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Economic and Social Rights

Andrew Munro

Liverpool John Moores University, UK

Abstract

Economic and Social Rights were included in the Universal Declaration of Human Rights on an equal basis as civil and political rights. However, they have enjoyed a reduced status in international law and in the domestic law of most States ever since, despite minor advances in recent decades.

This can be attributed at least partially to several competing counter-thrusts that have hindered the development and realisation of economic and social rights. The particular form of institutionalised human rights advocacy that arose in the 1970s, the economic project of neoliberalism, and the idea of 'development' have closed off space for such rights at the international level.

Ideological differences intensified by the Cold War also had an impact, but in the post-World War II period, the institutions of Western liberal democracy, with the addition of social programmes that made up the welfare state, effectively made economic and social rights redundant to some extent. However, liberal democratic institutions no longer seem to function as they used to, both due to the forces of 'globalisation' and the dominance of certain class forces at the domestic level, and current levels of inequality and other deprivations suggest that these rights have never been so urgent.

This paper seeks to argue that a new approach to the advancement and realisation of economic and social rights in a liberal democratic context is needed, one that examines the underlying processes of liberal democracy itself and suggests the need to move beyond its limitations where economic and social rights are concerned, perhaps towards a new legal and political system.

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