



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2001/L.42
12 April 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Angola*, Austria*, Belarus*, Belgium, Bosnia and Herzegovina*, Bulgaria*,
Cyprus*, Denmark*, Dominican Republic*, Finland*, France, Germany,
Greece*, Iceland*, Ireland*, Italy, Latvia, Liechtenstein*, Lithuania*,
Madagascar, Mexico, Netherlands*, Norway, Paraguay*, Poland, Portugal,
Romania, Senegal, Slovak Republic*, Slovenia*, South Africa, Spain,
Switzerland*: draft resolution**

**2001/... 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,

Guided by the principles relating to economic, social and cultural rights enshrined in the
Universal Declaration of Human Rights and the International Covenant on Economic, Social and
Cultural Rights,

Recalling its previous resolutions on the realization of 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.

Taking note with interest of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

Taking note with interest of the report of the workshop organized on 5 and 6 February 2001 by the Office of the High Commissioner for Human Rights and the International Commission of Jurists on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62/Add.2),

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2000/9 of 17 April 2000 (E/CN.4/2001/49), the report of the High Commissioner for Human Rights on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62 and Add. 1), as well as all other relevant reports of the High Commissioner on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Notes with interest:*

(a) The entry into force of Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(b) The work carried out by the Committee on Economic, Social and Cultural Rights, including the assistance given to States parties in fulfilling their obligations through its general comments, and notes the adoption in December 2000 of general comment No. 14 on the right to health (article 12 of the Covenant) and the convening of days of general discussion, such as the one held on 27 November 2000 on article 15, paragraph 1 (c), of the Covenant;

(c) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(d) Efforts of the High Commissioner for Human Rights within the United Nations Development Group to promote economic, social and cultural rights;

(e) The elaboration of training programmes in the Office of the High Commissioner for Human Rights to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encourages the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

3. *Welcomes:*

(a) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits, notably the World Food Summit, held in Rome in 1996, the second United Nations Conference on Human Settlements (Habitat II) held in Istanbul in 1996, the World Summit for Social Development, held in Copenhagen in 1995, the Fourth World Conference on Women, held in Beijing in 1995, the International Conference on Population and Development, held in Cairo in 1994, the World Conference on Education for All, held in Jomtien, Thailand, in 1990 and the World Summit for Children, held in New York in 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights; their follow-up processes, such as the World Education Forum held in Dakar in 2000, the special session of the General Assembly on the implementation of the World Summit for Social Development held in 2000, the special session of the General Assembly on the implementation of the Beijing Declaration and Programme for Action, also held in 2000; as well as forthcoming events, such as the special session of the General Assembly on the achievement of the goals of the World Summit for Children, the special session of the General Assembly on HIV/AIDS, the special session of the General Assembly on the implementation of the second United Nations Conference on Human Settlements and the Third United Nations Conference on the Least Developed Countries;

(b) Regional initiatives to promote the further realization of economic, social and cultural rights;

4. *Reaffirms:*

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries 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;

(d) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

5. *Calls upon* all States:

(a) To give full effect to economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To consider signing and ratifying the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, and the States parties to implement them fully;

(d) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind, and to address this issue during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, from 31 August to 7 September 2001;

(e) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(f) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(g) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, *inter alia* through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(h) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

(i) To ensure access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable and marginalized groups, and to ensure that national public health strategies address the health concerns of all;

(j) To provide education and access to information concerning health problems in all communities, including methods of prevention and control;

6. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(c) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(d) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

7. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

8. *Decides*:

(a) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the Covenant, at the national and international levels, notably by:

- (i) Enhancing its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant;
- (ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(b) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission on Human Rights and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural rights to enhance their cooperation and increase coordination with the Committee on Economic, Social and Cultural Rights in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(c) To appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, *inter alia*, of the text contained in the annex to document E/CN.4/1997/105, the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(d) To encourage the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, *inter alia* through the holding of expert meetings;

(e) To encourage the High Commissioner for Human Rights to continue to ensure better support for the Committee on Economic, Social and Cultural Rights, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(f) To encourage the High Commissioner for Human Rights to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(g) To support the efforts carried out by the High Commissioner for Human Rights to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that programme of action;

9. *Requests* the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the present resolution.
