

ECONOMIC RIGHTS IN THE SYSTEM OF HUMAN RIGHTS AND THEIR ROLE IN ECONOMIC DEVELOPMENT

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Abstract: The main aspects of economic rights, their importance for Belarus and directions of their development are discussed in this article. It considers the essence of proprietary rights, right to labor and rights in work as instruments for assurance of human rights. The role of public institutions and cooperation between countries in the development of economic rights is defined.

Keywords: Human Rights, Economic Rights, Proprietary Rights, Right to Labor, Liberalization of National Economy.

ЭКАНАМІЧНЫЯ ПРАВЫ Ў СІСТЭМЕ ПРАВОЎ ЧАЛАВЕКА І ІХ РОЛЯ Ў ЭКАНАМІЧНЫМ РАЗВІЦЦІ

Анотацыя: У артыкуле азначаны асноўныя аспекты эканамічных правоў, іх значнасць для Беларусі і напрамкі іх развіцця. Разглядаецца сутнасць правоў на ўласнасць, на працу і ў працы ў якасці інструментаў забеспячэння правоў чалавека. Вызначана роля дзяржаўных інстытутаў і супрацоўніцтва паміж краінамі ў развіцці эканамічных правоў.

Ключавыя словы: правы чалавека, эканамічныя правы, права на ўласнасць, права на працу, лібералізацыі нацыянальнай эканомікі.

1. Introduction

Liberalization of the national economy in Belarus means the using of system of human rights, including economic ones. Development of the implementation mechanism of economic rights is an important part of this process. Economic rights are surrounded by controversies both of an ideological and technical nature.

Nowadays economic, social and cultural rights have become an important part of international human rights law. They are defined in the Universal Declaration on Human rights, in universal (International Covenant on Civil and Political rights) and regional conventions on human rights and in the network of human rights treaties. Economic rights include such important rights as the right to property, the right to work and rights in work, the rights of women, indigenous peoples, migrant workers and other related aspects.

The necessity to develop new approaches to economic rights in Belarus is determined by the evolution of the political, social and economic system of the country. National economic development goes hand in hand with the development of market economy processes and closer integration into the regional and global economy. Leading developed countries provide economic rights for effective development of national economy and labor resources, investments into human resources, intensive formation of intellectual capital and its effective use, providing adequate standard of living.

The economic development of Belarus is impossible outside globalization space. The effectiveness of national economies is to a large extent determined by the choice of priorities in its development. In the changing geopolitical world and restructuring of the world economy, it is particularly important for Belarus to create an adequate basis for political, social and economic development, to use all tools for it.

A road map of this study includes a description of the major challenges in the area of economic rights in Belarus, the definition of economic rights which have an impact on economic development and democracy, the study of international approaches to the development of economic rights, the development of some of the recommendations for Belarus.

2. The situation of economic rights and main problems of the development of economic rights in Belarus

Belarus as a member of the United Nations ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and some important conventions and protocols. However, the country is not a member of the Council of Europe and, subsequently, has not ratified the corpus of related documentation. Yet, Belarus is a member of the International Labor Organization and ratified 49 ILO Conventions. The Labor Code of Belarus was developed in cooperation

with experts from the ILO. Many of the new legal documents adopted in the country are aimed at liberalization of the national economy, but there is a number of problems in the implementation of economic rights.

According to the views of a number of international experts, the situation in the Republic of Belarus over the years is characterized by the deprivation of Belarusians of their right to effectively take part in the conduct of public affairs and by the extreme weakness of human rights protection mechanisms (see, for instance, United Nations, 2006). There are the lack of political competition and violation of the principle of division of powers in the political system. The national human rights institutions have no effective power. State resources are mainly used to control over the bureaucratic machinery. In this setting, it is difficult to provide the right of an adequate standard of living, right to work and guarantee workers' rights. Thus, political situation generates serious barriers to the implementation of economic rights.

The real number of unemployed is higher than the official data provide. The political situation in Belarus, its unreformed economy and the global economic crisis generate specific economic situation in which economic rights have to be realized. The majority of enterprises are still state-owned. A number of studies (i.e. World Bank's Country Economy Memorandum of 2013) detect a declining trend of total factor productivity and a growing gap in factor efficiency between state-owned and private enterprises. Hence, the majority of workers are employed at state-owned enterprises through fixed-term contracts. The so-called 'contract system' has been introduced in. At the end of a contract term, worker can be left without a job by having his/her contract expired. No reason needs to be provided. According to the views of the ILO Committee on the Application of Standards of Convention No. 87 trade unions' freedoms are severely restricted in the right to freedom of opinion and expression.

The main problems with realization of economic rights in Belarus are as follows:

- property rights are implemented only partially, with effects for the implementation of economic interests of market actors;

- the process of privatization is not activated;

- revision of the privatization outcomes is possible by the Government;

- ownership of the land is difficult to implement in terms of land acquisition and coordinate the interests of stakeholders;

- fixed-term 'contract' employment system is not conducive to orientation on long-term work, achievement of good results in the work and stimulation of workers;

- the current level of salary and remunerations does not satisfy the secondary and, in some cases, and primary needs of workers;

labor arbitration is not effective;
 trade union and non-governmental organizations are not active actors in the system of social and labor relations;
 the institute of ombudsman is absent;
 monitoring compliance with labor rights is not implemented.

Workers' rights and economic initiative are violated and there are considerable imbalances between employment, wages and the provision of basic services in rural and urban settlements.

We can conclude that it is necessary and timely to develop effective mechanisms for protection of economic rights in Belarus.

3. The opportunities for the development of economic rights on the basis of the international experience

Experience of other countries suggests that the right to property is an important economic right, because it protects the economic interests of actors and citizens. The state has to ensure that everyone in fact can use the right to property. Historically, right to property is associated with civil liberties and is discussed in the context of economic and social rights and as human rights instrument. Right to property has a social function too and it has to be a balance between public and private interest and obligation of the state to respect the right to property. Economic rights have become part of international human right law at the regional level among them trade union rights and property rights.

Asbjorn Eide (2001: 9-28) emphasizes that the economic rights have a dual function most clearly demonstrated in regard to the right to property. On the one hand, this right serves as a basis for entitlements, which can ensure an adequate standard of living. On the other hand, it is a basis of independence and therefore of freedom. At the same time, the right to property cannot be enjoyed on an equal basis by all. Therefore, the right to property has to be supplemented by at least two other rights such as right to work and right to social security. The right to work is an important aspect of providing an income ensuring an adequate standard of living. This right is a basis of independence too, which the work provides. The work can freely chosen by individual concerned and sufficient income is derived from it. The right to work means that workers have the opportunity to protect their interest through freely operating trade unions. The right to social security provides an adequate standard of living in the cases if there are insufficient incomes derived from the possession of property or work.

The right to work and rights in work are not only socio-economic rights, but also fundamental human rights. Labor in traditional sense has been perceived as a means of earning a livelihood, but in modern conditions some others aspects has become important. One of them is interdependence

between labor conditions, social justice and universal peace. Another one has commendably enhanced the concept of labor as a human value, social need, opportunity for development of human personality and self-realization. Work-related rights linked in different ways with employment, labor relationship and equality of treatment. Work-related rights are freedom for the state association and the right to organize, the right to collective bargaining, the right to strike and the freedom of migration of workers.

In the developed countries public institutions have to play an important pole in the effective implementation of economic rights at the national level. The Committee of Economic, Social and Cultural rights has recommended developing cooperation projects which contributed to the promotion of the mentioned rights. The ILO, which works in sphere on implementation of labor standards, plays an important role in this process. The experience of the EU countries shows that human right commissions, ombudsman offices, public interest groups and other human right advocates, special offices help to promote and ensure the indivisibility and interdependence of economic rights as a part of all human rights.

Sandra Lienberg (2001: 55-84) wrote that it is important to note that the formal recognition of economic and social right in country's legislation does not automatically guarantee their practical and effective protection. Much depends on the commitment of the political authorities to the effective implementation of economic and social rights and the willingness of the judiciary and other national institutions to enforcing these rights.

4. Recommendations for the development of economic rights in Belarus and conclusion

In the conditions of transitional economy of the Republic of Belarus it is very important to develop economic relations in the society on the basis of economic rights. It is a comprehensive process, but it is necessary to implement it for the sake of improvement of economic situation, for the creation of the market economy, capable of operating in a globalized environment including cooperation with other countries. This approach remains very important for the development of entrepreneurship as it provides opportunities for workers for self-realization. Moreover, it is one of the ways for the development of civil society.

The development of mechanisms for protection of economic rights is necessary in the national legal system, functioning at the national and local levels. Sandra Lienberg (2001: 84) highlighted the main components of mechanisms for protection of economic rights in legal domestic system, including "a) the entrenchment of these rights in fundamental norms in the legal system, b) comprehensive policies and legislation that give concrete effect to the rights, c) accessible and effective judicial and administrative

remedies for redressing violations of these rights, d) appropriate national institutions vested with mandate and powers to monitor and investigate economic and social rights". The development of such elements of the mechanisms for protection of economic rights is very important for Belarus.

The success of the liberal reforms is contingent on a constructive business environment, which has to be characterized by transparency, accountability and the rule of law. Creating such a climate would help to foster additional foreign and domestic investments and to encourage investment activity, accountability and the rule of law.

Technical cooperation between countries and with international organizations such as UN and ILO and others is a means of contributing to implementation of economic rights as a part of human rights system. For Belarus, it is a great opportunity to participate in such projects.

Promotion of economic reforms and favorable business climate creation with participation of the effective business associations in cooperation with the think tanks could be effective means for supporting of market reforms, liberalization, private initiative, and, ultimately, contributes to building a democratic society.

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