



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/1996/L.50
26 August 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Alfonso Martínez, Mr. El-Hajjé, Mr. Fix, Mr. Guissé, Mr. Joinet,
Mr. Khalil, Ms. Koufa, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Warzazi
and Mr. Yimer: draft decision

1996/... Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature
of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International
Covenant on Economic, Social and Cultural Rights and a wide range of
additional texts provide unequivocally that all persons are entitled to the
full realization of economic, social and cultural rights,

Recalling the Declaration on the Right to Development (General Assembly
resolution 41/128 of 4 December 1986, annex),

Recalling section I, paragraph 10, of the Vienna Declaration and
Programme of Action (A/CONF.157/23), in which the World Conference on Human
Rights, inter alia, reaffirmed the right to development as a universal and
inalienable right and an integral part of human rights, and urged States and

the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking particular account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995 (A/CONF.166/9), especially the recommendations of its Programme of Action concerning the United Nations system, inter alia, the need to strengthen United Nations operational activities for development in order to implement the World Summit outcome, and the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, particularly by developing countries (para. 99 (e)),

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced of the fundamental role of education in ensuring the exercise of human rights and providing equality of opportunity for all,

Recalling the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur, Mr. Danilo Türk, in particular his final report, which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1992/16, paras. 76-84),

Taking account of Mr. Asbjørn Eide's preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1994/21), the reports submitted by the Special Rapporteur on human rights and extreme poverty, Mr. Leandro Despouy (E/CN.4/Sub.2/1993/16, E/CN.4/Sub.2/1994/19, E/CN.4/Sub.2/1995/15 and E/CN.4/Sub.2/1996/13), and the report of the seminar on extreme poverty and the denial of human rights, held in New York (E/CN.4/1995/101),

Recalling its resolution 1994/40, in which it entrusted the Special Rapporteur, Mr. José Bengoa, with the preparation of a study on the enjoyment of human rights and income distribution, Commission on Human Rights decision 1995/105 of 24 February 1995 approving the mandate of the Special Rapporteur and Economic and Social Council decision 1995/295 of 24 July 1995 endorsing that decision,

Concerned that the implementation of economic, social and cultural rights, in general, and of the right to education, in particular, has not yet received sufficient attention within the United Nations human rights framework,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Affirming the inherent link between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between States,

Acknowledging that income disparity leads to the unfair treatment of, in particular, children, women and other vulnerable groups of society, who are discriminated against and denied the right to the same opportunities as the rest of the population,

Bearing in mind that it is necessary to analyse and overcome the obstacles that prevent societies from achieving greater equality of opportunity and better income distribution,

Considering that better income distribution would lead to more integrated and mutually supportive societies and, at the international level, to better conditions for maintaining world peace,

1. Welcomes the provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. José Bengoa, Special Rapporteur (E/CN.4/Sub.2/1996/14);

2. Endorses the conclusion, initially established in Mr. Eide's preparatory document and repeated in Mr. Bengoa's preliminary report (E/CN.4/Sub.2/1995/14) that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, civil or political, and that equality of opportunity is an essential element for participating effectively in the development process and for obtaining a share of the benefits deriving from it;

3. Reiterates its agreement with the work plan presented in the preliminary report (E/CN.4/Sub.2/1995/14), especially the suggestion that the

outcome of the Copenhagen Summit for Social Development should be taken into account and followed up and encouragement given to the discussions needed for the most effective and rapid achievement of its objectives;

4. Requests the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights and, in particular, of the right to education, on income distribution;

5. Also requests the Special Rapporteur to take special care to analyse the indicators needed to monitor the gradual full satisfaction of economic, social and cultural rights;

6. Requests the Secretary-General to organize a seminar of experts to develop appropriate indicators, as provided for in the Programme of Action of the World Summit for Social Development (para. 36 (n)), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a)-(m) of the Programme of Action;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report and urges them to participate actively in the work of the Sub-Commission;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study;

9. Requests the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session;

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1996/... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ... August 1996, approves the Sub-Commission's request that the Secretary-General should organize a seminar of experts to develop appropriate indicators, as provided for in the Programme of Action of the World Summit for Social Development (para. 36 (n)), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a)-(m) of the Programme of Action."
