

OBLIGATIONS OF STATE PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: A LEGAL REVIEW

Written by Dr. Anugbum Onuoha

B.Sc., LLB (Hons), BL, LLM, PhD

Senior Lecturer, Faculty of Law, Rivers State University, Port Harcourt

1.0 INTRODUCTION

On 16 December 1966, the United Nations General Assembly adopted International Covenant on Economic, Social, and Cultural Rights (ICESCR)ⁱ. As one of three international treaties which constitute the “International Human Rights Bill”ⁱⁱ, along with the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights offers a robust international structure for the protection and preservation of the most fundamental economic, social and cultural rights (also known as “ESC Rights”), including those rights on employment, physical and mental health, social safety, cultural equality, quality education and scientific advancement. The ICESCR outlines under Article 2 the scope of the State parties’ legal obligations under the Covenant, and how the implementation of substantive rights can be addressed by the States parties (i.e. countries). States Parties are expected to take action, based on their available resources, to progressively achieve the full implementation of the ESC rights provided under the ICESCR. In that respect, the covenant requires countries to completely implement the ICESCR, either by ratifying the instrument or by domesticating the rights under the covenant in the national laws of the countries.

In this article, we shall consider the obligations of the States Parties under the ICESCR, in particular their obligation towards ensuring and guaranteeing the implementation of ESC rights inherent in the Convention in their countries. This brief research work explores the essence and extent of these commitments. It deals with introductory problems that affect the structure of the task. This provides an outline of the various ESC rights. The paper also discusses

the principle of the obligations of the States Parties under the Convention. These encompass both the general domestic and international obligations set down in the Covenant and the particular commitments resulting from the specific rights provided by the different terms and phrases used in the Covenant.

2.0 RIGHTS PROTECTED UNDER THE ICESCR

Economic, social and cultural (ESC) rights usually include the right to an acceptable standard of living (comprising proper meals, accommodation and decent clothing), the right to social security, the right to physical and mental health, the right to a healthy environment, the right to work, and the right to educationⁱⁱⁱ. According to Donnelly, “ESC rights are part of the body of human rights law that developed in the aftermath of World War II”^{iv}. Human rights law includes all civil rights, political rights, economic rights and social rights, which a person should ordinarily enjoy in any given society^v. According to numerous works, these rights are deeply intertwined and interdependent.

In December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights^{vi} – the first international legal instrument to declare that social and economic rights were inviolable. Social and economic rights included in the Universal Declaration of Human Rights include property rights^{vii}, social security^{viii}, the right to occupation^{ix}, the right to a certain standard of living^x and the right to education^{xi}.

Article 2 of the Declaration states that every person is entitled to these rights and that there should be no discrimination of any sort based on grounds such as race, colour, sex, faith and so on, in the protection of these rights. Two further covenants provided the legal force for the normative arguments contained in the Declaration, which are the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights^{xii}. The division into separate instruments of these two types of rights created an odd dichotomy for the so-called ICP Rights and the ESC Rights^{xiii}.

ICESCR's economic, social and cultural rights are based on the opinion that people must, at the same time, have basic rights, protections, liberties, freedoms and social justice^{xiv}. Protection of ESC rights has been deemed vital as the right to life with dignity can never be fulfilled unless

all the basic aspects of life, such as employment, food, housing, healthcare and education, are accessible adequately and equally to all.

The ICESCR provided for the protection of a wide spectrum of rights, including some basic fundamental rights like:

1. Self-determination^{xv};
2. Equal rights for all genders^{xvi};
3. Right to work^{xvii};
4. Favourable and fair conditions of work^{xviii};
5. Workers' rights to organize and bargain collectively^{xix};
6. Social security and social insurance^{xx};
7. Protection and assistance for the family^{xxi};
8. An adequate standard of living^{xxii} that includes:
 - a. Adequate food
 - b. Adequate clothing
 - c. Adequate housing;
9. Freedom from hunger^{xxiii};
10. Right to Health care and Provision of mediums to promote physical and mental health^{xxiv};
11. Education^{xxv}; and
12. The right to culture and to benefit from scientific progress^{xxvi}.

As of June 2021, the ICESCR has been ratified by 171 countries^{xxvii}. Under the ICESCR, the UN Committee on Economic, Social and Cultural Rights (CESCR) is responsible for monitoring the implementation of the ESC rights enshrined in ICESCR by the ratifying State parties. The CESCR has made some specific remarks and observations on the periodic reports of the States on their implementation. The CESCR has also adopted a series of general remarks about the importance and application of the different clauses of the Convention.

Over the years, the ICESCR has been “one of the most influential and comprehensive international documents in the area of social and economic rights”^{xxviii}. During this period,

several international conventions, declarations and agreements on economic, social and cultural rights have been developed, including:

- 1) Pretoria Declaration on Economic, Social and Cultural Rights
- 2) International Labor Organization Conventions
- 3) International Covenant on Economic, Social and Cultural Rights
- 4) International Covenant on Civil and Political Rights
- 5) First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms
- 6) European Social Charter and the Revised European Social Charter
- 7) European Convention for the Protection of Human Rights and Fundamental Freedoms
- 8) Convention Relating to the Status of Refugees
- 9) Convention on the Rights of the Child
- 10) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- 11) Convention on the Elimination of All Forms of Racial Discrimination
- 12) Convention on the Elimination of All Forms of Discrimination Against Women
- 13) Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms
- 14) Association of Southeast Asian Nations (ASEAN) Human Rights Declaration
- 15) Arab Charter on Human Rights
- 16) American Declaration on the Rights and Duties of Man
- 17) American Convention on Human Rights
- 18) African Charter on the Rights and Welfare of the Child
- 19) African Charter on Human and Peoples' Rights (Banjul Charter)

3.0 OBLIGATIONS OF STATE PARTIES

As noted earlier, State Parties' obligations to the ICESCR is generally stated under Article 2, and it provides thus:

1. *Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the*

maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. *The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.*

3. *Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.*

This means that States Parties must push, using their resources equally and efficiently, as rapidly as possible to implement ICESCR rights within their territorial competence. The obligations of States parties have been divided into three categories^{xxix}, which include:

1. Obligation to *respect* and not violate human rights enshrined in the ICESCR;
2. Obligation to *protect* the individual enjoyment of rights against violations by third parties; and
3. Obligation to *fulfil* individuals' rights – this includes taking steps to create an environment for the complete accomplishment and protection of rights.

The *obligation to respect* requires the State to abstain from interfering with the people's rights while they are discharging their public powers. For example, in *SERAC and CESR v. Nigeria*^{xxx}, the African Commission on Human and Peoples' Rights described the obligation to respect and held that by "attacking, burning, and destroying many Ogoni villages and homes," the government did not protect or respect the rights of the Ogoni people to a healthy environment. The obligation to protection involves a State taking steps to avoid the interference of third parties with the enjoyment of a right. According to Anderson and Foresti^{xxxi}, where there is power disparity between big companies or institutions and ordinary citizens, the obligation to protect can require an enhanced intervention. This obligation expects that State interventions

should seek to deter, avoid or pursue remedy or compensation for intervention by third parties. This duty can be achieved through the following methods^{xxxii}:

1. State regulation, inspection and monitoring of individual actions or activities to ensure compliance with the adherence of the rights; and
2. Implementing administrative and judicial penalties on non-compliant third parties such as employers, landlords, health care providers or education services.
3. The establishment of institutions and procedures that would provide platforms of redress for people whose rights have been violated or abused by third parties^{xxxiii}.

An *obligation to fulfil* means that a State party should provide legislation, administrative guidelines or regulations as well as providing budgetary resources to ensure that ESC rights are realized and protected in their jurisdiction. This may be achieved either of its own volition through the use of foreign assistance and cooperation^{xxxiv}. The exact range and complexity of this obligation depend on the specific context, but it usually includes the creation, by the country, of administrative machinery required to fulfil the obligation. As a general rule, the States are obliged, without distinction in respect of certain rights, to create legislative, structural, administrative and procedural structures and to provide a financial advantage. In other words, States should be proactive entities that are prepared to expand access to ESC rights and ensure a minimum degree of rights for everyone to be enjoyed at least.

In 1990, the Committee on Economic, Social and Cultural Rights (CESCR) discussed the international application of the ICESCR and issued *General Comment No. 3* on the nature of State Parties' obligations^{xxxv}. It referred to the duty of the States alluded to in Article 2(1) of the ICESCR to take action, individually and through international assistance and cooperation, in particular in economic and technical terms, with a view to the full enforcement of economic, social and cultural rights. The key characteristics of the obligations of State parties to the convention were also clearly clarified. States Parties that want to bring ICESCR into effect must:

1. Take all appropriate measures (including, but not limited to legislative measures) toward the realization of ESC rights;

2. Foresee remedies in legislative texts introducing policies relevant for the realization of ESC rights; and
3. Adopt targeted, effective and low-cost programmes to protect the most at risk, even in instances of limited resources.

Other documents have been developed to explain the obligations of countries under the ICESCR. One of them is the *Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, also known as “The Limburg Principles”^{xxxvi}. The Limburg Principles was the first of the three international documents drawn up and accepted by foreign ESC law experts on the implementation of ESC rights under the ICESCR. The Limburg Principles generally identified the nature and scope of State obligations under the conventions. Ten years later, in 1997, the *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights* were adopted by ESC law experts and this document provided further explanations on the nature of ESC rights and the actions or inactions that could violate these rights^{xxxvii}. In 2011, ESC law experts adopted a third document called the *2011 Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights*. This document redefined the nature and obligations of the State towards respecting, protecting and fulfilling ESC rights within its borders, whether on an individual and joint basis. The Maastricht Principles of 2011, therefore, provided the framework for jurisdiction and responsibility for the implementation process and determination of compliance with the extraterritorial obligations of States^{xxxviii}.

It is worth stressing that national human rights plans are considered worldwide best practices and can be a useful instrument for coherent and concrete action to achieve ESC and other human rights^{xxxix}. In various instances, the CESCR has recommended steps to be taken for the introduction of national plans and strategies or the implementation of framework legislation for the full realization of rights. These techniques are described as a crucial component of the responsibility to adhere to the rights enshrined in the ICESCR. Not only should the ideals of inclusion, accountabilities, the rule of law and transparency be included in human rights, but also identify concrete priorities and benchmarks to track State progress in pursuit of the full exercise of these rights. It also has to be laid down and specified in particular procedural or

system legislation the specific remedy that the rights holders have to assert their rights and claim violation in the jurisdiction of the State Parties.

In addition to the general structure mentioned, the provisions of the related international instruments have been fundamentally interpreted and operated by the UN Treaty Bodies, in particular the CESCR, and by regional and domestic courts and authorities. There have been significant improvements in defining the spectrum of countries' responsibilities relating to ESC rights, in particular. The States must, in the least, maintain a minimum level of protection and aim to achieve this by using as many resources as possible. Also, if it is necessary, States/countries may appeal for international cooperation and assistance if their resources are insufficient to realize full implementation.

Generally, States do have an obligation not to intervene with people's ESC rights. Also, States must take steps to prevent thirdparties from frustrating others from enjoying ESC rights. It is at this juncture that the Limburg Principles is quite instructive. The principles provide that legislative measures alone are not appropriate. Governments would be expected to provide for ICESCR rights utilizing administrative, legal, political, economic and social measures and educational measures^{xl}.

3.1 *Obligation of Progressive Realization*

General Comment No. 3 acknowledges that it would usually not be possible to achieve complete implementation of all economic, social and cultural rights within a short time^{xli}. The CESCR, therefore, proposed that States should be "accountable for the progressive realization of these rights" and work towards that goal as quickly and effectively as possible. In this regard, States Parties must act, either individually and through international support and collaboration, to maximize its available resources and make meaningful progress^{xlii}. Furthermore, these steps must be initiated by the State Parties within a really short period^{xliii}. These measures should, in the CESCR's interpretation, be as thoughtful, tangible and aimed towards fulfilling the obligations. Nations should apply legislative measures to understand rights gradually; however, if more relevant measures continue to be required, the obligations of ICESCR will not be met immediately^{xliv}. For instance, the measures could either be judicial, administrative, financial, educational, or social measures^{xlv}.

3.2 *Obligation of Immediate Implementation*

While the CESCR has noted that many ESC rights may be subject to progressive realization, it, however, has defined certain rights and duties which a State can implement immediately, and they include^{xlvi}:

- (a). Ensuring that men and women enjoy their economic, social, and cultural rights equally;
- (b). Ensure that all workers are provided with reasonable and equal remuneration for work of equal value without any distinction, principally guaranteeing that the conditions of work between men and women are the same;
- (c). Protecting and ensuring the right of employees or workers to form and join trade unions, as well as to go on strike;
- (d). Protecting children from economic and social exploitation, such as prescribing a minimum age for employment in addition to punishing dangerous working conditions for children;
- (e). Providing free and compulsory primary education;
- (f). Enable parents and legal guardians to choose schools for their children and respect the right of persons and organizations to create educational institutions; and,
- (g). Respecting and protecting the freedom to the conduct of scientific research and creative activities.

3.3 *Obligation of making ESC Rights Justiciable*

States must integrate the substance of the justiciability of ESC rights into their national law which should provide appropriate remedies for the violations of the ESC rights. According to the CESCRESC rights are frequently wrongly considered non-justiciable by numerous countries and thereby denying citizens of those countries these invaluable human rights^{xlvii}. The CESCR rejected this claim, stating that countries have to fulfil the minimum core obligation of the ESC rights. Otherwise, it would be held that the State has failed to fulfil its obligations under

the ICESCR^{xlviii}. According to Yeshanew, the “minimum core” is “the baseline of the obligation to progressively realize rights”^{xlix}.

3.4 Obligation of Equality and Non-discrimination

States Parties to ICESCR must guarantee that they do not discriminate in the enjoyment of ESC rights^l. The prohibition of discrimination based on "race, colour, sex, language, religion, political or other views, national or social origin, land, birth or other status" is expressed in Article 2.2 of the convention as an all-encompassing principle extending to every ESC rights. Furthermore, Article 3 of the ICESCR requires that States parties ensure the realization of gender equality in the enjoyment and protection of all rights under the Covenant.

The provision on non-discrimination has been construed to include the prohibition of sexual orientation discrimination^{li}. In addition, Article 3 of the ICESCR allows States to ensure that all ESC rights are enjoyed in fair recognition of the equal rights of men and women. This obliges countries to ensure that laws are not discriminatory on prohibited grounds and to act promptly so that circumstances and practices that cause or perpetuate discrimination against disadvantaged groups are prevented, minimised and eradicated^{lii}.

Furthermore, the International Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW) similarly enshrines the duty of equal enjoyment of all human rights by women as well as non-discrimination on grounds of gender. To counter and deter discrimination against women, ICEDAW allows for a wide variety of special measures to be adopted by States.

Concerning special measures, it is also essential to note that the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) encourages States to implement such temporary measures that would ensure that all rights, including ESC rights, are equally enjoyed by vulnerable groups.

4.0 CONCLUSION

From the time when World War II ended, there have also been important legal developments to improve ESC rights, including an evolving jurisprudence of the Committee on Economic, Social and Cultural Rights and adoption of various covenants to secure economic, social and cultural rights at the regional level. As a result, the majority of State Parties have adopted the principle of the indivisibility, interdependency, interrelation and equal value of all human rights. This has led to developing various instruments and establishing contractual commitments for the preservation and enhancement of economic, social and cultural rights.

These States' commitments are expressed differently in the various conventions concerning economic, social and cultural rights. Article 2 of the International Covenant on Economic, Social and Cultural Rights requires “States to take steps to the extent of their available resources with a view to the gradual realization of economic, social and cultural rights in full”. The Covenant also allows States, without prejudice, to guarantee the enjoyment of economic, social and cultural rights and to ensure the equal right of men and women to enjoy those rights. As mentioned above, States’ duty to progressively achieve full compliance is a central feature of their obligations under these instruments that enshrines economic, social and cultural rights. Critically, therefore, states must take appropriate action to ensure that economic, social and cultural rights are completely enforced to the maximum extent possible through the resources available to them. Records from the UN Office of the High Commissioner for Human Rights show that the progressive realization of ESC rights has been guaranteed by many national constitutions around the world, which has been a positive development to the protection of human rights globally.

Furthermore, to clarify the meaning of States’ obligations, the *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, as we have noted above, placed the obligations under three headings: (i) to respect, (ii) to protect, and (iii) to fulfil the full realization of ESC rights.

In general, ESC rights are commonly recognized in domestic legal systems, though not to the same degree as civil and political rights. Over the years, different countries and even regional bodies have enacted legislation or regulations that give effect to the expectations of Article 2 of the ICESCR, while many have incorporated certain rights into their constitutions, for example, Nigeria and Ghana. Dozens of national constitutions, including the Finnish,

Portuguese and South African constitutions, specifically accept ESC rights as full rights. Unfortunately, in this sense, most of the ESC rights in Nigeria are not justiciable – a constitutional provision that contradicts the obligations of Article 2 of the ICESCR.

Nonetheless, at a global level, the majority of the States have one form or another of domestic legislation integrating elements of ESC rights. Thus, the legal status of these rights is not necessarily in question. While few national legal systems integrate all the features of every ESC right, most countries have adopted the different international treaties and conventions enshrining these rights and, to give effect to them, as well as enacted national and local legislation.



REFERENCES

Anderson E and Foresti M, “Assessing Compliance: The Challenges for Economic and Social Rights” (2009) 1 *Journal of Human Rights Practice* 469

Center for Economic and Social Rights, “What Are Economic, Social and Cultural Rights?” (*CESR* December 4, 2008) <<https://www.cesr.org/what-are-economic-social-and-cultural-rights>>

CESCR, “General Comment No. 3, the Nature of States Parties Obligations, UN Doc. E/1991/23(SUPP)”

CESCR, “Comment No. 9: The Domestic Application of the Covenant, UN Doc. E/C.12/1998/24”

CESCR, “General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights, UN Doc. E/C.12/GC/20”

Coomans F, “The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights in the Work of the United Nations Committee on Economic, Social and Cultural Rights” (2011) 11 *Human Rights Law Review* 1

Dankwa V, Flinterman C and Leckie S, “Commentary to the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights” (1998) 20 *Human Rights Quarterly* 705 <<https://www.jstor.org/stable/762784>> accessed June 18, 2021

De Schutter O and others, “Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights” (2012) 34 *Human Rights Quarterly* 1084

Donnelly J, “The Social Construction of International Human Rights” in Tim Dunne and Nicholas Wheeler (eds), *Human Rights in Global Politics* (Cambridge University Press 2009)

Flinterman C, “Appendix II: The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights” (1997) 15 *Netherlands Quarterly of Human Rights* 244

Foster JW, “Meeting the Challenges: Renewing the Progress of Economic and Social Rights” (1998) 47 University of New Brunswick Law Journal 197

Grigsby SM, “Enforcing Economic, Social, and Cultural Rights: A Stark Dichotomy” [2017] Northeastern University Law Review: Extra Legal 1 <<http://nulawreview.org/extralegalrecent/2017/5/3/enforcing-economic-social-and-cultural-rights-a-stark-dichotomy>> accessed June 18, 2021

Inter-American Commission On Human Rights, *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (Organization Of American States 2011) <<https://www.refworld.org/docid/51ff702b4.html>>

Künnemann R, “The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights” (2001) <https://www.lancaster.ac.uk/universalhumanrights/documents/FIAN_ETOsandICESCR.pdf> accessed June 18, 2021

Office of the High Commissioner for Human Rights, “Fact Sheet No.16 (Rev.1), the Committee on Economic, Social and Cultural Rights” (United Nations 1991) <<https://www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf>> accessed June 18, 2021

Office of the High Commissioner for Human Rights, “OHCHR Dashboard” (*Office of the High Commissioner for Human Rights*2014) <<https://indicators.ohchr.org/>> accessed June 18, 2021

Office of the United Nations High Commissioner for Human Rights, “Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions” (United Nations 2005) <<https://www.ohchr.org/Documents/Publications/training12en.pdf>>

Steiner H, Alston P and Goodman R, *International Human Rights in Context* (Oxford University Press 2008)

UN Commission on Human Rights, “Note Verbale Dated 5 December 1986 from the Permanent Mission of the Netherlands to the United Nations Office at Geneva addressed to the Centre for Human Rights (‘Limburg Principles’), E/CN.4/1987/17” <<https://www.refworld.org/docid/48abd5790.html>> accessed June 18, 2021

Weller K, “What Is the International Covenant on Economic, Social and Cultural Rights?” (*EachOther* January 7, 2019) <<https://eachother.org.uk/what-is-the-international-covenant-on-economic-social-and-cultural-rights/>> accessed June 18, 2021

Yeshanew SA, *The Justiciability of Economic, Social and Cultural Rights in the African Regional Human Rights System: Theory, Practice and Prospect* (Intersentia 2013)

ENDNOTES

ⁱ Resolution 2200 A (XXI)

ⁱⁱ Karina Weller, “What Is the International Covenant on Economic, Social and Cultural Rights?” (*EachOther* January 7, 2019) <<https://eachother.org.uk/what-is-the-international-covenant-on-economic-social-and-cultural-rights/>> accessed June 18, 2021.

ⁱⁱⁱ Center for Economic and Social Rights, “What Are Economic, Social and Cultural Rights?” (*CESR* December 4, 2008) <<https://www.cesr.org/what-are-economic-social-and-cultural-rights/>>.

^{iv} Jack Donnelly, “The Social Construction of International Human Rights” in Tim Dunne and Nicholas Wheeler (eds), *Human Rights in Global Politics* (Cambridge University Press 2009), p. 7

^v Henry Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context* (Oxford University Press 2008), p. 271

^{vi} 10 December 1948, General Assembly resolution 217A (III), UN Doc. A/810

^{vii} Article 17, UDHR

^{viii} Article 22, UDHR

^{ix} Article 23, UDHR

^x Article 25, UDHR

^{xi} Article 26, UDHR

^{xii} 16 December 1966, 999 U.N.T.S. 171, Can. T.S. 1976 No. 47

^{xiii} Henry Steiner, Philip Alston and Ryan Goodman, n. 5, p. 276

^{xiv} Office of the High Commissioner for Human Rights, “Fact Sheet No.16 (Rev.1), the Committee on Economic, Social and Cultural Rights” (United Nations 1991) p. 2 <<https://www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf>>

^{xv} Article 1, ICESCR

^{xvi} Article 3, ICESCR

^{xvii} Article 6, ICESCR

^{xviii} Article 7, ICESCR

^{xix} Article 8, ICESCR

^{xx} Article 9, ICESCR

^{xxi} Article 10, ICESCR

^{xxii} Article 11, ICESCR

^{xxiii} Article 11, ICESCR

^{xxiv} Article 12, ICESCR

^{xxv} Article 13, ICESCR

^{xxvi} Article 15, ICESCR

^{xxvii} Office of the High Commissioner for Human Rights, “OHCHR Dashboard” (*Office of the High Commissioner for Human Rights* 2014) <<https://indicators.ohchr.org/>> accessed June 18, 2021.

^{xxviii} Joseph Williams Foster, “Meeting the Challenges: Renewing the Progress of Economic and Social Rights” (1998) 47 *University of New Brunswick Law Journal* 197.

^{xxix} Karina Weller, n. 2.

^{xxx} *SERAC and CESR v. Nigeria* (African Commission on Human and Peoples’ Rights, Communication No. 155/96 October 27, 2001).

^{xxxi} Edward Anderson and Marta Foresti, “Assessing Compliance: The Challenges for Economic and Social Rights” (2009) 1 *Journal of Human Rights Practice* 469, 471.

^{xxxii} Cees Flinterman, “Appendix II: The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights” (1997) 15 *Netherlands Quarterly of Human Rights* 244.

^{xxxiii} Victor Dankwa, Cees Flinterman and Scott Leckie, “Commentary to the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights” (1998) 20 *Human Rights Quarterly* 705 <<https://www.jstor.org/stable/762784>> accessed June 18, 2021.

^{xxxiv} Scheagbe Mayumi Grigsby, “Enforcing Economic, Social, and Cultural Rights: A Stark Dichotomy” [2017] *Northeastern University Law Review: Extra Legal* 1 <<http://nulawreview.org/extralegalrecent/2017/5/3/enforcing-economic-social-and-cultural-rights-a-stark-dichotomy>> accessed June 18, 2021.

^{xxxv} *CESCR General Comment No. 3: The Nature of States Parties’ Obligations* (Art. 2, Para. 1, of the Covenant) Adopted at the Fifth Session of the Committee on Economic, Social and Cultural Rights, on 14 December 1990 (Contained in Document E/1991/23) Available at: <https://www.refworld.org/pdfid/4538838e10.pdf>

^{xxxvi} UN Commission on Human Rights, *Noteverbale dated 5 December 1986 from the Permanent Mission of the Netherlands to the United Nations Office at Geneva addressed to the Centre for Human Rights* (“Limburg Principles”), 8 January 1987, E/CN.4/1987/17, available at: <https://www.refworld.org/docid/48abd5790.html> [accessed 18 September 2020]

^{xxxvii} Office of the United Nations High Commissioner for Human Rights, “Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions” (United Nations 2005) p. 8 <<https://www.ohchr.org/Documents/Publications/training12en.pdf>>.

^{xxxviii} Olivier De Schutter and others, “Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights” (2012) 34 *Human Rights Quarterly* 1084.

^{xxxix} Fons Coomans, “The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights in the Work of the United Nations Committee on Economic, Social and Cultural Rights” (2011) 11 *Human Rights Law Review* 1, 3.

^{xl} UN Commission on Human Rights, “Note Verbale Dated 5 December 1986 from the Permanent Mission of the Netherlands to the United Nations Office at Geneva Addressed to the Centre for Human Rights (‘Limburg Principles’), E/CN.4/1987/17” , para. 17 <<https://www.refworld.org/docid/48abd5790.html>> accessed June 18, 2021.

^{xli} CESCR, “General Comment No. 3, the Nature of States Parties Obligations, UN Doc. E/1991/23(SUPP).” para. 9

^{xlii} Article 2, ICESCR

^{xliiii} CESCR, n. 41. para. 2

^{xliv} *Ibid.* paras. 3 and 4

^{xlv} *Ibid.* paras. 5 and 7

^{xlvi} *Ibid.* para. 5

^{xlvii} CESCR, “Comment No. 9: The Domestic Application of the Covenant, UN Doc. E/C.12/1998/24.” para. 9

^{xlviii} CESCR, n. 41. para. 10

^{xlix} Sisay Alemahu Yeshanew, *The Justiciability of Economic, Social and Cultural Rights in the African Regional Human Rights System: Theory, Practice and Prospect* (Intersentia 2013) p. 280

^l Article 2, ICESCR; CESCR, “General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights, UN Doc. E/C.12/GC/20.” para. 7

^{li} CESCR, n. 50, para. 32

^{lii} Inter-American Commission On Human Rights, *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (Organization Of American States 2011) p. 23 <<https://www.refworld.org/docid/51ff702b4.html>>.