

ADEQUATE OR DECENT STANDARD OF LIVING - GENERAL

II. GENERAL COMMENTS AND RECOMMENDATIONS

- ICESCR General Comment 3 (Fifth session, 1990): The Nature of States Parties Obligations, E/1991/23 (1990) 83 at para. 10.

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10. On the basis of the extensive experience gained by the Committee, as well as by the body that preceded it, over a period of more than a decade of examining States parties' reports the Committee is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant. If the Covenant were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its *raison d'être*. By the same token, it must be noted that any assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. Article 2 (1) obligates each State party to take the necessary steps "to the maximum of its available resources". In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.

- ICESCR General Comment 15 (Twenty-ninth session, 2002): The Right to Water (arts. 11 and 12 of the Covenant), E/2003/22 (2002) 120 at para. 3.

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3. Article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living "including adequate food, clothing and housing". The use of the word "including" indicates that this catalogue of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. Moreover, the Committee has previously recognized that water is a human right contained in article 11, paragraph 1 (see its general comment no. 6 (1995) on the economic, social and cultural rights of older persons, in particular paras. 5 and 32). The right to water is also inextricably related to the right to the highest attainable standard of health as set out in article 12, paragraph 1 of the Covenant (see general comment no. 14 (2000), in particular

ADEQUATE OR DECENT STANDARD OF LIVING - GENERAL

paras. 11, 12 (a), (b) and (d), 15, 34, 36, 40, 43 and 51) and the rights to food and adequate housing, also set out in article 11, paragraph 1 (see general comment no. 4 (1991) on the right to adequate housing, in particular paragraph 8 (b)).^{b/} The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, adopted by the General Assembly in its resolution 217 (III) of 10 December 1948, foremost amongst them the right to life and human dignity.

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^{b/} See also the report by Commission on Human Rights Special Rapporteur on adequate housing, Mr. Miloon Kothari (E/CN.4/2002/59 and Corr.1) and the report by Mr. Jean Ziegler, Special Rapporteur of the Commission on the right to food.

- CERD General Recommendation XXVII (Fifty-seventh session, 2000): Discrimination Against Roma, A/55/18 (2000) 154 at para. 39. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- CERD General Recommendation XXIX (Sixty-first session, 2002): On Article 1, Paragraph 1, of the Convention (Descent), A/57/18 (2002) 111 at paras. gg-ii. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- ICESCR General Comment 4 (Sixth session, 1991): Article 11(1): The Right to Adequate Housing, E/1992/23 (1991), 114-120 at paras. 8(b), 8(d) and 11. For text of General Comment, see **ADEQUATE OR DECENT STANDARD OF LIVING - FOOD, CLOTHING, SHELTER**.
- ICESCR General Comment 5 (Eleventh session, 1994): Persons with Disabilities, E/1995/22 (1994), 99-109 at paras. 23 and 33. For text of General Comment, see **DISABILITY**.
- ICESCR General Comment 14 (Twenty-second session, 2000): Article 12: The Right to the Highest Attainable Standard of Health, E/2001/22 (2000) 128 at paras. 4, 5, 11, 12(b), 34, 36 and 51. For text of General Comment, see **HEALTH - GENERAL**.

ADEQUATE OR DECENT STANDARD OF LIVING - GENERAL

- CRC General Comment 3 (Thirty-second session, 2003): HIV/AIDS and the Rights of the Child, A/59/41 (2004) 89 at paras. 6, 13, 14, 21, 30, 31 and 33. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.
- CRC General Comment 5 (Thirty-fourth session, 2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), A/59/41 (2004) 114 at paras. 51, 52 and 60-62. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.
- CRC General Comment 6 (Thirty-ninth session, 2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, A/61/41 (2005) 15 at paras. 44, 45 and 84. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.