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**HRH profile series of NNHRR working group of ESCR: good news from the polder: economic, social, and cultural rights are not forgotten!**

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## HRH Profile Series of NNHRR Working Group of ESCR: Good News from the Polder: Economic, Social, and Cultural Rights are not Forgotten! (/post/hrh-profile-series-of-nnhrr-working-group-of-escr-good-news-from-the-polder-economic-social-and-cultural-rights-are-not-forgotten)

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By: Luisa Netto

"The future of economic and social rights is unlikely to resemble its past. Neglected within the human rights movement, avoided by courts, and subsumed within a single-minded conception of development as economic growth, economic and social rights enjoyed an uncertain status in international human rights law and in the public laws of most countries. However, today, under conditions of immense poverty, insecurity, and political instability, the rights to education, health care, housing, social security, food, water, and sanitation are central components of the human rights agenda." — \*Katharine G. Young, *The Future of Economic and Social Rights* (Cambridge University Press, 2019)

In the Netherlands and beyond, economic, social, and cultural rights (ESCR) have often been treated as "second-rank" rights, facing barriers in codification, enforcement, and practical realization. Yet, as crises like the COVID-19 pandemic, climate change, and migration amplify systemic inequalities, ESCR—such as the rights to health, housing, food, and water—emerge as essential foundations for all other rights. They ensure political participation, social stability, and human dignity, particularly for society's most vulnerable populations: those on the margins, often excluded from political and judicial arenas.

### A call to action

Despite their importance, economic, social, and cultural rights are not yet sufficiently guaranteed in the Netherlands. The [College voor de Rechten van de Mens \(https://publicaties.mensenrechten.nl/publicatie/9e5dc7f8-a2fa-4a94-9474-5232592824eb\)](https://publicaties.mensenrechten.nl/publicatie/9e5dc7f8-a2fa-4a94-9474-5232592824eb) (Netherlands Institute for Human Rights <https://www.mensenrechten.nl/english#:~:text=The%20Netherlands%20Institute%20for%20Human%20Rights%20is%20an,the%20Caribbean%20Netherlands.%20We%20also%20ha>) recently highlighted that protections for marginalized groups, such as people with disabilities, those living in poverty, and migrants, have even deteriorated. Fundamental rights like health, housing, and an existential minimum are under visible pressure, as illustrated by incidents like the ["Toeslagenaffaire \(https://pure.rug.nl/ws/portalfiles/portal/854868748/97934489\\_9615766\\_2023\\_Vonk\\_TRA\\_Grondrecht\\_bestaanszekerheid.pdf\)"](https://pure.rug.nl/ws/portalfiles/portal/854868748/97934489_9615766_2023_Vonk_TRA_Grondrecht_bestaanszekerheid.pdf) (childcare benefits scandal <https://www.amnesty.nl/actueel/toeslagenaffaire-is-mensenrechtenschending-zegt-amnesty-international>)) and the ongoing [housing crisis \(https://www.ohchr.org/en/press-releases/2023/12/netherlands-should-urgently-assert-right-adequate-housing-all-un-expert\)](https://www.ohchr.org/en/press-releases/2023/12/netherlands-should-urgently-assert-right-adequate-housing-all-un-expert).

We dare to say the [human dimension \(https://www.nederlandrechtsstaat.nl/het-verband-tussen-menselijk-maat-maatwerk-gelijkheid-precedentwerking-en-evenredigheid/\)](https://www.nederlandrechtsstaat.nl/het-verband-tussen-menselijk-maat-maatwerk-gelijkheid-precedentwerking-en-evenredigheid/) which is being frequently invoked in the Dutch political and legal discourse can only be achieved if we take ESCR seriously.

Globally, [rising inequalities \(https://www.worldbank.org/en/news/feature/2023/12/18/2023-in-nine-charts-a-growing-inequality\)](https://www.worldbank.org/en/news/feature/2023/12/18/2023-in-nine-charts-a-growing-inequality), even beyond the so-called "Global South," demand urgent action. These challenges echo in the research of scholars such as Aoife Nolan, Sandra Fredman, Olivier de Schutter, Katharine G. Young, Jeff King, David Vitale, Yvonne Donders, Ingrid Leijten, Janneke Gerards, Jasper Krommendijk, Anne Skelton and many others who emphasize the theoretical and practical relevance of ESCR in addressing systemic inequities. However, many [academic programs \(https://www.ru.nl/afdelingen/onderzoekcentrum-ondernemings-recht/vaksectie-sociaal-recht\)](https://www.ru.nl/afdelingen/onderzoekcentrum-ondernemings-recht/vaksectie-sociaal-recht) on "social law" and [policy \(https://www.rijksoverheid.nl/ministeries/ministerie-van-sociale-zaken-en-werkgelegenheid\)](https://www.rijksoverheid.nl/ministeries/ministerie-van-sociale-zaken-en-werkgelegenheid) discussions remain dominated by narrow conceptions, often limiting them to [labor protection \(https://www.universiteitleiden.nl/rechtsgeleerdheid/instituut-voor-publiekrecht/sociaal-recht\)](https://www.universiteitleiden.nl/rechtsgeleerdheid/instituut-voor-publiekrecht/sociaal-recht) or [social security \(https://cris.maastrichtuniversity.nl/ws/portalfiles/portal/216359686/Oratie-Vonk.pdf\)](https://cris.maastrichtuniversity.nl/ws/portalfiles/portal/216359686/Oratie-Vonk.pdf). The latter are essential, but no not entail the whole scope of ESCR; we should not overlook the broader spectrum of rights that define ESCR and their potential to transform societies.

## The role of ESCR in the Netherlands

The Netherlands faces its own unique challenges in integrating ESCR into its legal and social framework. [Reports \(https://docs.un.org/en/CRPD/C/NLD/CO/1\)](https://docs.un.org/en/CRPD/C/NLD/CO/1) from the UN Committee on Economic, Social, and Cultural Rights and the [Special Rapporteur on Housing highlight critical gaps \(https://www.ohchr.org/en/documents/country-reports/ahrc5553add1-visit-netherlands-report-special-rapporteur-adequate-housing\)](https://www.ohchr.org/en/documents/country-reports/ahrc5553add1-visit-netherlands-report-special-rapporteur-adequate-housing), for example. Moreover, debates on constitutional reform and the need for [constitutional review \(https://pure.rug.nl/ws/portafiles/portal/854869427/Constitutionele\\_toetsing\\_aan\\_sociale\\_grondrechten.pdf\)](https://pure.rug.nl/ws/portafiles/portal/854869427/Constitutionele_toetsing_aan_sociale_grondrechten.pdf) underscore the timeliness of addressing ESCR from a legal perspective. These domestic issues, however, cannot be disentangled from global dynamics.

To address these challenges, we must ask: What is the place and role of ESCR in today's world? How can we advance their recognition and enforcement through legal mechanisms?

## Introducing the Working Group on ESCR

Against this backdrop, we are proud to announce the creation of the [Working Group on Economic, Social, and Cultural Rights \(https://www.asser.nl/nnhrr/working-groups/economic-social-cultural-rights/#~:text=The%20Working%20Group%20on%20Economic%2C%20Social%2C%20and%20Cultural,on%20both%20the%20Dutch%20context%20and%20global%20challenges.\)](https://www.asser.nl/nnhrr/working-groups/economic-social-cultural-rights/#~:text=The%20Working%20Group%20on%20Economic%2C%20Social%2C%20and%20Cultural,on%20both%20the%20Dutch%20context%20and%20global%20challenges.) (ESCR) within the NNHRR. This initiative seeks to place ESCR at the center of discussions on human and fundamental rights, addressing both local and global dimensions.

Our objectives are ambitious yet essential. We aim to (i) establish a comprehensive research agenda to analyze the codification, enforcement, and effectiveness of ESCR in international and domestic contexts, including comparative perspectives; (ii) promote critical debate on topics such as the role of courts, alternative enforcement mechanisms, and the evolving models of ESCR codification and remedies; (iii) highlight vulnerabilities associated with ESCR, particularly those affecting migrants, women, children, and other marginalized groups; and (iv) bridge global and local dimensions by exploring how international frameworks intersect with Dutch realities.

We also aim to bring ESCR more clearly into discussions on our most pressing environmental and societal challenges, namely climate change and the use of AI. Certainly these two challenges deserve special attention, but it seems necessary to address them [also considering \(https://link.springer.com/chapter/10.1007/978-981-99-6327-0\\_11\)](https://link.springer.com/chapter/10.1007/978-981-99-6327-0_11) their [impacts on ESCR \(https://www.sciencedirect.com/science/article/pii/S2214999615012242\)](https://www.sciencedirect.com/science/article/pii/S2214999615012242) and, at the same time, to approach what [ESCR can mean \(https://policyreview.info/articles/analysis/what-rights-matter-examining-place-social-rights-eus-artificial-intelligence\)](https://policyreview.info/articles/analysis/what-rights-matter-examining-place-social-rights-eus-artificial-intelligence) for tackling these pressing challenges.

We are delighted that our appeal to join and support the creation of this group was warmly welcomed by scholars across the Netherlands, and that it has found an appropriate institutional anchoring within the NNHRR. This Working Group brings together early-career and senior scholars with expertise in constitutional law, human rights, and ESCR-specific fields such as health, housing, water rights, food, energy, social security, social rights and public interest litigation. Their diverse perspectives will enable us to tackle these multifaceted issues through innovative research and socially relevant initiatives.

## Launching our blog series

To introduce the Working Group and its members, we are excited to launch a blog series starting this week. The upcoming posts will profile the coordination of the group, its vision and plans, and we will highlight the expertise of our founding members, showcasing their research and contributions to ESCR. These posts will bring to life the human stories and intellectual rigor behind our initiative, providing first insights into their ongoing research and aspirations for advancing ESCR.

## Join us on this journey

Economic, social, and cultural rights are at a crossroads. Their future depends on the collective efforts of scholars, policymakers, practitioners, and communities. By creating a platform for critical research and dialogue within the NNHRR, the [Working Group on ESCR \(https://www.asser.nl/nnhrr/working-groups/economic-social-cultural-rights/#~:text=The%20Working%20Group%20on%20Economic%2C%20Social%2C%20and%20Cultural,on%20both%20the%20Dutch%20context%20and%20global%20challenges.\)](https://www.asser.nl/nnhrr/working-groups/economic-social-cultural-rights/#~:text=The%20Working%20Group%20on%20Economic%2C%20Social%2C%20and%20Cultural,on%20both%20the%20Dutch%20context%20and%20global%20challenges.) aims to contribute to taking ESCR more seriously. We invite you to follow this blog series and join us in helping bridge the gaps in knowledge, policy, and practice, turning these rights into more tangible realities.

*Editor's Note: Blog posts on this series will be published in the coming weeks, starting today with an overview of the Working Group's goals and vision. Stay tuned and be part of this transformative conversation!*

## Bio:



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