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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

Austria, Belgium*, Bulgaria, Chile, Costa Rica*, Czech Republic*, Denmark, Ecuador, El Salvador, Finland*, France, Greece*, Hungary, Ireland*, Italy, Latvia*, Luxembourg*, Madagascar, Netherlands, Norway*, Peru, Poland*, Portugal*, Republic of Korea, Romania*, Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, Tunisia* and Ukraine:
draft resolution

1996/... 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

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the

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

dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recalling the adoption by the World Summit for Social Development, held in Copenhagen in March 1995, of its important Declaration and Programme of Action, which call for the highest priority to be given in national, regional

and international policies and actions to the promotion of social progress, justice and the betterment of the human condition based on full participation by all,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1995/15 of 24 February 1995,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of General Comment No. 6 adopted by the Committee on the economic, social and cultural rights of older persons (E/C.12/1995/16/Rev.1);

4. Takes note with interest of the report of the Committee on the technical assistance mission to Panama (E/C.12/1995/8), undertaken in accordance with the procedure for follow-up action adopted by the Committee and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights;

5. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, including the general discussion held in 1995, and welcomes the information submitted by the Committee to the Commission on Human Rights on this issue (E/CN.4/1996/96);

6. Encourages States parties to continue to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

7. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

8. Recognizes the importance of using appropriate indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action;

9. Recalls the conclusions and recommendations of the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights and recommends that, as a follow-up, the Centre for Human Rights convene expert seminars focused on specific economic, social and cultural rights with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and

development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, to seek the participation of communities affected by the non-realization of these rights, as well as to identify specific national benchmarks designed to give effect to the minimum essential levels of economic, social and cultural rights;

11. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights and in this framework recognizes the interest of the final report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/12);

12. Takes note of the expert group meetings convened in preparation for the United Nations Conference on Human Settlements (Habitat II), especially the Expert Group Meeting on the Human Right to Adequate Housing, organized in January 1996, in Geneva, by the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat), and the Advisory Panel Meeting on Housing Rights, organized also in January 1996, in New York, by the United Nations Centre for Human Settlements;

13. Welcomes the convening of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996;

14. Recalls, in this context, the international legal foundations set out in the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Status of Refugees, and the commitments contained in the Declarations, Plans, Programmes and Platforms of Action of Rio, Vienna, Cairo, Copenhagen and Beijing;

15. Welcomes the preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Bengoa (E/CN.4/Sub.2/1995/14);

16. Reaffirms the importance of enhancing the cooperation between the financial institutions and the human rights bodies of the United Nations, in

particular through the participation of the representatives of those institutions in the meetings of the human rights bodies;

17. Welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies, as well as to assess the impact of their policies and programmes on the enjoyment of human rights;

18. Takes note of the report of the Secretary-General on a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights (E/CN.4/Sub.2/1995/10);

19. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

20. Requests the High Commissioner for Human Rights to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

21. Encourages the High Commissioner for Human Rights to continue to take into full consideration economic, social and cultural rights in carrying out his mandate;

22. Encourages country rapporteurs to consider including, when appropriate, a specific reference to the enjoyment of economic, social and cultural rights in their reports;

23. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization;

24. Decides to consider issues raised in the present resolution at its fifty-third session under the appropriate agenda item.
