1. Introduction

International human rights treaties require states parties to adhere to the standards and norms contained in the treaties to which they are signatories. States parties are under an obligation to promote stipulated rights and to provide for legal remedies for any violations of those rights. This article will address the implications of ratifying international human rights treaties by examining the ratification of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and corresponding obligations under the *Covenant*. Specifically, a study will be made of Australia’s compliance to the ICESCR and some recommendations will be put forward as to how Australia can meet its obligations under this treaty.

The *Vienna Declaration and Program of Action* adopted by the World Conference on Human Rights in 1993 was an important step in the recognition of economic, social and cultural rights as being on an equal footing with civil and political rights. The *Declaration* requested the international community treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. The raising of the awareness of the normative content of economic, social and cultural rights as well as the reaffirmation of the equal status of economic, social and cultural rights and civil and political rights has mostly been advanced by legal scholars and non-governmental organisations.

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The indivisibility of human rights has however become mere rhetoric. Rights of an economic, social and cultural nature which are embodied in the *ICESCR* often take second place to well known civil and political rights found in the *International Covenant on Civil and Political Rights (ICCPR)*. According to Leckie, no other ‘human rights treaty is violated in as obdurate or frequent a way as the International Covenant on Economic, Social and Cultural Rights’ and that this has resulted in ‘economic, social and cultural rights wallowing in the relative purgatory of global efforts to secure human rights’.

The *ICESCR* covers a wide spectrum of rights which include the right of everyone to the enjoyment of just and favourable conditions of work, the right of everyone to an adequate standard of living, the rights to health, food, education and social security. Due to their nature, these rights are complex and states are often reluctant to accord them legal enforceability. One reason advanced for emphasising the enforcement of civil and political rights rather than economic and social rights is that it is assumed that enforcement does not trespass as much on decisions relating to the allocation of resources.

2. The Purpose of Ratification of International Treaties

The ratification of an international treaty such as the *ICESCR* indicates a state’s acceptance of the commitment to give effect to the standards and rights embodied in the treaty. States parties are to take certain steps to ensure the realization of such rights. However, as Olowu states, no matter how elaborately designed a treaty might be, the efficacy of international human rights standards can only be assessed at the domestic level.

The ratification of international human rights treaties by states parties implies a commitment to be bound by the provisions embodied in the

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3 The *ICESCR* protects the right to work in Articles 6 and 7, the right of everyone to an adequate standard of living and to food in Article 11, the right to health in Article 12, the right to education in Article 13 and the right to social security in Article 9.