



# The Role of International Law in Upholding Social and Cultural Rights

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## Introduction

Social and cultural rights are an integral part of the broader human rights framework, encompassing the rights to education, health, work, social security, cultural participation, and the protection of cultural identity. Unlike civil and political rights, which often focus on personal freedoms, social and cultural rights emphasize the well-being of individuals and communities in a social context. Despite their importance in ensuring equality and dignity for all people, the realization of social and cultural rights is often hindered by political, economic, and social challenges. International law plays a vital role in upholding these rights, providing legal frameworks and mechanisms to ensure their protection. This article explores the role of international law in safeguarding social and cultural rights, the challenges in their enforcement, and the ways in which these rights contribute to global justice and development [1,2].

## Description

Social and cultural rights are enshrined in a variety of international legal instruments. The International Covenant on Economic, Social, and Cultural Rights (ICESCR), adopted by the United Nations in 1966, is the key document that legally binds state parties to respect, protect, and fulfill the social and cultural rights of their citizens. These rights include, but are not limited to, the right to work, the right to education, the right to health, the right to an adequate standard of living, and the right to participate in cultural life. In addition to the ICESCR, several other international instruments, such as the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), also address elements of social and cultural rights. Furthermore, regional human rights frameworks, such as the European Social Charter and the African Charter on Human and Peoples' Rights, offer additional mechanisms for protecting these rights at the regional level. International law, through these treaties and conventions, provides an essential foundation for advancing social and cultural rights globally. However, unlike civil and political rights, which are often enforceable through individual complaints mechanisms and international courts, social and cultural rights are generally subject to progressive realization. This means that while states are obligated to take steps towards realizing these rights, full implementation may take time, and the specific means of achieving them may vary based on a country's available resources [3-6].

## Discussion

The cornerstone of international law in protecting social and cultural rights is the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The ICESCR outlines the obligation of state parties to respect and progressively fulfill a range of rights that address both the social and cultural needs of individuals. Articles in the covenant guarantee the right to education, the right to work, the right to social security, the right to an adequate standard of living, and the right to participate in cultural life. These rights are essential for ensuring that all individuals, regardless of their background or circumstances, can live with dignity and full participation in society. The Committee on Economic, Social, and Cultural Rights (CESCR), the body tasked with monitoring the implementation of the ICESCR, reviews reports

submitted by state parties to assess progress in the realization of these rights. While the CESCR lacks the enforcement power of a court, its recommendations and general comments on how to interpret the treaty have significant moral and legal weight. The committee encourages states to improve their legal frameworks, policies, and practices in accordance with international human rights standards. Regional instruments, such as the African Charter on Human and Peoples' Rights and the European Social Charter, also provide additional mechanisms for the enforcement of social and cultural rights. These regional treaties allow individuals to seek redress for violations of their social rights before regional human rights courts or commissions. They create an avenue for regional accountability that is often more accessible than international mechanisms [7-9].

Despite the existence of these legal frameworks, there are several challenges in the enforcement and realization of social and cultural rights globally. One major challenge is the lack of clear, binding enforcement mechanisms. Unlike civil and political rights, which often involve straightforward legal protections such as the right to a fair trial or freedom of speech, social and cultural rights require the mobilization of significant resources, long-term policy planning, and state accountability. The concept of "progressive realization" embedded in the ICESCR means that states are not expected to immediately guarantee all social and cultural rights, but rather to take deliberate and measured steps toward their fulfillment. This can be difficult in times of economic downturns or resource scarcity, especially in developing countries with limited budgets and infrastructure. The idea of "maximum available resources," which states must use to progressively realize these rights, adds complexity to the enforcement of social and cultural rights. Another challenge is the politicization of social and cultural rights. In some cases, governments may use their discretion to prioritize certain rights or groups over others, sometimes neglecting or marginalizing particular communities. For instance, indigenous peoples, refugees, and ethnic minorities may face particular barriers to accessing social services or participating in cultural life due to discrimination or exclusionary policies. International bodies such as the United Nations, the World Health Organization (WHO), and UNESCO, as well as non-governmental organizations (NGOs) and grassroots movements, play an essential role in advocating for social and cultural rights. These organizations push for the ratification of international conventions, monitor the implementation of social and cultural rights, and provide expertise and support to governments in

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developing their policies [10].

Civil society groups, especially those working with vulnerable communities, provide critical advocacy and public education about the importance of social and cultural rights. Through their efforts, they hold governments accountable and ensure that marginalized voices are heard in discussions about policy-making. In addition to governmental and non-governmental efforts, the international community also supports the exchange of best practices and the provision of technical assistance to countries struggling to fulfill social and cultural rights. This collaborative approach can help ensure that countries learn from each other and that the realization of social and cultural rights becomes a global priority.

## Conclusion

International law plays an essential role in upholding social and cultural rights, providing the framework, legal instruments, and monitoring mechanisms necessary for their protection. While significant progress has been made, challenges remain in ensuring the universal realization of these rights. The lack of enforceability, resource constraints, and the political context in which these rights are pursued make implementation difficult in many parts of the world.

Despite these challenges, the role of international law in promoting social and cultural rights is undeniable. Through continued advocacy, the support of international bodies, and the active involvement of civil society, the global community can work toward a future in which every individual has access to the social services and cultural participation necessary to live a life of dignity. It is through the collective effort of

states, international organizations, and citizens that social and cultural rights can be fully realized, contributing to a more just, equitable, and inclusive world.

## References

1. Auerkari (2008) Recent trends in dental forensics. *Indones J Int Law* 1: 12-18.
2. Imaizumi K (2015) Forensic investigation of burnt human remains. *Res rep forensic med* 5: 67-74.
3. Da Silva RHA, Sales-Peres A, De Oliveira RN, De Oliveira FT, Sales-Peres SHDC, et al. (2007) Use of DNA technology in forensic dentistry. *J Appl Oral Sci* 15: 156-161.
4. Avon SL (2004) Forensic odontology the roles and responsibilities of the dentist. *J Can Dent Assoc* 70: 453-458.
5. Soon AS, Bush MA, Bush PJ (2015) Complex layered dental restorations: Are they recognizable and do they survive extreme conditions. *Forensic Sci Int* 254: 1-4.
6. Beach JJ, Passalacqua NV, Chapman EN (2008) Heat-related changes in tooth color: temperature versus duration of exposure. *The Anal Burn Human Remains* 109: 137-144.
7. Herschaft EE, Rasmussen RH (1978) The teaching of forensic dentistry: a status report. *J Dent Educ* 42: 532-536.
8. Drygajlo A (2014) From speaker recognition to forensic speaker recognition in Biometric Authentication 102: 93-104.
9. Drygajlo A (2012) Automatic speaker recognition for forensic case assessment and interpretation. *Forensic Speaker Reco: Law Enfor Counter-Terror* 45: 21-39.
10. Univaso P, Soler MM, Evin D, Gurlekian J (2013) An approach to forensic speaker recognition using phonemes. *Technical Report 18: 201-208.*