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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Austria, Belgium, Bosnia and Herzegovina*, Croatia, Cyprus*, Czech Republic, Denmark*, Dominican Republic*, Finland*, Germany, Greece*, Guatemala, Iceland*, Italy, Latvia*, Lithuania*, Malta*, Mexico, Norway*, Poland, Portugal, Romania*, Slovakia*, Slovenia*: draft resolution

2002/... 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,

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

Recalling that in the Vienna Declaration and Programme of Action of the World Conference on Human Rights, the World Conference on Human Rights encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Recalling also previous resolutions of the Commission on Human Rights and of the Sub-Commission for the Promotion and the Protection of Human Rights on the realization of economic, social and cultural rights,

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 also of the report of the round table organized on 30 November 2001 by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the organization by the Office of the United Nations High Commissioner for Human Rights of workshops worldwide on the promotion of economic, social and cultural rights, which examined, inter alia, the question of the justiciability of these rights, and in this respect taking note of the workshops held in New Delhi, Buenos Aires, Botswana and Melbourne, Australia,

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2001/30 of 20 April 2001 (E/CN.4/2002/50), the report of the independent expert on the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2002/57) and the recommendations it contains, as well as all other relevant reports of the High Commissioner for Human Rights on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Also takes note with interest* of the entry into force of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

3. *Notes with interest:*

(a) The work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through:

- (i) The development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights;
- (ii) The adoption of statements;
- (iii) The holding of international consultations, such as the one held on 7 May 2001 on economic, social and cultural rights in the development activities of international institutions; and
- (iv) The convening of days of general discussion, such as the one on article 3 of the Covenant to be held during the Committee's twenty-eighth session.

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

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

(d) The elaboration of training programmes in the Office of the High Commissioner 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;

4. *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 1996, the second United Nations Conference on Human Settlements (Habitat II) held in 1996, the World Summit for Social Development, held in 1995, the Fourth World Conference on Women, held in 1995, the International Conference on Population and Development, held in 1994, the World Conference on Education for All, held in 1990 and the World Summit for Children, held 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 April 2000, the special session of the Assembly on the implementation of the World Summit for Social

Development held in June 2000, the special session of the Assembly on the implementation of the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women, also held in 2000, and the special session of the Assembly on the problem of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS), the special session of the Assembly on the implementation of the second United Nations Conference on Human Settlements (Habitat II) and the Third United Nations Conference on the Least Developed Countries as well as the holding of forthcoming events, such as the special session of the General Assembly on children, the World Food Summit: five years later, the World Summit on Sustainable Development and the Second World Assembly on Ageing;

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

(c) The inclusion of the issue of the realization of economic, social and cultural rights in the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31 August to 7 September 2001, in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

5. *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;

6. *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 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, 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 conflict 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;

(e) To address the issue of economic, social and cultural rights during the special session of the General Assembly on children;

(f) 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;

(g) 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;

(h) 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;

(i) 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;

7. *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 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;

8. *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;

9. *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 International Covenant on Economic, Social and Cultural Rights, 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, as appropriate, increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(c) To renew, for a period of one year, the mandate of the independent expert on the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights appointed pursuant to Commission on Human Rights resolution 2001/30, and to request him to submit a report to the Commission at its fifty-ninth session which would further address:

- (i) The question of the nature and scope of States parties' obligations under the International Covenant on Economic, Social and Cultural Rights;
- (ii) Conceptual issues on the justiciability of economic, social and cultural rights, with particular reference to the experience gained in recent years from the application of universal, regional and national human rights instruments and mechanisms;
- (iii) The question of the benefits and the practicability of a complaint mechanism under the Covenant and the issue of complementarity between different mechanisms;

(d) To request States, intergovernmental organizations, including United Nations specialized agencies and non-governmental organizations, to submit their comments and views on the above-mentioned questions to the independent expert;

(e) To request the independent expert, in carrying out his mandate, to take into account those comments and views, as well as the views of experts and academics on the matter, and to draw from the experience gained by the relevant special mechanisms of the Commission, the Committee on Economic, Social and Cultural Rights and the United Nations specialized agencies;

(f) To establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(g) 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;

(h) To encourage the High Commissioner 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;

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

(j) To support the efforts by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee 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;

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