

**2004/29. 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* that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference encouraged the Commission 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 Protection of Human Rights on the realization of economic, social and cultural rights,

*Taking note with interest* of the 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,

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2003/18 of 22 April 2003 (E/CN.4/2004/38) and of all other relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Recalls* 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, of the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and calls upon all States to consider signing and ratifying these instruments and upon the States parties to implement them fully;

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 and, in this regard, takes note of the adoption of general comment No. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant);
- (ii) The discussions held by the Committee at its thirtieth session, held in May 2003, on a draft general comment on article 3 of the Covenant (the equal right of men and women to the enjoyment of all economic, social and cultural rights), as a follow-up to the day of general discussion at its twenty-eighth session in May 2002;
- (iii) The convening of days of general discussion, such as the one on article 6 of the Covenant (the right to work), held during the thirty-first session of the Committee, in November 2003;

(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 United Nations 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* the activities carried out by the Office of the High Commissioner on the promotion of economic, social and cultural rights, which have included awareness-raising on the importance of economic, social and cultural rights, contributing to the implementation of internationally agreed development goals, including those contained in the United Nations Millennium Declaration, and several inter-agency activities exploring the legal content and justiciability of these rights;

5. *Also 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;

(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 Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1), 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;

(d) The inclusion of the issue of the realization of economic, social and cultural rights in the document entitled "A world fit for children", adopted by the General Assembly in the annex to its resolution S-27/2 of 10 May 2002 - during its twenty-seventh special session on children - in which participating States agreed to implement the Plan of Action and to that end to consider establishing or strengthening measures such as national legislation, policies and action plans to fulfil and protect rights and to secure the well-being of children, and national bodies or other institutions for the promotion and protection of the rights of the child;

6. *Further welcomes* the activities and efforts of non-governmental organizations in raising awareness, and their important contributions to the question of the realization and enjoyment of economic, social and cultural rights;

7. *Takes note* of the joint statement issued on 17 March 2003 by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the right to food, on the occasion of the Third World Water Forum, held in Kyoto, Japan, in March 2003;

8. *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, while emphasizing that the first responsibility for promoting and protecting human rights lies with States;

(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;

9. *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 guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(d) 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;

(e) To consider in this context, as appropriate, the draft guidelines on the integration of human rights into poverty reduction strategies and 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;

(f) 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;

(g) 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, including through efforts to identify and strengthen good governance practices - transparent, responsible and participatory government which is responsive to the needs and aspirations of all sections of society;

10. *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;

11. *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;

12. *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, special mechanisms and the other human rights treaty bodies 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 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 encourage the Office of the High Commissioner to continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;

(d) To encourage the High Commissioner 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 to continue to ensure better support for the Committee, 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 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 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 Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

13. *Welcomes* the report of the 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, pursuant to Commission resolution 2002/24 of 22 April 2002 (E/CN.4/2004/44);

14. *Decides*:

(a) To renew the mandate of the Working Group for a period of two years to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(b) To authorize the Working Group to meet for 10 working days prior to the sixty-first as well as the sixty-second sessions of the Commission;

(c) To invite a representative of the Committee on Economic, Social and Cultural Rights to attend these meetings as a resource person;

(d) To request the Chairperson-Rapporteur of the Working Group to identify experts who could be invited to future sessions of the Working Group, including:

(i) Representatives of those treaty bodies with individual complaints procedures, in particular a representative of the Committee on the Elimination of Discrimination against Women;

- (ii) Representatives of regional human rights mechanisms;
- (iii) Representatives of the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization in relation to complaints mechanisms within the mandates of these organizations;
- (iv) Special rapporteurs of the Commission;

(e) To request the Secretary-General to submit to the Working Group, at its second session, a report containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the United Nations system;

15. *Requests* the Working Group to report to the Commission at its sixty-first session;

16. *Requests* the Secretary-General to submit to the Commission at its sixty-first session a report on the implementation of the present resolution;

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

[For the text, see chap. I, draft decision 12 [ed. Note – see below]]

*55th meeting  
19 April 2004*

[Adopted by a recorded vote of 48 votes to none,  
with 5 abstentions. See chap. X.]

#### **Draft Decision 12:**

#### **12. 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 Economic and Social Council, taking note of Commission on Human Rights resolution 2004/29 of 19 April 2004, approves the decision of the Commission to renew, for a period of two years, the mandate of the 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, pursuant to Commission resolution 2002/24 of 22 April 2002, and authorizes the Working Group to meet for 10 working days prior to the sixty-first as well as the sixty-second sessions of the Commission.