



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1995/L.18
17 February 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Angola, Benin, Cuba, Democratic People's Republic of Korea*, Iran (Islamic Republic of)*, Iraq*, Nepal, Nigeria, Sudan, Syrian Arab Republic*, Venezuela* and Viet Nam*: draft resolution

1995/... Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, of the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977, Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/40 of 26 August 1993 and 1994/40 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization and full enjoyment of economic, social and cultural rights,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Aware of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to the implementation of the Declaration on the Right to Development,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the

debt-service obligations of the majority of developing countries and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the realization and enjoyment of economic, social and cultural rights,

Stressing that the present international economic order continues to be unfair and needs to be transformed,

Stressing also that measures for debt reduction need to be accompanied by vigorous measures aimed at improving the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993 and 1994/11 of 25 February 1994,

Taking into account the report submitted by the Secretary-General in accordance with its resolution 1994/11 (E/CN.4/1995/25 and Add.1 and 2),

1. Endorses the report submitted by the Secretary-General in accordance with its resolution 1994/11;
2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;
3. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official

debt or debt-service, and the adoption of more urgent actions with regard to the commercial and multilateral debt owed by developing countries taking into account, in particular, the needs of debtor countries;

4. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development;

5. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

6. Requests the Working Group on the Right to Development to continue to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights and to make recommendations in this regard;

7. Recognizes that there is a need for more transparency in the activities of international financial institutions;

8. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies for the full enjoyment of economic, social and cultural rights in the developing countries;

9. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

10. Considers that in order to find a durable solution to the debt crisis of developing countries and in addition to technical measures that should be implemented in order to alleviate the debt burden of those countries, there is a need for a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility, and in this regard requests the Secretary-General to carry out this dialogue;

11. Also considers that the above-mentioned dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order with the objective of achieving more equitable and fair relations among all nations of the world;

12. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 should lead to the convening of high-level meetings at regional and world levels;

13. Decides to appoint a special rapporteur on human rights and debt for a period of three years, in order to gather information and to report annually to the Commission, starting at its fifty-second session, on the effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development, taking into account the recommendations of the Working Group on the Right to Development;

14. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial and human resources for the fulfilment of his or her mandate;

15. Requests the High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries;

16. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

17. Also requests the Secretary-General to report to the Commission, at its fifty-second session, on the implementation of the present resolution;

18. Also decides to continue to consider, at its fifty-second session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration on Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms";

19. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution ... of 1995, decides to endorse the Commission's decision to appoint a special rapporteur on human rights and debt for a period of three years, in order to gather information and to report annually to the Commission, starting at its fifty-second session, on the effects of the economic adjustment policies arising from foreign debt on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development, taking into account the recommendations of the Working Group on the Right to Development; and requests the Secretary-General to provide the Special Rapporteur with all the necessary financial and human resources to fulfil the mandate."
