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Table of contents

	page
Problematic	3
Introduction	3
I. The Universal Declaration of Human Rights (UDHR)	4
A. Origins and content of the Universal Declaration of Human Rights	5
B. The normative framework of human rights	5
C. Ratification: a commitment	6
D. State obligations	6
E. What are human rights?	7
F. Foundations of human rights	8
II. Right to education	9
A. Normative content	10
B. Right to education: general observations	10
C. Legal foundations of the right to education	11
III. Right to social security	11
A. Normative content of the right to social security	12
B. Some laws for protecting the right to social security.	13
IV. Right to adequate food	14
A. Normative content	14
B. International instruments protecting the right to food	15
V. Right to health care	16
A. Characteristics of the right to health	17
B. International protection of the right to health	18
VI. Right to work	19
A. History of the right to work	20
B. Content of the right to work and freedom of association.	20
C. International instruments protecting the right to work.	21
Conclusion	22
Bibliography	24

Problematic

Some governments have ratified a plethora of human rights treaties. These include civil and political rights; economic, social, and cultural rights; the elimination of racial discrimination; the prohibition of torture; the rights of women, children, migrant workers and people with disabilities. States have also signed other international conventions concerning the right to work, organized crime and human trafficking. These treaties oblige governments to realize the human rights of all people, citizens, and non-citizens alike, living under their jurisdiction. However, the degree to which these rights are applied, and their practicality, vary considerably from one country to another. Despite the signing of these treaties, the 75th anniversary of the Universal Declaration of Human Rights is approaching, and the greatest conquest of the post-war era remains a major challenge. Where does the problem come from?

Introduction

Proclaimed at the end of the Second World War, in 1948, the Universal Declaration of Human Rights was the fruit of almost two years of reflection. The idea came from Franklin D. Roosevelt, whose ambition was to write a grand charter for the peoples of the world after the war (ALSTON, 2008). After his death in 1945, his wife, Eleanor Roosevelt, took over and set up a reflection on Human Rights within the United Nations. Several commissions were set up, and the idea of a declaration was gradually born.

Initially, the aim of the Commission on Human Rights was to produce a document with the status of a convention binding nations to the principles of human rights. The drafters of the future charter soon realized the difficulty of such an undertaking, and at the same time the desire emerged to draw up a charter which, in addition to addressing nations, could also address peoples and individuals. They divided their work into two parts, one devoted to drafting a convention with normative force, the other to drafting a declaration with moral force and intended to serve as an educational instrument. The Drafting Committee of the Declaration of Human Rights was created and began its work in 1947.

After three sessions of discussion, during which the drafters, in addition to their personal observations, considered the proposals made by States, a provisional version was submitted to the General Assembly of the United Nations (ALSTON, 2008). The Assembly took around two months to discuss and amend the draft, which was proclaimed by the signatory states on December 10, 1948.

In December 1966, the UN General Assembly adopted two international treaties that have also shaped international human rights law: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. These documents are often referred to as the "International Covenants" (PIDESC, 1966). Together, the Universal Declaration and these two Covenants form the International Bill of Human Rights. What rights are protected by the Charter? What will the situation be in 2023? To answer these questions, we will consider the Charter of Rights and Freedoms, its advent, its characteristics, the instruments protecting these rights and the main Human Rights. In this research, we will consider the rights to education, social security, health care and the right to work.

I. The Universal Declaration of Human Rights (UDHR)

In the mid-twentieth century, two major events propelled human rights to the forefront of the international stage and raised awareness around the world. The first of these was the struggle for independence by colonized peoples, who demanded human equality and the right to self-determination (OESTREICH, 2007). The Second World War was the second catalyst. Nazi Germany's extermination of over 6 million Jews, Roma, homosexuals, and disabled people horrified the world (RYFMAN, 2016). Voices from all corners of the globe called for the establishment of human rights standards that would guarantee international peace and protect citizens from violations perpetrated by governments. These voices were instrumental in the creation of the United Nations in 1945, and were echoed in its founding document, the Charter of the United Nations.

One of the first initiatives of the fledgling United Nations, the UDHR (1948) was the first to set out rights for all members of the human family. Its thirty articles form a

comprehensive declaration covering economic, social, cultural, political, and civil rights. The Declaration is both universal and indivisible.

A. Origins and content of the Universal Declaration of Human Rights

Although the origins of human rights go back a long way, it was only after the Second World War that their protection became a major challenge to which states committed themselves at international level. The first important document in this field was the UDHR, adopted by the United Nations General Assembly in 1948: "All human beings are born free and equal in dignity and rights".

Human rights are fundamental rights that apply to all human beings by virtue of their belonging to humanity. Human rights were established to protect individuals from the arbitrary actions of states.

B. The normative framework of human rights

In the almost 75 years of its existence, the Universal Declaration of Human Rights has acquired the status of customary international law, but it remains a declaration of intent, a set of principles to which the member states of the United Nations commit themselves, in a common effort to guarantee all individuals a life of human dignity. For the rights set out in the Declaration to acquire real legal force, they must be translated into documents called conventions, which define international norms and standards.

Immediately after the adoption of the Declaration, work began on codifying the rights set out in legally binding conventions. For political and procedural reasons, the rights were divided into two separate conventions, each devoted to a different category of rights. The International Covenant on Civil and Political Rights (ICCPR) sets out the specific, freedom-focused rights that a state may not deprive its citizens of, such as freedom of expression and freedom of movement. As for the International Covenant on Economic, Social and Cultural Rights (ICESCR), it is devoted to the articles which, in the UDHR, define an individual's rights to self-determination, to necessities such as food, housing and healthcare, which a state should as far as possibly guarantee to its citizens. The UN General Assembly adopted both Covenants in 1966.

Since its adoption in 1948, the UDHR has served as the basis for twenty major human rights conventions. Taken together, these instruments form what is known as the human rights framework, an evolving body of law that defines human rights and establishes mechanisms to promote and protect them.

C. Ratification: a commitment

Ratification of a convention is a legally binding commitment entered into by a government on behalf of its state. Every convention contains articles that define procedures for monitoring and reporting on a government's compliance with the convention it has ratified. When a government ratifies a convention, it accepts the procedures it defines, including the following possible commitments: to defend the Convention, by respecting, promoting and ensuring the rights set out in it, and not to take any decision prohibited by it; to amend any national legislation that contradicts or fails to meet the standards set out in the Convention; to be subject to monitoring by a designated authority, to verify that it is meeting its commitments; to report, at regular intervals, on the progress made in translating these human rights into the lives of its citizens (BIANCHI, 2008).

Once a country has ratified a convention, its citizens have a powerful tool at their disposal. They can hold their government to account if it fails to respect the human rights to which it is committed. This is why citizens need to know which conventions their country has pledged to uphold (ALSTON, 2008).

D. State obligations

Article 2 of the ICESCR (1966) states: "*Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, 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*". The main responsibilities incumbent on States to respect, protect and fulfill these rights are:

Respect: States must refrain from interfering directly or indirectly with your rights. For example, the state must not torture or enslave you. The state may not force you to work in a region you have not freely chosen or prevent you from speaking your language.

Protection: States must take steps to ensure that other entities, such as companies, political groups, or other individuals, do not interfere with your rights.

Realization. States must take steps to realize rights.

E. What are human rights?

Human rights are the fundamental rights and freedoms that belong to each one of us as human beings, regardless of our place of residence, nationality, gender, national or ethnic origin, skin color, religion, language, or any other criterion. They are based on the conviction that human rights are the rights without which it is impossible to lead a dignified human life. They are the minimum standards that enable us to lead our lives as we wish, guaranteeing equality between all, the integrity of the person, privacy, individual freedoms, and the satisfaction of basic existential and social needs.

Human rights determine how we can live together in peace, while protecting everyone's rights and freedoms. They are considered prerequisites for sustainable peace, development, and security (FERRIS, 2011).

Universal: They apply to all human beings worldwide.

Inalienable: A human being remains a human being throughout his or her existence, from birth to death. whatever his or her actions. Their rights may be violated, but they will always be theirs.

Indivisible: No right is more important than any other. The violation of one right often has a cascading effect, meaning that many other rights are at risk of not being respected. Some of the rights we recognize today already appear in a similar form in ancient or medieval texts.

Under certain conditions, a state may restrict the exercise of certain human rights. The measure must be proportionate, temporary, and based on a valid reason. For example,

a state may restrict freedom of expression for a limited time in the public interest. Some human rights are unrestricted. These apply in times of war as well as peace.

F. Foundations of human rights

UN Conventions

- Covenant on Civil and Political Rights (1966)
- Covenant on Economic, Social and Cultural Rights (1976)
- Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- Convention on the Rights of Persons with Disabilities (2006)

Regional conventions

- European Convention on Human Rights (ECHR, 1950)
- American Convention on Human Rights (ACHR, 1969)
- African Charter on Human and Peoples' Rights (ACHPR, 1981)
- Arab Charter on Human Rights (ACHR, 2004)

The right to monitor respect for human rights. The UN and regional organizations

- Regularly examine the situation of states. They publish reports and recommendations to states. In very serious cases, the UN Security Council can vote for sanctions or humanitarian intervention.
- Manage supranational tribunals, which can convict individuals and states, thus. States, thus bringing justice to those whose human rights have been violated.

States

- Can encourage other states to better respect human rights by means of silent diplomacy" or through economic policy measures.

Non-governmental organizations

- Gather and publish information on human rights violations.
- Advise and support people whose human rights have been violated.
- Seek to influence national policy and legislation through lobbying.
- Mobilize public opinion to put pressure on governments and initiate popular initiatives.
- Raise public awareness of human rights, their defense and promotion.

Individuals

- Should be alert to human rights violations committed around them and oppose them.
- should inform themselves and others and encourage them to act.
- Should get involved in politics to defend their rights and those of others.

II. Right to education

Education is both a fundamental right and one of the keys to the exercise of other rights inherent in the human person. As a right that contributes to the empowerment of the individual, education is the principal means by which economically and socially marginalized adults and children can lift themselves out of poverty and gain the means to participate fully in the life of their communities (OESTREICH, 2011). Education plays a major role in empowering women, protecting children from exploitative, hazardous, or sexually exploitative labor, promoting human rights and democracy, preserving the environment, and controlling population growth. Education is increasingly seen as one of the best financial investments that governments can make. However, its importance goes far beyond its practical consequences. A well-shaped head, an enlightened and active mind capable of wandering freely, is one of the joys and rewards of life.

A. Normative content

The States Parties agree that education, whether public or private, formal, or non-formal, shall be directed to the achievement of the aims and objectives set forth in paragraph 1 of article 13. These aims are also essentially reflected in Article 26(2) of the UDHR, although Article 13(1) goes further than the Declaration on three points: education shall be directed to the development of the "sense of dignity" of the human personality; it shall "enable all persons to participate effectively in a free society"; it shall promote understanding between all "ethnic" groups, as well as between all nations, racial or religious groups. Among the objectives common to the UDHR (art. 26, para. 2) and the Covenant (art. 13, para. 1), perhaps the most fundamental is that education "shall be directed to the full development of the human personality".

B. Right to education: general observations

While the precise application of these criteria will depend on the conditions prevailing in each State party, the fact remains that education, in all its forms and at all levels, must meet the following interdependent and essential characteristics:

Resources. Educational institutions and programs must exist in sufficient numbers within the jurisdiction of the State party. Their operation depends on many factors, including the environment in which they operate.

a) **Accessibility** - educational establishments and programs must be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

i) **Non-discrimination:** education must be accessible to all in law and in fact, including the most vulnerable groups, without discrimination based on any of the considerations on which it is prohibited to base it.

ii) **Physical accessibility:** education must be provided in a reasonably accessible place or through modern technologies.

iii) **Economic accessibility:** education must be affordable for all. It should be noted in this connection that Article 13, paragraph 2, is worded differently according to the level of education in question: primary education must be "accessible to all free of charge", while the States Parties are required progressively to make secondary and higher education free of charge.

c) **Acceptability:** The form and content of education, including curricula and teaching methods, shall be acceptable to students and, where appropriate, to parents, subject to the objectives to be pursued by education, as listed in paragraph 1 of Article 13, and to such minimum educational standards as may be approved by the State.

d) **Adaptability:** Education must be flexible so that it can be adapted to the needs of changing societies and communities, as well as to the needs of students within their own social and cultural framework.

C. Legal foundations of the right to education

- ❖ UDHR, 1948, article 26
- ❖ ICESCR, 1966 articles 13 and 14
- ❖ Committee on Economic, Social and Cultural Rights, observations 1 to 21
- ❖ Convention on the Rights of the Child, 1989, articles 28 and 29
- ❖ Committee on the Rights of the Child, general comments 1 to 17
- ❖ Convention on the Elimination of All Forms of Discrimination against Women, 1979, article 10
- ❖ International Convention on the Elimination of All Forms of Racial Discrimination, 1965, articles 5 and 7
- ❖ Committee on the Elimination of Racial Discrimination: General Recommendations # 27, 29, 30 and 34

III. Right to social security

The terms "social protection" and "social security" describe a range of policies and programs based on the principle that everyone should enjoy all their economic, social, and cultural rights at all stages of life, whatever the circumstances of their birth, or the crises or challenges they may face (CARILLO, 2016).

Although the term "social protection" is now widely used within the United Nations and some international development organizations, there is no uniformly accepted definition of what it covers, and it is often understood differently by policymakers, as evidenced by the often broad and vague definitions given to it in the national social protection strategies and policies of many governments (KALDOR, 2013).

The term "social security", on the other hand, is clearly defined in international human rights law as a set of individual rights that protect against income insecurity throughout the life cycle, particularly during the events that punctuate it: old age, unemployment, illness, childbirth, or the care of dependents (CARILLO, 2016).

A. Normative content of the right to social security

Social security is a human right under international law, based on Article 22 of the 1948 UDHR. As with all other fundamental rights, governments must also guarantee the right to social security without discrimination based on gender, age, disability, race, nationality, immigration, or any other status. And, as with other fundamental rights, the right to social security should be enshrined in national law and provide an effective remedy for victims of violations. Social protection, for its part, encompasses all forms of social security, as well as strategies and programs that help guarantee a minimum level of subsistence, health services and care.

In this sense, social protection corresponds to a set of policies and programs that governments must put in place to fulfill their obligations to guarantee in all circumstances a series of economic, social, and cultural rights, such as the rights to education, health, and an adequate standard of living, which includes the rights to food, housing, water, and sanitation, among others (ARKELOF, 1990).

Minimum guarantees of the right to social security

- Access to a set of goods and services defined at national level, constituting essential health care, including maternity care, which meet the criteria of availability, accessibility, acceptability, and quality.

- The guarantee of a basic income for children, at least at a minimum level defined at national level, gives access to nutrition, education, care and all other necessary goods and services.
- The guarantee of a basic income during working life, at least at a nationally defined minimum level, for people who are unable to earn an adequate income, particularly in the event of illness, unemployment, maternity, and disability; and
- Basic income security, at least at a nationally defined minimum level, for the elderly.

B. Some laws for protecting the right to social security

- ✚ UDHR, 1948, articles 22 and 25
- ✚ Charter of the Organization of American States, 1951
- ✚ ILO Convention concerning Minimum Standards of Social Security (1952), 102
- ✚ European Social Charter, 1961, articles 12 and 23
- ✚ ICESCR, 1976
- ✚ Convention on the Elimination of All Forms of Discrimination against Women, 1981, article 11
- ✚ Convention on the Rights of the Child, 1989, article 26
- ✚ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, art 27
- ✚ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador", 1999, article 9
- ✚ Convention on the Rights of Persons with Disabilities, 2008, article 28
- ✚ ILO Recommendation No. 202 on social protection floors, 2012
- ✚ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security, 2022, article 3

IV. The right to adequate food

The fundamental right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone. Accordingly, the words "for herself and her family" in

paragraph 1 of Article 1 do not imply any limitations on the applicability of this right in the case of individuals or female-headed households (ZIEGLER, 2011).

A. Normative content

The notion of adequacy is particularly important in the case of the right to food, as it encompasses a variety of factors that must be considered in determining whether any food that can be procured, or any diet, can be considered the most appropriate in the circumstances within the meaning of Article 11 of the Covenant. The notion of sustainability is intrinsically linked to that of sufficient food or food security and implies that present and future generations have the possibility of obtaining this food. Precisely what is covered by the notion of "adequacy" is to a large extent determined by social, economic, cultural, climatic, ecological, and other conditions, while "sustainability" embodies the idea of availability and long-term obtainability.

The right to adequate food comprises the following elements:

The **availability** of food refers to the possibilities either of obtaining food directly from the land or other natural resources, or of having functioning distribution, processing, and market systems capable of moving food products from the place of production to the place where they are needed according to demand.

Accessibility is both **economic and physical**. Economic accessibility means that a person's or household's expenditure on the foodstuffs needed to ensure an adequate diet is such that it does not hinder the satisfaction of other basic needs. It applies to any mode of acquisition or service from which people obtain their food and makes it possible to determine the extent to which the right to adequate food is ensured. Special programs may need to pay attention to socially vulnerable groups, such as the landless and other particularly deprived segments of the population (SEN, 1981).

Physical accessibility means that everyone - including the physically vulnerable, such as infants and young children, the elderly, the disabled, the terminally ill and those with persistent medical problems, including the mentally ill must have access to sufficient

food. Particular attention may need to be paid, and in some cases, food may need to be provided to those in need (SEN, 1999).

B. International instruments protecting right to food.

The right to food is protected by international humanitarian and human rights law, and the correlative obligations of states are similarly well established in international law. The main ones are:

- UDHR, 1948, Art. 25
- ICESER, 1976, Art. 11

It is also recognized in specific international instruments such as:

- Convention on the Rights of the Child, Art. 24 and 27
- Convention on the Elimination of All Forms of Discrimination against Women, Art. 12
- Convention on the Rights of Persons with Disabilities, Art.25 and 28

The right to food is also recognized in regional instruments such as:

- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as the San Salvador Protocol (1988),
- The African Charter on the Rights and Welfare of the Child (1990) and
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).

V. Right to health care

Health is a fundamental human right, indispensable to the exercise of other human rights. Everyone has the right to enjoy the highest attainable standard of health conducive to living a life of dignity. The right to health can be realized through several complementary approaches, including the formulation of health policies or the implementation of health programs as developed by the World Health Organization

(WHO), or the adoption of specific legal instruments. In addition, the right to health includes certain elements whose respect is guaranteed by law (STREENTEN, 1981).

The human right to health is enshrined in numerous international instruments. Article 25(1) of the UDHR states: *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services"*. The ICESCR (1966) contains the most comprehensive article on the right to health in international human rights law. Under article 12, paragraph 1, of the Covenant, States parties recognize *"the right of everyone to the enjoyment of the highest attainable standard of physical and mental health"*, and article 12, paragraph 2, contains an illustrative enumeration of several *"steps to be taken by States parties to achieve the full realization of this right"*.

A. Characteristics of the right to health

The right to health in all its forms and at all levels presupposes the existence of the following interdependent and essential elements (ULHAQ, 1995). interdependent and essential elements, the precise implementation of which will depend on the conditions existing in each of the States parties:

a) **Availability.** Sufficient facilities, goods and services must be available in the State party facilities, goods, and services, as well as functional public health and health care programs. The precise nature of the facilities, goods and services will depend on many factors, including the level of development of the state party. These facilities, goods and services will, however, include the basic determinants of health such as safe and potable water and adequate sanitation facilities, hospitals, clinics, and other facilities providing health care, qualified medical and professional personnel receiving a living wage in relation to the national level, and essential drugs, as defined in the WHO Action Program on Essential Drugs.

b) **Accessibility.** Health care facilities, goods and services⁶ must be accessible, without

Accessibility has four mutually overlapping dimensions:

i) **Non-discrimination:** health facilities, goods and services must be accessible to all, to persons with disabilities be accessible to all, the most vulnerable or marginalized population groups, in accordance with the law and marginalized, in accordance with the law and in practice, without discrimination on any of the proscribed grounds.

ii) **Physical accessibility:** health facilities, goods and services must be be physically accessible without danger for all population groups, particularly vulnerable or marginalized groups such as ethnic minorities and ethnic minorities and indigenous populations, women, children, adolescents, the elderly disabled people and people living with HIV/AIDS.

iii) **Economic accessibility:** health facilities, goods and services must be affordable for all. The cost of health care services and services relating to the underlying determinants of health must be established based on the principle of equity, to ensure that these services, whether provided by public or private operators, are affordable for all, including socially disadvantaged groups. Equity requires that the poorest households are not disproportionately hit by health expenses compared to better-off households.

iv) **Accessibility of information:** accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information must not prejudice the right to confidentiality of personal health data.

c) **Acceptability.** Health facilities, goods and services must be medically ethical and culturally appropriate, i.e., respectful of the culture of individuals, minorities, peoples and communities, responsive to specific gender and life-stage requirements, and designed to respect confidentiality and improve health status.

d) **Quality.** In addition to being culturally acceptable, facilities, and services must also be scientifically and medically appropriate and of good quality, which appropriate and of good quality, which implies qualified medical personnel, scientifically approved and unexpired drugs and hospital equipment, a supply of clean drinking water and appropriate sanitation.

B. International protection of the right to health

- UDHR (1948), Article 25.1
- ICESCR, (1976), Article 12
- International Convention on the Elimination of All Forms of Racial Discrimination (1965), Articles 5 and 12
- Convention on the Rights of the Child (1989), Article 24
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 28, 43, 45
- Convention on the Rights of Persons with Disabilities (2006), Article 25
- Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the right to the highest attainable standard of health (2000)
- General Comment no. 20 on non-discrimination in economic, social and cultural rights (2009)
- General comment no. 22 on the right to sexual and reproductive health (2016)
- Committee on the Elimination of Discrimination against Women.
- General recommendation no. 24 on women and health (1999)
- Joint general recommendation/general comment no. 31 of the Committee on the Elimination of Discrimination against Women and no. 18 of the Committee on the Rights of the Child on harmful practices (2014) ;
- General recommendation n° 35 on gender-based violence against women (2017)
- Committee on the Rights of the Child. General Comment no. 3 on HIV/AIDS and the rights of the child (2003)
- General Comment No. 4 on adolescent health and development (2003)
- General Comment No. 7 on early childhood (2006)
- General Comment No. 9 on the rights of children with disabilities (2007)
- General Comment No. 13 on the right to protection from violence (2011)
- General comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (article 24) (2013)
- Committee on the Elimination of Racial Discrimination. General recommendation no. 30 on discrimination against non-citizens (2004)
- Declaration of Alma-Ata on primary health care (1978)

- Declaration on the Right to Development (1986), Article 8
- Program of Action of the International Conference on Population and Development (1994)
- Declaration of Commitment on HIV/AIDS (2001)
- Astana Declaration on Primary Health Care (2018)
- United Nations Declaration on the Rights of Indigenous Peoples (2006), Article 21, 23, 24

VI. Right to work.

Fundamental principles and rights at work, adopted by consensus by the international community, form the social basis of the globalized economy, as demonstrated by the existence of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (adopted by the International Labor Conference at its 86th Session, Geneva, June 18, 1998), which all member states of the Organization have undertaken to respect and promote (HAMPSON, 2002).

Despite its novelty and youth, the Declaration is already an instrument that has been widely debated, disseminated, and commented upon not only by the Organization's constituents, but also by civil society, for the purposes of social development in international relations, and, more broadly, to underpin the new architecture of business management in the context of globalization (VON, 2007).

Poverty, unemployment, and the cost of working are fundamental themes that are central to thinking about economic development, in relation to the idea of social justice and the minimum unavailable in a context of economic growth (OECD, 1996).

A. History of the right to work.

The notion of international labor standards emerged relatively recently in world history. The industrial revolution of the 19th century and the ensuing movement of ideas served as a kind of catalyst for the development of international human rights and international labor standards (OECD, 2000). As the human cost of industrialization became clearer, awareness grew of the need to protect workers and adopt a universal set of international standards ensuring equal protection for all.

At the same time, industrialists feared they would lose their competitive edge if they unilaterally improved working conditions, hence the need for international social regulations to put all parties on an equal footing.

The ILO was founded in 1919 precisely to promote social justice. The 1944 Declaration of Philadelphia clarified and developed this principle of action. The principal means of action consisted in the adoption of international standards in the form of conventions which, like treaties, include obligations incumbent on ratifying member states, as well as recommendations (ANDERSON, 1999). The principle that labor standards are a fundamental pillar of development and peace is enshrined in the ILO Constitution. The application of standards is considered a crucial factor for social stability, economic progress, and lasting peace.

B. Content of the right to work and freedom of association.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), applies to workers and employers and their organizations, and enshrines the following rights and guarantees:

- Workers and employers, without distinction of any kind, have the right, without prior authorization, to form organizations of their own choosing, as well as the right to join such organizations, on the sole condition of complying with the statutes of the latter.
- Workers' and employers' organizations have the right to draw up their own statutes and by-laws, to freely elect their representatives, to organize their management and activities, and to formulate their program of action. The public authorities must refrain from any intervention likely to limit this right or hinder its lawful exercise.
- Workers' and employers' organizations are not subject to administrative dissolution or suspension.
- The acquisition of legal personality by workers' and employers' organizations, their federations, and confederations, may not be made subject to conditions of such a nature as to call into question the application of previous provisions.

- Workers' and employers' organizations have the right to form and join federations and confederations.
- Any organization, federation or confederation has the right to affiliate with international workers' and employers' organizations.
- In the exercise of their rights under the Convention, workers, employers, and their respective organizations shall, like other organized persons or bodies, observe the rule of law. National legislation shall not prejudice or be applied in such a manner as to prejudice the guarantees provided by this Convention.
- The extent to which the guarantees provided by the convention shall apply to the armed forces and the police shall be determined by national legislation.
- The term "organization" means any organization of workers or employers whose purpose is to promote and defend the interests of workers or employers.

C. International instruments protecting the right to work.

The right to work is enshrined in the United Nations Charter of Human Rights.

- ✚ Article 26.1 of the UDHR states that everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- ✚ Article 6 of the ICESCR stipulates that States parties to the Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and that they will take appropriate steps to safeguard this right.
- ✚ In the case of the ICESCR, protection of the right to work is also provided for in Articles 7 (the right of everyone to the enjoyment of just and favourable conditions of work) and 8.
- ✚ Article 5 and 11 of the Convention on the Elimination of All Forms of Racial Discrimination
- ✚ These include: the Freedom of Association and Protection of the Right to Organize Convention (87) (1948), the Equal Remuneration Convention (100) (1951), the Abolition of Forced Labour Convention (105) (1957), the

Discrimination (Employment and Occupation) Convention (111) (1958), the Employment Policy Convention (122) (1964)² and the Worst Forms of Child Labour Convention (182) (1999)

Conclusion

Laws alone are not enough to implement the right to food in a country. As the participation of the population concerned is crucial to the success of such a strategy, it is essential to involve them in decision-making processes relating to their rights, as this ensures that real needs are identified and effectively met. Participation also raises awareness of the rights concerned, enabling people to realize and claim that right, since they are aware of their rights and what they entail (ALSTON, 2000). The participation of all sectors of society, including women, indigenous groups, and other vulnerable groups, ensures that governments pay greater attention to the specificities of women and non-discrimination in their policies and actions. Non-discrimination, participation, and accountability are all fundamental human rights principles which, when taken into consideration, help to create an environment conducive to the realization of human rights (A.K, 1981).

It is imperative to create national institutions responsible for monitoring and assessing a country's human rights situation. Several countries have followed this path, creating original structures for the realization of human rights.

Policies that support social justice and protection also foster stronger economies. They create better frameworks for education, healthcare, and other basic services, and they have an impact on political systems, which actively embrace a range of resounding contributions. Human rights-based policies build trust and social harmony (CHONG, 2001). They strengthen the climate of trust. They give rise to hope.

Some countries, not the richest, either in terms of income or resources choose to adopt policies based on principles that are also more effective. Because they are

involved in the protection of the full range of human rights, taking joint action to advance civil, cultural, economic, political, and social rights (FERRIS, 2011). They create a self-reinforcing dynamic in which justice and greater civic freedom create sound development policies, and social protection measures foster greater social harmony and trust.

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