming the context for the implementation of economic rights. The proliferation of digital markets, cross-border tax evasion, and the dynamics of modern labor markets are exposing gaps in international law. For example, European countries are facing the challenge of tackling tax evasion in the digital age. In response, OECD has launched a series of initiatives to modernize tax administration,

including the 'Base Erosion and Profit Shifting (BEPS)' project, which is helping to protect economic rights. Countries such as Rwanda are also exploring the use of blockchain technology to ensure transparency in public spending and ensure that funds allocated for public services reach their intended beneficiaries (Kumar 2018).

B. Addressing the Challenges

In addition to addressing this challenge, a large number of practical solutions and case studies has provided effective ways to improve the successful implementation of these rights. One important approach is to establish a dedicated international legal framework. The growing efforts to develop the optional protocol (ICESCR) point to a streamlined complaint management and redress mechanism, which would create incentives for States to ensure legal and moral accountability (Díaz 2016). Latin American countries have already taken steps to integrate their regional human rights systems into a broader framework for the accomplishment of economic rights, which is contributing towards the effective implementation of these rights (Díaz 2016).

Multilateral cooperation and efforts at legal harmonization are crucial. The European Union is a good example, where well-structured peer review processes and strict legal standards help member states to deliver on their commitments to healthcare, social security and economic participation (Lopez 2017). In addition, Estonia's successful e-governance initiative has simplified public administration and increased transparency, serving as a model for aligning domestic policies with international obligations on economic rights (Peeters 2019).

Technological advances are playing a very effective role in overcoming the limitations of traditional implementations. For example, the use of blockchain technology is increasingly opening up new possibilities in the storage of public records and monitoring of government spending (Kumar 2018). The implementation of such digital technologies in Rwanda aims to reduce corruption and create transparent audit opportunities for domestic and international observers (Kumar 2018). Similarly, the e-governance system in Estonia has shown how the right application of technology can ensure efficient, transparent and accountable public services (Peeters 2019).

It is essential to focus on capacity building and institutional strengthening. South Asian countries, particularly Bangladesh, have undertaken joint initiatives with the UNDP and the World Bank to enhance local administrative capacity. These initiatives have included providing advanced training to local officials, implementing digital monitoring platforms, and developing legal support services. These efforts are not only helpful in addressing immediate

administrative challenges, but also help build a sustainable framework for the protection of international economic rights in the long term.

Furthermore, it is essential to link economic rights to comprehensive development policies. Economic rights cannot exist in isolation. They are deeply intertwined with civil, political and cultural realities. Many countries have already developed comprehensive policy frameworks that incorporate these rights, which help ensure holistic development. For example, Brazil has adopted national policies on social inclusion and anti-poverty measures, in which economic rights are integrated with broader development goals (Ferreira 2016). While Brazil's complex socio-economic reality poses its own challenges, the country's justice system has played a key role in ensuring that government policies in areas such as health, housing and education are conducted in accordance with international standards. This strategy could also serve as a useful model for other countries, helping to establish a coherent alliance between human rights and development (Ferreira 2016).

Finally, strong public-private partnerships and active civil society engagement play a crucial role in the implementation of economic rights. In parts of Africa and Asia, NGOs have joined forces with local communities to monitor and campaign for policy reform to implement these (Patel 2017). For example, in India, local NGOs have made effective use of international human rights frameworks to implement more inclusive public health policies. These initiatives demonstrate that grassroots action, when combined with international support may significantly affect the accountability of a state (Patel 2017).

VII. CONCLUSION

The implementation of economic rights under international law is one of the most important and complex challenges in to-day's global human rights situation (Mendelson 2015; Carnegie and Brown 2018). State sovereignty, fragmented legal frame-works and limited institutional capacity have emerged as major obstacles to effective implementation (Mendelson 2015). How-ever, several practical examples have highlighted the potential for overcoming these challenges. For example, judicial intervention in land rights disputes in Latin America (Silva 2014), innovative use of blockchain for transparent public spending in Rwan-da (Kumar 2018), and a coordinated initiative by the European Union (Lopez 2017) have shown the way to effective solutions. These experiences demonstrate that a multifaceted and integrated initiative to the successful implementation of economic rights is essential (Díaz 2016). Establishing dedicated international enforcement mechanisms, reinforcing multilateral cooperation, embracing technological innovations, investing in capacity building, integrating

economic rights with broader developmental policies and engaging civil society can collectively transform the enforcement architecture (Carnegie and Brown 2018). As global challenges evolve, so too must our enforcement strategies; by drawing on these examples and adapting them to local contexts, the international community can create a more robust and agile system for safeguarding economic rights (Mendelson 2015).

However, it is evident that while the challenges are formidable, the pathway to effective enforcement is clear (Carnegie and Brown 2018). It is a call to action for policymakers, legal practitioners, international organizations and civil society alike: to adopt innovative measures, harness the power of technology and commit to interdependent, comprehensive strategies that solidify economic rights both globally and locally. Continued research, pilot programs and international dialogue will be paramount in progressing from ambitious declarations to practical, measurable outcomes in the real world.

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