

# 4.13.20

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## GLAWCAL COMMENT

### WHAT IS THE MINIMUM LEVEL OF SOCIO-ECONOMIC RIGHTS?

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*Based on*

**Cernic, Jernej Letnar. Corporate  
Accountability under Socio-Economic  
Rights. Transnational Law and Governance.  
Abingdon, Oxon: Routledge, 2019.**

Humans should be self-determined. They should act and decide as they, guided by their moral values, consider appropriate. If one follows the philosopher Immanuel Kant, human dignity is derived from human autonomy. One could therefore say that human dignity is a basic need of every human being who strives for freedom. This concept spurred the development of the idea of a human “right to a dignified life”. In his book, *Corporate Accountability Under Socio-Economic Rights*, Jernej Letnar Cernic argues that human dignity is the premise to all other human rights, such as the right to live, freedom, and protection.

Socio-economic rights provide the basis for a humane life, as they aim to protect and value leisure, education, health, housing, and work—all integral parts of many people’s lives. However, how can we identify what is the minimum standard these right should uphold? At what point can one speak of the fulfilment or non-observance of these rights? Cernic poses these questions throughout the book; however, he doesn’t provide a definitive answer, referring to Nussbaum’s idea that minimum standards depend on each individual.

These are particularly pertinent questions we talk about the the treatment of refugees. For example, what is considered an acceptable accommodation? Regarding this issue, states can avail themselves of the recommendations and standards that international organizations, such as the WHO, have compiled. In developed countries, states have generally committed themselves to ensuring that their citizens are not exploited, can feed themselves, have a safe living environment, and sufficient opportunities to protect and promote their health. However, by no means all countries in the world are able, or willing,

to provide the same level of socio-economic rights. Thus, comprehensive implementation often fails because of differences in interpretation of what is the minimum level of socio-economic rights.

While industrialized countries are confronted with the question of the extent to which the education and training on offer is of sufficient quality and is sufficiently accessible—questions that go beyond what one would consider the “minimum level;” developing countries in Latin America, Africa, and Asia face both sparse implementation of human rights and socio-economic rights, as well as active violation of these rights. Citizens very often live in poverty and work in inhumane conditions in order to barely finance their lives; let alone having plenty of opportunities to access quality education, or even health care.

Companies often play a major role in this situation. Their economic pressure often pushes governments to pass legislations that allow them to keep labor costs low. Companies use the opportunities and cheap labor costs to gain a competitive advantage on the international market, at the expenses of the human and socio-economic rights of the local people. Cernic makes some suggestions in his book on how to develop and model corporate accountability in this context.

Our best hope for the future is to accept proposals as those of Cernic which would bring us closer to globally equal and humane living conditions.



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