

Although employment-related rights are found in the UN treaties mentioned, the central vehicle for promoting workers' rights is the International Labour Organization (ILO) and its Conventions. ILO monitoring bodies include representatives of management, labour and government.

UN instruments ensure rights to everyone without discrimination on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Additional group-related rights pertain to minority and indigenous groups. The *Convention on the Rights of the Child* also prohibits discrimination on the basis of disability. All major UN and regional human rights instruments guarantee equal rights to women and men, in addition to non-discrimination.

States Parties to the *Covenant on Economic, Social and Cultural Rights* must make progress over time on ESC rights, to "the maximum of available resources". The UN Committee on Economic, Social and Cultural Rights has developed standards for assessing whether States are carrying out serious and appropriate planning, legislative and other measures to meet their treaty obligations. Experts now commonly refer to the obligations of States to respect, protect, promote and fulfil/ensure the enjoyment and advancement of ESCR. Although progress is to be achieved gradually by a country, its failure to carry out the listed obligations, for example through discrimination, or through State actions that destroy enjoyment of rights (such as armed eviction of farmers or migrants), constitutes an immediate violation of an ESC right.

Readers may judge that in striving to encapsulate a complex discipline in a few paragraphs, the author has rounded off a few intellectual corners; fortunately, there will be ample occasion for reparative discourse during the Roundtable.

## 2. THE CHANGING INTERNATIONAL CLIMATE FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### 2.1 Background

Although Canada is one of at least 140 countries to have ratified the *International Covenant on Economic, Social and Cultural Rights*, neglect of economic, social and cultural rights (ESCR), relative to civil and political rights, was once the norm. A lack of attention and resources devoted to ESCR within the United Nations and regional systems contributed to their apparent second-class status. Despite a long rhetorical commitment to the equality and indivisibility of all human rights, until the 1990s the UN system was primarily oriented toward civil and political rights. Moreover, few international and national NGOs focused on ESCR. Governmental and NGO agents instrumental in development work also tended to be unaware that they were helping to realize (or sometimes to obstruct) the fulfilment of ESCR. They did not act within an explicit rights framework, nor identify themselves as promoting human rights.