

Appendices

APPENDIX A

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS¹

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

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

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the

¹ GA Res 2200A (XXI), 21 UN GAOR Supp (No 16) at 49, UN Doc A/6316 (1966), 993 UNTS 3, entered into force 3 January 1976.

purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public

authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general

recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

APPENDIX B

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS²

Preamble

The States Parties to the present Protocol,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Noting that the Universal Declaration of Human Rights³ proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that the Universal Declaration of Human Rights and the International Covenants on Human Rights⁴

² UN Doc A/63/435, Annex. The Optional Protocol was adopted unanimously by the General Assembly on 10 December 2008, the 60th Anniversary of the Universal Declaration of Human Rights. The Committee adopted Provisional rules of procedure under the Optional Protocol at its 49th session (12-30 November 2012), see UN Doc. E/C.12/49/3 (15 January 2014).

³ Resolution 217 A (III).

⁴ Resolution 2200 A (XXI), annex.

recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling that each State Party to the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the Covenant) undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Considering that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it would be appropriate to enable the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee) to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Article 1

Competence of the Committee to receive and consider communications

1. A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol.
2. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Communications

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Admissibility

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall not be the rule where the application of such remedies is unreasonably prolonged.
2. The Committee shall declare a communication inadmissible when:
 - (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit;
 - (b) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date;
 - (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
 - (d) It is incompatible with the provisions of the Covenant;
 - (e) It is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media;
 - (f) It is an abuse of the right to submit a communication; or when
 - (g) It is anonymous or not in writing.

Article 4

Communications not revealing a clear disadvantage

The Committee may, if necessary, decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance.

Article 5

Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached,

the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

Transmission of the communication

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

Friendly settlement

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of the respect for the obligations set forth in the Covenant.

2. An agreement on a friendly settlement closes consideration of the communication under the present Protocol.

Article 8

Examination of communications

1. The Committee shall examine communications received under article 2 of the present Protocol in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. When examining a communication under the present Protocol, the Committee may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems, and any observations or comments by the State Party concerned.

4. When examining communications under the present Protocol, the Committee shall consider the reasonableness of the steps taken by the State Party in accordance with part II of the Covenant. In doing so, the Committee shall bear in mind that the State Party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant.

Article 9

Follow-up to the views of the Committee

1. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

2. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

3. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under articles 16 and 17 of the Covenant.

Article 10

Inter-State communications

1. A State Party to the present Protocol may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under the present article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under the present article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Protocol considers that another State Party is not fulfilling its obligations under the Covenant, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in

writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not settled to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) Subject to the provisions of subparagraph (c) of the present paragraph the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Covenant;

(e) The Committee shall hold closed meetings when examining communications under the present article;

(f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, with all due expediency after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:

(i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them. In every matter, the report shall be communicated to the States Parties concerned.

2. A declaration under paragraph 1 of the present article shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 11

Inquiry procedure

1. A State Party to the present Protocol may at any time declare that it recognizes the competence of the Committee provided for under the present article.

2. If the Committee receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

3. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

4. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.
5. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
6. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
7. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report provided for in article 15 of the present Protocol.
8. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 12

Follow-up to the inquiry procedure

1. The Committee may invite the State Party concerned to include in its report under articles 16 and 17 of the Covenant details of any measures taken in response to an inquiry conducted under article 11 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 11, paragraph 6, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 13

Protection measures

A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 14

International assistance and cooperation

1. The Committee shall transmit, as it may consider appropriate, and with the consent of the State Party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, along with the State Party's observations and suggestions, if any, on these views or recommendations.
2. The Committee may also bring to the attention of such bodies, with the consent of the State Party concerned, any matter arising out of communications considered under the present Protocol which may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States Parties in achieving progress in implementation of the rights recognized in the Covenant.
3. A trust fund shall be established in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, with a view to providing expert and technical assistance to States Parties, with the consent of the State Party concerned, for the enhanced implementation of the rights contained in the Covenant, thus contributing to building national capacities in the area of economic, social and cultural rights in the context of the present Protocol.
4. The provisions of the present article are without prejudice to the obligations of each State Party to fulfil its obligations under the Covenant.

Article 15

Annual report

The Committee shall include in its annual report a summary of its activities under the present Protocol.

Article 16

Dissemination and information

Each State Party undertakes to make widely known and to disseminate the Covenant and the present Protocol

and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party, and to do so in accessible formats for persons with disabilities.

Article 17

Signature, ratification and accession

1. The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Covenant.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 18

Entry into force

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Protocol, after the deposit of the tenth instrument of ratification or accession, the Protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession.

Article 19

Amendments

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Article 20

Denunciation

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 2 and 10 or to any procedure initiated under article 11 before the effective date of denunciation.

Article 21

Notification by the Secretary-General

The Secretary-General of the United Nations shall notify all States referred to in article 26, paragraph 1, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 19;
- (c) Any denunciation under article 20.

Article 22

Official languages

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 26 of the Covenant.

APPENDIX C
STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

(as of 8 July 2016, Signatories : 71. Parties : 164)⁵

Participant ²	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Angola		10 Jan 1992 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		13 Sep 1993 a
Australia	18 Dec 1972	10 Dec 1975
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		27 Sep 2007 a
Bangladesh		5 Oct 1998 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize	6 Sep 2000	9 Mar 2015
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina ³		1 Sep 1993 d
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cabo Verde		6 Aug 1993 a
Cambodia ^{4, 5}	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile	16 Sep 1969	10 Feb 1972
China 6, 7, 8	27 Oct 1997	27 Mar 2001
Colombia	21 Dec 1966	29 Oct 1969

⁵ United Nations Treaty Collection,
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en.

C	25 Sep 2008	
Comoros		
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		26 Mar 1992 a
Croatia ³		12 Oct 1992 d
Cuba	28 Feb 2008	
Cyprus	9 Jan 1967	2 Apr 1969
Czech Republic ⁹		22 Feb 1993 d
Democratic People's Republic of Korea		14 Sep 1981 a
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominica		17 Jun 1993 a
Dominican Republic		4 Jan 1978 a
Ecuador	29 Sep 1967	6 Mar 1969
Egypt	4 Aug 1967	14 Jan 1982
El Salvador	21 Sep 1967	30 Nov 1979
Equatorial Guinea		25 Sep 1987 a
Eritrea		17 Apr 2001 a
Estonia		21 Oct 1991 a
Ethiopia		11 Jun 1993 a
Finland	11 Oct 1967	19 Aug 1975
France		4 Nov 1980 a
Gabon		21 Jan 1983 a
Gambia		29 Dec 1978 a
Georgia		3 May 1994 a
Germany ¹⁰	9 Oct 1968	17 Dec 1973
Ghana	7 Sep 2000	7 Sep 2000
Greece		16 May 1985 a
Grenada		6 Sep 1991 a
Guatemala		19 May 1988 a
Guinea	28 Feb 1967	24 Jan 1978
Guinea-Bissau		2 Jul 1992 a
Guyana	22 Aug 1968	15 Feb 1977
Haiti		8 Oct 2013 a
Honduras	19 Dec 1966	17 Feb 1981
Hungary	25 Mar 1969	17 Jan 1974
Iceland	30 Dec 1968	22 Aug 1979
India		10 Apr 1979 a

Indonesia		23 Feb 2006 a
Iran (Islamic Republic of)	4 Apr 1968	24 Jun 1975
Iraq	18 Feb 1969	25 Jan 1971
Ireland	1 Oct 1973	8 Dec 1989
Israel	19 Dec 1966	3 Oct 1991
Italy	18 Jan 1967	15 Sep 1978
Jamaica	19 Dec 1966	3 Oct 1975
Japan	30 May 1978	21 Jun 1979
Jordan	30 Jun 1972	28 May 1975
Kazakhstan	2 Dec 2003	24 Jan 2006
Kenya		1 May 1972 a
Kuwait		21 May 1996 a
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic	7 Dec 2000	13 Feb 2007
Latvia		14 Apr 1992 a
Lebanon		3 Nov 1972 a
Lesotho		9 Sep 1992 a
Liberia	18 Apr 1967	22 Sep 2004
Libya		15 May 1970 a
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg	26 Nov 1974	18 Aug 1983
Madagascar	14 Apr 1970	22 Sep 1971
Malawi		22 Dec 1993 a
Maldives		19 Sep 2006 a
Mali		16 Jul 1974 a
Malta	22 Oct 1968	13 Sep 1990
Mauritania		17 Nov 2004 a
Mauritius		12 Dec 1973 a
Mexico		23 Mar 1981 a
Monaco	26 Jun 1997	28 Aug 1997
Mongolia	5 Jun 1968	18 Nov 1974
Montenegro ¹¹		23 Oct 2006 d
Morocco	19 Jan 1977	3 May 1979
Myanmar	16 Jul 2015	-
Namibia		28 Nov 1994 a
Nepal		14 May 1991 a
Netherlands 12	25 Jun 1969	11 Dec 1978
New Zealand 13	12 Nov 1968	28 Dec 1978

Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Nigeria		29 Jul 1993 a
Norway	20 Mar 1968	13 Sep 1972
Pakistan	3 Nov 2004	17 Apr 2008
Palau	20 Sep 2011	
Panama	27 Jul 1976	8 Mar 1977
Papua New Guinea		21 Jul 2008 a
Paraguay		10 Jun 1992 a
Peru	11 Aug 1977	28 Apr 1978
Philippines	19 Dec 1966	7 Jun 1974
Poland	2 Mar 1967	18 Mar 1977
Portugal ⁶	7 Oct 1976	31 Jul 1978
Republic of Korea		10 Apr 1990 a
Republic of Moldova		26 Jan 1993 a
Romania	27 Jun 1968	9 Dec 1974
Russian Federation	18 Mar 1968	16 Oct 1973
Rwanda		16 Apr 1975 a
San Marino		18 Oct 1985 a
Sao Tome and Principe	31 Oct 1995	
Senegal	6 Jul 1970	13 Feb 1978
Serbia ³		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone		23 Aug 1996 a
Slovakia 9		28 May 1993 d
Slovenia ³		6 Jul 1992 d
Solomon Islands ¹⁴		17 Mar 1982 d
Somalia		24 Jan 1990 a
South Africa	3 Oct 1994	12 Jan 2015
Spain	28 Sep 1976	27 Apr 1977
Sri Lanka		11 Jun 1980 a
St. Vincent and the Grenadines		9 Nov 1981 a
State of Palestine		2 Apr 2014 a
Sudan		18 Mar 1986 a
Suriname		28 Dec 1976 a
Swaziland		26 Mar 2004 a
Sweden	29 Sep 1967	6 Dec 1971
Switzerland		18 Jun 1992 a
Syrian Arab Republic		21 Apr 1969 a

Tajikistan		4 Jan 1999 a
Thailand		5 Sep 1999 a
The former Yugoslav Republic of Macedonia ³		18 Jan 1994 d
Timor-Leste		16 Apr 2003 a
Togo		24 May 1984 a
Trinidad and Tobago		8 Dec 1978 a
Tunisia	30 Apr 1968	18 Mar 1969
Turkey	15 Aug 2000	23 Sep 2003
Turkmenistan		1 May 1997 a
Uganda		21 Jan 1987 a
Ukraine	20 Mar 1968	12 Nov 1973
United Kingdom of Great Britain and Northern Ireland 8, 15	16 Sep 1968	20 May 1976
United Republic of Tanzania		11 Jun 1976 a
United States of America	5 Oct 1977	
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Venezuela (Bolivarian Republic of)	24 Jun 1969	10 May 1978
Viet Nam		24 Sep 1982 a
Yemen 16		9 Feb 1987 a
Zambia		10 Apr 1984 a
Zimbabwe		13 May 1991 a

APPENDIX C.1

STATES PARTIES TO THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(as of 8 July 2016, Signatories : 45. Parties : 21)⁶

Participant	Signature	Accession(a), Ratification
Angola	24 Sep 2013	
Argentina	24 Sep 2009	24 Oct 2011
Armenia	29 Sep 2009	
Azerbaijan	25 Sep 2009	
Belgium	24 Sep 2009	20 May 2014
Benin	24 Sep 2013	
Bolivia (Plurinational State of)	12 Feb 2010	13 Jan 2012
Bosnia and Herzegovina	12 Jul 2010	18 Jan 2012
Burkina Faso	24 Sep 2012	

⁶ United Nations Treaty Collection,
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&lang=en.

Cabo Verde	26 Sep 2011	23 Jun 2014
Chile	24 Sep 2009	
Congo	25 Sep 2009	
Costa Rica	28 Apr 2011	23 Sep 2014
Democratic Republic of the Congo	23 Sep 2010	
Ecuador	24 Sep 2009	11 Jun 2010
El Salvador	25 Sep 2009	20 Sep 2011
Finland	24 Sep 2009	31 Jan 2014
France	11 Dec 2012	18 Mar 2015
Gabon	24 Sep 2009	1 Apr 2014
Ghana	24 Sep 2009	
Guatemala	24 Sep 2009	
Guinea-Bissau	25 Sep 2009	
Ireland	23 Mar 2012	
Italy	28 Sep 2009	20 Feb 2015
Kazakhstan	23 Sep 2010	
Luxembourg	24 Sep 2009	3 Feb 2015
Madagascar	25 Sep 2009	
Maldives	21 Sep 2011	
Mali	24 Sep 2009	
Mongolia	23 Dec 2009	1 Jul 2010
Montenegro	24 Sep 2009	24 Sep 2013
Netherlands	24 Sep 2009	
Niger		7 Nov 2014 a
Paraguay	6 Oct 2009	
Portugal	24 Sep 2009	28 Jan 2013
San Marino	-	4 Aug 2015 a
Senegal	24 Sep 2009	
Slovakia	24 Sep 2009	7 Mar 2012
Slovenia	24 Sep 2009	
Solomon Islands	24 Sep 2009	
Spain	24 Sep 2009	23 Sep 2010
The former Yugoslav Republic of Macedonia	14 Aug 2013	
Timor-Leste	28 Sep 2009	
Togo	25 Sep 2009	
Ukraine	24 Sep 2009	
Uruguay	24 Sep 2009	5 Feb 2013
Venezuela (Bolivarian Republic of)	4 Oct 2011	

APPENDIX D
**A LIST OF THE GENERAL COMMENTS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND
 CULTURAL RIGHTS 1989 - 2016⁷**

General Comment	Subject	Year	UN Doc and Date
23	The right to just and favourable conditions of work (Art 7)	2016	E/C.12/GC/23 (27 April 2016)
22	The right to sexual and reproductive health (Art 12)	2016	E/C.12/GC/22 2 May 2016
21	Right of everyone to take part in cultural life (Art 15, para 1 (a))	2009	E/C.12/GC/21 21 December 2009
20	Non-discrimination in economic, social and cultural rights (Art 2(2))	2009	E/C.12/GC/20 (25 May 2009)
19	The right to social security (Art 9)	2008	E/C.12/GC/19 (4 February 2008)
18	The right to work (Art 6)	2005	E/C.12/GC/18 (6 February 2006)
17	The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (Art 15 (1)(c))	2005	E/C.12/GC/17 (12 January 2006)
16	The equal right of men and women to the enjoyment of all economic, social and cultural rights (Art 3)	2005	E/C.12/2005/4 (11 August 2005)
15	The right to water (Arts 11 and 12)	2002	E/C.12/2002/11 (20 January 2003)
14	The right to the highest attainable standard of health (Art 12)	2000	E/C.12/2000/4 (11 August 2000)
13	The right to education (Art 13)	1999	E/C.12/1999/10 (8 December 1999)
12	The right to adequate food (Art 11)	1999	E/C.12/1999/5 (12 May 1999)
11	Plans of action for primary education (Art 14)	1999	E/C.12/1999/4 (10 May 1999)
10	The role of national human rights institutions in the protection of economic, social and cultural rights	1998	E/C.12/1998/25 (10 December 1998)
9	The domestic application of the Covenant	1998	E/C.12/1998/24 (3 December 1998)
8	The relationship between economic sanctions and respect for economic, social and cultural rights	1997	E/C.12/1997/8 (12 December 1997)
7	The right to adequate housing: forced evictions (Art 11 (1))	1997	E/C.12/1997/8 (12 December 1997)
6	The economic, social and cultural rights of older persons	1995	E/C.12/1997/8 (12 December 1997)
5	Persons with disabilities	1994	E/1995/22 (9 December 1994)
4	The right to adequate housing	1991	E/1992/23 (13 December 1991)
3	The nature of states parties' obligations (Art 2 (1))	1990	E/1991/23 (19 December 1990)
2	International technical assistance measures (Art 22)	1990	E/1990/23 (2 February 1990)
1	Reporting by states parties	1989	E/1989/22 (24

⁷ The general comments of all UN human rights treaty bodies are compiled in the UN document HRI/GEN/1/Rev.7.

General Comment	Subject	Year	UN Doc and Date
			February 1989)

A List of the Statements adopted by the Committee on Economic, Social and Cultural Rights (1991–2016)⁸

The statements adopted by the Committee appear in its annual reports to the Economic and Social Council (the symbol number of the report in which the statement is contained is indicated in brackets):

Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (Sixth Session; E/1992/23-E/C.12/1991/4, chap IX);

Statement to the World Conference on Human Rights on behalf of the Committee (Seventh Session; E/1993/22-E/C.12/1992/2, annex III);

The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (10th Session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V);

Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (11th Session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI);

Fourth World Conference on Women: Action for Equality, Development and Peace - Statement by the Committee (12th Session; E/1996/22-E/C.12/1995/18, annex VI);

United Nations Conference on Human Settlements (Habitat II): Statement of the Committee (13th Session; E/1996/22-E/C.12/1995/18, annex VIII);

Globalization and its impact on the enjoyment of economic, social and cultural rights (18th Session; E/1999/22-E/C.12/1998/26; chap VI, s A, para 515);

Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (21st Session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII);

Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (22nd Session; E/2001/22-E/C.12/2000/21, annex VIII);

Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (25th Session; E/2002/22-E/C.12/2001/17, annex VII);

Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6–8 June 2001) (25th Session; E/2002/22-E/C.12/2001/17, annex XI);

Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (27th Session; E/2002/22-E/C.12/2001/17, annex XII);

Statement of the Committee on human rights and intellectual property (27th Session; E/2002/22-E/C.12/2001/17, annex XIII);

Statement of the Committee to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May–7 June 2002) (28th Session; E/2003/22-E/C.12/2002/13, annex VI);

The Millennium Development Goals and economic, social and cultural rights: joint statement by the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights (29th Session; E/2003/22-E/C.12/2002/13, annex VII);

Statement by the Committee: An evaluation of the obligation to take steps to the ‘Maximum of available resources’ under an optional protocol to the Covenant (38th session; E/C.12/2007/1, 10 May 2007);

The World Food Crisis, E/C.12/2008/1 (40th session; 19 May 2008);

Statement on the Right to Sanitation (Forty-fifth session; 1-19 November 2010; E/C.12/2010/1, 18 March 2011);

Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (Forty-sixth session; E/C.12/2011/1, 12 July 2011);

Statement on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development (Forty-sixth session; E/C.12/2011/2, 12 July 2011);

Letter dated 16 May 2012 addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to States parties to the International Covenant on Economic, Social and Cultural Rights;

⁸ OHCHR, available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=68

Statement in the context of the Rio+20 Conference on “the green economy in the context of sustainable development and poverty eradication”, (adopted by the Committee at its forty-eighth session, 30 April to 18 May 2012; E/C.12/2012/1, 4 June 2012);

Statement read by the Chair during the Third Committee at the 68th Session of the General Assembly (68th session of the General Assembly, 22 October 2013);

Social protection floors: an essential element of the right to social security and of the sustainable development goals (adopted by the Committee at its fifty-fourth session, held from 23 February to 6 March 2015; E/C.12/2015/1, 15 April 2015);

Public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights (adopted by the Committee on 24 June 2016 at its fifty-eighth session held from 6 to 24 June 2016; E/C.12/2016/1, 24 June 2016).

APPENDIX D.1

LIST OF CONCLUDING OBSERVATIONS OR COMMENTS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON STATE REPORTS (1980–2016)

State

UN Document

Afghanistan: E/C.12/1991/4 (1992) [55]-[94]; E/C.12/AFG/CO/2-4 (7 June 10)

Albania: E/C.12/ALB/CO/1 (24 Nov 06); E/C.12/ALB/CO/2-3 (18 Dec 13)

Algeria: E/C.12/1995/17 (28 Dec 95); E/C.12/1995/18 (7 Oct 96) [278]-[305]; E/C.12/1/Add.71 (30 Nov 01); E/C.12/DZA/CO/4 (7 Jun 10); E/C.12/DZA/CO/4 (7 Jun 10)

Angola E/C.12/AGO/CO/3 (4 Jan 13); E/C.12/AGO/CO/4-5 (24 Jun 16)

Argentina: E/C.12/1990/3 (1990) [235]-[254]; E/C.12/1994/14 (19 Dec 94); E/1995/22 (SUPP) (1995) [221]-[242]; E/C.12/1/Add.38 (8 Dec 99); E/C.12/ARG/CO/3 (14 Dec 11)

Armenia: E/C.12/1/Add.39 (8 Dec 99); E/C.12/ARM/CO/2-3 (16 Jul 14)

Australia: E/1980/WG.1/SR.12 (23 Apr 80); E/1980/WG.1/SR.13 (24 Apr 80); E/1985/WG.1/SR.17 (6 May 85); E/1985/WG.1/SR.18 (7 May 85); E/1985/WG.1/SR.21 (9 May 85); E/C.12/1993/9 (3 Jun 93); E/C.12/1/Add.50 (8 Sep 00); E/C.12/AUS/CO/4 (12 Jun 09)

Austria: E/1981/WG.1/SR.8 (10 Sep 81); E/1986/WG.1/SR.4 (18 Apr 86); E/1986/WG.1/SR.7 (23 Apr 86); E/C.12/1994/16 (14 Dec 94); E/1995/22 (SUPP) (1995) [243]-[263]; E/C.12/AUT/CO/3 (25 Jan 06); E/C.12/AUT/CO/4 (13 Dec 13)

Azerbaijan: E/C.12/1/Add.20 (22 Dec 97); E/C.12/1/Add.104 (14 Dec 04); E/C.12/AZE/CO/3 (5 Jun 13)

Barbados: E/1982/WG.1/SR.3 (12 Apr 82)

Belarus: E/1980/WG.1/SR.16 (28 Apr 80); E/1984/WG.1/SR.13 (30 Apr 84); E/1984/WG.1/SR.14 (30 Apr 84); E/1984/WG.1/SR.15 (30 Apr 84); E/C.12/1/Add.7/Rev.1 (2 Dec 96); E/C.12/BLR/CO/4-6 (13 Dec 13)

Belgium: E/C.12/1994/7 (31 May 94); E/1995/22 (SUPP) (1995) [144]-[158]; E/C.12/1/Add.54 (1 Dec 00); E/C.12/BEL/CO/3 (4 Jan 08); E/C.12/BEL/CO/4 (23 December 13)

Benin: E/C.12/1/Add.78 (5 Jun 2002); E/C.12/BEN/CO/2 (9 Jun 08)

Bolivia: E/C.12/1/Add.60 (21 May 01); E/C.12/BOL/CO/2 (8 Aug 08)

Bosnia and Herzegovina: E/C.12/BIH/CO/1 (24 Jan 06); E/C.12/BIH/CO/2 (16 Dec 13)

Brazil: E/C.12/1/Add.87 (26 Jun 03); E/C.12/BRA/CO/2 (12 Jun 09)

Bulgaria: E/1980/WG.1/SR.12 (23 Apr 80); E/1985/WG.1/SR.9 (30 Apr 85); E/1985/WG.1/SR.11 (2 May 85); E/C.12/1/Add.37 (8 Dec 99); E/C.12/BGR/CO/4-5 (11 Dec 12)

Burkina Faso: E/C.12/BFA/CO/1 (24 Jun 16)

Burundi: E/C.12/BDI/CO/1 (16 Oct 15)

Cambodia: E/C.12/KHM/CO/1 (12 Jun 09)

Cameroon: E/C.12/1989/5 (1989) [53]-[78]; E/C.12/CMR/CO/2-3 (23 Jan 12)

Canada: E/1982/WG.1/SR.1 (8 Apr 82); E/1982/WG.1/SR.2 (12 Apr 82); E/C.12/1989/5 (1989) [79]-[112]; E/C.12/1993/5 (10 Jun 93); E/C.12/1/Add.31 (10 Dec 98); E/C.12/CAN/CO/4 (22 May 06); E/C.12/CAN/CO/5 (22 May 06); E/C.12/CAN/CO/6 (23 Mar 16)

Chad: E/C.12/TCD/CO/3 (16 Dec 09)

Chile: E/1980/WG.1/SR.9 (21 Apr 80); E/1980/WG.1/SR.8 (22 Apr 80); E/C.12/1988/4 (1988) [184]-[218]; E/C.12/1/Add.105 (1 Dec 04); E/C.12/CHL/CO/4 (7 Jul 15)

China: E/C.12/1/Add.107 (13 May 05); E/C.12/CHN/CO/2 (13 Jun 15)

China (Hong Kong): E/C.12/1/Add.58 (21 May 01); E/C.12/1/Add.107 (13 May 05)

China (Macau): E/C.12/1/Add.107 (13 May 05)

Colombia: E/1980/WG.1/SR.15 (25 Apr 80); E/1984/WG.1/SR.22 (9 May 84); E/C.12/1995/12 (28 Dec 95); E/C.12/1995/18 (7 Oct 96) [173]-[202]; E/C.12/1/Add.74 (6 Dec 01); E/C.12/COL/CO/5 (7 Jun 10); E/1984/WG.1/SR.25 (1986)

Congo (the Republic of the Congo): E/C.12/1/Add.45 (23 May 00); E/C.12/COG/CO/1 (2 Jan 13)

Costa Rica: E/C.12/1990/8 (1991) [159]-[195]; E/C.12/CRI/CO/4 (4 Jan 08); E/C.12/CRI/CO/4/CORR.1 (22 Apr 08)

Croatia: E/C.12/1/Add.73 (5 Dec 01)

Cyprus: E/1980/WG.1/SR.17 (25 Apr 80); E/1984/WG.1/SR.18 (2 May 84); E/1984/WG.1/SR.22 (9 May 84); E/C.12/1/Add.28 (4 Dec 98); E/C.12/CYP/CO/5 (12 Jun 09)

Czech Republic: E/C.12/1/Add.76 (5 Jun 02); E/C.12/CZE/CO/2 (23 Jun 14)

Djibouti: E/C.12/DJI/CO/1-2 (30 Dec 13)

DPR Korea: E/C.12/1/Add.95 (12 Dec 03); E/C.12/1987/5 (1987) [260]-[297]

Democratic Republic of the Congo (formerly Zaire): E/C.12/1988/4 (1988) [270]-[303]; E/C.12/COD/CO/4 (16 Dec 09)

Denmark: E/1980/WG.1/SR.10 (23 Apr 80); E/1984/WG.1/SR.17 (1 May 84); E/1984/WG.1/SR.21 (7 May 84); E/C.12/1/Add.34 (14 May 99); E/C.12/1/Add.102 (14 Dec 04); E/C.12/DNK/CO/5 (6 Jun 13)

Dominican Republic: E/C.12/1990/8 (1991)[213]-[250]; E/1995/22 (SUPP) (1995) [206]-[210]; E/C.12/1/Add.6 (6 Dec 96); E/C.12/1996/6 (1997); E/C.12/1/Add.16 (12 Dec 97); E/C.12/DOM/CO/3 (26 Nov 10)

Ecuador: E/1980/WG.1/SR.4 (18 Apr 80); E/1980/WG.1/SR.5 (18 Apr 80); E/1984/WG.1/SR.20 (7 May 84); E/1984/WG.1/SR.22 (9 May 84); E/C.12/1/Add.100 (7 Jun 04); E/C.12/ECU/CO/3 (13 Dec 12)

Egypt: E/C.12/1/Add.44 (23 May 00); E/C.12/EGY/CO/2-4 (13 Dec 13)

El Salvador: E/C.12/1/Add.4 (28 May 96); E/C.12/SLV/CO/2 (27 Jun 07); E/C.12/SLV/CO/3-5 (19 Jun 14)

Equatorial Guinea: E/C.12/GNQ/CO/1 (13 Dec 12)

Estonia: E/C.12/1/Add.85 (19 Dec 02); E/C.12/EST/CO/2 (16 Dec 11)

Ethiopia: E/C.12/ETH/CO/1-3 (31 May 12)

Finland: E/1980/WG.1/SR.6 (21 Apr 80); E/1984/WG.1/SR.17 (1 May 84); E/1984/WG.1/SR.18 (2 May 84); E/C.12/1/Add.8 (5 Dec 96); E/C.12/1/Add.52 (1 Dec 00); E/C.12/FIN/CO/5 (16 Jan 08); E/C.12/FIN/CO/6 (17 Dec 14)

France: E/1985/WG.1/SR.5 (26 Apr 85); E/1985/WG.1/SR.7 (29 Apr 85); E/C.12/1/Add.72 (30 Nov 01); E/C.12/FRA/CO/3 (9 Jun 08); E/C.12/FRA/CO/4 (24 Jun 16)

Gabon: E/C.12/GAB/CO/1 (27 Dec 13)

Gambia: E/C.12/1994/9 (31 May 94); E/C.12/GMB/CO/1 (20 Mar 15)

Georgia: E/C.12/1/Add.42 (17 May 00); E/C.12/1/Add.83 (19 Dec 02)

Germany: E/1980/WG.1/SR.8 (22 Apr 80); E/1980/WG.1/SR.10 (23 Apr 80); E/1981/WG.1/SR.8 (10 Sep 81); E/1981/WG.1/SR.10 (10 Sep 81); E/C.12/1993/17 (5 Jan 94); E/C.12/1/Add.29 (4 Dec 98); E/C.12/1/Add.68 (24 Sep 01); E/C.12/DEU/CO/5 (12 Jul 11)

Greece: E/C.12/1/Add.97 (7 Jun 04); E/C.12/GRC/CO/2 (27 Oct 15)

Guatemala: E/C.12/1/Add.3 (28 May 96); E/C.12/1/Add.93 (12 Dec 03); E/C.12/GTM/CO/3 (9 Dec 14)

Guinea: E/C.12/1/Add.5 (28 May 96)

Guyana: E/1984/WG.1/SR.20 (7 May 84); E/1984/WG.1/SR.22 (9 May 84); E/1985/WG.1/SR.6 (29 Apr 85); E/C.12/GUY/CO/2-4 (28 Oct 15)

Honduras: E/C.12/1/Add.57 (21 May 01); E/C.12/HND/CO/2 (24 Jun 16)

Hungary: E/1980/WG.1/SR.7 (21 Apr 80); E/1984/WG.1/SR.19 (7 May 84); E/1984/WG.1/SR.21 (7 May 84); E/1986/WG.1/SR.9 (18 Apr 86); E/1986/WG.1/SR.6 (22 Apr 86); E/1986/WG.1/SR.7 (23 Apr 86); E/C.12/1992/2 (1 Oct 92) [133]-[154]; E/C.12/HUN/CO/3 (16 Jan 08)

Iceland: E/C.12/1993/15 (4 Jan 94); E/C.12/1/Add.32 (12 May 99); E/C.12/1/Add.89 (26 Jun 03); E/C.12/ISL/CO/4 (11 Dec 12)

India: E/1984/WG.1/SR.6 (24 Apr 84); E/1984/WG.1/SR.8 (25 Apr 84); E/C.12/IND/CO/5 (8 Aug 08)

Indonesia: E/C.12/IDN/CO/1 (19 Jun 14)

Iran (Islamic Republic of): E/C.12/1990/8 (1991) [196]-[212]; E/C.12/1993/7 (9 Jun 93); E/C.12/IRN/CO/2 (10 Jun 13)

Iraq: E/1981/WG.1/SR.12 (11 Sep 81); E/1986/WG.1/SR.8 (23 Apr 86); E/1986/WG.1/SR.11 (25 Apr 86); E/C.12/1994/6 (30 May 94); E/1995/22 (SUPP) (1995) 125-143; E/C.12/1/Add.17 (12 Dec 97); E/C.12/IRQ/CO/4 (27 Oct 15)

Ireland: E/C.12/1/Add.35 (14 May 99); E/C.12/1/Add.77 (5 Jun 02); E/C.12/Add.77 (2002); E/C.12/IRL/CO/3 (8 Jul 15)

Israel: E/C.12/1/Add.27 (4 Dec 98); E/C.12/1/Add.69 (31 Aug 01); E/C.12/1/Add.90 (26 Jun 03); E/C.12/ISR/CO/3 (16 Dec 11)

Italy: E/1982/WG.1/SR.3 (12 Apr 82); E/1982/WG.1/SR.4 (12 Apr 82); E/C.12/1/Add.43 (23 May 00); E/C.12/1/Add.103 (14 Dec 04); E/C.12/ITA/CO/5 (28 Oct 15)

Jamaica: E/1980/WG.1/SR.20 (30 Apr 80); E/C.12/1994/15 (19 Dec 94); E/C.12/1/Add.75 (30 Nov 01); E/C.12/JAM/CO/3 4 (10 Jun 13)

Japan: E/1982/WG.1/SR.12 (19 Apr 82); E/1982/WG.1/SR.13 (19 Apr 82); E/C.12/1/Add.67 (24 Sep 01); E/C.12/2002/12 (29 Nov 02); E/C.12/JPN/CO/3 (10 Jun 13)

Jordan: E/C.12/1987/5 (1987) [36]-[66]; E/C.12/1987/5 (1987) [67]- [85]; E/C.12/1990/8 (1991) [56]-[86]; E/C.12/1/Add.46 (1 Sep 00)

Kazakhstan: E/C.12/KAZ/CO/1 (7 Jun 10)

Kenya: E/C.12/1993/6 (3 Jun 93); E/1995/22 (SUPP) (1995) [159]- [164]; E/1995/22 (SUPP) (1995) [159]-[164]; E/C.12/KEN/CO/1 (1 Dec 08); E/C.12/KEN/CO/2-5 (6 April 16)

Kuwait: E/C.12/1/Add.98 (7 Jun 04); E/C.12/KWT/CO/2 (19 Dec 13)

Kyrgyzstan: E/C.12/1/Add.49 (1 Sep 00); E/C.12/KGZ/CO/2-3 (7 Jul 15)

Latvia: E/C.12/LVA/CO/1 (7 Jan 08)

Lebanon: E/C.12/1993/10 (9 Jun 93); E/C.12/1/Add.40 (8 Dec 99)

Libya: E/1983/WG.1/SR.16 (3 May 83); E/1983/WG.1/SR.17 (3 May 83); E/C.12/1/Add.15 (20 May 97); E/C.12/LYB/CO/2 (25 Jan 06)

Liechtenstein: E/C.12/LIE/CO/1 (9 Jun 06)

Lithuania: E/C.12/1/Add.96 (7 Jun 04); E/C.12/LTU/CO/2 (24 Jun 14)

Luxembourg: E/C.12/1/Add.22 (12 Dec 97); E/C.12/1/Add.86 (26 Jun 03)

Madagascar: E/C.12/MDG/CO/2 (16 Dec 09)

Mali: E/C.12/1994/17 (21 Dec 94)

Malta: E/C.12/1/Add.101 (14 Dec 04)

Mauritania: E/C.12/MRT/CO/1 (10 Dec 12)

Mauritius: E/C.12/MUS/CO/4 (8 Jun 10)

Mexico: E/1982/WG.1/SR.14 (20 Apr 82); E/1982/WG.1/SR.15 (22 Apr 82); E/C.12/1993/16 (5 Jan 94); E/C.12/1/Add.41 (8 Dec 99); E/C.12/MEX/CO/4 (9 Jun 06)

Monaco: E/C.12/MCO/CO/1 (13 Jun 06); E/C.12/MCO/CO/2-3 (19 Jun 14)

Mongolia: E/1980/WG.1/SR.7 (21 Apr 80); E/1984/WG.1/SR.16 (1 May 84); E/1984/WG.1/SR.18 (2 May 84); E/C.12/1/Add.47 (1 Sep 00); E/C.12/MNG/CO/4 (7 Jul 15)

Montenegro: E/C.12/MNE/CO/1 (15 Dec 14)

Morocco: E/C.12/1994/5 (30 May 94); E/1995/22 (SUPP) (1995) [101]-[124]; E/C.12/1/Add.55 (1 Dec 00); E/C.12/MAR/CO/3 (4 Sep 06); E/C.12/MAR/CO/2 (4 Sep 06); E/C.12/MAR/CO/4 (22 Oct 15)

Namibia: E/C.12/NAM/CO/1 (23 Mar 16)

Nepal: E/C.12/1/Add.66 (24 Sep 01); E/C.12/NPL/CO/2 (16 Jan 08); E/C.12/NPL/CO/3 (12 Dec 14)

Netherlands: E/C.12/1989/5 (1989); E/C.12/1989/5 (1989); E/C.12/1989/5 (1989) [193]-[228]; E/C.12/1/Add.25 (16 Jun 98); E/C.12/NLD/CO/3 (24 November 2006); E/C.12/NLD/CO/4-5 (19 Nov 10); E/C.12/NLD/CO/4-5/CORR.1 (21 Feb 11)

Netherlands (Antilles): E/C.12/1987/5 (1987) [23]-[35]; E/C.12/1/Add.25 (16 Jun 98); E/C.12/NLD/CO/3/Add.1 (31 Jan 08); E/C.12/NLD/CO/4-5 (9 Dec 10); E/C.12/NLD/CO/4-5/CORR.1 (21 Feb 11)

Netherlands (Aruba): E/C.12/1/Add.25 (16 Jun 98); E/C.12/NLD/CO/4-5 (9 Dec 10); E/C.12/NLD/CO/4-5/CORR.1 (21 Feb 11)

New Zealand: E/C.12/1993/13 (4 Jan 94); E/C.12/1/Add.88 (26 Jun 03); E/C.12/NZL/CO/3 (31 May 12)

Nicaragua: E/1985/WG.1/SR.15 (6 May 85); E/C.12/1993/14 (4 Jan 94); E/C.12/NIC/CO/4 (28 Nov 08)

Nigeria: E/C.12/1/Add.23 (16 Jun 98)

Norway: E/1980/WG.1/SR.5 (18 Apr 80); E/1984/WG.1/SR.19 (7 May 84); E/1984/WG.1/SR.22 (9 May 84); E/C.12/1995/13 (28 Dec 95); E/C.12/1995/18 (7 Oct 96) [203]-[227]; E/C.12/1/Add.109 (23 Jun 05); E/C.12/NOR/CO/5 (13 Dec 13)

Panama: E/1982/WG.1/SR.5 (12 Apr 82); E/C.12/1995/8 (20 Jun 95); E/C.12/1995/8 (20 Jun 95); E/C.12/1995/8 (20 Jun 95); E/C.12/1/Add.64 (24 Sep 01)

Paraguay: E/C.12/1/Add.1 (28 May 96); E/C.12/PRY/CO/3 (4 Jan 08); E/C.12/PRY/CO/4 (20 Mar 15)

Peru: E/1984/WG.1/SR.11 (27 Apr 84); E/1984/WG.1/SR.18 (2 May 84); E/C.12/1/Add.14 (20 May 97); E/C.12/PER/CO/2-4 (30 May 12)

Philippines: E/1980/WG.1/SR.11 (22 Apr 80); E/1984/WG.1/SR.15 (30 Apr 84); E/1984/WG.1/SR.20 (7 May 84); E/C.12/1990/3 (1990) [113]-[133]; E/1995/22 (SUPP) (1995) [216]-[220]; E/C.12/1995/7 (7 Jun 95); E/C.12/PHL/CO/4 (2 Dec 08)

Poland: E/1980/WG.1/SR.18 (28 Apr 80); E/1980/WG.1/SR.19 (30 Apr 80); E/1986/WG.1/SR.26 (5 May 86); E/1986/WG.1/SR.25 (6 May 86); E/1986/WG.1/SR.27 (6 May 86); E/C.12/1/Add.26 (16 Jun 98); E/C.12/1/Add.82 (19 Dec 02); E/C.12/POL/CO/5 (2 Dec 09)

Portugal: E/1985/WG.1/SR.2 (25 Apr 85); E/1985/WG.1/SR.4 (29 Apr 85); E/C.12/1995/4 (7 Jun 95); E/C.12/1/Add.53 (1 Dec 00); E/C.12/PRT/CO/4 (8 Dec 14)

Portugal: (Macau) E/C.12/1/Add.9 (6 Dec 96)

Republic of Korea: E/C.12/1995/3 (7 Jun 95); E/C.12/1/Add.59 (21 May 01); E/C.12/KOR/CO/3 (17 Dec 09)

Republic of Moldova: E/C.12/1/Add.91 (12 Dec 03); E/C.12/MDA/CO/2 (12 Jul 11)

Romania: E/1980/WG.1/SR.7 (21 Apr 80); E/1980/WG.1/SR.16 (28 Apr 80); E/1985/WG.1/SR.10 (1 May 85); E/1985/WG.1/SR.13 (2 May 85); E/C.12/1994/4 (30 May 94); E/1995/22 (SUPP) (1995) [83]-[100]; E/C.12/ROU/CO/3-5 (9 Dec 14)

Russian Federation: E/1980/WG.1/SR.14 (25 Apr 80); E/1984/WG.1/SR.9 (26 Apr 84); E/1984/WG.1/SR.10 (27 Apr 84); E/C.12/1/Add.13 (20 May 97); E/C.12/1/Add.94 (12 Dec 03); E/C.12/RUS/CO/5 (1 Jun 11)

Rwanda: E/1984/WG.1/SR.10 (27 Apr 84); E/1984/WG.1/SR.12 (30 Apr 84); E/C.12/1989/5 (1989) [162]-[192]; E/C.12/RWA/CO/2-4 (10 Jun 13)

Saint Vincent and the Grenadines: E/C.12/1/Add.21 (2 Dec 97)

San Marino: E/C.12/SMR/CO/4 (4 Jan 08)

Senegal: E/1981/WG.1/SR.11 (11 Sep 81); E/C.12/1993/18 (5 Jan 94); E/C.12/1/Add.62 (24 Sep 01)

Serbia: E/2001/22 (2001) [496]-[511] (preliminary recommendations); E/C.12/1/Add.108 (23 Jun 05); E/C.12/SRB/CO/2 (10 Jul 14)

Slovakia: E/C.12/1/Add.81 (19 Dec 02); E/C.12/SVK/CO/2 (8 Jun 12)

Slovenia: E/C.12/SVN/CO/1 (25 Jan 06); E/C.12/SVN/CO/2 (15 Dec 14)

Solomon Islands: E/C.12/1/Add.33 (14 May 99); E/C.12/1/Add.84 (19 Dec 02)

Spain: E/1980/WG.1/SR.20 (30 Apr 80); E/1984/WG.1/SR.12 (30 Apr 84); E/1984/WG.1/SR.14 (30 Apr 84); E/C.12/1/Add.2 (28 May 96); E/C.12/1/Add.99 (7 Jun 04); E/C.12/ESP/CO/5 (6 Jun 12)

Sri Lanka: E/C.12/1/Add.24 (16 Jun 98); E/C.12/LKA/CO/2-4 (9 Dec 10)

Sudan: E/C.12/1/Add.48 (1 Sep 00); E/C.12/SDN/CO/2 (27 Oct 15)

Suriname: E/C.12/1994/18 (21 Dec 94); E/C.12/1995/6 (7 Jun 95)

Sweden: E/1980/WG.1/SR.15 (25 Apr 80); E/1984/WG.1/SR.14 (30 Apr 84); E/1984/WG.1/SR.16 (1 May 84); E/C.12/1995/5 (7 Jun 95); E/C.12/1/Add.70 (30 Nov 01); E/C.12/SWE/CO/5 (1 Dec 08); E/C.12/SWE/CO/6 (24 Jun 16)

Switzerland: E/C.12/1/Add.30 (7 Dec 98); E/C.12/CHE/CO/2 3 (26 Nov 10)

Syrian Arab Republic: E/1981/WG.1/SR.4 (4 Sep 81); E/C.12/1991/4 (1992) [158]-[194]; E/C.12/1/Add.63 (24 Sep 01)

Tajikistan: E/C.12/TJK/CO/1 (24 Nov 06); E/C.12/TJK/CO/2-3 (25 Mar 15)

The former Yugoslav Republic of Macedonia: E/C.12/MKD/CO/1 (15 Jan 08); E/C.12/MKD/CO/2-4 (24 Jun 16)

Togo: E/C.12/1/Add.61 (21 May 01); E/C.12/TGO/CO/1 (3 Jun 13)

Thailand: E/C.12/THA/CO/1-2 (19 Jun 15)

Trinidad and Tobago: E/C.12/1989/5 (1989) [267]- [309]; E/C.12/1/Add.80 (5 Jun 02)

Tunisia: E/1980/WG.1/SR.5 (18 Apr 80); E/1980/WG.1/SR.6 (21 Apr 80); E/C.12/1/Add.36 (14 May 99)

Turkey: E/C.12/TUR/CO/1 (12 Jul 11)

Turkmenistan: E/C.12/TKM/CO/1 (13 Dec 11)

Uganda: E/C.12/UGA/CO/1 (8 Jul 15)

United Kingdom of Great Britain and Northern Ireland (UK): E/1980/WG.1/SR.19 (30 Apr 80); E/1981/WG.1/SR.16 (24 Sep 81); E/1981/WG.1/SR.17 (11 Nov 81); E/1985/WG.1/SR.14 (6 May 85); E/1985/WG.1/SR.17 (6 May 85); E/C.12/1994/19 (21 Dec 94); E/1995/22 (SUPP) (1995) [264]-[304]; E/C.12/1/Add.19 (12 Dec 97); E/C.12/1/Add.79 (5 Jun 02); E/C.12/GBR/CO/5 (12 Jun 09); E/C.12/GBR/CO/6 (24 Jun 16)

UK (Crown Dependencies): A/44/40 (29 Sep 89) [140]-[189]; E/C.12/1994/19 (21 Dec 94); E/1995/22 (SUPP) (1995) [264]-[304]; E/C.12/1/Add.79 (5 Jun 02); E/C.12/GBR/CO/5 (12 Jun 09)

UK (Hong Kong): E/C.12/1/Add.10 (6 Dec 96)

UK (Overseas Territory): E/C.12/1/Add.79 (5 Jun 02); E/C.12/GBR/CO/5 (12 Jun 09)

Ukraine: E/1984/WG.1/SR.13 (30 Apr 84); E/1984/WG.1/SR.14 (30 Apr 84); E/1984/WG.1/SR.15 (30 Apr 84); E/1980/WG.1/SR.18 (28 Apr 80); E/C.12/1995/15 (28 Dec 95); E/C.12/1/Add.65 (24 Sep 01); E/C.12/UKR/CO/5 (4 Jan 08); E/C.12/UKR/CO/6 (13 Jun 14)

UNMIK: E/C.12/UNK/CO/1 (1 Dec 08)

United Republic of Tanzania: E/1980/WG.1/SR.5 (18 Apr 80); E/C.12/TZA/CO/1- 3 (13 Dec 12)

Uruguay: E/C.12/1994/3 (30 May 94); E/1995/22 (SUPP) (1995) [64]-[82]; E/C.12/1/Add.18 (22

Dec 97); E/C.12/URY/CO/3-4 (1 Dec 10)

Uzbekistan: E/C.12/UZB/CO/1 (24 Jan 06); E/C.12/UZB/CO/2 (13 Jun 14)

Venezuela (the Bolivarian Republic of Venezuela): E/1984/WG.1/SR.7 (25 Apr 84); E/1984/WG.1/SR.8 (25 Apr 84); E/1984/WG.1/SR.10 (27 Apr 84); E/C.12/1/Add.56 (21 May 01); E/C.12/VEN/CO/3 (7 Jul 15)

Viet Nam: E/C.12/1993/8 (9 Jun 93); E/C.12/VNM/CO/2-4 (15 Dec 14)

Yemen: E/C.12/1/Add.92 (12 Dec 03); E/C.12/YEM/CO/2 (1 Jun 11)

Yugoslavia: E/1982/WG.1/SR.4-5 (1982); E/1983/WG.1/SR.3 (1982); E/1984/WG.1/SR.16 (01 May 84); E/1984/WG.1/SR.18 (02 May 84); E/C.12/1988/SR.14-15 (88)

Zambia: E/1986/WG.1/SR.4 (18 Apr 86); E/1986/WG.1/SR.5 (22 Apr 86); E/1986/WG.1/SR.7 (23 Apr 86); E/C.12/1/Add.106 (23 Jun 05)

Zimbabwe: E/C.12/1/Add.12 (20 May 97)

APPENDIX E

LIMBURG PRINCIPLES ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, MAASTRICHT, 2–6 JUNE 1986⁹

Introduction

(i) A group of distinguished experts in international law, convened by the International Commission of Jurists, the Faculty of Law of the University of Limburg (Maastricht, the Netherlands) and the Urban Morgan Institute for Human Rights, University of Cincinnati (Ohio, United States of America), met in Maastricht on 2-6 June 1986 to consider the nature and scope of the obligations of States parties to the International Covenant on Economic, Social and Cultural Rights, the consideration of States parties Reports by the newly constituted ECOSOC Committee on Economic, Social and Cultural Rights, and international co-operation under Part IV of the Covenant.

(ii) The 29 participants came from Australia, the Federal Republic of Germany, Hungary, Ireland, Mexico, Netherlands, Norway, Senegal, Spain, United Kingdom, United States of America, Yugoslavia, the United Nations Centre for Human Rights, the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Commonwealth Secretariat, and the sponsoring organizations. Four of the participants were members of the ECOSOC Committee on Economic, Social and Cultural Rights.

(iii) The participants agreed unanimously upon the following principles which they believe reflect the present state of international law, with the exception of certain recommendations indicated by the use of the verb “should” instead of “shall”.

PART 1: THE NATURE AND SCOPE OF STATES PARTIES' OBLIGATIONS

A. GENERAL OBSERVATIONS

1. Economic, social and cultural rights are an integral part of international human rights law. They are the subject of specific treaty obligations in various international instruments, notably the International Covenant on Economic, Social and Cultural Rights.

2. The International Covenant on Economic, Social and Cultural Rights, together with the International

⁹ At the initiative of the Netherlands Government, these Principles have been issued as an official United Nations document (UN Doc E/CN.4/1987/17, Annex); they have also been published in (1987) 9 *Human Rights Quarterly* 122–35 and in the [1986] *Review of the International Commission of Jurists* No 37, December, 43–55.

Covenant on Civil and Political Rights and the Optional Protocol, entered into force in 1976. The Covenants serve to elaborate the Universal Declaration of Human Rights: these instruments constitute the International Bill of Human Rights.

3. As human rights and fundamental freedoms are indivisible and interdependent, equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights.

4. The International Covenant on Economic, Social and Cultural Rights (hereafter the Covenant) should, in accordance with the Vienna Convention on the Law of Treaties (Vienna, 1969), be interpreted in good faith, taking into account the object and purpose, the ordinary meaning, the preparatory work and the relevant practice.

5. The experience of the relevant specialized agencies as well as of United Nations bodies and intergovernmental organizations, including the United Nations working groups and special rapporteurs in the field of human rights, should be taken into account in the implementation of the Covenant and in monitoring States parties' achievements.

6. The achievement of economic, social and cultural rights may be realized in a variety of political settings. There is no single road to their full realization. Successes and failures have been registered in both market and non-market economies, in both centralized and decentralized political structures.

7. States parties must at all times act in good faith to fulfill the obligations they have accepted under the Covenant.

8. Although the full realization of the rights recognized in the Covenant is to be attained progressively, the application of some rights can be made justiciable immediately while other rights can become justiciable over time.

9. Non-governmental organizations can play an important role in promoting the implementation of the Covenant. This role should accordingly be facilitated at the national as well as the international level.

10. States parties are accountable both to the international community and to their own people for their compliance with the obligations under the Covenant.

11. A concerted national effort to invoke the full participation of all sectors of society is, therefore, indispensable to achieving progress in realizing economic, social and cultural rights. Popular participation is required at all stages, including the formulation, application and review of national policies.

12. The supervision of compliance with the Covenant should be approached in a spirit of co-operation and dialogue. To this end, in considering the reports of States parties, the Committee on Economic, Social and Cultural Rights, hereinafter called 'the Committee', should analyze the causes and factors impeding the realization of the rights covered under the Covenant and, where possible indicate solutions. This approach should not preclude a finding, where the information available warrants such a conclusion, that a State party has failed to comply with its obligations under the Covenant.

13. All organs monitoring the Covenant should pay special attention to the principles of non-discrimination and equality before the law when assessing States parties' compliance with the Covenant.

14. Given the significance for development of the progressive realization of the rights set forth in the Covenant, particular attention should be given to measures to improve the standard of living of the poor and other disadvantaged groups, taking into account that special measures may be required to protect cultural rights of indigenous peoples and minorities.

15. Trends in international economic relations should be taken into account in assessing the efforts of the international community to achieve the Covenant's objectives.

B. INTERPRETATIVE PRINCIPLES SPECIFICALLY RELATING TO PART II OF THE COVENANT

Article 2(1): 'to take steps . . . by all appropriate means, including particularly the adoption of legislation'

16. All States parties have an obligation to begin immediately to take steps towards full realization of the rights contained in the Covenant.

17. At the national level States parties shall use all appropriate means, including legislative, administrative, judicial, economic, social and educational measures, consistent with the nature of the rights in order to fulfill their obligations under the Covenant.

18. Legislative measures alone are not sufficient to fulfill the obligations of the Covenant. It should be noted, however, that article 2(1) would often require legislative action to be taken in cases where existing legislation is in violation of the obligations assumed under the Covenant.

19. States parties shall provide for effective remedies including, where appropriate, judicial remedies.

20. The appropriateness of the means to be applied in a particular state shall be determined by that State party, and shall be subject to review by the United Nations Economic and Social Council, with the assistance of the Committee. Such review shall be without prejudice to the competence of the other organs established pursuant to the Charter of the United Nations.

'to achieve progressively the full realization of the rights'

21. The obligation 'to achieve progressively the full realization of the rights' requires States parties to move as expeditiously as possible towards the realization of the rights. Under no circumstances shall this be interpreted as implying for States the right to defer indefinitely efforts to ensure full realization. On the contrary all States parties have the obligation to begin immediately to take steps to fulfill their obligations under the Covenant.

22. Some obligations under the Covenant require immediate implementation in full by all States parties, such as the prohibition of discrimination in article 2(2) of the Covenant.

23. The obligation of progressive achievement exists independently of the increase in resources; it requires effective use of resources available.

24. Progressive implementation can be affected not only by increasing resources, but also by the development of societal resources necessary for the realization by everyone of the rights recognized in the Covenant.

'to the maximum of its available resources'

25. States parties are obligated, regardless of the level of economic development, to ensure respect for minimum subsistence rights for all.

26. 'Its available resources' refers to both the resources within a State and those available from the international community through international co-operation and assistance.

27. In determining whether adequate measures have been taken for the realization of the rights recognized in the Covenant attention shall be paid to equitable and effective use of and access to the available resources.

28. In the use of the available resources due priority shall be given to the realization of rights recognized in the Covenant, mindful of the need to assure to everyone the satisfaction of subsistence requirements as well as the provision of essential services.

'individually and through international assistance and co-operation, especially economic and technical'

29. International co-operation and assistance pursuant to the Charter of the United Nations (arts 55 and 56) and the Covenant shall have in view as a matter of priority the realization of all human rights and fundamental freedoms, economic, social and cultural as well as civil and political.

30. International co-operation and assistance must be directed towards the establishment of a social and international order in which the rights and freedoms set forth in the Covenant can be fully realized (cf art 28 Universal Declaration of Human Rights).

31. Irrespective of differences in their political, economic and social systems, States shall co-operate with one another to promote international social, economic and cultural progress, in particular the economic growth of developing countries, free from discrimination based on such differences.

32. States parties shall take steps by international means to assist and co-operate in the realization of the rights recognized by the Covenant.

33. International co-operation and assistance shall be based on the sovereign equality of states and be aimed at the realization of the rights contained in the Covenant.

34. In undertaking international co-operation and assistance pursuant to article 2(1) the role of international organizations and the contribution of non-governmental organizations shall be kept in mind.

Article 2(2): Non-discrimination

35. Article 2(2) calls for immediate application and involves an explicit guarantee on behalf of the States parties. It should, therefore, be made subject to judicial review and other recourse procedures.

36. The grounds of discrimination mentioned in article 2(2) are not exhaustive.

37. Upon becoming a party to the Covenant states shall eliminate *de jure* discrimination by abolishing without delay any discriminatory laws, regulations and practices (including acts of omission as well as commission) affecting the enjoyment of economic, social and cultural rights.

38. *De facto* discrimination occurring as a result of the unequal enjoyment of economic, social and cultural rights, on account of a lack of resources or otherwise, should be brought to an end as speedily as possible.

39. Special measures taken for the sole purpose of securing adequate advancement of certain groups or individuals requiring such protection as may be necessary in order to ensure to such groups or individuals equal enjoyment of economic, social and cultural rights shall not be deemed discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different groups and that such measures shall not be continued after their intended objectives have been achieved.

40. Article 2(2) demands from States parties that they prohibit private persons and bodies from practising discrimination in any field of public life.

41. In the application of article 2(2) due regard should be paid to all relevant international instruments including the Declaration and Convention on the Elimination of all Forms of Racial Discrimination as well as to the activities of the supervisory committee (CERD) under the said Convention.

Article 2(3): Non-nationals in developing countries

42. As a general rule the Covenant applies equally to nationals and non-nationals.

43. The purpose of article 2(3) was to end the domination of certain economic groups of non-nationals during colonial times. In the light of this the exception in article 2(3) should be interpreted narrowly.

44. This narrow interpretation of article 2(3) refers in particular to the notion of economic rights and to the

notion of developing countries. The latter notion refers to those countries which have gained independence and which fall within the appropriate United Nations classifications of developing countries.

Article 3: Equal rights for men and women

45. In the application of article 3 due regard should be paid to the Declaration and Convention on the Elimination of All Forms of Discrimination against Women and other relevant instruments and the activities of the supervisory committee (CEDAW) under the said Convention.

Article 4: Limitations

46. Article 4 was primarily intended to be protective of the rights of individuals rather than permissive of the imposition of limitations by the state.

47. The article was not meant to introduce limitations on rights affecting the subsistence or survival of the individual or integrity of the person.

'determined by law'¹⁰

48. No limitation on the exercise of economic, social and cultural rights shall be made unless provided for by national law of general application which is consistent with the Covenant and is in force at the time the limitation is applied.

49. Laws imposing limitations on the exercise of economic, social and cultural rights shall not be arbitrary or unreasonable or discriminatory.

50. Legal rules limiting the exercise of economic, social and cultural rights shall be clear and accessible to everyone.

51. Adequate safeguards and effective remedies shall be provided by law against illegal or abusive imposition or application of limitations on economic, social and cultural rights.

'promoting the general welfare'

52. This term shall be construed to mean furthering the wellbeing of the people as a whole.

'in a democratic society'¹¹

53. The expression 'in a democratic society' shall be interpreted as imposing a further restriction on the application of limitations.

54. The burden is upon a state imposing limitations to demonstrate that the limitations do not impair the democratic functioning of the society.

55. While there is no single model of a democratic society, a society which recognizes and respects the human rights set forth in the United Nations Charter and the Universal Declaration of Human Rights may be viewed as meeting this definition.

'compatible with the nature of these rights'

56. The restriction 'compatible with the nature of these rights' requires that a limitation shall not be interpreted or applied so as to jeopardize the essence of the right concerned.

Article 5

57. Article 5(1) underlines the fact that there is no general, implied or residual right for a state to impose limitations beyond those which are specifically provided for in the law. None of the provisions in the law may be interpreted in such a way as to destroy 'any of the rights or freedoms recognized'. In addition article 5 is intended to ensure that nothing in the Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

58. The purpose of article 5(2) is to ensure that no provision in the Covenant shall be interpreted to prejudice the provisions of domestic law or any bilateral or multilateral treaties, conventions or agreements which are already in force, or may come into force, under which more favourable treatment would be accorded to the persons protected. Neither shall article 5(2) be interpreted to restrict the exercise of any human right protected to a greater extent by national or international obligations accepted by the State party.

C. INTERPRETATIVE PRINCIPLES SPECIFICALLY RELATING TO PART III OF THE COVENANT

Article 8: 'prescribed bylaw'¹²

59. See the interpretative principles under the synonymous term 'determined by law' in article 4.

'necessary in a democratic society'

60. In addition to the interpretative principles listed under article 4 concerning the phrase 'in a democratic society', article 8 imposes a greater restraint upon a State party which is exercising limitations on trade union rights. It requires that such a limitation is indeed necessary. The term 'necessary' implies that the limitation:

10 The Limburg Principles 48–51 are derived from the Siracusa Principles 15–18, UN Doc E/CN.4/1984/4, 28 September 1984 and (1985) 7 *Human Rights Quarterly* 3, 5 .

11 Compare Siracusa Principles 19–21, above n ? , 5.

12 The Limburg Principles 59–69 are derived from the Siracusa Principles 10, 15–26, 29–32 and 35–37, above n ? at 4–7.

- (a) responds to a pressing public or social need,
- (b) pursues a legitimate aim, and
- (c) is proportional to that aim.

61. Any assessment as to the necessity of a limitation shall be based upon objective considerations.
'national security'

62. National security may be invoked to justify measures limiting certain rights only when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force.

63. National security cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order.

64. National security cannot be used as a pretext for imposing vague or arbitrary limitations and may be invoked only when there exist adequate safeguards and effective remedies against abuse.

65. The systematic violation of economic, social and cultural rights undermines true national security and may jeopardize international peace and security. A state responsible for such violation shall not invoke national security as a justification for measures aimed at suppressing opposition to such violation or at perpetrating repressive practices against its population.

'public order (ordre public)'

66. The expression 'public order (ordre public)' as used in the Covenant may be defined as the sum of rules which ensures the functioning of society or the set of fundamental principles on which a society is founded. Respect for economic, social and cultural rights is part of public order (ordre public).

67. Public order (ordre public) shall be interpreted in the context of the purpose of the particular economic, social and cultural rights which are limited on this ground.

68. State organs or agents responsible for the maintenance of public order (ordre public) shall be subject to controls in the exercise of their power through the parliament, courts, or other competent independent bodies.
'rights and freedoms of others'

69. The scope of the rights and freedoms of others that may act as a limitation upon rights in the Covenant extends beyond the rights and freedoms recognized in the Covenant.

D. VIOLATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

70. A failure by a State party to comply with an obligation contained in the Covenant is, under international law, a violation of the Covenant.

71. In determining what amounts to a failure to comply, it must be borne in mind that the Covenant affords to a State party a margin of discretion in selecting the means for carrying out its objects, and that factors beyond its reasonable control may adversely affect its capacity to implement particular rights.

72. A State party will be in violation of the Covenant, inter alia, if:

—it fails to take a step which it is required to take by the Covenant;

—it fails to remove promptly obstacles which it is under a duty to remove to permit the immediate fulfillment of a right;

—it fails to implement without delay a right which it is required by the Covenant to provide immediately;

—it wilfully fails to meet a generally accepted international minimum standard of achievement, which is within its powers to meet;

—it applies a limitation to a right recognized in the Covenant other than in accordance with the Covenant;

—it deliberately retards or halts the progressive realization of a right, unless it is acting within a limitation permitted by the Covenant or it does so due to a lack of available resources or *force majeure*;

—it fails to submit reports as required under the Covenant.

73. In accordance with international law each State party to the Covenant has the right to express the view that another State party is not complying with its obligations under the Covenant and to bring this to the attention of that State party. Any dispute that may thus arise shall be settled in accordance with the relevant rules of international law relating to the peaceful settlement of disputes.

PART II. CONSIDERATION OF STATES PARTIES' REPORTS AND INTERNATIONAL CO-OPERATION UNDER PART IV OF THE COVENANT

A. PREPARATION AND SUBMISSION OF REPORTS BY STATES PARTIES

74. The effectiveness of the supervisory machinery provided in Part IV of the Covenant depends largely upon the quality and timeliness of reports by States parties. Governments are therefore urged to make their reports as meaningful as possible. For this purpose they should develop adequate internal procedures for consultations with the competent government departments and agencies, compilation of relevant data, training of staff,

acquisition of background documentation, and consultation with relevant non-governmental and international institutions.

75. The preparation of reports under article 16 of the Covenant could be facilitated by the implementation of elements of the programme of advisory services and technical assistance as proposed by the chairmen of the main human rights supervisory organs in their 1984 report to the General Assembly (UN Doc. A 39/484).

76. States parties should view their reporting obligations as an opportunity for broad public discussion on goals and policies designed to realize economic, social and cultural rights. For this purpose wide publicity should be given to the reports, if possible in draft. The preparation of reports should also be an occasion to review the extent to which relevant national policies adequately reflect the scope and content of each right, and to specify the means by which it is to be realized.

77. States parties are encouraged to examine the possibility of involving non-governmental organizations in the preparation of their reports.

78. In reporting on legal steps taken to give effect to the Covenant, States parties should not merely describe any relevant legislative provisions. They should specify, as appropriate, the judicial remedies, administrative procedures and other measures they have adopted for enforcing those rights and the practice under those remedies and procedures.

79. Quantitative information should be included in the reports of States parties in order to indicate the extent to which the rights are protected in fact. Statistical information and information on budgetary allocations and expenditures should be presented in such a way as to facilitate the assessment of the compliance with Covenant obligations. States parties should, where possible, adopt clearly defined targets and indicators in implementing the Covenant. Such targets and indicators should, as appropriate, be based on criteria established through international co-operation in order to increase the relevance and comparability of data submitted by States parties in their reports.

80. Where necessary, governments should conduct or commission studies to enable them to fill gaps in information regarding progress made and difficulties encountered in achieving the observance of the Covenant rights.

81. Reports by States parties should indicate the areas where more progress could be achieved through international co-operation and suggest economic and technical co-operation programmes that might be helpful toward that end.

82. In order to ensure a meaningful dialogue between the States parties and the organs assessing their compliance with the provisions of the Covenant, States parties should designate representatives who are fully familiar with the issues raised in the report.

B. ROLE OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

83. The Committee has been entrusted with assisting the Economic and Social Council in the substantive tasks assigned to it by the Covenant. In particular, its role is to consider States parties' reports and to make suggestions and recommendations of a general nature, including suggestions and recommendations as to fuller compliance with the Covenant by States parties. The decision of the Economic and Social Council to replace its sessional Working Group by a Committee of independent experts should lead to a more effective supervision of the implementation by States parties.

84. In order to enable it to discharge fully its responsibilities the Economic and Social Council should ensure that sufficient sessions are provided to the Committee. It is imperative that the necessary staff and facilities for the effective performance of the Committee's functions be provided, in accordance with ECOSOC Resolution 1985/17.

85. In order to address the complexity of the substantive issues covered by the Covenant, the Committee might consider delegating certain tasks to its members. For example, drafting groups could be established to prepare preliminary formulations or recommendations of a general nature or summaries of the information received. Rapporteurs could be appointed to assist the work of the Committee in particular to prepare reports on specific topics and for that purpose consult States parties, specialized agencies and relevant experts and to draw up proposals regarding economic and technical assistance projects that could help overcome difficulties States parties have encountered in fulfilling their Covenant obligations.

86. The Committee should, pursuant to articles 22 and 23 of the Covenant, explore with other organs of the United Nations, specialized agencies and other concerned organizations, the possibilities of taking additional international measures likely to contribute to the progressive implementation of the Covenant.

87. The Committee should reconsider the current six-year cycle of reporting in view of the delays which have led to simultaneous consideration of reports submitted under different phases of the cycle. The Committee should also review the guidelines for States parties to assist them in preparing reports and propose any necessary modifications.

88. The Committee should consider inviting States parties to comment on selected topics leading to a direct and

sustained dialogue with the Committee.

89. The Committee should devote adequate attention to the methodological issues involved in assessing compliance with the obligations contained in the Covenant. Reference to indicators, in so far as they may help measure progress made in the achievement of certain rights, may be useful in evaluating reports submitted under the Covenant. The Committee should take due account of the indicators selected by or in the framework of the specialized agencies and draw upon or promote additional research, in consultation with the specialized agencies concerned, where gaps have been identified.

90. Whenever the Committee is not satisfied that the information provided by a State party is adequate for a meaningful assessment of progress achieved and difficulties encountered it should request supplementary information, specifying as necessary the precise issues or questions it would like the State party to address.

91. In preparing its reports under ECOSOC Resolution 1985/17, the Committee should consider, in addition to the 'summary of its consideration of the reports', highlighting thematic issues raised during its deliberations.

C. RELATIONS BETWEEN THE COMMITTEE AND SPECIALIZED AGENCIES, AND OTHER INTERNATIONAL ORGANS

92. The establishment of the Committee should be seen as an opportunity to develop a positive and mutually beneficial relationship between the Committee and the specialized agencies and other international organs.

93. New arrangements under article 18 of the Covenant should be considered where they could enhance the contribution of the specialized agencies to the work of the Committee. Given that the working methods with regard to the implementation of economic, social and cultural rights vary from one specialized agency to another, flexibility is appropriate in making such arrangements under article 18.

94. It is essential for the proper supervision of the implementation of the Covenant under Part IV that a dialogue be developed between the specialized agencies and the Committee with respect to matters of common interest. In particular consultations should address the need for developing indicators for assessing compliance with the Covenant; drafting guidelines for the submission of reports by States parties; making arrangements for submission of reports by the specialized agencies under article 18. Consideration should also be given to any relevant procedures adopted in the agencies. Participation of their representatives in meetings of the Committee would be very valuable.

95. It would be useful if Committee members could visit specialized agencies concerned, learn through personal contact about programmes of the agencies relevant to the realization of the rights contained in the Covenant and discuss the possible areas of collaboration with those agencies.

96. Consultations should be initiated between the Committee and international financial institutions and development agencies to exchange information and share ideas on the distribution of available resources in relation to the realization of the rights recognized in the Covenant. These exchanges should consider the impact of international economic assistance on efforts by States parties to implement the Covenant and possibilities of technical and economic co-operation under article 22 of the Covenant.

97. The Commission on Human Rights, in addition to its responsibilities under article 19 of the Covenant, should take into account the work of the Committee in its consideration of items on its agenda relating to economic, social and cultural rights.

98. The Covenant on Economic, Social and Cultural Rights is related to the Covenant on Civil and Political Rights. Although most rights can clearly be delineated as falling within the framework of one or other Covenant, there are several rights and provisions referred to in both instruments which are not susceptible to clear differentiation. Both Covenants moreover share common provisions and articles. It is important that consultative arrangements be established between the Economic, Social and Cultural Rights Committee and the Human Rights Committee.

99. Given the relevance of other international legal instruments to the Covenant, early consideration should be given by the Economic and Social Council to the need for developing effective consultative arrangements between the various supervisory bodies.

100. International and regional intergovernmental organizations concerned with the realization of economic, social and cultural rights are urged to develop measures, as appropriate, to promote the implementation of the Covenant.

101. As the Committee is a subsidiary organ of the Economic and Social Council, non-governmental organizations enjoying consultative status with the Economic and Social Council are urged to attend and follow the meetings of the Committee and, when appropriate, to submit information in accordance with ECOSOC Resolution 1296 (XLIV).

102. The Committee should develop, in co-operation with intergovernmental organizations and non-governmental organizations as well as research institutes an agreed system for recording, storing and making accessible case law and other interpretative material relating to international instruments on economic, social and cultural rights.

103. As one of the measures recommended in article 23 it is recommended that seminars be held periodically to review the work of the Committee and the progress made in the realization of economic, social and cultural rights by States parties.

APPENDIX F

MAASTRICHT GUIDELINES ON VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, MAASTRICHT, 22–26 JANUARY 1997¹³

Introduction

On the occasion of the 10th anniversary of the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (hereinafter ‘the Limburg Principles’), a group of more than thirty experts met in Maastricht from 22–26 January 1997 at the invitation of the International Commission of Jurists (Geneva, Switzerland), the Urban Morgan Institute on Human Rights (Cincinnati, Ohio, USA) and the Centre for Human Rights of the Faculty of Law of Maastricht University (the Netherlands). The objective of this meeting was to elaborate on the Limburg Principles as regards the nature and scope of violations of economic, social and cultural rights and appropriate responses and remedies.

The participants unanimously agreed on the following guidelines which they understand to reflect the evolution of international law since 1986. These guidelines are designed to be of use to all who are concerned with understanding and determining violations of economic, social and cultural rights and in providing remedies thereto, in particular monitoring and adjudicating bodies at the national, regional and international levels.

THE MAASTRICHT GUIDELINES ON VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

I. The significance of economic, social and cultural rights

1. Since the Limburg Principles were adopted in 1986, the economic and social conditions have declined at alarming rates for over 1.6 billion people, while they have advanced also at a dramatic pace for more than a quarter of the world’s population. The gap between rich and poor has doubled in the last three decades, with the poorest fifth of the world’s population receiving 1.4% of the global income and the richest fifth 85%. The impact of these disparities on the lives of people - especially the poor - is dramatic and renders the enjoyment of economic, social and cultural rights illusory for a significant portion of humanity.

2. Since the end of the Cold War, there has been a trend in all regions of the world to reduce the role of the state and to rely on the market to resolve problems of human welfare, often in response to conditions generated by international and national financial markets and institutions and in an effort to attract investments from the multinational enterprises whose wealth and power exceed that of many states. It is no longer taken for granted that the realization of economic, social and cultural rights depends significantly on action by the state, although, as a matter of international law, the state remains ultimately responsible for guaranteeing the realization of these rights. While the challenge of addressing violations of economic, social and cultural rights is rendered more complicated by these trends, it is more urgent than ever to take these rights seriously and, therefore, to deal with the accountability of governments for failure to meet their obligations in this area.

3. There have also been significant legal developments enhancing economic, social and cultural rights since 1986, including the emerging jurisprudence of the Committee on Economic, Social and Cultural Rights and the adoption of instruments, such as the revised European Social Charter of 1996 and the Additional Protocol to the European Charter Providing for a System of Collective Complaints, and the San Salvador Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988. Governments have made firm commitments to address more effectively economic, social and cultural rights within the framework of seven UN World Summits conferences (1992–1996). Moreover, the potential exists for improved accountability for violations of economic, social and cultural rights through the proposed Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women. Significant developments within national civil society movements and regional and international NGOs in the field of economic, social and cultural rights have taken place.

4. It is now undisputed that all human rights are indivisible, interdependent, interrelated and of equal importance

13 (1998) 20 *Human Rights Quarterly* 691–705; UN Doc E/C.12/2000/13 (2 October 2000). For a commentary, see V Dankwa, C Flinterman and S Leckie, ‘Commentary on the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights’ *SIM Special* 20, 13–34, available at www.uu.nl/uupublish/content/20-02.pdf.

for human dignity. Therefore, states are as responsible for violations of economic, social and cultural rights as they are for violations of civil and political rights.

5. As in the case of civil and political rights, the failure by a State Party to comply with a treaty obligation concerning economic, social and cultural rights is, under international law, a violation of that treaty. Building upon the Limburg Principles, the considerations below relate primarily to the International Covenant on Economic, Social and Cultural Rights (hereinafter 'the Covenant'). They are equally relevant, however, to the interpretation and application of other norms of international and domestic law in the field of economic, social and cultural rights.

II. The meaning of violations of economic, social and cultural rights

Obligations to respect, protect and fulfil

6. Like civil and political rights, economic, social and cultural rights impose three different types of obligations on States: the obligations to respect, protect and fulfil. Failure to perform any one of these three obligations constitutes a violation of such rights. The obligation to respect requires States to refrain from interfering with the enjoyment of economic, social and cultural rights. Thus, the right to housing is violated if the State engages in arbitrary forced evictions. The obligation to protect requires States to prevent violations of such rights by third parties. Thus, the failure to ensure that private employers comply with basic labour standards may amount to a violation of the right to work or the right to just and favourable conditions of work. The obligation to fulfil requires States to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realization of such rights. Thus, the failure of States to provide essential primary health care to those in need may amount to a violation.

Obligations of conduct and of result

7. The obligations to respect, protect and fulfil each contain elements of obligation of conduct and obligation of result. The obligation of conduct requires action reasonably calculated to realize the enjoyment of a particular right. In the case of the right to health, for example, the obligation of conduct could involve the adoption and implementation of a plan of action to reduce maternal mortality. The obligation of result requires States to achieve specific targets to satisfy a detailed substantive standard. With respect to the right to health, for example, the obligation of result requires the reduction of maternal mortality to levels agreed at the 1994 Cairo International Conference on Population and Development and the 1995 Beijing Fourth World Conference on Women.

Margin of discretion

8. As in the case of civil and political rights, States enjoy a margin of discretion in selecting the means for implementing their respective obligations. State practice and the application of legal norms to concrete cases and situations by international treaty monitoring bodies as well as by domestic courts have contributed to the development of universal minimum standards and the common understanding of the scope, nature and limitation of economic, social and cultural rights. The fact that the full realization of most economic, social and cultural rights can only be achieved progressively, which in fact also applies to most civil and political rights, does not alter the nature of the legal obligation of States which requires that certain steps be taken immediately and others as soon as possible. Therefore, the burden is on the State to demonstrate that it is making measurable progress toward the full realization of the rights in question. The State cannot use the 'progressive realization' provisions in article 2 of the Covenant as a pretext for non-compliance. Nor can the State justify derogations or limitations of rights recognized in the Covenant because of different social, religious and cultural backgrounds.

Minimum core obligations

9. Violations of the Covenant occur when a State fails to satisfy what the Committee on Economic, Social and Cultural Rights has referred to as 'a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights [. . .]. 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, violating the Covenant.' Such minimum core obligations apply irrespective of the availability of resources of the country concerned or any other factors and difficulties.

Availability of resources

10. In many cases, compliance with such obligations may be undertaken by most States with relative ease, and without significant resource implications. In other cases, however, full realization of the rights may depend upon the availability of adequate financial and material resources. Nonetheless, as established by Limburg Principles 25-28, and confirmed by the developing jurisprudence of the Committee on Economic, Social and Cultural Rights, resource scarcity does not relieve States of certain minimum obligations in respect of the implementation of economic, social and cultural rights.

State policies

11. A violation of economic, social and cultural rights occurs when a State pursues, by action or omission, a policy or practice which deliberately contravenes or ignores obligations of the Covenant, or fails to achieve the required standard of conduct or result. Furthermore, any discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.

Gender discrimination

12. Discrimination against women in relation to the rights recognized in the Covenant, is understood in light of the standard of equality for women under the Convention on the Elimination of All Forms of Discrimination Against Women. That standard requires the elimination of all forms of discrimination against women including gender discrimination arising out of social, cultural and other structural disadvantages.

Inability to comply

13. In determining which actions or omissions amount to a violation of an economic, social or cultural right, it is important to distinguish the inability from the unwillingness of a State to comply with its treaty obligations. A State claiming that it is unable to carry out its obligation for reasons beyond its control has the burden of proving that this is the case. A temporary closure of an educational institution due to an earthquake, for instance, would be a circumstance beyond the control of the State, while the elimination of a social security scheme without an adequate replacement programme could be an example of unwillingness by the State to fulfil its obligations.

Violations through acts of commission

14. Violations of economic, social and cultural rights can occur through the direct action of States or other entities insufficiently regulated by States. Examples of such violations include:

- (a) The formal removal or suspension of legislation necessary for the continued enjoyment of an economic, social and cultural right that is currently enjoyed;
- (b) The active denial of such rights to particular individuals or groups, whether through legislated or enforced discrimination;
- (c) The active support for measures adopted by third parties which are inconsistent with economic, social and cultural rights;
- (d) The adoption of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to these rights, unless it is done with the purpose and effect of increasing equality and improving the realization of economic, social and cultural rights for the most vulnerable groups;
- (e) The adoption of any deliberately retrogressive measure that reduces the extent to which any such right is guaranteed;
- (f) The calculated obstruction of, or halt to, the progressive realization of a right protected by the Covenant, unless the State is acting within a limitation permitted by the Covenant or it does so due to a lack of available resources or force majeure;
- (g) The reduction or diversion of specific public expenditure, when such reduction or diversion results in the non-enjoyment of such rights and is not accompanied by adequate measures to ensure minimum subsistence rights for everyone.

Violations through acts of omission

15. Violations of economic, social, cultural rights can also occur through the omission or failure of States to take necessary measures stemming from legal obligations. Examples of such violations include:

- (a) The failure to take appropriate steps as required under the Covenant;
- (b) The failure to reform or repeal legislation which is manifestly inconsistent with an obligation of the

Covenant;

(c) The failure to enforce legislation or put into effect policies designed to implement provisions of the Covenant;

(d) The failure to regulate activities of individuals or groups so as to prevent them from violating economic, social and cultural rights;

(e) The failure to utilize the maximum of available resources towards the full realization of the Covenant;

(f) The failure to monitor the realization of economic, social and cultural rights, including the development and application of criteria and indicators for assessing compliance;

(g) The failure to remove promptly obstacles which it is under a duty to remove to permit the immediate fulfilment of a right guaranteed by the Covenant;

(h) The failure to implement without delay a right which it is required by the Covenant to provide immediately;

(i) The failure to meet a generally accepted international minimum standard of achievement, which is within its powers to meet;

(j) The failure of a State to take into account its international legal obligations in the field of economic, social and cultural rights when entering into bilateral or multilateral agreements with other States, international organizations or multinational corporations.

III. Responsibility for violations

State responsibility

16. The violations referred to in section II are in principle imputable to the State within whose jurisdiction they occur. As a consequence, the State responsible must establish mechanisms to correct such violations, including monitoring investigation, prosecution, and remedies for victims.

Alien domination or occupation

17. Under circumstances of alien domination, deprivations of economic, social and cultural rights may be imputable to the conduct of the State exercising effective control over the territory in question. This is true under conditions of colonialism, other forms of alien domination and military occupation. The dominating or occupying power bears responsibility for violations of economic, social and cultural rights. There are also circumstances in which States acting in concert violate economic, social and cultural rights.

Acts by non-state entities

18. The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. States are responsible for violations of economic, social and cultural rights that result from their failure to exercise due diligence in controlling the behaviour of such non-state actors.

Acts by international organizations

19. The obligations of States to protect economic, social and cultural rights extend also to their participation in international organizations, where they act collectively. It is particularly important for States to use their influence to ensure that violations do not result from the programmes and policies of the organizations of which they are members. It is crucial for the elimination of violations of economic, social and cultural rights for international organizations, including international financial institutions, to correct their policies and practices so that they do not result in deprivation of economic, social and cultural rights. Member States of such organizations, individually or through the governing bodies, as well as the secretariat and nongovernmental organizations should encourage and generalize the trend of several such organizations to revise their policies and programmes to take into account issues of economic, social and cultural rights, especially when these policies and programmes are implemented in countries that lack the resources to resist the pressure brought by international institutions on their decision-making affecting economic, social and cultural rights.

IV. Victims of violations

Individuals and groups

20. As is the case with civil and political rights, both individuals and groups can be victims of violations of economic, social and cultural rights. Certain groups suffer disproportionate harm in this respect such as lower-income groups, women, indigenous and tribal peoples, occupied populations, asylum seekers, refugees and internally displaced persons, minorities, the elderly, children, landless peasants, persons with disabilities and the

homeless.

Criminal sanctions

21. Victims of violations of economic, social and cultural rights should not face criminal sanctions purely because of their status as victims, for example, through laws criminalizing persons for being homeless. Nor should anyone be penalized for claiming their economic, social and cultural rights.

V. Remedies and other responses to violations

Access to remedies

22. Any person or group who is a victim of a violation of an economic, social or cultural right should have access to effective judicial or other appropriate remedies at both national and international levels.

Adequate reparation

23. All victims of violations of economic, social and cultural rights are entitled to adequate reparation, which may take the form of restitution, compensation, rehabilitation and satisfaction or guarantees of non-repetition.

No official sanctioning of violations

24. National judicial and other organs must ensure that any pronouncements they may make do not result in the official sanctioning of a violation of an international obligation of the State concerned. At a minimum, national judiciaries should consider the relevant provisions of international and regional human rights law as an interpretive aid in formulating any decisions relating to violations of economic, social and cultural rights.

National institutions

25. Promotional and monitoring bodies such as national ombudsman institutions and human rights commissions, should address violations of economic, social and cultural rights as vigorously as they address violations of civil and political rights.

Domestic application of international instruments

26. The direct incorporation or application of international instruments recognizing economic, social and cultural rights within the domestic legal order can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases.

Impunity

27. States should develop effective measures to preclude the possibility of impunity of any violation of economic, social and cultural rights and to ensure that no person who may be responsible for violations of such rights has immunity from liability for their actions.

Role of the legal professions

28. In order to achieve effective judicial and other remedies for victims of violations of economic, social and cultural rights, lawyers, judges, adjudicators, bar associations and the legal community generally should pay far greater attention to these violations in the exercise of their professions, as recommended by the International Commission of Jurists in the Bangalore Declaration and Plan of Action of 1995.

Special rapporteurs

29. In order to further strengthen international mechanisms with respect to preventing, early warning, monitoring and redressing violations of economic, social and cultural rights, the UN Commission on Human Rights should appoint thematic Special Rapporteurs in this field.

New standards

30. In order to further clarify the contents of States obligations to respect, protect and fulfil economic, social and cultural rights, States and appropriate international bodies should actively pursue the adoption of new standards on specific economic, social and cultural rights, in particular the right to work, to food, to housing and to health.

Optional protocols

31. The optional protocol providing for individual and group complaints in relation to the rights recognized in the Covenant should be adopted and ratified without delay. The proposed optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women should ensure that equal attention is paid to violations of economic, social and cultural rights. In addition, consideration should be given to the drafting of an optional complaints procedure under the Convention on the Rights of the Child.

Documenting and monitoring

32. Documenting and monitoring violations of economic, social and cultural rights should be carried out by all

relevant actors, including NGOs, national governments and international organizations. It is indispensable that the relevant international organizations provide the support necessary for the implementation of international instruments in this field. The mandate of the United Nations High Commissioner for Human Rights includes the promotion of economic, social and cultural rights and it is essential that effective steps be taken urgently and that adequate staff and financial resources be devoted to this objective. Specialized agencies and other international organizations working in the economic and social spheres should also place appropriate emphasis upon economic, social and cultural rights as rights and, where they do not already do so, should contribute to efforts to respond to violations of these rights.

APPENDIX F.1

MAASTRICHT PRINCIPLES ON EXTRATERRITORIAL OBLIGATIONS OF STATES IN THE AREA OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS ¹⁴

On 28 September 2011, at a gathering convened by Maastricht University and the International Commission of Jurists, a group of experts in international law and human rights adopted the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights.

The experts came from universities and organizations located in all regions of the world and include current and former members of international human rights treaty bodies, regional human rights bodies, and former and current Special Rapporteurs of the United Nations Human Rights Council.

Based on legal research conducted over a period of more than a decade, the undersigned experts adopted the following principles:

Preamble

The human rights of individuals, groups and peoples are affected by and dependent on the extraterritorial acts and omissions of States. The advent of economic globalization in particular, has meant that States and other global actors exert considerable influence on the realization of economic, social and cultural rights across the world.

Despite decades of growing global wealth, poverty remains pervasive and socio-economic and gender inequalities endure across the world. Moreover, individuals and communities face the continuing deprivation and denial of access to essential lands, resources, goods and services by State and non-State actors alike.

Countless individuals are subsequently unable to enjoy their economic, social and cultural rights, including the rights to work and decent working conditions, social security and care, an adequate standard of living, food, housing, water, sanitation, health, education and participation in cultural life.

¹⁴ Final version (29 February 2012), available at http://www.fian.org/fileadmin/media/publications/2012.02.29_-_Maastricht_Principles_on_Extraterritorial_Obligations.pdf. For a commentary on the guidelines see O De Schutter et. al., 'Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights' (2012) 34(4) *Human Rights Quarterly* 1084–1169.

States have recognized that everyone is entitled to a social and international order in which human rights can be fully realized and have undertaken to pursue joint and separate action to achieve universal respect for, and observance of, human rights for all.

In the Vienna Declaration and Programme of Action, all States affirmed the importance of an international order based on the principles of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity. In pursuit of these objectives, States reaffirmed in the Millennium Declaration their collective responsibility to uphold these principles at the global level.

States have repeatedly committed themselves to realizing the economic, social and cultural rights of everyone. This solemn commitment is captured in the Charter of the United Nations, and is found in the Universal Declaration on Human Rights and numerous international treaties, such as the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as in the International Covenant on Civil and Political Rights and many regional human rights instruments.

These commitments include the obligation to realize progressively economic, social and cultural rights given the maximum resources available to States, when acting individually and through international assistance and cooperation, and to guarantee these rights without discrimination on the basis of race, colour, gender, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, disability or other prohibited grounds in international law.

Drawn from international law, these principles aim to clarify the content of extraterritorial State obligations to realize economic, social and cultural rights with a view to advancing and giving full effect to the object of the Charter of the United Nations and international human rights.

These Principles complement and build on the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986) and on the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997).

I. General principles

1. All human beings everywhere are born free and equal in dignity and are entitled without discrimination to human rights and freedoms.
2. States must at all times observe the principles of non-discrimination, equality, including gender equality, transparency and accountability.
3. All States have obligations to respect, protect and fulfil human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially.

4. Each State has the obligation to realize economic, social and cultural rights, for all persons within its territory, to the maximum of its ability. All States also have extraterritorial obligations to respect, protect and fulfil economic, social and cultural rights as set forth in the following Principles.

5. All human rights are universal, indivisible, interdependent, interrelated and of equal importance. The present Principles elaborate extraterritorial obligations in relation to economic, social and cultural rights, without excluding their applicability to other human rights, including civil and political rights.

6. Economic, social and cultural rights and the corresponding territorial and extraterritorial obligations are contained in the sources of international human rights law, including the Charter of the United Nations; the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; and other universal and regional instruments.

7. Everyone has the right to informed participation in decisions which affect their human rights. States should consult with relevant national mechanisms, including parliaments, and civil society, in the design and implementation of policies and measures relevant to their obligations in relation to economic, social and cultural rights.

II. Scope of extraterritorial obligations of States

8. Definition of extraterritorial obligations

For the purposes of these Principles, extraterritorial obligations encompass:

- a) obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory; and
- b) obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.

9. Scope of jurisdiction

A State has obligations to respect, protect and fulfil economic, social and cultural rights in any of the following:

- a) situations over which it exercises authority or effective control, whether or not such control is exercised in accordance with international law;
- b) situations over which State acts or omissions bring about foreseeable effects on the enjoyment of economic, social and cultural rights, whether within or outside its territory;
- c) situations in which the State, acting separately or jointly, whether through its executive, legislative or judicial branches, is in a position to exercise decisive influence or to take measures to realize economic, social and cultural rights extraterritorially, in accordance with international law.

10. Limits to the entitlement to exercise jurisdiction

The State's obligation to respect, protect and fulfil economic, social and cultural rights extraterritorially does not authorize a State to act in violation of the UN Charter and general international law.

11. State responsibility

State responsibility is engaged as a result of conduct attributable to a State, acting separately or jointly with other States or entities, that constitutes a breach of its international human rights obligations whether within its territory or extraterritorially.

12. Attribution of State responsibility for the conduct of non-State actors

State responsibility extends to:

- a) acts and omissions of non-State actors acting on the instructions or under the direction or control of the State; and
- b) acts and omissions of persons or entities which are not organs of the State, such as corporations and other business enterprises, where they are empowered by the State to exercise elements of governmental authority, provided those persons or entities are acting in that capacity in the particular instance.

13. Obligation to avoid causing harm

States must desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social and cultural rights extraterritorially. The responsibility of States is engaged where such nullification or impairment is a foreseeable result of their conduct. Uncertainty about potential impacts does not constitute justification for such conduct.

14. Impact assessment and prevention

States must conduct prior assessment, with public participation, of the risks and potential extraterritorial impacts of their laws, policies and practices on the enjoyment of economic, social and cultural rights. The results of the assessment must be made public. The assessment must also be undertaken to inform the measures that States must adopt to prevent violations or ensure their cessation as well as to ensure effective remedies.

15. Obligations of States as members of international organizations

As a member of an international organization, the State remains responsible for its own conduct in relation to its human rights obligations within its territory and extraterritorially. A State that transfers competences to, or participates in, an international organization must take all reasonable steps to ensure that the relevant organization acts consistently with the international human rights obligations of that State.

16. Obligations of international organizations

The present Principles apply to States without excluding their applicability to the human rights obligations of international organizations under, inter alia, general international law and international agreements to which they are parties.

17. International agreements

States must elaborate, interpret and apply relevant international agreements and standards in a manner consistent with their human rights obligations. Such obligations include those pertaining to international trade, investment, finance, taxation, environmental protection, development cooperation, and security.

18. Belligerent occupation and effective control

A State in belligerent occupation or that otherwise exercises effective control over territory outside its national territory must respect, protect and fulfil the economic, social and cultural rights of persons within that territory. A State exercising effective control over persons outside its national territory must respect, protect and fulfil economic, social and cultural rights of those persons.

III. Obligations to respect

19. General obligation

All States must take action, separately, and jointly through international cooperation, to respect the economic, social and cultural rights of persons within their territories and extraterritorially, as set out in Principles 20 to 22.

20. Direct interference

All States have the obligation to refrain from conduct which nullifies or impairs the enjoyment and exercise of economic, social and cultural rights of persons outside their territories.

21. Indirect interference

States must refrain from any conduct which:

- a) impairs the ability of another State or international organization to comply with that State's or that international organization's obligations as regards economic, social and cultural rights; or
- b) aids, assists, directs, controls or coerces another State or international organization to breach that State's or that international organization's obligations as regards economic, social and cultural rights, where the former States do so with knowledge of the circumstances of the act.

22. Sanctions and equivalent measures

States must refrain from adopting measures, such as embargoes or other economic sanctions, which would result in nullifying or impairing the enjoyment of economic, social and cultural rights. Where sanctions are undertaken to fulfil other international legal obligations, States must ensure that human rights obligations are fully respected in the design, implementation and termination of any sanctions regime. States must refrain in all circumstances from embargoes and equivalent measures on goods and services essential to meet core obligations.

IV. Obligations to protect

23. General obligation

All States must take action, separately, and jointly through international cooperation, to protect economic, social and cultural rights of persons within their territories and extraterritorially, as set out in Principles 24 to 27.

24. Obligation to regulate

All States must take necessary measures to ensure that non-State actors which they are in a position to regulate, as set out in Principle 25, such as private individuals and organizations, and transnational corporations and other business enterprises, do not nullify or impair the enjoyment of economic, social and cultural rights. These include administrative, legislative, investigative, adjudicatory and other measures. All other States have a duty to refrain from nullifying or impairing the discharge of this obligation to protect.

25. Bases for protection

States must adopt and enforce measures to protect economic, social and cultural rights through legal and other means, including diplomatic means, in each of the following circumstances:

- a) the harm or threat of harm originates or occurs on its territory;
- b) where the non-State actor has the nationality of the State concerned;
- c) as regards business enterprises, where the corporation, or its parent or controlling company, has its centre of activity, is registered or domiciled, or has its main place of business or substantial business activities, in the State concerned;
- d) where there is a reasonable link between the State concerned and the conduct it seeks to regulate, including where relevant aspects of a non-State actor's activities are carried out in that State's territory;
- e) where any conduct impairing economic, social and cultural rights constitutes a violation of a peremptory norm of international law. Where such a violation also constitutes a crime under international law, States must exercise universal jurisdiction over those bearing responsibility or lawfully transfer them to an appropriate jurisdiction.

26. Position to influence

States that are in a position to influence the conduct of non-State actors even if they are not in a position to regulate such conduct, such as through their public procurement system or international diplomacy, should exercise such influence, in accordance with the Charter of the United Nations and general international law, in order to protect economic, social and cultural rights.

27. Obligation to cooperate

All States must cooperate to ensure that non-State actors do not impair the enjoyment of the economic, social and cultural rights of any persons. This obligation includes measures to prevent human rights abuses by non-State actors, to hold them to account for any such abuses, and to ensure an effective remedy for those affected.

V. Obligations to fulfil

28. General obligation

All States must take action, separately, and jointly through international cooperation, to fulfil economic, social and cultural rights of persons within their territories and extraterritorially, as set out in Principles 29 to 35.

29. Obligation to create an international enabling environment

States must take deliberate, concrete and targeted steps, separately, and jointly through international cooperation, to create an international enabling environment conducive to the universal fulfilment of economic, social and cultural rights, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection, and development cooperation.

The compliance with this obligation is to be achieved through, inter alia:

- a) elaboration, interpretation, application and regular review of multilateral and bilateral agreements as well as international standards;
- b) measures and policies by each State in respect of its foreign relations, including actions within international organizations, and its domestic measures and policies that can contribute to the fulfilment of economic, social and cultural rights extraterritorially.

30. Coordination and allocation of responsibilities

States should coordinate with each other, including in the allocation of responsibilities, in order to cooperate effectively in the universal fulfilment of economic, social and cultural rights. The lack of such coordination does not exonerate a State from giving effect to its separate extraterritorial obligations.

31. Capacity and resources

A State has the obligation to fulfil economic, social and cultural rights in its territory to the maximum of its ability. Each State must separately and, where necessary, jointly contribute to the fulfilment of economic, social and cultural rights extraterritorially, commensurate with, inter alia, its economic, technical and technological capacities, available resources, and influence in international decision-making processes. States must cooperate to mobilize the maximum of available resources for the universal fulfilment of economic, social and cultural rights.

32. Principles and priorities in cooperation

In fulfilling economic, social and cultural rights extraterritorially, States must:

- a) prioritize the realization of the rights of disadvantaged, marginalized and vulnerable groups;
- b) prioritize core obligations to realize minimum essential levels of economic, social and cultural rights, and move as expeditiously and effectively as possible towards the full realization of economic, social and cultural rights;
- c) observe international human rights standards, including the right to self-determination and the right to participate in decision-making, as well as the principles of non-discrimination and equality, including gender equality, transparency, and accountability; and
- d) avoid any retrogressive measures or else discharge their burden to demonstrate that such measures are duly justified by reference to the full range of human rights obligations, and are only taken after a comprehensive examination of alternatives.

33. Obligation to provide international assistance

As part of the broader obligation of international cooperation, States, acting separately and jointly, that are in a position to do so, must provide international assistance to contribute to the fulfilment of economic, social and cultural rights in other States, in a manner consistent with Principle 32.

34. Obligation to seek international assistance and cooperation

A State has the obligation to seek international assistance and cooperation on mutually agreed terms when that State is unable, despite its best efforts, to guarantee economic, social and cultural rights within its territory. That State has an obligation to ensure that assistance provided is used towards the realization of economic, social and cultural rights.

35. Response to a request for international assistance or cooperation

States that receive a request to assist or cooperate and are in a position to do so must consider the request in good faith, and respond in a manner consistent with their obligations to fulfil economic, social and cultural rights extraterritorially. In responding to the request, States must be guided by Principles 31 and 32.

VI. Accountability and Remedies

36. Accountability

States must ensure the availability of effective mechanisms to provide for accountability in the discharge of their extraterritorial obligations. In order to ensure the effectiveness of such mechanisms, States must establish systems and procedures for the full and thorough monitoring of compliance with their human rights obligations, including through national human rights institutions acting in conformity with the United Nations Principles relating to the Status of National Institutions (Paris Principles).

37. General obligation to provide effective remedy

States must ensure the enjoyment of the right to a prompt, accessible and effective remedy before an independent authority, including, where necessary, recourse to a judicial authority, for violations of economic, social and cultural rights. Where the harm resulting from an alleged violation has occurred on the territory of a State other than a State in which the harmful conduct took place, any State concerned must provide remedies to the victim.

To give effect to this obligation, States should:

- a) seek cooperation and assistance from other concerned States where necessary to ensure a remedy;
- b) ensure remedies are available for groups as well as individuals;
- c) ensure the participation of victims in the determination of appropriate remedies;
- d) ensure access to remedies, both judicial and non-judicial, at the national and international levels; and
- e) accept the right of individual complaints and develop judicial remedies at the international level.

38. Effective remedies and reparation

Remedies, to be effective, must be capable of leading to a prompt, thorough and impartial investigation; cessation of the violation if it is ongoing; and adequate reparation, including, as necessary, restitution, compensation, satisfaction, rehabilitation and guarantees of nonrepetition. To avoid irreparable harm, interim measures must be available and States must respect the indication of interim measures by a competent judicial or quasi-judicial body. Victims have the right to truth about the facts and circumstances surrounding the violations, which should also be disclosed to the public, provided that it causes no further harm to the victim.

39. Inter-State complaints mechanisms

States should avail themselves of, and cooperate with, inter-State complaints mechanisms, including human rights mechanisms, to ensure reparation for any violation of an extraterritorial obligation relating to economic, social and cultural rights. States should seek reparation in the interest of injured persons as beneficiaries under the relevant treaties addressing economic, social and cultural rights, and should take into account, wherever feasible, the views of injured persons with regard to the reparation to be sought. Reparation for the injuries obtained from the responsible State should be transferred to the injured persons.

40. Non-judicial accountability mechanisms

In addition to the requisite judicial remedies, States should make non-judicial remedies available, which may include, *inter alia*, access to complaints mechanisms established under the auspices of international organizations, national human rights institutions or ombudspersons, and ensure that these remedies comply with the requirements of effective remedies under Principle 37. States should ensure additional accountability measures are in place at the domestic level, such as access to a parliamentary body tasked with monitoring governmental policies, as well as at the international level.

41. Reporting and monitoring

States must cooperate with international and regional human rights mechanisms, including periodic reporting and inquiry procedures of treaty bodies and mechanisms of the UN Human Rights Council, and peer review mechanisms, on the implementation of their extraterritorial obligations in relation to economic, social and cultural rights, and redress instances of noncompliance as identified by these mechanisms.

VII. Final provisions

42. States, in giving effect to their extraterritorial obligations, may only subject economic, social and cultural rights to limitations when permitted under international law and where all procedural and substantive safeguards have been satisfied.

43. Nothing in these Principles should be read as limiting or undermining any legal obligations or responsibilities that States, international organizations and non-State actors, such as transnational corporations and other business enterprises, may be subject to under international human rights law.

44. These principles on the extraterritorial obligations of States may not be invoked as a justification to limit or undermine the obligations of the State towards people on its territory.

Annex

Signatories to the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights

The Principles were adopted by the experts in their individual capacity. Organizations are listed with the names of experts for the purpose of identification rather than endorsement of the Principles by their institution.

Meghna Abraham - Amnesty International

Catarina de Albuquerque - UN Special Rapporteur on the right to water and sanitation

Theo van Boven - Maastricht University, former UN Special Rapporteur against Torture and former Member of the UN Committee on the Elimination of Racism and Discrimination

Maria Virginia Bras Gomes - Directorate General for Social Security, former Member of the UN Committee on Economic, Social and Cultural Rights

Lilian Chenwi - University of the Witwatersrand

Danwood Chirwa - University of Cape Town

Fons Coomans - Maastricht University

Virginia Dandan - UN Independent Expert on Human Rights and International Solidarity, former Member of the UN Committee on Economic, Social and Cultural Rights

Olivier De Schutter - University of Louvain, UN Special Rapporteur on the right to food
Julia Duchrow - Bread for the World
Asbjørn Eide - Norwegian Centre for Human Rights
Cees Flinterman - Maastricht University, Member of the UN Human Rights Committee and former Member of the UN Committee on the Elimination of Discrimination against Women
Mark Gibney - University of North Carolina
Thorsten Göbel - Bread for the World
Paul Hunt - University of Essex, former UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Ashfaq Khalfan - Amnesty International
Miloon Kothari - Housing and Land Rights Network, former UN Special Rapporteur on the right to adequate housing
Rolf Künemann - FIAN International
Malcolm Langford - University of Oslo
Nicholas Lusiani - Center for Economic and Social Rights
Claire Mahon - Geneva Academy of International Humanitarian Law and Human Rights
Christopher Mbazira - Makerere University
Maija Mustaniemi-Laakso - Åbo Akademi University
Gorik Ooms - Institute of Tropical Medicine in Antwerp
Marcos Orellana - Center for International Environmental Law
Sandra Ratjen - International Commission of Jurists
Aisling Reidy - Human Rights Watch
Margot Salomon - London School of Economics and Political Science
Fabián Salvioli - University of La Plata, Member of the UN Human Rights Committee
Martin Scheinin - European University Institute, former Member of the UN Human Rights Committee and former UN Special Rapporteur on human rights and counter-terrorism
Ian Seiderman - International Commission of Jurists
Magdalena Sepúlveda - UN Special Rapporteur on extreme poverty and human rights
Heisoo Shin - Member of the UN Committee on Economic, Social and Cultural Rights and former Member of the UN Committee on the Elimination of Discrimination against Women
Sigrun Skogly - Lancaster University
Ana María Suárez Franco - FIAN International
Philippe Texier - Member of the UN Committee on Economic, Social and Cultural Rights
Wouter Vandenhoele - University of Antwerp
Duncan Wilson - Scottish Human Rights Commission
Michael Windfuhr - German Institute for Human Rights
Sisay Yeshanew - Åbo Akademi University

APPENDIX G

MONTREAL PRINCIPLES ON WOMEN'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS¹⁵

The Montréal Principles were adopted at a meeting of experts held December 7 – 10, 2002 in Montréal, Canada. These principles are offered to guide the interpretation and implementation of the guarantees of non-discrimination and equal exercise and enjoyment of economic, social and cultural rights, found, inter alia, in Articles 3 and 2(2) of the *International Covenant on Economic, Social and Cultural Rights*, so that women can enjoy these rights fully and equally.

The participants at the Montreal meeting were: Sneha Aurora, Fareda Banda, Reem Bahdi, Stephanie Bernstein, Gwen Brodsky, Ariane Brunet, Christine Chinkin, Mary Shanthi Dairiam, Shelagh Day, Leilani Farha, Ruth Goba, Soledad García Muñoz, Sara Hossain, Lucie Lamarche, Marianne Møllmann, Dianne Otto, Karrisha Pillay, Inés Romero, and Alison Symington. They unanimously agreed on the following principles.

A. Introduction

15 (2004) 26(3) *Human Rights Quarterly* 760–80.

Sex or gender inequality is a problem experienced primarily by women. The systems and assumptions which cause women's inequality in the enjoyment of economic social and cultural rights are often invisible because they are deeply embedded in social relations, both public and private, within all States. Acknowledging this systemic and entrenched discrimination is an essential step in implementing guarantees of non-discrimination and equality.

The terms 'gender' and 'sex' should both be understood as referring to the range of economic, social, cultural, historical, political and biological constructions of norms of behaviour that are considered appropriate for women and men. Implicit in such an understanding of 'gender' or 'sex' relations is that male and female norms have been constructed so as to privilege men and disadvantage women. 'Gender' and 'sex' discrimination can be used interchangeably, and both 'gender inequality' and 'sex inequality' are used to refer to the disadvantaged position of women. In order to reflect this understanding of women's disadvantage, the Montréal Principles use the terms 'discrimination against women' and 'women's equality' wherever possible.

Economic, social and cultural rights have a particular significance for women because as a group, women are disproportionately affected by poverty, and by social and cultural marginalization. Women's poverty is a central manifestation, and a direct result of women's lesser social, economic and political power. In turn, women's poverty reinforces their subordination, and constrains their enjoyment of every other right.

The UN Charter mandates universal respect for, and observance of all human rights, including the right of women to equal exercise and enjoyment of their economic social and cultural rights.^[1] All regional and global instruments which set out economic social and cultural rights contain guarantees of non-discrimination and of equal enjoyment for women of these rights.^[2] An expression of this global consensus is found in Articles 3 and 2(2) of the *International Covenant on Economic, Social and Cultural Rights*.

In the political context of the early 21st century, it is particularly important to underline this long-standing international consensus regarding human rights primacy. The lack of priority accorded to securing universal enjoyment of economic, social and cultural rights hurts women disproportionately.

Women's particular vulnerability to social and economic deprivation is deepened further in conflict and post-conflict situations and when economic sanctions are imposed. The Committee on Economic, Social and Cultural Rights has stated that economic, social and cultural rights must be taken into account when imposing sanctions, and State Parties to the Covenant should take account of the suffering that such sanctions are likely to inflict on certain sectors, such as women. As the UN Security Council has recognized, peace and women's equality are inextricably linked.^[3]

The inequality in the lives of women that is deeply embedded in history, tradition and culture^[4] affects women's access to and enjoyment of economic, social and cultural rights. To ensure women's enjoyment of these rights, they must be implemented in a way that takes into account the context in which women live. For example, the traditional assignment to women and girls of the role of primary care-giver for children, older persons and the sick restricts women's freedom of movement and consequently their access to paid employment and education. The economic and social devaluation of the work, paid and unpaid, that women traditionally do from a very young age, contributes further to fixing women in a position of economic and social inequality. These factors diminish women's earning capacity and their economic autonomy, and contribute to the high rates of poverty among women worldwide. Traditional, historical, religious or cultural attitudes are also used to justify and perpetuate discrimination against women in the delivery of economic, social and cultural rights, including health services and education, by public and private agencies.

Inequality in women's enjoyment of economic, social and cultural rights contributes to their economic dependence, denial of personal autonomy and lack of empowerment. These in turn limit still further women's ability to participate in public life, including fora for economic, social, political and legal policy and decision-making. As the Committee on the Elimination of Discrimination against Women has noted: 'Policies developed and decisions made by men alone reflect only part of human experience and potential.'^[5] Such policies and decisions are less likely to take account of gendered consequences, and the economic and social factors that affect women's lives.

Economic, social and cultural rights and civil and political rights are particularly indivisible and interconnected in the lives of women: inequality in economic, social and cultural rights undermines women's ability to enjoy their civil and political rights, which then limits their capacity to influence decision and policy-making in public life. Since '[a]ll human rights are universal, indivisible and interdependent and interrelated'^[6] equality in civil and political rights^[7] is undermined unless equality in the exercise and enjoyment of economic, social and

cultural rights is secured.

It is especially important that women's entitlement to equal enjoyment of economic, social and cultural rights is acknowledged and re-emphasized in the current climate of neo-liberalism and economic globalization. Policies of privatization, economic austerity and structural adjustment have negative impacts for women.^[8] For example, women are often the hardest hit by economic transition, financial crises and rising unemployment. In part, this is because women are relied upon to provide services that are cut such as caring for children, older persons and the sick, because women are often in insecure, part-time employment, they are commonly the first to lose their jobs. Furthermore, poverty can lead to a decrease in food intake among women and girls; girls are the first to drop out of schools; greater numbers of women are forced to migrate; and women are vulnerable to trafficking, violence and ill health. Economic and political insecurity provoke private and public backlash against women's rights that may be expressed through violence and articulated in the form of defending cultures and traditions.

To fully implement the rights set out in Articles 3 and 2(2) of the International Covenant on Economic Social and Cultural Rights, and similar guarantees in other human rights instruments, requires an understanding that focuses upon the subordination, stereotyping and structural disadvantage that women experience. It requires more than just formal legal recognition of equality between the sexes. It requires commitment by all responsible parties to take all necessary steps to address the actual material and social disadvantage of women.

B. Definition of Women's Economic, Social and Cultural Rights

1. Women's economic, social and cultural rights include, but are not limited to, the right to:

An adequate standard of living including:

- food and freedom from hunger;
- water;
- clothing;
- housing and freedom from forced eviction;
- continuous improvement of living conditions;

See for example: International Covenant on Economic, Social and Cultural Rights (ICESCR) article 11(1) and (2); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) article 14(2)(h); Universal Declaration of Human Rights (UDHR) article 25; Universal Declaration on Eradication of Hunger and Malnutrition (UDEHM) article 1; Declaration on the Right to Development (DRD) article 8(1); Committee on Economic, Social and Cultural Rights, General Comment 15 ("The right to water"); Additional Protocol to the American Convention on Economic, Social and Cultural Rights (San Salvador Protocol) article 12; Rome Declaration on Food Security; Istanbul Declaration and Program of Action on Human Settlements.^[9]

The highest attainable standard of mental and physical health throughout a woman's life cycle, including reproductive and sexual health and freedom;

See for example: ICESCR article 10(2) and 12; International Covenant on Civil and Political Rights (ICCPR) article 6(4) and 18(4); Declaration on the Elimination of Discrimination Against Women (DEDAW) article 9(e); CEDAW articles 10(h), 11(2)(a) and 12; UDHR article 25; Declaration on Population and Development para. 7; Beijing Declaration and Program of Action paras. 89, 94 and 96; Convention on the Rights of the Child (CRC) articles 24, 3(2); American Convention on Human Rights (ACHR) article 4(5); San Salvador Protocol article 10; Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women (ICPPEVAW) article 4(b); American Declaration on the Rights and Duties of Man (ADRDM) article xi; Declaration on Social Progress and Development (DSPD) article 11(b); DRD article 8(1); Maternity Protection Convention (MPC) article 3; African Charter on Human and Peoples' Rights (African Charter) article 16; Committee on the Elimination of Discrimination Against Women, General Comment 24.^[10]

Equal inheritance and ownership of land and property;

See for example: ICESCR article 11(1); CEDAW articles 13(b), 14(2)(e) and (g), 15(2) and 16(h); DEDAW article 6(1)(a); DRD article 8(1); International Convention on the Elimination of All Forms of Racial Discrimination (CERD) articles 5(d)(v) and 5(d)(vi); UDHR article 17; ACHR article 21; African Charter, article 14; Beijing Declaration and Program of Action, para. 61(b), 62, and 63.^[11]

Social security, social protection, social insurance and social services, including special assistance before, during and after childbirth;

See for example: ICESCR articles 9 and 10(2); CERD article 5(e)(iv); DEDAW article 10(1)(c); CEDAW articles 11(1)(e), 11(2)(a), and 14(2)(c); MPC articles 4 and 6; UDHR article 22, 23(1) and 25(1); San Salvador Protocol articles 9(2) and 15 (3)(a); ADRDM article xvi; ICCPEVAW, article 8; CRC article 28. ^[12]

Training and education;

See for example: ICESCR articles 6 and 13; CEDAW articles 10 and 14(2)(d); DEDAW article 9; UDEHM article 4; CERD article 5(e)(v); UDHR article 26; ACHR article 17(1); ICPPEVAW article 6(b); San Salvador Protocol article 13(1)(2) and (3); CRC article 28; Convention Against Discrimination in Education article 1; ADRDM article xii; Beijing Declaration and Program of Action para. 69. ^[13]

Freely chosen work as well as just and favourable conditions of work including fair wages, equal remuneration and protection from sexual harassment and sex discrimination at work;

See for example: ICESCR articles 6 (1), 6(2) and 7; CEDAW articles 11(1)(c), (f); CERD article 5(e); ICCPR article 8(3)(a); DEDAW article 10(1)(a); Abolition of Forced Labour Convention (AFLC) article 1; DSPD article 6; UDHR articles 4 and 23; Declaration on the Elimination of Violence against Women (DEVAW) article 3; ACHR article 6(2); African Charter articles 5 and 15; ADRDM, article xiv; San Salvador Protocol articles 6 and 7; Convention for the Protection of Human Rights and Fundamental Freedoms (CPHRFF) article 4(2); MPC article 8; Equal Remuneration Convention (ERC) article 1; Convention on Employment Policy articles 1 (1) and (2); ILO Declaration on Fundamental Principles and Rights at Work; ICPPEVAW, article 2(b). ^[14]

Form and join trade unions;

See for example: ICESCR article 8; ICCPR article 22; CERD article 5(e)(ii); DSPD article 10; San Salvador Protocol article 8; ILO Convention on Freedom of Association and Protection of the Right to Organize. ^[15]

Protection from economic exploitation;

See for example: ICESCR articles 8 and 10 (3); ICCPR article 8; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery article 1(b); CRC article 32; ILO Convention on Worst Forms of Child Labour; UDHR article 4; ACHR article 6. ^[16]

Protection from coerced and uninformed marriage;

See for example: ICESCR article 10(1); CEDAW article 16(1)(b); DEDAW article 6(2)(a); ICCPR article 23(3); Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (Marriage Convention) article 1; CERD article 5(d)(iv); UDHR article 16(2); ACHR article 17(3). ^[17]

A clean and healthy environment;

See for example: ICESCR article 12(2)(b); African Charter article 24. ^[18]

Participate in cultural life;

See for example: ICESCR article 15(1)(a); CRC article 29(1)(c); CEDAW article 13(c); ICCPR article 27; DEVAW article 3; CERD article 5(e)(vi); UDHR article 27; ACHR article 26; African Charter articles 17(2) and 22(1); ICPPEVAW article 5; San Salvador Protocol articles 14(1)(a) and (b). ^[19]

Claim and enjoy the benefits of patents and intellectual property;

See for example: ICESCR article 15(1)(c); San Salvador Protocol article 14(c). ^[20]

Nationality; and to bestow nationality on children;

See for example: CEDAW article 9; DEDAW Article 5; Convention on the Nationality of Married Women (CNMW) article 1; Convention Relating to the Status of Refugees (CSR) article 2; UDHR article 15; ACHR article 20; CERD article 5(d)(iii). ^[21]

Freedom from trafficking and exploitation; recognition of the human rights of trafficked persons;
See for example: CEDAW article 6; DEDAW article 8; DEVAW article 2(b); CRC articles 34 and 35;
ICPPEVAW article 2(b); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women
and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.^[22]

2. Indivisibility and Interdependence of Rights

Economic, social and cultural rights and civil and political rights are indivisible, interdependent and interconnected. In the real lives of women, it is difficult to separate these rights. For example, a woman's right to life is threatened as much by the deprivation of economic, social and cultural rights as by the deprivation of civil and political rights.

3. No Justification for Restriction

Nothing in the wording or substance of any international or regional human rights document, policy, practice or custom can be used to justify restricting women's equal enjoyment and exercise of economic, social and cultural rights.

4. Non-Retrogression

International law entitles women to claim the highest level of available protection for their rights that is afforded by international human rights instruments or national law, policy or custom.

C. Principles of Equality and Non-discrimination

5. Women's Sex and Gender Inequality

Unequal power relations between women and men must be acknowledged and changed, and the entrenched disadvantage caused by this power imbalance must be addressed, if women are to achieve the equal exercise and equal enjoyment of their economic, social and cultural rights.

6. Non-Discrimination and Equality

Legal guarantees of non-discrimination based on sex and legal guarantees of equality for women, though expressed differently, are articulations of the same obligation. This obligation is not confined to negative restraints on States and third parties because negative restraints, alone, do not successfully eliminate discrimination against women. Both the right to non-discrimination and the right to equality mandate measures that prevent harmful conduct and positive steps to address the long-standing disadvantage of women.

7. Definition of Sex Discrimination

Sex or gender discrimination occurs when intentionally or unintentionally, a law, program or policy, or an act or a failure to act, has the effect or purpose of impairing or nullifying the recognition, exercise or enjoyment by women of their economic, social and cultural rights.

8. Forms of Sex Discrimination

Sex or gender discrimination is experienced as discrimination because of being a woman. It can also be experienced as discrimination on the basis of marital status, for example, as discrimination against wives, co-habitees, unmarried women, divorced women or widows, or on the basis of family status, family responsibility, pregnancy, reproductive capacity, or sexuality. Sexual harassment of women and violence against women must also be understood as forms of sex discrimination.

9. Substantive Equality

Economic, social and cultural rights must be interpreted and implemented in a manner that ensures to women substantively equal exercise and enjoyment of their rights. Substantively equal enjoyment of rights cannot be achieved through the mere passage of laws or promulgation of policies that are gender-neutral on their face. Gender neutral laws and policies can perpetuate sex inequality because they do not take into account the economic and social disadvantage of women; they may therefore simply maintain the *status quo*. *De jure* equality does not, by itself, provide *de facto* equality. *De facto*, or substantive equality, requires that rights be interpreted, and that policies and programs - through which rights are implemented - be designed in ways that take women's socially constructed disadvantage into account, that secure for women the equal benefit, in real terms, of laws and measures, and that provide equality for women in their material conditions. The adequacy of conduct undertaken to implement rights must always be assessed against the background of women's actual conditions and evaluated in the light of the effects of policies, laws and practices on those conditions.

10. Intersectionality

Many women encounter distinct forms of discrimination due to the intersection of sex with such factors as: race, language, ethnicity, culture, religion, disability, or socio-economic class. Indigenous women, migrant women, displaced women, and non-national or refugee women experience distinct forms of discrimination because of the intersection of their sex and race, or their sex and citizenship status. Women may also confront particular forms of discrimination due to their age or occupation; family status, as single mothers or widows; health status, such as living with HIV/AIDS; sexuality, such as being lesbian; or because they are engaged in prostitution. Intersecting discrimination can determine the form or nature that discrimination takes, the circumstances in which it occurs, the consequences of the discrimination, and the availability of appropriate remedies. To ensure that all women enjoy the benefits of their economic, social and cultural rights, specific measures are needed to address the ways in which women are differently affected in their enjoyment of a right as a result of the intersection of discrimination based on sex with discrimination based on other characteristics.

11. Autonomy

Women are entitled to exercise and enjoy their economic social and cultural rights as autonomous persons. They cannot enjoy their economic, social and cultural rights equally if they are treated as inferior to men or as adjuncts of, or dependents of, men, whether those men are family members or others. In turn, economic, social and cultural rights must be interpreted and applied in ways that recognize women's right to full legal personhood and autonomy.

D. Impediments to Women's Equal Enjoyment of Economic, Social and Cultural Rights

12. Impediments

Structural impediments to women's equal exercise and enjoyment of economic social and cultural rights include, but are not limited to: (i) social norms, customs and traditions that legitimize women's inequality; (ii) failure to take account of women's disadvantage or their distinct experiences when designing laws or measures to implement economic, social and cultural rights; (iii) restrictions on access to legal or administrative bodies where remedies for rights violations may be sought; (iv) women's under-representation in decision-making processes; (v) women's unequal status in their families; (vi) the failure to recognize women's unremunerated work, and to encourage the fairer distribution between women and men of family and community-supporting labour; (vii) the neglect of women's economic, social and cultural rights in conflict and post-conflict situations; and (viii) the gender-differentiated effects of economic globalization. These impediments must be addressed and eliminated to ensure that measures adopted to implement economic, social and cultural rights will benefit women equally.

E. Legal Obligations

13. Justiciability and Allocation of Resources

Women's rights to non-discrimination and equality are enforceable by judicial bodies and administrative tribunals in all circumstances, including when they raise issues of government allocation of resources for the realization of economic, social and cultural rights.

14. Immediate Obligation

The right to non-discrimination and to the equal exercise and enjoyment of economic, social and cultural rights imposes an immediate obligation on States. This obligation is not subject to progressive realization. The obligation is also an immediate one for inter-governmental bodies and quasi-State actors or other groups exercising control over territory or resources.

15. Respect, Protect, Fulfil and Promote

Women's right to non-discrimination and equality imposes four specific obligations on States: the obligations to respect, protect, fulfill and promote women's exercise and enjoyment of economic, social and cultural rights. These four obligations are indivisible and interdependent and must be implemented by States simultaneously and immediately.

16. Range of Conduct

The obligations to respect, protect, fulfill and promote women's economic, social and cultural rights require a range of conduct from States. States are obliged to both refrain from acting harmfully and to take positive steps to advance women's equality. States are required to repeal laws and policies that discriminate either directly or indirectly. They are also required to guarantee women's rights to non-discrimination and to the equal exercise and enjoyment of economic, social and cultural rights in appropriate domestic laws, such as national constitutions and human rights legislation, and in the interpretation of customary and personal laws. States are

obliged to regulate the conduct of third parties, such as employers, landlords, and service providers. States are also obliged to design and implement policies and programmes to give long-term and full effect to women's economic, social and cultural rights. These may include the adoption of temporary special measures to accelerate women's equal enjoyment of their rights, gender audits, and gender-specific allocation of resources.

17. Rights-claiming Mechanisms

States must ensure that women's rights to non-discrimination and to the equal exercise and enjoyment of economic, social and cultural rights can be effectively interpreted and applied by judicial and quasi-judicial bodies that are independent from government. Further, States must ensure that the right to be free from discrimination and the right to equality are interpreted substantively, rather than formally, by judicial and quasi-judicial bodies, so as to foster the equal enjoyment by women of economic, social and cultural rights. States, when appearing as parties or intervenors before judicial or quasi-judicial bodies must advocate for the interpretation and application of rights that will ensure women's substantive enjoyment of them.

18. Maximum Available Resources

States must use the maximum available resources to respect, protect, fulfill and promote economic, social and cultural rights. The maximum available resources must be distributed in a manner that provides substantively equal exercise and enjoyment of economic, social and cultural rights by women.

19. Trade, Trade Agreements and International Financial Institutions

States have a non-derogable obligation to guarantee women's equal enjoyment of their economic, social and cultural rights in their actions and decision-making in the context of trade, trade agreements, and agreements with, or participation in, international and regional financial institutions.

20. Due Diligence

All States when participating in international financial institutions, trade agreements, or aid and development programs shall apply a due diligence test to assess, foresee and prevent any adverse consequences of trade agreements, structural adjustment programs, development and humanitarian assistance, and other economic and social policies on women's economic, social and cultural rights. Where harm is caused by such agreements or programs, the responsible States and institutions shall implement compensatory measures. This applies at national, regional and international levels, in public and private spheres of life.

21. Provision for Basic Needs

In the context of scarcity, States shall make sure that the basic needs of women are satisfied, especially in regard to health care, access to potable water, sanitation services, housing, education, energy and social protection. This obligation prevails as well in times of conflict and post-conflict. States and other inter-governmental bodies must ensure that services are provided in a manner that does not discriminate against women, and that ensures women's equality.

22. Privatization and Regulation of Third Parties

Where services are partially or wholly privatized, at a minimum States are required to adopt an effective regulatory system to monitor the distribution of such services and service providers must work in cooperation with the State to ensure the substantively equal enjoyment of services by women in fulfilment of the State's international legal obligations.

23. Regulation of Transnational Corporations and Third Parties

States have an obligation to require transnational corporations and other commercial entities, when they are providing services or programs related to the enjoyment of economic, social and cultural rights, to ensure that women benefit equally. States also have an obligation to prevent transnational corporations and other commercial entities from violating women's economic, social and cultural rights on their territory. When such rights are violated, States have a duty to provide women with effective remedies.

24. Recognition of Unremunerated Work

States must adopt specific measures to recognize the economic and social contribution of the women who carry out unremunerated activities. States must also ensure that women or particular groups of women do not carry out a disproportionately large part of the unremunerated and devalued workload of families and communities, including domestic labour and the care of children, sick, and older persons.

25. Participation

States and inter-governmental bodies must ensure that women can and do participate fully in the formulation,

development, implementation and monitoring of economic, social and cultural programs and policies. They must also ensure the full participation of women in the formulation, development, implementation and monitoring of specific strategies, plans and policies that aim to eliminate their gender specific disadvantages. This may require States and intergovernmental bodies to ensure women's participation in decision-making where non-State actors provide programs or services that are related to the enjoyment of economic, social and cultural rights.

F. Violations

26. Commission and Omission

Violations of women's economic, social and cultural rights can occur through acts of commission or omission by States and other actors who are insufficiently regulated by the State, or not regulated by the State.

27. Failure to Correct

Where the economic, social and cultural rights of women, or particular groups of women, have been violated, States are obliged to adopt concrete measures designed to ensure the immediate enjoyment of these rights by the affected women.

28. Undermining the Rights

Undermining women's enjoyment or exercise of their economic, social and cultural rights constitutes a violation. A State undermines these rights by: adopting overly restrictive interpretations of rights-conferring provisions; taking the position that economic, social and cultural rights are not justiciable; restricting access by women, and organizations which represent them, to judicial and quasi-judicial bodies; implementing women's equal enjoyment progressively rather than immediately; and, failing to maintain adequately funded and effective enforcement institutions.

29. Retrogressive Measures

The adoption of retrogressive measures that further reduce women's access to or enjoyment of their economic, social or cultural rights constitutes a violation.

30. Unwillingness to Use Resources

A State which is unwilling to use the maximum of its available resources for the realization of economic, social and cultural rights violates women's economic, social and cultural rights.

G. Mechanisms and Remedies

31. Judicial and Quasi-Judicial Mechanisms

States must establish and maintain effective mechanisms for fully claiming and enforcing women's economic, social and cultural rights, including independent courts and tribunals, administrative authorities and national human rights and women's commissions. Judges and other adjudicators must be provided with adequate training regarding women's rights to equality and to the equal enjoyment of their economic, social and cultural rights. States must also ratify relevant international and regional treaties that allow international remedies and communication procedures without reservations that have the effect of undermining women's equal exercise and enjoyment of their economic, social and cultural rights.

32. Policy Mechanisms

States are required to ensure that there is a national system of institutions and mechanisms, including national human rights institutions, commissions, and ombuds offices, which will support the development of strategies, plans and policies specifically designed to guarantee women's equal exercise and enjoyment of their economic, social and cultural rights. This system must guarantee the effective inclusion of women's perspectives in the design and application of public policies in economic, social and cultural areas.

33. Resources for Mechanisms

States must provide sufficient financial and physical resources to the institutions and mechanisms that have the responsibility to implement and enforce women's economic, social and cultural rights in order to ensure their effectiveness and accessibility.

34. Access

States must remove any obstacles that prevent women or certain groups of women from accessing institutions and mechanisms which enforce and implement women's economic social and cultural rights and provide

women with information regarding how to access them. States must also adopt measures, such as legal aid, to facilitate women's access to institutions and mechanisms that can implement and enforce women's economic, social and cultural rights.

35. Standards, Data and Review

States must continuously review and revise the implementation and enforcement of women's economic, social and cultural rights by developing gender-sensitive standards, methodologies, criteria, targets and indicators, as well as tools for gender disaggregation of statistical data and for budgetary analysis to specifically assess women's substantively equal enjoyment of their economic, social and cultural rights.

36. Remedies

In the event of an infringement of the right to non-discrimination or the right to equal enjoyment of women's economic social and cultural rights, States are required to provide one or more of the following non-exhaustive list of remedies: compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes, prevention programmes, revised policies, benchmarks and implementation programmes, and other effective and appropriate remedies. The State has a related obligation to ensure that the appropriate remedy is both ordered and effectively implemented.

^[1]UN Charter Articles 55, 56, and 103.

^[2]International Covenant on Economic Social and Cultural Rights, Articles 2(2) and 3; American Convention on Human Rights, Article 1(1); Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Article 3; European Convention for the Protection of Human Rights and Fundamental Freedoms (read in conjunction with its Protocols), Article 14; African Charter on Human and Peoples' Rights, Article 2; Cairo Declaration on Human Rights in Islam, Article 1.

^[3]Security Council Resolution 1325, 2000.

^[4]As identified by the Human Rights Committee at para 5 in its *General Comment 28: Equality of rights between men and women (article 3)*, 29/03/2000. CCPR/C/21/Rev.1/Add.10.

^[5]CEDAW *General Recommendation 23: Political and Public Life*, 13/01/97. Contained in document A/52/38. See para 13.

^[6]United Nations General Assembly, *Vienna Declaration and Programme of Action*, I. 12/07/93. A/CONF.157/23 at para 5.

^[7]As reiterated in HRC General Comment 28, *supra* note 4.

^[8]Report of Independent Expert, Fantu Cheru, 'Effects of Structural Adjustment Programmes on Full Enjoyment of Human Rights', UN Doc E/CN.4/1999/50, 24 February 1999.

^[9]*International Covenant on Economic, Social and Cultural Rights*, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. *Universal Declaration on the Eradication of Hunger and Malnutrition*, adopted by the World Food Conference, endorsed by GA Res 3348 (XXIX) 1974, 29th Sess, UN Doc E/CONF. 65/20 (1974) 1 [UDEHM]. *Declaration on the Right to Development*, GA Res 41/128, annex, 41 UN GAOR, 41st Sess, Supp No 53, UN Doc A/41/53 (1986) 186 [DRD]. United Nations Committee on Economic, Social and Cultural Rights, General Comment 15, E/C.12/2002/11, 26 November 2002. *Additional Protocol to the American Convention on Economic, Social and Cultural Rights*, O.A.S. TS No 69, (1989) 28 ILM 156 (entered into force 16 November 1999) (San Salvador Protocol). *Rome Declaration on World Food Security*, Food and Agriculture Organization of the United Nations, Report of the World Food Summit, Rome, 13-17 November 1996, Part One (WFS 96/REP) (Rome, 1997), appendix. *Istanbul Declaration and Program of Action on Human Settlements*, adopted by United Nations Conference on Human Settlements, 4 June 1996.

^[10]*International Covenant on Economic, Social and Cultural Rights*, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976) [ICCPR]. *Declaration on the Elimination of Discrimination against Women*, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. *Cairo Declaration on Population and Development*, adopted at the International Conference of Parliamentarians on Population and Development, Cairo, 4 September 1994. *Report of the Fourth World Conference on Women: Platform for Action*, A/Conf.177/20, 17 October 1995 [hereinafter *Platform for Action*]. *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3, 28 ILM 1456 (entered into force 2 September 1990) [CRC]. *American convention on Human Rights*, 22 November 1969, 1144 UNTS 143, O.A.S. T. S. No 36 (entered into force 18 July 1978) [ACHR]. *Additional Protocol to the American Convention on Economic, Social and Cultural Rights*, O.A.S. TS No 69, (1989) 28 ILM 156 (entered into force 16 November 1999) (San Salvador Protocol). *Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women*, 9 June 1994, 33 ILM 1534 (entered into force 5 March 1995) [ICPPEVAW]. *American Declaration on the Rights and Duties of Man*, adopted at the Ninth Annual International Conference of American States, Bogota, 1948. *Declaration on Social Progress and Development*, GA Res 2542 (XXIV), 24 UN GAOR 24th Sess, Supp No 30, UN Doc A/7630 (1969) 49 [DSPD]. *Declaration on the Right to Development*, GA Res 41/128, annex, 41 UN GAOR, 41st Sess, Supp No 53, UN Doc A/41/53 (1986) 186 [DRD]. *Maternity Protection Convention*, 2000, 15 June 2000, ILO No 183, 40 ILM 2 (entered into force 7 February 2002) [MPC]. *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217, 21 ILM 58 (1982) (entered into force 21 October 1986) [African Charter]. Committee on the Elimination of Discrimination Against Women, General Comment 24, 2 February 1999.

^[11]*International Covenant on Economic, Social and Cultural Rights*, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *Declaration on the Elimination of Discrimination against Women*, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. *Declaration on the Right to Development*, GA Res 41/128, annex, 41 UN GAOR, 41st Sess, Supp No 53, UN Doc A/41/53 (1986) 186 [DRD]. *International Convention on the Elimination of All Forms of Racial Discrimination*, 7 March 1966, 660 UNTS 195, 5 ILM 352 (entered into force 4 January 1969) [CERD]. *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. *American convention on Human Rights*, 22 November 1969, 1144 UNTS 143, O.A.S. T. S. No 36 (entered into force 18 July 1978) [ACHR]. *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217, 21 ILM 58 (1982) (entered into force 21 October 1986) [African

Charter]. *Report of the Fourth World Conference on Women: Platform for Action*, A/Conf.177/20, 17 October 1995 [hereinafter *Platform for Action*].

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^[13]International Covenant on Economic, Social and Cultural Rights, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. Declaration on the Elimination of Discrimination against Women, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. Universal Declaration on the Eradication of Hunger and Malnutrition, adopted by the World Food Conference, endorsed by GA Res 3348 (XXIX) 1974, 29th Sess, UN Doc E/CONF. 65/20 (1974) 1 [UDEHM]. International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966, 660 UNTS 195, 5 ILM 352 (entered into force 4 January 1969) [CERD]. Universal Declaration of Human Rights, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. American convention on Human Rights, 22 November 1969, 1144 UNTS 143, O.A.S. T. S. No 36 (entered into force 18 July 1978) [ACHR]. Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women, 9 June 1994, 33 ILM 1534 (entered into force 5 March 1995) [ICPPEVAW]. Additional Protocol to the American Convention on Economic, Social and Cultural Rights, O.A.S. TS No 69, (1989) 28 ILM 156 (entered into force 16 November 1999) (San Salvador Protocol). Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3, 28 ILM 1456 (entered into force 2 September 1990) [CRC]. Convention Against Discrimination in Education, 429 UNTS 93, B.TS 44 (1962) (entered into force 22 May 1962). American Declaration on the Rights and Duties of Man, adopted at the Ninth Annual International Conference of American States, Bogota, 1948. *Report of the Fourth World Conference on Women: Platform for Action*, A/Conf.177/20, 17 October 1995 [hereinafter *Platform for Action*].

^[14]International Covenant on Economic, Social and Cultural Rights, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966, 660 UNTS 195, 5 ILM 352 (entered into force 4 January 1969) [CERD]. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976) [ICCPR]. *Declaration on the Elimination of Discrimination against Women*, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. *Abolition of Forced Labour Convention (ILO No 105)*, 25 June 1957, 320 UNTS 291, Can TS 1960 No 21 (entered into force 17 January 1959) [AFLC]. *Declaration on Social Progress and Development*, GA Res 2542 (XXIV), 24 UN GAOR 24th Sess, Supp No 30, UN Doc A/7630 (1969) 49 [DSPD]. *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. *Declaration on the Elimination of Violence Against Women*, GA Res 48/104, UN GAOR, 48th Sess, Supp No 49, UN Doc A/48/49 (1993) 217 [DEVAW]. *American convention on Human Rights*, 22 November 1969, 1144 UNTS 143, O.A.S. T. S. No 36 (entered into force 18 July 1978) [ACHR]. *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217, 21 ILM 58 (1982) (entered into force 21 October 1986) [African Charter]. *American Declaration on the Rights and Duties of Man*, adopted at the Ninth Annual International Conference of American States, Bogota, 1948. *Additional Protocol to the American Convention on Economic, Social and Cultural Rights*, O.A.S. TS No 69, (1989) 28 ILM 156 (entered into force 16 November 1999) (San Salvador Protocol). *Convention for the Protection of Human Rights and Fundamental Freedoms*, 4 November 1950, 213 UNTS 222, E.TS No 5 (entered into force 3 September 1953) [CPHRFF]. *Maternity Protection Convention*, 2000, 15 June 2000, ILO No 183, 40 ILM 2 (entered into force 7 February 2002) [MPC]. *Equal Remuneration Convention*, 29 June 1951, 165 UNTS 303, ILO No 100 (entered into force 23 May 1953) [ERC]. *Convention on Employment Policy*, ILO No 122 (adopted 9 July 1964). *ILO Declaration on Fundamental Principles and Rights at Work*, (1998) 37 ILM 1233 (signed 19 June 1998). *Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women*, 9 June 1994, 33 ILM 1534 (entered into force 5 March 1995) [ICPPEVAW].

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^[17]International Covenant on Economic, Social and Cultural Rights, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *Declaration on the Elimination of Discrimination against Women*, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976) [ICCPR]. *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, 7 November 1962, 521 UNTS 231, (entered into force 9 December 1964) [Marriage Convention]. *International Convention on the Elimination of All Forms of Racial Discrimination*, 7 March 1966, 660 UNTS 195, 5 ILM 352 (entered into force 4 January 1969) [CERD]. *Universal Declaration of Human Rights*, GA Res 217 (III),

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^[18]*International Covenant on Economic, Social and Cultural Rights*, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217, 21 ILM 58 (1982) (entered into force 21 October 1986) [African Charter].

^[19]*International Covenant on Economic, Social and Cultural Rights*, 19 December 1966, 993 UNTS 3, Can TS 1976 No 46, 6 ILM 360 (entered into force 3 January 1976) [ICESCR]. *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3, 28 ILM 1456 (entered into force 2 September 1990) [CRC]. *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976) [ICCPR]. *Declaration on the Elimination of Violence Against Women*, GA Res 48/104, UN GAOR, 48th Sess, Supp No 49, UN Doc A/48/49 (1993) 217 [DEVAW]. *International Convention on the Elimination of All Forms of Racial Discrimination*, 7 March 1966, 660 UNTS 195, 5 ILM 352 (entered into force 4 January 1969) [CERD]. *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess, Supp No 13, UN Doc A/810 (1948) 71 [UDHR]. *American convention on Human Rights*, 22 November 1969, 1144 UNTS 143, O.A.S. T. S. No 36 (entered into force 18 July 1978) [ACHR]. *African Charter on Human and Peoples' Rights*, 27 June 1981, 1520 UNTS 217, 21 ILM 58 (1982) (entered into force 21 October 1986) [African Charter]. *Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women*, 9 June 1994, 33 ILM 1534 (entered into force 5 March 1995) [ICPPEVAW]. *Additional Protocol to the American Convention on Economic, Social and Cultural Rights*, O.A.S. TS No 69, (1989) 28 ILM 156 (entered into force 16 November 1999) (San Salvador Protocol).

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^[22]*Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13, Can TS 1982 No 31, 19 ILM 33 (entered into force 3 September 1981) [CEDAW]. *Declaration on the Elimination of Discrimination against Women*, GA Res 2263(XXII), UN GAOR, 22d Sess (1967) [DEDAW]. *Declaration on the Elimination of Violence Against Women*, GA Res 48/104, UN GAOR, 48th Sess, Supp No 49, UN Doc A/48/49 (1993) 217 [DEVAW]. *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3, 28 ILM 1456 (entered into force 2 September 1990) [CRC]. *Inter-American Convention on the Protection, Punishment and Eradication of Violence Against Women*, 9 June 1994, 33 ILM 1534 (entered into force 5 March 1995) [ICPPEVAW]. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, (2001) 40 ILM 335 (not yet in force).

APPENDIX H

DECLARATIONS AND RESERVATIONS TO THE ICESCR AND OBJECTIONS (AS OF 12 MARCH 2015)

Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.

Afghanistan

Declaration:

The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the provisions of paragraphs 1 and 3 of article 48 of the International Covenant on Civil and Political Rights and provisions of paragraphs 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the International character of the aforesaid Treaties. Therefore, according to the equal rights of all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States.

Algeria ¹⁷

Interpretative declarations:

1. The Algerian Government interprets article 1, which is common to the two Covenants, as in no case impairing the inalienable right of all peoples to self-determination and to control over their natural wealth and resources.

It further considers that the maintenance of the State of dependence of certain territories referred to in article 1, paragraph 3, of the two Covenants and in article 14 of the Covenant on Economic, Social and Cultural Rights is contrary to the purposes and principles of the United Nations, to the Charter of the Organization and to the Declaration on the Granting of Independence to Colonial Countries and Peoples [General Assembly resolution 1514 (XV)].

2. The Algerian Government interprets the provisions of article 8 of the Covenant on Economic, Social and Cultural Rights and article 22 of the Covenant on Civil and Political Rights as making the law the framework for action by the State with respect to the organization and exercise of the right to organize.

3. The Algerian Government considers that the provisions of article 13, paragraphs 3 and 4, of the Covenant on Economic, Social and Cultural Rights can in no case impair its right freely to organize its educational system.

4. The Algerian Government interprets the provisions of article 23, paragraph 4, of the Covenant on Civil and Political Rights regarding the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution as in no way impairing the essential foundations of the Algerian legal system.

Bahamas

Declaration

"The Government of the Bahamas interprets non-discrimination as to national origin as not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The term should be understood to refer to the elimination of any arbitrary behavior but not of differences in treatment based on objective and reasonable considerations, in conformity with principles prevailing in democratic societies."

Bahrain

Declaration

The obligation of the Kingdom of Bahrain to implement article 8, paragraph 1 (d), of the Covenant shall not prejudice its right to prohibit strikes at essential utilities.

Bangladesh ¹⁸

Declarations:

"Article 1:

It is the understanding of the Government of the People's Republic of Bangladesh that the words "the right of self-determination of Peoples" appearing in this article apply in the historical context of colonial rule, administration, foreign domination, occupation and similar situations.

Articles 2 and 3:

The Government of the People's Republic of Bangladesh will implement articles 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and in particular, in respect to certain aspects of economic rights viz. law of inheritance.

Articles 7 and 8:

The Government of the People's Republic of Bangladesh will apply articles 7 and 8 under the conditions and in conformity with the procedures established in the Constitution and the relevant legislation of Bangladesh.

Articles 10 and 13:

While the Government of the People's Republic of Bangladesh accepts the provisions embodied in articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country."

Barbados

"The Government of Barbados states that it reserves the right to postpone-

"(a) The application of sub-paragraph (a) (1) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work;

"(b) The application of article 10 (2) in so far as it relates to the special protection to be accorded mothers during a reasonable period during and after childbirth; and

"(c) The application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education; since,

while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that full application of the principles in question cannot be guaranteed at this stage."

Belarus [19](#)

Belgium

Interpretative declarations:

1. With respect to article 2, paragraph 2, the Belgian Government interprets non-discrimination as to national origin as not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The term should be understood to refer to the elimination of any arbitrary behaviour but not of differences in treatment based on objective and reasonable considerations, in conformity with the principles prevailing in democratic societies.

2. With respect to article 2, paragraph 3, the Belgian Government understands that this provision cannot infringe the principle of fair compensation in the event of expropriation or nationalization.

Bulgaria

"The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by all States. In accordance with the principle of sovereign equality, no State has the right to bar other States from becoming parties to a covenant of this kind."

China

Statement made upon signature and confirmed upon ratification:

The signature that the Taiwan authorities affixed, by usurping the name of "China", to the [said Covenant] on 5 October 1967, is illegal and null and void.

Statement made upon ratification:

In accordance with the Decision made by the Standing Committee of the Ninth National People's Congress of the People's Republic of China at its Twentieth Session, the President of the People's Republic of China hereby ratifies *The International Covenant on Economic, Social and Cultural Rights*, which was signed by Mr. Qin Huasun on behalf of the People's Republic of China on 27 October 1997, and declares the following:

1. The application of Article 8.1 (a) of the Covenant to the People's Republic of China shall be consistent with the relevant provisions of the *Constitution of the People's Republic of China*, *Trade Union Law of the People's Republic of China* and *Labor Law of the People's Republic of China* ;

2. In accordance with the official notes addressed to the Secretary-General of the United Nations by the Permanent Representative of the People's Republic of China to the United Nations on 20 June 1997 and 2 December 1999 respectively, the *International Covenant on Economic, Social and Cultural Rights* shall be applicable to the Hong Kong Special Administrative Region of the People's Republic of China and the Macao Special Administrative Region of the People's Republic of China and shall, pursuant to the provisions of the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* and the *Basic Law of the Macao Special Administrative Region of the People's Republic of China*, be implemented through the respective laws of the two special administrative regions.

Congo [20](#)

Cuba

Declaration:

The Republic of Cuba hereby declares that it was the Revolution that enabled its people to enjoy the rights set out in the International Covenant on Economic, Social and Cultural Rights.

The economic, commercial and financial embargo imposed by the United States of America and its policy of hostility and aggression against Cuba constitute the most serious obstacle to the Cuban people's enjoyment of the rights set out in the Covenant.

The rights protected under this Covenant are enshrined in the Constitution of the Republic and in national legislation.

The State's policies and programmes guarantee the effective exercise and protection of these rights for all Cubans.

With respect to the scope and implementation of some of the provisions of this international instrument, Cuba will make such reservations or interpretative declarations as it may deem appropriate.

Czech Republic ²

Denmark ²¹

"The Government of Denmark cannot, for the time being, undertake to comply entirely with the provisions of article 7 (d) on remuneration for public holidays."

Egypt

Declaration:

... Taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratify it

France

Declarations:

(1) The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

(2) The Government of the Republic declares that articles 6, 9, 11 and 13 are not to be interpreted as derogating from provisions governing the access of aliens to employment or as establishing residence requirements for the allocation of certain social benefits.

(3) The Government of the Republic declares that it will implement the provisions of article 8 in respect of the right to strike in conformity with article 6, paragraph 4, of the European Social Charter according to the interpretation thereof given in the annex to that Charter.

Guinea

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

The Government of the Republic of Guinea likewise considers that article 1, paragraph 3, and the provisions of article 14 of that instrument are contrary to the provisions of the Charter of the United Nations, in general, and United Nations resolutions on the granting of independence to colonial countries and peoples, in particular.

The above provisions are contrary to the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States contained in General Assembly resolution 2625 (XXV), pursuant to which every State has the duty to promote realization of the principle of equal rights and self-determination of peoples in order to put an end to colonialism.

Hungary

Upon signature:

"The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants."

Upon ratification:

"The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of [...] the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation."

India

Declarations:

"I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation--which is the essence of national integrity.

"II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

"III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

"IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

"V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16(4) of the Constitution of India."

Indonesia

Declaration:

"With reference to Article 1 of the International Covenant on Economic, Social and Cultural Rights, the Government of [the] Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the relevant paragraph of the Vienna Declaration and Program of Action of 1993, the words "the right of self-determination" appearing in this article do not apply to a section of people within a sovereign independent state and can not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states."

Iraq ²²

Upon signature and confirmed upon ratification:

"The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants."

"The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a

party to the Optional Protocol to the International Covenant on Civil and Political Rights."

Upon ratification:

"Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant]."

Ireland

Reservations:

"Article 2, paragraph 2

In the context of Government policy to foster, promote and encourage the use of the Irish language by all appropriate means, Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations.

Article 13, paragraph 2 (a)

Ireland recognises the inalienable right and duty of parents to provide for the education of children, and, while recognising the State's obligations to provide for free primary education and requiring that children receive a certain minimum education, nevertheless reserves the right to allow parents to provide for the education of their children in their homes provided that these minimum standards are observed."

Japan ²³

Reservations and declarations made upon signature and confirmed upon ratification:

"1. In applying the provisions of paragraph (d) of article 7 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by 'remuneration for public holidays' referred to in the said provisions.

"2. Japan reserves the right not to be bound by the provisions of sub-paragraph (d) of paragraph 1 of article 8 of the International Covenant on Economic, Social and Cultural Rights, except in relation to the sectors in which the right referred to in the said provisions is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

[...]

"4. Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that 'the police' referred to in article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that 'members of the police' referred to in paragraph 2 of article 8 of the International Covenant on Economic, Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan."

Kenya

"While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation."

Kuwait

Interpretative declaration regarding article 2, paragraph 2, and article 3:

Although the Government of Kuwait endorses the worthy principles embodied in article 2, paragraph 2, and article 3 as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, it declares that the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.

Interpretative declaration regarding article 9:

The Government of Kuwait declares that while Kuwaiti legislation safeguards the rights of all Kuwaiti and non-Kuwaiti workers, social security provisions apply only to Kuwaitis.

Reservation concerning article 8, paragraph 1 (d):

The Government of Kuwait reserves the right not to apply the provisions of article 8, paragraph 1 (d).

Libya ²²

"The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant."

Madagascar

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly in so far as relates to primary education, since, while the Malagasy Government fully accepts the principles embodied in the said paragraph and undertakes to take the necessary steps to apply them in their entirety at the earliest possible date, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

Malta ²⁴

"Article 13 - The Government of Malta declares that it is in favour of upholding the principle affirmed in the words" and to ensure the religious and moral education of their children in conformity with their own convictions". However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, which cases are very exceptional in Malta."

Mexico

Interpretative statement:

The Government of Mexico accedes to the International Covenant on Economic, Social and Cultural Rights with the understanding that article 8 of the Covenant shall be applied in the Mexican Republic under the conditions and in conformity with the procedure established in the applicable provisions of the Political Constitution of the United Mexican States and the relevant implementing legislation.

Monaco

Interpretative declarations and reservations made upon signature and confirmed upon ratification:

The Princely Government declares that it interprets the principle of non-discrimination on the grounds of national origin, embodied in article 2, paragraph 2, as not necessarily implying an automatic obligation on the part of States to guarantee foreigners the same rights as their nationals.

The Princely Government declares that articles 6, 9, 11 and 13 should not be constituting an impediment to provisions governing access to work by foreigners or fixing conditions of residence for the granting of certain social benefits.

The Princely Government declares that it considers article 8, paragraph 1, subparagraphs (a), (b) and (c) on the exercise of trade union rights to be compatible with the appropriate legislative provisions regarding the formalities, conditions and procedures designed to ensure effective trade union representation and to promote harmonious labour relations.

The Princely Government declares that in implementing the provisions of article 8 relating to the exercise of the right to strike, it will take into account the requirements, conditions, limitations and restrictions which are prescribed by law and which are necessary in a democratic society in order to guarantee the rights and freedoms of others or to protect public order (*ordre public*), national security, public health or morals.

Article 8, paragraph 2, should be interpreted as applying to the members of the police force and agents of the State, the Commune and public enterprises.

Mongolia

Declaration made upon signature and confirmed upon ratification:

The Mongolian People's Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

Netherlands

Reservation with respect to Article 8, paragraph 1 (d)

"The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles with regard to the latter's central and local government bodies." [The Kingdom of the Netherlands] clarify that although it is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned."

New Zealand ²⁵

"The Government of New Zealand reserves the right not [to] apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

...

Norway

Subject to reservations to article 8, paragraph 1 (d) "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the right to strike, this right being fully recognised in Norway."

Pakistan ^{26, 27, 28}

Upon ratification

Reservation:

"Pakistan, with a view to achieving progressively the full realization of the rights recognized in the present Covenant, shall use all appropriate means to the maximum of its available resources."

Romania

Upon signature:

The Government of the Socialist Republic of Romania declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 26 (1) of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration

on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

Russian Federation

Declaration made upon signature and confirmed upon ratification:

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

Rwanda ²⁹

Slovakia ⁹

South Africa

Declaration under article 13 (2) (a)

“The Government of the Republic of South Africa will give progressive effect to the right to education, as provided for in Article 13 (2) (a) and Article 14, within the framework of its National Education Policy and available resources.”

Sweden

Sweden enters a reservation in connexion with article 7 (d) of the Covenant in the matter of the right to remuneration for public holidays.

Syrian Arab Republic ²²

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

Thailand

Interpretative declaration:

"The Government of the Kingdom of Thailand declares that the term "self-determination" as appears in Article 1 Paragraph 1 of the Covenant shall be interpreted as being compatible with that expressed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993."

Trinidad and Tobago

In respect of article 8 (1) (d) and 8 (2):

"The Government of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions on the exercise of the aforementioned rights by personnel engaged in essential services under the Industrial Relations Act or under any Statute replacing same which has been passed in accordance with the provisions of

the Trinidad and Tobago Constitution.

Turkey

Declarations and reservation:

The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).

The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under the Article 3, 14 and 42 of the Constitution of the Republic of Turkey.

Ukraine

Declaration made upon signature and confirmed upon ratification:

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

United Kingdom of Great Britain and Northern Ireland

Upon signature:

"First, the Government of the United Kingdom declare their understanding that, by virtue of article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter (in particular, under articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

"Secondly, the Government of the United Kingdom declare that they must reserve the right to postpone the application of sub-paragraph (a) (i) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work, since, while they fully accept this principle and are pledged to work towards its complete application at the earliest possible time, the problems of implementation are such that complete application cannot be guaranteed at present.

"Thirdly, the Government of the United Kingdom declare that, in relation to article 8 of the Covenant, they must reserve the right not to apply sub-paragraph (b) of paragraph 1 in Hong Kong, in so far as it may involve the right of trade unions not engaged in the same trade or industry to establish federations or confederations.

"Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Upon ratification:

"Firstly, the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

"The Government of the United Kingdom declare that for the purposes of article 2 (3) the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu are developing countries.

"The Government of the United Kingdom reserve the right to interpret article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory.

"The Government of the United Kingdom reserve the right to postpone the application of sub-paragraph (i)

of paragraph (a) of article 7, in so far as it concerns the provision of equal pay to men and women for equal work in the private sector in Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands.

"The Government of the United Kingdom reserve the right not to apply sub-paragraph 1(b) of article 8 in Hong Kong.

"The Government of the United Kingdom while recognising the right of everyone to social security in accordance with article 9 reserve the right to postpone implementation of the right in the Cayman Islands and the Falkland Islands because of shortage of resources in these territories.

"The Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of customary marriages in the Solomon Islands and the application of paragraph 2 of article 10 in so far as it concerns paid maternity leave in Bermuda and the Falkland Islands.

"The Government of the United Kingdom maintain the right to postpone the application of sub-paragraph (a) of paragraph 2 of article 13, and article 14, in so far as they require compulsory primary education, in the Gilbert Islands, the Solomon Islands and Tuvalu.

"Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Viet Nam

Declaration:

That the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights, and article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation.

Yemen ¹⁶

The accession of the People's Democratic Republic of Yemen to this Covenant shall in no way signify recognition of Israel or serve as grounds for the establishment of relations of any sort with Israel.

Zambia

Reservation:

The Government of the Republic of Zambia states that it reserves the right to postpone the application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education; since, while the Government of the Republic of Zambia fully accepts the principles embodied in the same article and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

Cyprus

With regard to the declarations made by Turkey upon ratification:

".....the Government of the Republic of Cyprus wishes to express its objection with respect to the declarations entered by the Republic of Turkey upon ratification on 23 September 2003, of the International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966.

The Government of the Republic of Cyprus considers that the declaration relating to the implementation of the provisions of the Covenant only to the States with which the Republic of Turkey has diplomatic relations, and the declaration that the Convention is "ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied" amount to reservations. These reservations create uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Covenant, and raise doubt as to the commitment of Turkey to the object and purpose of the said Covenant.

The Government of the Republic of Cyprus objects to the said reservations entered by the Republic of Turkey and states that these reservations or the objection to them shall not preclude the entry into force of the Covenant between the Republic of Cyprus and the Republic of Turkey."

Denmark

17 March 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of Denmark has examined the declaration made by the Islamic Republic of Pakistan upon [signing] the 1966 International Covenant on Economic, Social and Cultural Rights.

The application of the provisions of the said Covenant has been made subject to the provisions of the constitution of the Islamic Republic of Pakistan. This general formulation makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant and therefore raises doubt as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Denmark considers that the declaration made by the Islamic Republic of Pakistan to the international Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation and that this reservation is incompatible with the object and purpose of the Covenant.

For the above-mentioned reasons, the Government of Denmark objects to this declaration made by the Islamic Republic of Pakistan. This objection does not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and Denmark without Pakistan benefiting from her declaration."

Finland

Finland

25 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

"The Government of Finland notes that according to the interpretative declaration regarding article 2, paragraph 2, and article 3 the application of these articles of the Covenant is in a general way subjected to national law. The Government of Finland considers this interpretative declaration as a reservation of a general kind. The Government of Finland is of the view that such a general reservation raises doubts as to the commitment of Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Finland also considers the interpretative declaration to article 9 as a reservation and regards this reservation as well as the reservation to article 8, paragraph 1(d), as problematic in view of the object and purpose of the Covenant.

It is in the common interests of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland is further of the view that general reservations of the kind made by the

Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the Covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant].

This objection does not preclude the entry into force of the Covenant between Kuwait and Finland."

13 December 1999

With regard to the declarations to Articles 2, 3, 7, 8, 10 and 13 made by Bangladesh upon accession:

"The Government of Finland has examined the contents of the declarations made by the Government of Bangladesh to Articles 2, 3, 7, 8, 10 and 13 and notes that the declarations constitute reservations as they seem to modify the obligations of Bangladesh under the said articles.

A reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other Parties of the Convention the extent to which the reserving state commits itself to the Convention and therefore may raise doubts as to the commitment of the reserving state to fulfil its obligations under the Convention. Such a reservation is also, in the view of the Government of Finland, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Therefore the Government of Finland objects to the aforesaid reservations made by the Government of Bangladesh. This objection does not preclude the entry into force of the Convention between Bangladesh and Finland. The Convention will thus become operative between the two States without Bangladesh benefitting from these reservations".

13 October 2004

With regard to the declarations and the reservation made by Turkey upon ratification:

"The Government of Finland has examined the declarations and reservation made by the Republic of Turkey to the International Covenant on Economic, Social and Cultural Rights. The Government of Finland notes that the Republic of Turkey reserves the right to interpret and apply the provisions of the paragraphs 3 and 4 of Article 13 of the Covenant in accordance with the provisions under articles 3, 14 and 42 of the Constitution of the Republic of Turkey.

The Government of Finland emphasises the great importance of the rights provided for in paragraphs 3 and 4 of Article 13 of the International Covenant on Economic, Social and Cultural Rights. The reference to certain provisions of the Constitution of the Republic of Turkey is of a general nature and does not clearly specify the content of the reservation. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Turkey will ensure the implementation of the rights recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation. This declaration does not preclude the entry into force of the Covenant between the Republic of Turkey and Finland."

15 November 2005

With regard to declaration made by Pakistan upon signature:

"The Government of Finland has carefully examined the declaration made by the Government of the Islamic Republic of Pakistan regarding the International Covenant on Economic, Social and Cultural Rights. The Government of Finland takes note that the provisions of the Covenant shall, according to the Government of the Islamic Republic of Pakistan, be subject to the provisions of the constitution of the Islamic Republic of Pakistan.

The Government of Finland notes that a reservation which consists of a general reference to national law without specifying the contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the

general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland therefore objects to the above-mentioned declaration made by the Government of the Islamic Republic of Pakistan to the Covenant. This objection does not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and Finland. The Covenant will thus become operative between the two states without the Islamic Republic of Pakistan benefiting from its declaration."

France

The Government of the Republic takes objection to the reservation entered by the Government of India to article 1 of the International Covenant on Economic, Social and Cultural Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

30 September 1999

With regard to the declarations made by Bangladesh upon accession:

The Government of France notes that the 'declarations' made by Bangladesh in fact constitute reservations since they are aimed at precluding or modifying the legal effect of certain provisions of the treaty. With regard to the declaration concerning article 1, the reservation places on the exercise of the right of peoples to self-determination conditions not provided for in the Charter of the United Nations. The declarations concerning articles 2 and 3 and articles 7 and 8, which render the rights recognized by the Covenant in respect of individuals subordinate to domestic law, are of a general nature and undermine the objective and purpose of the treaty. In particular, the country's economic conditions and development prospects should not affect the freedom of consent of intended spouses to enter into marriage, non-discrimination for reasons of parentage or other conditions in the implementation of special measures of protection and assistance on behalf of children and young persons, or the freedom of parents or legal guardians to choose schools for their children. Economic difficulties or problems of development cannot free a State party entirely from its obligations under the Covenant. In this regard, in compliance with article 10, paragraph 3, of the Covenant, Bangladesh must adopt special measures to protect children and young persons from economic and social exploitation, and the law must punish their employment in work harmful to their morals or health and should also set age limits below which the paid employment of child labour should be prohibited. Consequently, the Government of France lodges an objection to the reservations of a general scope mentioned above. This objection does not prevent the entry into force of the Covenant between Bangladesh and France.

11 November 2005

With regard to the declaration made by Pakistan upon signature:

The Government of the French Republic has examined the declaration made by the Government of the Islamic Republic of Pakistan upon signing the International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, according to which 'The provisions of the Covenant shall be subject to the provisions of the constitution of the Islamic Republic of Pakistan'. Such a declaration is general in scope and unclear and could render the provisions of the Covenant null and void. The Government of the French Republic considers that the said declaration constitutes a reservation which is incompatible with the object and purpose of the Covenant and it therefore objects to that declaration. This objection does not preclude the entry into force of the Covenant between France and Pakistan.

Germany ²

15 August 1980

"The Government of the Federal Republic of Germany strongly objects, ... to the declaration made by the

Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and of article 1 of the International Covenant on Civil and Political Rights.

"The right of self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants."

10 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

"The Government of the Federal Republic of Germany notes that article 2 (2) and article 3 have been made subject to the general reservation of national law. It is of the view that these general reservations may raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

The Government of the Federal Republic of Germany regards the reservation concerning article 8 (1) (d), in which the Government of Kuwait reserves the right not to apply the right to strike expressly stated in the Covenant, as well as the interpretative declaration regarding article 9, according to which the right to social security would only apply to Kuwaitis, as being problematic in view of the object and purpose of the Covenant. It particularly feels that the declaration regarding article 9, as a result of which the many foreigners working on Kuwaiti territory would, on principle, be totally excluded from social security protection, cannot be based on article 2 (3) of the Covenant.

It is in the common interest of all parties that a treaty should be respected, as to its object and purpose, by all parties.

The Government of the Federal Republic of Germany therefore objects to the [said] general reservations and interpretative declarations.

This objection does not preclude the entry into force of the Covenant between Kuwait and the Federal Republic of Germany."

13 October 2004

With regard to the declarations and the reservation made by Turkey upon ratification:

The Government of the Republic of Turkey has declared that it will implement the provisions of the Covenant only to the states with which it has diplomatic relations. Moreover, the Government of the Republic of Turkey has declared that it ratifies the Covenant exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. Furthermore, the Government of the Republic of Turkey has reserved the right to interpret and apply the provisions of Article 13 paragraphs (3) and (4) of the Covenant in accordance with the provisions of Articles 3, 14 and 42 of the Constitution of the Republic of Turkey.

The Government of the Federal Republic of Germany would like to recall that it is in the common interest of all states that treaties to which they have chosen to become parties are respected and applied as to their object and purpose by all parties, and that states are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of the Federal Republic of Germany is therefore concerned about declarations and reservations such as those made and expressed by the Republic of Turkey with respect to the International Covenant on Economic, Social and Cultural Rights.

However, the Government of the Federal Republic of Germany believes these declarations do not aim to limit the Covenant's scope in relation to those states with which Turkey has established bonds under the Covenant, and that they do not aim to impose any other restrictions that are not provided for by the Covenant. The Government of the Federal Republic of Germany attaches great importance to the liberties recognized in Article 13 paragraphs (3) and (4) of the Covenant. The Government of the Federal Republic of Germany understands the reservation expressed by the Government of the Republic of Turkey to mean that this Article will be interpreted and applied in such a way that protects the essence of the freedoms guaranteed therein.

8 November 2004

With regard to the declaration made by Pakistan upon signature:

"The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of the Islamic Republic of Pakistan upon signature of the International Covenant on Economic, Social and Cultural Rights.

The Government of the Islamic Republic of Pakistan declared that it "will implement the (...) Provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country". Since some fundamental obligations resulting from the International Covenant on Economic, Social and Cultural Rights, including in particular the principle of non-discrimination found in Article 2 (2) thereof, are not susceptible to progressive implementation and are thus to be guaranteed immediately, the declaration represents a significant qualification of Pakistan's commitment to guarantee the human rights referred to in the Covenant.

The Government of the Islamic Republic of Pakistan also declared that "the provisions of the Covenant shall, however, be subject to the provisions of the constitution of the Islamic Republic of Pakistan". The Government of the Federal Republic of Germany is of the opinion that this leaves it unclear to which extent the Islamic Republic of Pakistan considers itself bound by the obligations resulting from the Covenant.

The Government of the Federal Republic of Germany therefore regards the above-mentioned declarations as reservations and as incompatible with the object and purpose of the Covenant.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations made by the Government of the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights. This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the Islamic Republic of Pakistan."

Greece

11 October 2004

With regard to the declarations made by Turkey upon ratification:

"The Government of Greece has examined the declarations made by the Republic of Turkey upon ratifying the International Covenant on Economic, Social and Cultural Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the States with which it has diplomatic relations.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is incompatible with the principle that inter-State reciprocity has no place in the context of human rights treaties, which concern the endowment of individuals with rights. It is therefore contrary to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is incompatible with the obligation of a State Party to respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of such State Party. Accordingly, this reservation is contrary to the object and purpose of the Covenant.

For these reasons, the Government of Greece objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between the Hellenic Republic and the Republic of Turkey. The Covenant, therefore, enters into force between the two States without the Republic of Turkey benefiting from these reservations."

Italy

25 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

"The Government of Italy considers these reservations to be contrary to the object and the purpose of this International Covenant. The Government of Italy notes that the said reservations include a reservation of a general kind in respect of the provisions on the internal law.

The Government of Italy therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant].

This objection does not preclude the entry into force in its entirety of the Covenant between the State of Kuwait and the Italian Republic."

Latvia

10 November 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the Republic of Latvia has carefully examined the declaration made by the Islamic Republic of Pakistan to the International Covenant on [Economic, Social and Cultural] Rights upon accession.

The Government of the Republic of Latvia considers that the declaration contains general reference to national law, making the provisions of International Covenant subject to the national law of the Islamic Republic of Pakistan.

Thus, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the International Covenant and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia noted that the reservation does not make it clear to what extent the Islamic Republic of Pakistan considers itself bound by the provisions of the International Covenant and whether the way of implementation of the provisions of the International Covenant is in line with the object and purpose of the International Covenant.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out the reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights.

However, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and the Islamic Republic of Pakistan. Thus, the International Covenant will become operative without the Islamic Republic of Pakistan benefiting from its reservation."

Netherlands

12 January 1981

"The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self-determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e., the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character."

18 March 1991

With regard to the interpretative declaration made by Algeria concerning article 13, paragraphs 3 and 4 upon ratification:

"In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration concerning article 13, paragraphs 3 and 4 of the International Covenant on Economic, Social and Cultural Rights must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 13, paragraphs 3 and 4 made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[This objection is] not an obstacle to the entry into force of [the Covenant] between the Kingdom of the Netherlands and Algeria."

22 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

[Same objection identical in essence, mutatis mutandis, as the one made for Algeria.]

23 April 2002

With regard to the statement made by China made upon ratification :

".....the statement made by the Government of the People's Republic of China to article 8.1 (a) of the International Covenant on Economic, Social and Cultural Rights.

The Government of the Kingdom of the Netherlands has examined the statement and would like to recall that, under well established international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. The Government of the Kingdom of the Netherlands considers that the statement made by the Government of the People's Republic of China to article 8.1 (a) of the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

The Government of the Kingdom of the Netherlands notes that the application of Article 8.1 (a) of the Covenant is being made subject to a statement referring to the contents of national legislation. According to the Vienna Convention on the Law of Treaties, a party to a treaty may not invoke the provisions of its internal law as justification for its failure to abide by the treaty. Furthermore, the right to form and join a trade union of one's choice is one of the fundamental principles of the Covenant.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the People's Republic of China to the International Covenant on Economic, Social and Cultural Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and China."

7 October 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the Kingdom of the Netherlands has examined the declaration made by the Islamic Republic of Pakistan on 3 November 2004 upon signature of the International Covenant on Economic, Social and Cultural Rights, done at New York on 16 December 1966.

The Government of the Kingdom of the Netherlands would like to recall that the status of a statement is not determined by the designation assigned to it. The application of the provisions of the International Covenant on Economic, Social and Cultural Rights has been made subject to the provisions of the constitution of the Islamic

Republic of Pakistan.

This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty. It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. A reservation as formulated by the Islamic Republic of Pakistan is thus likely to contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands considers that the declaration made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

The Government of the Kingdom of the Netherlands therefore objects to the declaration made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Islamic Republic of Pakistan, without Pakistan benefiting from its declaration."

Norway

22 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities by invoking general principles of internal law may create doubts about the commitment of the reserving State to the objective and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway finds the reservations made to article 8, paragraph 1 (d) and article 9 as being problematic in view of the object and purpose of the Covenant. For these reasons, the Government of Norway objects to the said reservations made by the Government of Kuwait.

The Government of Norway does not consider this objection to preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Kuwait.

23 April 2002

With regard to the statement made by China made upon ratification:

"The Government of Norway has examined the statement made by the People's Republic of China upon ratification of the International Covenant on Economic, Social and Cultural Rights.

It is the Government of Norway's position that the statement made by China in substance constitutes a reservation, and consequently can be made subject to objections.

According to the first paragraph of the statement, the application of Article 8.1(a) of the Covenant shall be consistent with relevant provisions of national legislation. This reference to national legislation, without further description of its contents, exempts the other States Parties from the possibility of assessing the intended effects of the statement. Further, the contents of the relevant provision is not only in itself of fundamental importance, as failure to implement it can also contribute to a less effective implementation of other provisions of the Covenant, such as Articles 6 and 7.

For these reasons, the Government of Norway objects to the said part of the statement made by the People's Republic of China, as it is incompatible with the object and purpose of the Covenant.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the People's Republic of China. The Covenant thus becomes operative between Norway and China without China benefiting from the reservation."

17 November 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the Kingdom of Norway have examined the Declaration made by the Government of the Islamic Republic of Pakistan on 3 November 2004 on signature of the International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966). According to the first part of the Declaration, the Government of the Islamic Republic of Pakistan "will implement the (...) provisions (embodied in the Covenant) in a progressive manner, in keeping with the existing economic conditions and the development plans of the country". Since some fundamental obligations embodied in the Covenant, including in particular the principle of non-discrimination found in Article 2 (2) thereof, are not susceptible to progressive implementation and are thus to be guaranteed immediately, the Government of the Kingdom of Norway consider that this part of the Declaration represents a significant qualification of Pakistan's commitment to guarantee the provisions embodied in the Covenant.

According to the second part of the Declaration, "(t)he provisions of the Covenant shall, however, be subject to the provisions of the constitution of the Islamic Republic of Pakistan. "The Government of the Kingdom of Norway note that a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

The Government of the Kingdom of Norway consider that both parts of the Government of the Islamic Republic of Pakistan's Declaration seek to limit the scope of the Covenant on a unilateral basis and therefore constitute reservations. The Government of the Kingdom of Norway consider both reservations to be incompatible with the object and purpose of the Covenant, and therefore object to the reservations made by the Government of the Islamic Republic of Pakistan.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the Islamic Republic of Pakistan, without the Islamic Republic of Pakistan benefiting from its reservations."

Pakistan

"The Government of Islamic Republic of Pakistan objects to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights.

The right of Self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples under foreign occupation and alien domination.

The Government of the Islamic Republic of Pakistan cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. Moreover, the said reservation is incompatible with the object and purpose of the Covenants. This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and India without India benefiting from its reservations."

Portugal

26 October 1990

"The Government of Portugal hereby presents its formal objection to the interpretative declarations made by the Government of Algeria upon ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The Government of Portugal having examined the contents of the said declarations reached the conclusion that they can be regarded as reservations and therefore should be considered invalid as well as incompatible with the purposes and object of the Covenants.

This objection shall not preclude the entry into force of the Covenants between Portugal and Algeria."

13 October 2004

With regard to the declarations and the reservation made by Turkey upon ratification:

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the International Covenant on Economic, Social and Cultural Rights (ICESCR) by invoking certain provisions of national law in general terms may create doubts as to the commitment of the reserving State to the object and purpose of the convention and, moreover, contribute to undermining the basis of international law. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to

comply with their obligations under the treaties.

The Government of Portugal therefore objects to the reservation by Turkey to the ICESCR. This objection shall not constitute an obstacle to the entry into force of the Covenant between Portugal and Turkey."

Slovakia

9 April 2009

With regard to the reservation made by Pakistan upon Ratification:

"The Government of the Slovak Republic has carefully examined the reservation made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, according to which, 'Pakistan, with a view to achieving progressively the full realization of the rights recognized in the present Covenant, shall use all ap[p]ropriate means to the maximum of its available resources.'

The Government of the Slovak Republic is of the view that the reservation is too general and unclear and raises doubts as to the commitment of the Islamic Republic of Pakistan to its obligations under the Covenant, essential for the fulfillment of its object and purpose.

The Government of the Slovak Republic objects for these reasons to the above mentioned reservation made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the International Covenant on Economic, Social and Cultural Rights between the Slovak Republic and the Islamic Republic of Pakistan. The International Covenant on Economic, Social and Cultural Rights enters into force in its entirety between the Slovak Republic and the Islamic Republic of Pakistan, without the Pakistan benefiting from its reservation."

Spain

15 November 2005

With regard to the declaration made by Pakistan upon signature:

The Government of the Kingdom of Spain has examined the Declaration made by the Government of the Islamic Republic of Pakistan on 3 November 2004 on signature of the International Covenant on Economic, Social and Cultural Rights, of 16 December 1966.

The Government of the Kingdom of Spain points out that regardless of what it may be called, a unilateral declaration made by a State for the purpose of excluding or changing the legal effects of certain provisions of a treaty as it applies to that State constitutes a reservation.

The Government of the Kingdom of Spain considers that the Declaration made by the Government of the Islamic Republic of Pakistan, which seeks to subject the application of the provisions of the Covenant to the provisions of the constitution of the Islamic Republic of Pakistan is a reservation which seeks to limit the legal effects of the Covenant as it applies to the Islamic Republic of Pakistan. A reservation that includes a general reference to national law without specifying its contents does not make it possible to determine clearly the extent to which the Islamic Republic of Pakistan has accepted the obligations of the Covenant and, consequently, creates doubts as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom of Spain considers that the Declaration made by the Government of the Islamic Republic of Pakistan to the effect that it subjects its obligations under the International Covenant on Economic, Social and Cultural Rights to the provisions of its constitution is a reservation and that that reservation is incompatible with the object and purpose of the Covenant.

According to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a treaty are not permissible.

Consequently, the Government of the Kingdom of Spain objects to the reservation made by the Government of the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of Spain and the Islamic Republic of Pakistan.

Sweden

23 July 1997

With regard to the declarations and the reservation made by Kuwait upon accession:

"[The Government of Sweden] is of the view that these general reservations may raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

The Government of Sweden regards the reservation concerning article 8 (1) (d), in which the Government of Kuwait reserves the right not to apply the right to strike expressly stated in the Covenant, as well as the interpretative declaration regarding article 9, according to which the right to social security would only apply to Kuwaitis, as being problematic in view of the object and purpose of the Covenant. It particularly considers the declaration regarding article 9, as a result of which the many foreigners working on Kuwaiti territory would, in principle, be totally excluded from social security protection, cannot be based on article 2 (3) of the Covenant.

It is in the common interest of all parties that a treaty should be respected, as to its object and purpose, by all parties.

The Government of Sweden therefore objects to the above-mentioned general reservations and interpretative declarations.

This objection does not preclude the entry into force of the Covenant between Kuwait and Sweden in its entirety."

14 December 1999

With regard to the declarations made by Bangladesh upon accession:

"In this context the Government of Sweden would like to recall, that under well-established international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Thus, the Government of Sweden considers that the declarations made by the Government of Bangladesh, in the absence of further clarification, in substance constitute reservations to the Covenant.

The declaration concerning article 1 places on the exercise of the right of peoples to self-determination conditions not provided for in international law. To attach such conditions could undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

Furthermore, the Government of Sweden notes that the declaration relating to articles 2 and 3 as well as 7 and 8 respectively, imply that these articles of the Covenant are being made subject to a general reservation referring to relevant provisions of the domestic laws of Bangladesh.

Consequently, the Government of Sweden is of the view that, in the absence of further clarification, these declarations raise doubts as to the commitment of Bangladesh to the object and purpose of the Covenant and would recall that, according to well-established international law, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Bangladesh to the International Covenant on Economic, Social and Cultural Rights.

This objection does not preclude the entry into force of the Covenant between Bangladesh and Sweden. The Covenant will thus become operative between the two States without Bangladesh benefiting from the declarations".

2 April 2002

With regard to the statement made by China upon ratification:

"The Government of Sweden has examined the statement and would like to recall that, under well-established international treaty law, the name assigned to a statement whereby the legal effect of certain

provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. The Government of Sweden considers that the statement made by the Government of the People's Republic of China to article 8.1 (a) of the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

The Government of Sweden notes that the application of Article 8.1 (a) of the Covenant is being made subject to a statement referring to the contents of national legislation. According to the Vienna Convention on the Law of Treaties, a party to a treaty may not invoke the provisions of its internal law as justification for its failure to abide by the treaty. Furthermore, the right to form and join a trade union of one's choice is one of the fundamental principles of the Covenant. The Government of Sweden wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of Sweden therefore objects to the reservation made by the People's Republic of China to the International Covenant on Economic, Social and Cultural Rights. This objection shall not preclude the entry into force of the Covenant between China and Sweden. The Covenant enters into force without China benefiting from the reservation."

30 June 2004

With regard to the declarations and reservation made by Turkey upon ratification:

"The Government of Sweden has examined the declarations and reservation made by the Republic of Turkey upon ratifying the International Covenant on Economic, Social and Cultural Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the State Parties with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation of the Republic of Turkey makes it unclear to what extent the Republic of Turkey considers itself bound by the obligations of the Covenant. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Government of Sweden notes that the interpretation and application of paragraphs 3 and 4 of article 13 of the Covenant is being made subject to a reservation referring to certain provisions of the Constitution of the Republic of Turkey without specifying their contents. The Government of Sweden is of the view that in the absence of further clarification, this reservation, which does not clearly specify the extent of the Republic of Turkey's derogation from the provisions in question, raises serious doubts as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

According to established customary law as codified by the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between the Republic of Turkey and Sweden. The Covenant enters into force in its entirety between the two States, without the Republic of Turkey benefiting from its reservations."

1 March 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of Sweden would like to recall that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty.

The Government of Sweden is of the view that although Article 2 (1) of the Covenant allows for a progressive realization of the provisions, this may not be invoked as a basis for discrimination.

The application of the provisions of the Covenant has been made subject to provisions of the constitution of the Islamic Republic of Pakistan. This makes it unclear to what extent the Islamic Republic of Pakistan

considers itself bound by the obligations of the treaty and therefore raises doubts as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant. The Government of Sweden considers that the declaration made by the Government of the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

It is of common interest of States that all Parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of Sweden therefore objects to the reservation made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between Pakistan and Sweden, without Pakistan benefiting from its reservation."

United Kingdom of Great Britain and Northern Ireland

United Kingdom of Great Britain and Northern Ireland

17 August 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the United Kingdom have examined the Declaration made by the Government of Pakistan on 3 November 2004 on signature of the International Covenant on Economic, Social and Cultural Rights (done at New York on 16 December 1966).

The Government of the United Kingdom consider that the Government of Pakistan's Declaration which seeks to subject its obligations under the Covenant to the provisions of its own Constitution is a reservation which seeks to limit the scope of the Covenant on a unilateral basis. The Government of the United Kingdom note that a reservation to a Convention which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to this reservation made by the Government of Pakistan.

This objection shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and Pakistan."

Territorial Application

Participant	Date of receipt of the notification	Territories
Netherlands ¹²	11 Dec 1978	Netherlands Antilles
Portugal ⁶	27 Apr 1993	Macau
United Kingdom of Great Britain and Northern Ireland ^{8, 15}	20 May 1976	Belize, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas) and Dependencies, Gibraltar, Gilbert Islands, Guernsey, Hong Kong, Isle of Man, Jersey, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Solomon Islands, St. Helena and Dependencies, Turks and Caicos Islands and Tuvalu

Notes

1. The thirty-fifth instrument of ratification or accession was deposited with the Secretary-General on 3 October 1975. The Contracting States did not object to having those instruments accompanied with reservations taken into account under article 27 (1) for the purpose of determining the date of general entry into force of the Covenant.

2. The German Democratic Republic had signed and ratified the Convention with reservations on 27 March 1973 and 8 November 1973, respectively. For the text of the reservations, see United Nations, *Treaty Series*, [vol. 993](#), p. 83. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

3. The former Yugoslavia had signed and ratified the Covenant on 8 August 1967 and 2 June 1971, respectively. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

4. The signature was effected by Democratic Kampuchea. In this regard the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of the so-called Democratic Kampuchea, a régime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

"The signing of the Human Rights Covenants by an individual, whose régime during its short period of reign in Kampuchea had exterminated about 3 million people and had thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants is a regrettable precedence, which discredits the noble aims and lofty principles of the United Nations Charter, the very spirit of the above-mentioned Covenants, gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Government of the following States on the dates indicated and their texts were circulated as depositary notifications or, at the request of the States concerned, as official documents of the General Assembly (A/33/781 and A/35/784):

Participant:	Date of receipt:
German Democratic Republic	11 Dec 1980
Poland	12 Dec 1980
Ukraine	16 Dec 1980
Hungary	19 Jan 1981
Bulgaria	29 Jan 1981
Belarus	18 Feb 1981
Russian Federation	18 Feb 1981
Czechoslovakia	10 Mar 1981

5. Although Democratic Kampuchea had signed both [the International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights] on 17 October 1980 (see note 3 in this chapter), the Government of Cambodia deposited an instrument of accession to the said Covenants.

6. In its notification of territorial application to Macau, the Government of Portugal stated the following:
... The Covenants are confirmed and proclaimed binding and valid, and they shall have effect and be implemented and observed without exception, bearing in mind that:

Article 1. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, ratified, respectively, by Act No. 29/78 of 12 June, and by Act No. 45/78 of 11 July, shall be applicable in the territory of Macau.

Article 2 . 1. The applicability in Macau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in particular of article 1 in both Covenants, shall in no way effect the status of Macau as defined in the Constitution of the Portuguese Republic and in the Organic Statute of Macau.

2. The applicability of the Covenants in Macau shall in no way affect the provisions of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau, signed on 13 April 1987, especially with respect to the provision specifying that Macau forms part of Chinese territory and that the Government of the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999, and that Portugal will be responsible for the administration until 19 December 1999.

Article 3. Article 25 (b) of the International Covenant on Civil and Political Rights shall not apply to Macau with

respect to the composition of elected bodies and the method of choosing and electing their officials as defined in the Constitution of the Portuguese Republic, the Organic Statute of Macau and provisions of the Joint Declaration on the Question of Macau.

Article 4. Article 12 (4) and article 13 of the International Covenant on Civil and Political Rights shall not apply to Macau with respect to the entry and exit of individuals and the expulsion of foreigners from the territory. These matters shall continue to be regulated by the Organic Statute of Macau and other applicable legislation, and also by the Joint Declaration on the Question of Macau.

Article 5. 1. The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that are applicable to Macau shall be implemented in Macau, in particular through specific legal documents issued by the organs of government of the territory.

Subsequently, on 21 October and 3 December 1999, the Secretary-General received communications concerning the status of Macao from Portugal and China (see note 3 under “China” and note 1 under “Portugal” regarding Macao in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Covenant with reservation made by China will also apply to the Macao Special Administrative Region as well as with the following declaration:

1. The application of the Covenant, and its article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights that place on a Party to the Covenant.

7. Signed on behalf of the Republic of China on 5 October 1967. See note 1 under “China” in the “Historical Information” section in the front matter of this volume.

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives of Permanent Missions to the United Nations of Bulgaria, Byelorussian SSR, Czechoslovakia, Mongolia, Romania, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that “any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol”.

8. With regard to the application of the Covenant to Hong Kong, the Secretary-General received communications concerning the status of Hong Kong from China and the United Kingdom (see note 2 under “China” and note 2 under “United Kingdom of Great Britain and Northern Ireland” concerning Hong Kong in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Covenant with the reservation made by China will also apply to the Hong Kong Special Administrative Region.

Further, on 20 April 2001, the Secretary-General received from the Government of China the following communication:

1. Article 6 of the Covenant does not preclude the formulation of regulations by the HKSAR for employment restrictions, based on place of birth or residence qualifications, for the purpose of safeguarding the employment opportunities of local workers in the HKSAR

2. “National federations or confederations” in Article 8.1(b) of the Covenant shall be interpreted, in this case, as “federations or confederations in the HKSAR”, and this Article does not imply the right of trade union federations or confederations to form or join political organizations or bodies established outside the HKSAR.

9. Czechoslovakia had signed and ratified the Covenant on 7 October 1968 and 23 December 1975, respectively, with declarations. For the text of the declarations, see United Nations, *Treaty Series*, vol. 993, pp.78 and 85. See also note 3 in this chapter and note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

10. See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

11. See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

12. See notes 1 and 2 under “Netherlands” regarding Aruba/Netherlands Antilles in the “Historical Information” section in the front matter of this volume.

13. See note 1 "New Zealand" regarding Tokelau under in the "Historical Information" section in the preliminary pages in the front matter of this volume.

14. In a communication received on 10 May 1982, the Government of Solomon Islands declared that Solomon Islands maintains the reservations entered by the United Kingdom save in so far as the same cannot apply to Solomon Islands.

15. On 3 October 1983 the Secretary-General received from the Government of Argentina the following objection:

[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands".

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

With reference to the above-mentioned objection the Secretary-General received, on 28 February 1985, from the Government of the United Kingdom of Great Britain and Northern Ireland the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depository under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

Upon ratification, the Government of Argentina made the following declaration with regard to the above-mentioned declaration made by the United Kingdom of Great Britain and Northern Ireland:

The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, which form an integral part of its national territory.

The General Assembly of the United Nations had adopted resolutions 2065 (XX), 3160 (XXVIII), 1/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

With reference to the above-mentioned declaration by the Government of Argentina, the Secretary-General received, on 13 January 1988, from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Islands, when ratifying [the said Covenants and acceding to the said Protocol].

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories."

16. The formality was effected by the Yemen Arab Republic. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

17. With respect to the interpretative declarations made by Algeria the Secretary-General received, on 25 October 1990, from the Government of Germany the following declaration:

[The Federal Republic of Germany] interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the

International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

18. In this regard, the Secretary-General received communications from the following Governments on the dates indicated hereinafter:

Germany (17 December 1999):

"The Government of the Federal Republic of Germany notes that the declaration concerning article 1 constitutes a reservation that places on the exercise of the right of all peoples to self-determination conditions not provided for in international law. To attach such conditions could undermine the concept of self-determination and seriously weaken its universally acceptable character.

The Government of the Federal Republic of Germany further notes that the declarations with regard to articles 2 and 3, 7 and 8, and 10 and 13 constitute reservations of a general nature in respect of provisions of the Covenant which may be contrary to the Constitution, legislation, economic conditions and development plans of Bangladesh.

The Government of the Federal Republic of Germany is of the view that these general reservations raise doubts as to the full commitment of Bangladesh to the object and purpose of the Covenant. It is in the common interest of States that treaties to which they have chosen to become Parties are respected, as to their object and purpose, by all Parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of the Federal Republic of Germany objects to the aforementioned reservations made by the Government of the People's Republic of Bangladesh to the International Covenant on Economic, Social and Cultural Rights. This objection does not preclude the entry into force of the Covenant between the Federal Republic of Germany and the People's Republic of Bangladesh".

Netherlands (20 December 1999):

"The Government of the Kingdom of the Netherlands has examined the declarations made by the Government of Bangladesh at the time of its accession to the International Covenant on economic, social and cultural rights and considers the declarations concerning Articles 1, 2 and 3, and 7 and 8 as reservations.

The Government of the Kingdom of the Netherlands objects to the reservation made by the Government of Bangladesh in relation to Article 1 of the said Covenant, since the right of self-determination as embodied in the Covenant is conferred upon all peoples. This follows not only from the very language of Article 1 of the Covenant but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

Furthermore, the Government of the Kingdom of the Netherlands objects to the reservations made by the Government of Bangladesh in relation to Articles 2 and 3, and, 7 and 8 of the said Covenant.

The Government of the Kingdom of the Netherlands considers that such reservations which seek to limit the responsibilities of the reserving State under the Covenant by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose by all parties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Bangladesh.

These objections shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Bangladesh".

19. On 30 September 1992, the Government of Belarus notified the Secretary-General its decision to withdraw the reservation made upon signature and confirmed upon ratification. For the text of the reservation, see United Nations, *Treaty Series*, [vol. 993](#), p. 78.

20. On 21 March 2001, the Government of the Congo informed the Secretary-General that it had decided to withdraw its reservation made upon accession which read as follows:

Reservation:

The Government of the People's Republic of the Congo declares that it does not consider itself bound by the

provisions of article 13, paragraphs 3 and 4 ...

Paragraphs 3 and 4 of article 13 of the International Covenant on Economic, Social and Cultural Rights embody the principle of freedom of education by allowing parents the liberty to choose for their children schools other than those established by the public authorities. Those provisions also authorize individuals to establish and direct educational institutions.

In our country, such provisions are inconsistent with the principle of nationalization of education and with the monopoly granted to the State in that area.

21. In a communication received on 14 January 1976, the Government of Denmark notified the Secretary-General that it withdraws its reservation made prior with regard to article 7 (a) (i) on equal pay for equal work.

22. In two communications received by the Secretary-General on 10 July 1969 and 23 March 1971 respectively, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of Iraq on signing and ratifying the above Covenants. In the view of the Government of Israel, these two Covenants are not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity.

Identical communications, *mutatis mutandis*, were received by the Secretary-General from the Government of Israel on 9 July 1969 in respect of the declaration made upon accession by the Government of Syria, and on 29 June 1970 in respect of the declaration made upon accession by the Government of Libya. In the latter communication, the Government of Israel moreover stated that the declaration concerned "cannot in any way affect the obligations of the Libyan Arab Republic already existing under general international law".

23. On 11 September 2012, the Government of Japan informed the Secretary-General that it had decided to withdraw the following reservation made upon signature and confirmed upon ratification:
"In applying the provisions of sub-paragraphs (b) and (c) of paragraph 2 of article 13 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by `in particular by the progressive introduction of free education' referred to in the said provisions."

24. Upon ratification, the Government of Malta indicated that it had decided to withdraw its reservation made upon signature to paragraph 2, article 10. For the text of the said reservation, see United Nations, *Treaty Series*, [vol. 993](#), p. 80.

25. On 5 September 2003, the Government of New Zealand informed the Secretary-General that it had decided to withdraw the following reservation in respect only of the metropolitan territory of New Zealand. The reservation reads as follows:

"The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of article 10 (2) as it relates to paid maternity leave or leave with adequate social security benefits."

Moreover, the Government of New Zealand notified the Secretary-General of the the following territorial exclusion:

"Declares that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, the withdrawal of this reservation shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

See also note 1 under "Cook Islands" and note 1 under "Niue" in the "Historical Information" section in the front matter of this volume.

26. With regard to the declaration made by Pakistan upon signature, the Secretary-General received a communication from the following State on the date indicated hereinafter:

Austria (25 November 2005):

"The Government of Austria has examined the declaration made by the Islamic Republic of Pakistan upon signature of the International Covenant on Economic, Social and Cultural Rights.

The application of the provisions of the Covenant has been made subject to provisions of national law. This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Austria considers that the declaration made by the Islamic Republic of Pakistan to the Covenant in substance constitutes a reservation and that this reservation is incompatible with the object and the

purpose of the Covenant.

The Government of Austria therefore objects to the reservation made by the Islamic Republic of Pakistan to the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and the Republic of Austria."

27. On 17 April 2008, the Government of Pakistan informed the Secretary-General that it had decided to withdraw the declaration made upon signature. The declaration reads as follows:

"While the Government of Islamic Republic of Pakistan accepts the provisions embodied in the International Covenant on Economic, Social and Cultural Rights, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country. The provisions of the Covenant shall, however, be subject to the provisions of the constitution of the Islamic Republic of Pakistan."

28. With regard to the reservation made by Pakistan upon ratification, the Secretary-General received the following communications from the following States on the dates indicated hereinafter:

The Government of the French Republic has examined the reservation made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Economic, Social and Cultural Rights, which was adopted on 16 December 1966. The reservation states that "Pakistan, with a view to achieving progressively the full realization of the rights recognized in the present Covenant, shall use all appropriate means to the maximum of its available resources." Although this declaration has been referred to as a "reservation", it simply reformulates the content of article 2, paragraph 1, of the Covenant. Furthermore, it cannot have the effect of modifying the other provisions of the Covenant without constituting a reservation of general scope that is incompatible with the object and purpose of the Covenant. The Government of the French Republic therefore considers the "reservation" by Pakistan to be a mere declaration that is devoid of legal effect.

"The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of Pakistan upon ratifying the International Covenant on Economic, Social and Cultural Rights. It is the understanding of the Kingdom of the Netherlands that the reservation of Pakistan does not exclude or modify the legal effect of the provisions of the Covenant in their application to Pakistan."

29. On 15 December 2008, the Government of Rwanda informed the Secretary-General that it had decided to withdraw the reservation made upon accession. The reservation reads as follows:
The Rwandese Republic [is] bound, however, in respect of education, only by the provisions of its Constitution.

APPENDIX H.1

DECLARATIONS AND RESERVATIONS TO THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND OBJECTIONS (AS OF 8 July 2016)¹⁶

Argentina

Declaration:

On the occasion of its ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Government recalls that on 3 October 1983 the Argentine Republic rejected the extension of the application of the International Covenant on Economic, Social and Cultural Rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands.

The Argentine Government recalls that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory and, being

¹⁶ Unless otherwise indicated, the declarations and reservations were made upon signature, accession or ratification.
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3-a&chapter=4&lang=en.

illegally occupied by the United Kingdom of Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries which is recognized by the United Nations and other international organizations.

In this connection, the General Assembly of the United Nations has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the sovereignty dispute referred to as the “Question of the Malvinas Islands” is recognized and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute. Concurrently, the Special Committee on Decolonization of the United Nations has repeatedly affirmed this view. Also, the General Assembly of the Organization of American States adopted, on 24 June 2010, a new pronouncement, in similar terms, on the question.

In ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Republic does so on the understanding that the system of communications provided for under that instrument does not apply to the right of peoples to self-determination in any context related to sovereignty disputes.

Objection:

1. Communication by the United Kingdom of Great Britain and Northern Ireland on 25 October 2012: “The United Kingdom Mission to the United Nations [...] recalls the Declaration made by the Argentine Republic on its ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 24 October 2011, and the subject of a depositary notification dated 27 October 2011 (reference [C.N.702.2011.TREATIES-8](#)).

The United Kingdom of Great Britain and Northern Ireland rejects the claims contained in the Declaration made by the Argentine Republic. In particular, the United Kingdom rejects the claim by the Argentine Republic to the territory of the Falkland Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The peaceful possession of these Islands and surrounding maritime areas by the United Kingdom cannot therefore be characterized as illegal occupation.

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The United Kingdom Government attaches great importance to the principle of self determination as set out in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Economic, Social and Cultural Rights. That principle underlies our position on the Falkland Islands.

The United Kingdom Mission to the United Nations requests that the Secretary-General circulate copies of this Note to the States to whom the Declaration of the Argentine Republic was circulated.”

*Declarations made under articles 10 and 11
(Unless otherwise indicated, the declarations were made
upon ratification or accession.)*

Belgium

The Kingdom of Belgium recognizes the competence of the Committee on Economic, Social and Cultural Rights

- to receive, in accordance with article 10 of the Optional Protocol, notifications from a State Party that another State Party is not fulfilling its obligations, or
- to conduct, in accordance with articles 11 and 12 of the Optional Protocol, an inquiry regarding serious and systematic violations by another State Party of one of the Economic, Social and Cultural Rights described in the Covenant.

El Salvador

Article 10

With respect to article 10, the Government of the Republic of El Salvador hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations

under the Covenant.

Article 11

With respect to article 11, the Government of the Republic of El Salvador hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights provided for under the article.

Finland

Declaration:

“The Republic of Finland declares that it recognizes the competence of the committee to receive and consider inter-state communications made against it provided for in article 10 of the Protocol and the competence of the committee concerning an inquiry procedure provided for in article 11 of the Protocol.”

San Marino (4 August 2015)

Article 10

“With respect to article 10, the Republic of San Marino hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant...”

Article 11

“... With respect to article 11, the Republic of San Marino hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights provided for under this article.”

Portugal

Portugal

Declaration:

“With respect to article 10, the Portuguese Republic hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

With respect to article 11, the Portuguese Republic hereby declares that it recognizes the competence of the Committee on Economic, Social and Cultural Rights provided for under this article.”

APPENDIX I

GUIDELINES ON TREATY-SPECIFIC DOCUMENTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS¹⁷

Note by the Secretary-General

1. In accordance with article 17 of the International Covenant on Economic, Social and Cultural Rights, the Economic and Social Council, by its resolution 1988 (LX) of 11 May 1976, established a programme under which the States parties to the Covenant would furnish in stages the reports referred to in article 16 of the

¹⁷ Adopted by the Committee on Economic, Social and Cultural Rights at its 49th meeting (41st Session) on 18 November 2008, taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines (HRI/GEN/2/Rev.5). See UN Doc E/C.12/2008/2 (13 January 2009).

Covenant and the Secretary-General, at the Council's request, subsequently drew up an appropriate set of general guidelines. In response to the introduction of a new reporting cycle, the Committee on Economic, Social and Cultural Rights, at its fifth session, held from 26 November to 14 December 1990, adopted a set of revised general guidelines which replaced the original guidelines.

2. The purpose of reporting guidelines is to advise States parties on the form and content of their reports, so as to facilitate the preparation of reports and ensure that reports are comprehensive and presented in a uniform manner by States parties.

3. The Committee has decided to replace the revised general guidelines (E/C.12/1991/1) by the present guidelines to take into account the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.5), as well as the evolving practice of the Committee in relation to the application of the Covenant, as reflected in its concluding observations, general comments and statements.

4. The text of the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant is contained in the annex to the present document.

Annex

A. The revised reporting system and organization of information to be included in the common core document and in the treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights

1. State reports submitted under the harmonized guidelines on reporting under the international human rights treaties consist of two parts: a common core document and treaty-specific documents. The common core document should contain general information about the reporting State, the general framework for the protection and promotion of human rights, as well as information on non-discrimination and equality, and effective remedies, in accordance with the harmonized guidelines.

2. The treaty-specific document submitted to the Committee on Economic, Social and Cultural Rights should not repeat information included in the common core document or merely list or describe the legislation adopted by the State party. Rather, it should contain specific information relating to the implementation, in law and in fact, of articles 1 to 15 of the Covenant, taking into account the general comments of the Committee, as well as information on recent developments in law and practice affecting the full realization of the rights recognized in the Covenant. It should also contain information on the concrete measures taken towards that goal, and the progress achieved, including – except for initial treaty-specific documents – information on the steps taken to address issues raised by the Committee in the concluding observations on the State party's previous report, or in its general comments.

3. In relation to the rights recognized in the Covenant, the treaty-specific document should indicate:

(a) Whether the State party has adopted a national framework law, policies and strategies for the implementation of each Covenant right, identifying the resources available for that purpose and the most cost-effective ways of using such resources;

(b) Any mechanisms in place to monitor progress towards the full realization of the Covenant rights, including identification of indicators and related national benchmarks in relation to each Covenant right, in addition to the information provided under appendix 3 of the harmonized guidelines and taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3);

(c) Mechanisms in place to ensure that a State party's obligations under the Covenant are fully taken into account in its actions as a member of international organizations and international financial institutions, as well as when negotiating and ratifying international agreements, in order to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined;

(d) The incorporation and direct applicability of each Covenant right in the domestic legal order, with reference to specific examples of relevant case law;

(e) The judicial and other appropriate remedies in place enabling victims to obtain redress in case their Covenant rights have been violated;

(f) Structural or other significant obstacles arising from factors beyond the State party's control which impede the full realization of the Covenant rights;

(g) Statistical data on the enjoyment of each Covenant right, disaggregated by age, gender, ethnic origin, urban/rural population and other relevant status, on an annual comparative basis over the past five years.

4. The treaty-specific document should be accompanied by a sufficient number of copies in one of the working

languages of the Committee (English, French, Russian and Spanish) of all other supplementary documentation which the State party may wish to have distributed to all members of the Committee to facilitate the consideration of the report.

5. If a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines, or to any other relevant conventions of United Nations specialized agencies, and has already submitted reports to the supervisory committee(s) concerned that are relevant to any of the rights recognized in the Covenant, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document. However, all matters which arise under the Covenant and are not fully covered in those reports should be dealt with in the present treaty-specific document.

6. Periodic reports should address directly the suggestions and recommendations of the previous concluding observations.

B. Part of the treaty-specific document submitted to the Committee relating to general provisions of the Covenant

Article 1 of the Covenant

7. In what manner has the right to self-determination been implemented?

8. Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood.¹⁸ Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.

Article 2

9. Indicate the impact of international economic and technical assistance and co-operation, whether received or provided by the State party, on the full realization of each of the Covenant rights in the State party or, as the case may be, in other countries, especially developing countries.

10. In addition to information provided in the common core document (paras. 50 to 58 of the harmonized guidelines), provide disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal enjoyment of each of the Covenant rights by all, in particular the disadvantaged and marginalized individuals and groups.

11. If the State party is a developing country, provide information on any restrictions imposed under article 2, paragraph 3, of the Covenant, on the enjoyment by non-nationals of the economic rights recognized in the Covenant.

Article 3

12. What steps have been taken to eliminate direct and indirect discrimination based on sex in relation to each of the rights recognized in the Covenant, and to ensure that men and women enjoy these rights on a basis of equality, in law and in fact?

13. Indicate whether the State party has adopted gender equality legislation and the progress achieved in the implementation of such legislation. Also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.

Articles 4 and 5

14. See paragraph 40 (c) of the harmonized guidelines on a common core document.

C. Part of the report relating to specific rights

¹⁸ General Comment 12, para 13; General Comment 14, para 27.

Article 6

15. Provide information on effective measures taken to reduce unemployment including on:

(a) The impact of targeted employment programmes in place to achieve full and productive employment among persons and groups considered particularly disadvantaged, in particular women, young persons, older persons, persons with disabilities and ethnic minorities, in rural and deprived urban areas; and

(b) The impact of measures to facilitate re-employment of workers, especially women and long-term unemployed workers, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises.

16. Provide information on work in the informal economy in the State party, including its extent and the sectors with a large percentage of informal workers, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.

17. Describe the legal safeguards in place to protect workers from unfair dismissal.

18. Indicate what technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalized individuals, to enter or re-enter the labour market.

Article 7

19. Indicate whether a national minimum wage has been legally established, and specify the categories of workers to which it applies, as well as the number of persons covered by each category. If any category of workers is not covered by the national minimum wage, explain the reasons why. In addition, indicate:

(a) Whether a system of indexation and regular adjustment is in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to provide all workers, including those who are not covered by a collective agreement, and their families, with an adequate standard of living; and

(b) Any alternative mechanisms in place, in the absence of a national minimum wage, to ensure that all workers receive wages sufficient to provide an adequate standard of living for themselves and their families.

20. Provide information on working conditions for all workers, including overtime, paid and unpaid leave and on the measures taken to reconcile professional, family and personal life.

21. Indicate the impact of the measures taken to ensure that women with the same qualifications do not work in lower-paid positions than men, in accordance with the principle of equal pay for work of equal value.

22. Indicate whether the State party has adopted and effectively implemented legislation that specifically criminalizes sexual harassment in the workplace, and describe the mechanisms to monitor such implementation. Also indicate the number of registered cases, the sanctions imposed on perpetrators and the measures taken to compensate and assist victims of sexual harassment.

23. Indicate what legal, administrative or other provisions have been taken to ensure safety and healthy conditions at the workplace and their enforcement in practice.

Article 8

24. Indicate:

(a) What substantive or formal conditions, if any, must be fulfilled to form or join the trade union of one's choice. Also indicate whether there are any restrictions on the exercise of the right to form or join trade unions by workers, and how they have been applied in practice; and

(b) How trade unions are guaranteed independence to organize their activities without interference, as well as to federate and join international trade union organizations, and the legal and de facto restrictions, if any, on the exercise of this right.

25. Provide information on collective bargaining mechanisms in the State party and their impact on labour rights.

26. Indicate:

- (a) Whether the right to strike is constitutionally or legally guaranteed and to what extent such guarantees are observed in practice;
- (b) Any restrictions on the right to strike in the public and private sectors and their application in practice; and
- (c) The definition of essential services for which strikes may be prohibited.

Article 9

27. Indicate whether there is universal social security coverage in the State party. Also indicate which of the following branches of social security are covered: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans.¹⁹

28. Indicate whether there are legally established and periodically reviewed minimum amounts of benefits, including pensions, and whether they are sufficient to ensure an adequate standard of living for recipients and their families.²⁰

29. Indicate whether the social security system also guarantees non-contributory social assistance allowances for disadvantaged and marginalized individuals and families who are not covered by the contributory schemes.²¹

30. Indicate whether the public social security schemes described above are supplemented by any private schemes or informal arrangements.²² If so, describe these schemes and arrangements and their inter-relationship with the public schemes.

31. Indicate if there is equal enjoyment by men and women of pension rights as regards the age of access,²³ qualifying periods and amounts.

32. Provide information on social security programmes, including informal schemes, to protect workers in the informal economy, in particular in relation to health care, maternity and old age.²⁴

33. Indicate to what extent non-nationals benefit from non-contributory schemes for income support, access to health care and family support.²⁵

Article 10

34. Indicate how the State party guarantees the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family.

35. Provide information on the availability, coverage and funding of social services to support families, as well as on legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to:

- (a) Child care;²⁶ and
- (b) Social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible²⁷ and to receive adequate health and social care when they are dependent.

36. Provide information on the system of maternity protection in the State party, including working conditions and prohibition of dismissal during pregnancy. In particular, indicate:

- (a) Whether it also applies to women involved in atypical work²⁸ and women who are not covered by work-related maternity benefits;
- (b) The duration of paid maternity leave before and after confinement and the cash, medical and other support

19 General Comment 19, para 12(a)–(i).

20 *Ibid*, paras 22 and 59(a).

21 *Ibid*, paras 4(b) and 50.

22 *Ibid*, para 5.

23 General Comment 16, para 26 and General Comment 19, para 32.

24 General Comment 19, paras 16 and 34.

25 *Ibid*, para 37.

26 *Ibid*, paras 18 and 28; general comment 5, para 30; general comment 6, para 31.

27 General Comment 19, paras 15, 18 and 20; General Comment 5, para 30; General Comment 6, para 31.

28 General Comment 19, para 19.

measures provided during pregnancy, confinement and after childbirth;²⁹ and

(c) Whether paternity leave is granted to men, and parental leave to men and women.³⁰

37. Indicate the measures of protection and assistance taken on behalf of children and young persons, including:

(a) Age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and the application of criminal law provisions in place punishing the employment of under-aged children and the use of forced labour of children;³¹

(b) Whether any national survey has been undertaken in the State party on the nature and extent of child labour and whether there is a national action plan to combat child labour; and

(c) The impact of measures taken to protect children against work in hazardous conditions harmful to their health and against exposure to various forms of violence and exploitation.³²

38. Provide information on the legislation and mechanisms in place to protect the economic, social and cultural rights of older persons in the State party, in particular on the implementation of laws and programmes against abuse, abandon, negligence and ill-treatment of older persons.

39. Provide information on the economic and social rights of asylum seekers and their families and on legislation and mechanisms in place for family reunification of migrants.

40. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes acts of domestic violence, in particular violence against women and children,³³ including marital rape and sexual abuse of women and children and the number of registered cases, as well as the sanctions imposed on perpetrators;

(b) Whether there is a national action plan to combat domestic violence, and the measures in place to support and rehabilitate victims;³⁴ and

(c) Public awareness-raising measures and training for law enforcement officials and other involved professionals on the criminal nature of acts of domestic violence.

41. Indicate:

(a) Whether there is legislation in the State party that specifically criminalizes trafficking in persons and the mechanisms in place to monitor its strict enforcement. Also indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and

(b) Whether there is a national plan of action to combat trafficking and the measures taken to support victims, including medical, social and legal assistance.

Article 11

A. The right to the continuous improvement of living conditions

42. Indicate whether the State party has defined a national poverty line and on what basis it is calculated. In the absence of a poverty line, what mechanisms are used for measuring and monitoring the incidence and depth of poverty?

43. Indicate:

(a) Whether the State party has adopted a national action plan or strategy to combat poverty that fully integrates economic, social and cultural rights³⁵ and whether specific mechanisms and procedures are in place to monitor the implementation of the plan or strategy and evaluate the progress achieved in effectively combating poverty; and

(b) Targeted policies and programmes to combat poverty, including among women and children, and the economic and social exclusion of individuals and families belonging to the disadvantaged and marginalized groups, in particular ethnic minorities, indigenous peoples and those living in rural and deprived urban areas.

²⁹ *Ibid*

³⁰ General Comment 16, para 26; see also draft General Comment 20, paras 10(b)(vii) and 16.

³¹ General Comment 18, para 24.

³² *Ibid*, para 15.

³³ General comment 16, para 27; General Comment 14, paras 21 and 51.

³⁴ General comment 16, para 27.

³⁵ See Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

B. The right to adequate food

44. Provide information on the measures taken to ensure the availability of affordable food in quantity and quality sufficient to satisfy the dietary needs of everyone, free from adverse substances, and culturally acceptable.³⁶

45. Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.

46. Indicate the measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production.³⁷

47. Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the 'Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security'.³⁸ If not, explain the reasons why.

C. The right to water

48. Indicate:

(a) The measures taken to ensure adequate and affordable access to water that is sufficient and safe for personal and domestic uses for everyone;³⁹

(b) The percentage of households without access to sufficient and safe water in the dwelling or within its immediate vicinity, disaggregated by region and urban/rural population⁴⁰ and the measures taken to improve the situation;

(c) The measures taken to ensure that water services, whether privately or publicly provided, are affordable for everyone;⁴¹ and

(d) The system in place to monitor the quality of water.⁴²

49. Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.⁴³

D. The right to adequate housing

50. Indicate whether a national survey on homelessness and inadequate housing has been undertaken, as well as its findings, in particular the number of individuals and families who are homeless or inadequately housed and without access to basic infrastructures and services such as water, heating, waste disposal, sanitation, and electricity, as well as the number of persons living in over-crowded or structurally unsafe housing.

51. Indicate:

(a) The measures taken to ensure access to adequate and affordable housing with legal security of tenure for everyone, irrespective of income or access to economic resources;

(b) The impact of social housing measures, such as the provision of low-cost social housing units for disadvantaged and marginalized individuals and families, in particular in rural and deprived urban areas, whether there are waiting lists for obtaining such housing and the average length of waiting time;

(c) Measures taken to make housing accessible and habitable for persons with special housing needs, such as families with children, older persons⁴⁴ and persons with disabilities;⁴⁵

36 General Comment 12, para 8.

37 General comment 15, para 7.

38 Adopted by the 127th session of the Council of the Food and Agriculture Organization of the United Nations, November 2004.

39 General Comment 15, paras 12(a) and 37(a); General Comment 14, para 43(c).

40 General comment 15, paras 12(c)(i) and 37(c).

41 *Ibid*, paras 24 and 27.

42 *Ibid*, para 12(b).

43 *Ibid*, para 25.

44 General Comment 6, para 33.

45 *Ibid*

52. Indicate the legislative and other measures in place to ensure that housing is not built on polluted sites or in immediate proximity of pollution sources that threaten the health of inhabitants.⁴⁶

53. Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place.⁴⁷

54. Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction.⁴⁸

Article 12

55. Indicate whether the State party has adopted a national health policy and whether a national health system with universal access to primary health care is in place.

56. Provide information on the measures taken to ensure:

(a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities;⁴⁹

(b) That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable for everyone, including for socially disadvantaged groups;⁵⁰

(c) That drugs and medical equipment are scientifically approved and have not expired or become ineffective; and

(d) Adequate training of health personnel, including on health and human rights.⁵¹

57. Provide information on the measures taken:

(a) To improve child and maternal health, as well as sexual and reproductive health services and programmes, including through education, awareness-raising, and access to family planning, pre- and post-natal care and emergency obstetric services, in particular in rural areas and for women belonging to disadvantaged and marginalized groups;⁵²

(b) To prevent, treat and control diseases linked to water and ensure access to adequate sanitation;⁵³

(c) To implement and enhance immunization programmes and other strategies of infectious disease control;⁵⁴

(d) To prevent the abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, ensure adequate treatment and rehabilitation of drug users, and support their families;⁵⁵

(e) To prevent HIV/AIDS and other sexually transmitted diseases, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination;⁵⁶

(f) To ensure affordable access to essential drugs, as defined by the WHO, including anti-retroviral medicines and medicines for chronic diseases;⁵⁷ and

(g) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.

Article 13

58. Indicate to what extent the form and substance of education in the State party are directed towards the aims

46 General Comment 4, para 8(f).

47 General Comment 7, para 10.

48 *Ibid*, paras 9, 13–5, 16 and 19; see also Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex 1).

49 General Comment 14, para 12(b).

50 *Ibid*, paras 12(b), 19 and 36.

51 *Ibid*, paras 12(d) and 44(e).

52 *Ibid*, paras 14, 21–3 and 44(a).

53 General Comment 15, paras 8 and 37(i).

54 General Comment 14, paras 16 and 44(b).

55 *Ibid*, para 16.

56 *Ibid*, para 16.

57 *Ibid*, para 43(d).

and objectives identified in article 13, paragraph 1,⁵⁸ and whether school curricula include education on economic, social and cultural rights.

59. Indicate how the obligation to provide primary education that is compulsory and available free for all is implemented in the State party, in particular:

- (a) The level or grade until which education is compulsory and free for all;
- (b) Any direct costs such as school fees, as well as the measures taken to eliminate them; and
- (c) Any indirect costs (e.g. expenses for school books, uniforms, transport, special fees such as exam fees, contributions to district education boards, etc.) and the measures taken to alleviate the impact of such costs on children from poorer households.

60. Indicate the measures taken to make secondary education in its different forms, including technical and vocational education, generally available and accessible to all, including:

- (a) Concrete steps taken by the State party towards progressively achieving free secondary education;⁵⁹ and
- (b) The availability of technical and vocational education, and whether it enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability.⁶⁰

61. Indicate the measures taken to make higher education equally accessible to all and without discrimination, on the basis of capacity, and the concrete steps taken towards progressively achieving free higher education.⁶¹

62. Indicate the measures taken to promote literacy, as well as adult and continuing education, in a life-long perspective.

63. Indicate whether minority and indigenous children have adequate opportunities to receive instruction in or of their native language and the steps taken to prevent lower educational standards for these children,⁶² their segregation in special classes, and their exclusion from mainstream education.

64. Indicate the measures taken to ensure the same admission criteria for boys and girls at all levels of education,⁶³ and to raise awareness among parents, teachers and decision-makers on the value of educating girls.⁶⁴

65. Indicate the measures taken to reduce the drop-out rates, at the primary and secondary levels, for children and young persons, in particular girls, children from ethnic minorities, indigenous communities and poorer households, as well as migrant, refugee and internally displaced children.

Article 14

66. If compulsory and free primary education is not currently enjoyed in the State party, provide information on the required plan of action⁶⁵ for the progressive implementation, within a reasonable number of years fixed in this plan, of this right. Also indicate any particular difficulties encountered, in the adoption and implementation of this plan of action, as well as the measures taken to overcome these difficulties.

Article 15

67. Provide information on the institutional infrastructure to promote popular participation in, and access to, cultural life, especially at the community level, including in rural and deprived urban areas. In this regard, indicate the measures taken to promote broad participation in, and access to, cultural goods, institutions and activities, including measures taken:

- (a) To ensure that access to concerts, theatre, cinema, sport events and other cultural activities is affordable for all segments of the population;
- (b) To enhance access to the cultural heritage of mankind, including through new information technologies

58 General Comment 13, paras 4–5 and 49.

59 *Ibid.*, para 14.

60 *Ibid.*, paras 15–6.

61 *Ibid.*, para 20.

62 *Ibid.*, para 30.

63 General Comment 16, para 30.

64 *Ibid.*

65 In General Comment 11, para 11, the Committee asks states parties to submit their plans of action as an integral part of the reports required under the Covenant.

such as the Internet;

(c) To encourage participation in cultural life by children, including children from poorer families, and migrant or refugee children; and

(d) To eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.⁶⁶

68. Indicate the measures taken to protect cultural diversity, promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and of indigenous communities, and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

69. Provide information on school and professional education in the field of culture and the arts.

70. Indicate:

(a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups; and

(b) The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights.

71. Indicate the measures taken to ensure the effective protection of the moral and material interests of creators,⁶⁷ in particular:

(a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions;⁶⁸

(b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living;⁶⁹

(c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge;⁷⁰ and

(d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.⁷¹

72. Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom.

73. Indicate the measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and co-operation in the scientific and cultural fields.

APPENDIX J

LIST OF LEAST DEVELOPED COUNTRIES (as of May 2016)⁷²

1	Afghanistan	25	Madagascar
2	Angola ⁷³	26	Malawi
3	Bangladesh		
4	Benin	27	Mali
5	Bhutan	28	Mauritania
6	Burkina Faso	29	Mozambique
7	Burundi	30	Myanmar
8	Cambodia	31	Nepal
		32	Niger
9	Central African Republic	33	Rwanda
10	Chad		

⁶⁶ General Comment 5, paras 36–8; General Comment 6, paras 39–41.

⁶⁷ General Comment 17, paras 39(a).

⁶⁸ *Ibid.*, para 39(b).

⁶⁹ *Ibid.*, para 39(c).

⁷⁰ *Ibid.*, para 32.

⁷¹ *Ibid.*, para 39(e).

⁷² See United Nations Committee for Development Policy, http://www.un.org/en/development/desa/policy/cdp/ldc/ldc_list.pdf.).

⁷³ General Assembly resolution A/RES/70/253 adopted on 12 February 2016, decided that Angola will graduate five years after the adoption of the resolution, i.e. on 12 February 2021.

11	Comoros	34	São Tomé and Príncipe
12	Democratic Republic of the Congo	35	Senegal
13	Djibouti	36	Sierra Leone
14	Equatorial Guinea ⁷⁴	378	Solomon Islands
15	Eritrea	38	Somalia
		39	South Sudan
16	Ethiopia	40	Sudan
17	Gambia	41	Timor-Lesté
18	Guinea	42	Togo
29	Guinea-Bissau	43	Tuvalu
20	Haiti	44	Uganda
21	Kiribati	45	United Republic of Tanzania
22	Lao People's Democratic Republic	46	Vanuatu ⁷⁵
23	Lesotho	47	Yemen
24	Liberia	48	Zambia

APPENDIX K

PROVISIONAL RULES OF PROCEDURE UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, ADOPTED BY THE COMMITTEE AT ITS FORTY- NINTH SESSION (12-30 NOVEMBER 2012)⁷⁶

Procedures for the consideration of individual communications received under the Optional Protocol

Transmission of communications to the Committee

Rule 1

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 2 of the Optional Protocol.
2. The Secretary-General may request clarification from the author/s of a communication as to whether she, he or they wish to have the communication submitted to the Committee for consideration under the Optional Protocol. Where there is doubt as to the wish of the author/s, the Secretary-General will bring the communication to the attention of the Committee.

⁷⁴ General Assembly resolution A/RES/68/18 adopted on 4 December 2013, decided that Equatorial Guinea will graduate three and a half years after the adoption of the resolution, i.e. on 4 June 2017.

⁷⁵ *Ibid.* Vanuatu will graduate four years after the adoption of the resolution, i.e. on 4 December 2017. General Assembly resolution A/RES/70/78 adopted on 9 December 2015, decided to extend the preparatory period before graduation for Vanuatu by three years, until 4 December 2020, due to the unique disruption caused to the economic and social progress of Vanuatu by Cyclone Pam.

⁷⁶ UN Doc E/C.12/49/3, (15 January 2013).

See also Provisional Rules of Procedure of the Committee on Economic, Social and Cultural Rights, UN Doc. E/C.12/1990/4/Rev.1(1 September 1993). The rules were adopted by the Committee at its third session (1989) with amendments adopted by the Committee at its fourth (1990) and eighth (1993) sessions.

3. No communication shall be received by the Committee if it:
 - (a) Concerns a State that is not a party to the Optional Protocol;
 - (b) Is not in writing;
 - (c) Is anonymous.

Record and list of communications

Rule 2

1. The Secretary-General shall maintain a record of all communications submitted for consideration by the Committee under the Optional Protocol.
2. The Secretary-General shall prepare a list of the communications registered by the Committee, together with a brief summary of their contents. The full text of any such communication may be made available in the language of submission, to any member of the Committee upon request by that member.

Request for clarification or additional information

Rule 3

1. The Secretary-General may request clarification or additional information from the author/s of a communication, including:
 - (a) The name, address, date of birth and occupation of the author/s and verification of the author's identity;
 - (b) The name of the State party against which the communication is directed;
 - (c) The objective of the communication;
 - (d) The facts of the claim;
 - (e) Steps taken by the author/s to exhaust domestic remedies;
 - (f) The extent to which the same matter is being or has been examined under another procedure of international investigation or settlement;
 - (g) The provision or provisions of the Covenant alleged to have been violated.
2. When requesting clarification or additional information, the Secretary-General shall indicate to the author/s of the communication a time limit within which such information should be submitted.
3. The Committee may approve a questionnaire to facilitate requests for clarification or additional information from the author/s of a communication.

Authors of communications

Rule 4

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author/s can justify acting on their behalf without such consent.

Non-participation of a member in the examination of a communication

Rule 5

1. A member of the Committee shall not take part in the examination of a communication if:
 - (a) The member has a personal interest in the case;
 - (b) The member has participated in the making and adoption of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;
 - (c) The member is a national of the State party concerned.
2. In deciding any question that may arise under paragraph 1 of the present rule, the member concerned shall not take part in the decision reached.
3. If a member considers that he or she should not take part or continue to take part in the examination of a communication, the member shall inform the Committee through the Chairperson of his or her decision to withdraw.

Establishment of Working Groups and designation of Rapporteurs

Rule 6

1. In any matter related to communications under the Optional Protocol, the Committee may establish a Working Group and/or may designate a Rapporteur to make recommendations thereon to the Committee and/or to assist it in any manner in which the Committee may decide.
2. The Working Group or Rapporteur established under this rule shall be bound by the present rules and the Committee's rules of procedure, where applicable.

Interim measures

Rule 7

1. The Committee may, in exceptional circumstances, after the receipt of a communication and before a determination on the merits has been reached transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid possible irreparable damage to the victim/s of the alleged violations.
2. When the Committee requests interim measures under this rule, the request shall state that it does not imply a determination on the admissibility or the merits of the communication.
3. The State party may present arguments at any stage of the proceedings on why the request for interim measures should be lifted or is no longer justified.
4. The Committee may withdraw a request for interim measures on the basis of submissions received from the State party and the author/s of the communication.

Order of communications

Rule 8

1. Communications shall be dealt with in the order in which they are received by the Secretary-General, unless the Committee decides otherwise.
2. The Committee may decide to consider two or more communications jointly.

3. The Committee may divide a communication and consider its parts separately, if it addresses more than one issue or it refers to persons or alleged violations not interconnected in time and place.

Method of dealing with communications

Rule 9

1. The Committee shall, by a simple majority and in accordance with the present rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.
2. The decision to consider a communication admissible or inadmissible may also be taken by the Working Group established under the present rules provided that all its members so decide. The decision is subject to confirmation by the Committee plenary which may do so without formal discussion, unless a Committee member requests for such a discussion.

Procedures with regard to communications received

Rule 10

1. As soon as possible after the receipt of a communication, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, or the Committee through a Working Group or a Rapporteur, shall bring the communication confidentially to the attention of the State party and request that the State party submit a written reply.
2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility or the merits of the communication.
3. Within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee written explanations or statements that relate to the admissibility and the merits of the communication, as well as to any remedy that may have been provided in the matter.
4. The Committee, or the Committee through a Working Group or a Rapporteur, may request written explanations or statements that relate only to the admissibility of a communication but, in such cases, the State party may nonetheless submit written explanations or statements that relate to both the admissibility and the merits of a communication within six months of the Committee's request.
5. If the State party concerned disputes the contention of the author/s, in accordance with article 3, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims and said to be effective in the particular circumstances of the case.
6. The Committee, or the Committee through a Working Group or a Rapporteur, may request the State party or the author of the communication to submit, within fixed time limits, additional written explanations or statements relevant to the issues of the admissibility or merits of a communication.
7. The Committee, or the Committee through a Working Group or a Rapporteur, shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.

State party's request for consideration of the admissibility separately from the merits

Rule 11

1. A State party that has received a request for a written reply in accordance with paragraph 1 of rule 10 may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1 of rule 10.
2. The Committee, or the Committee through a Working Group or a Rapporteur, may decide to consider the admissibility separately from the merits.
3. Submission by the State party of a request in accordance with paragraph 1 of the present rule shall not extend the period of six months given to the State party to submit its written explanations or statements, unless the Committee, or the Committee through a Working Group or a Rapporteur, decides to consider the admissibility separately from the merits.

Inadmissible communications

Rule 12

1. Where the Committee decides that a communication is inadmissible, it shall communicate its decision and the reasons for it, through the Secretary-General, to the author/s of the communication and to the State party concerned.
2. A decision of the Committee declaring a communication inadmissible may be reviewed by the Committee upon receipt of a written request submitted by or on behalf of the author/s indicating that the reasons for inadmissibility no longer apply.

Communications declared admissible prior to the submission of the State party's observations on merits

Rule 13

1. Decisions declaring a communication admissible prior to the submission of the State party's observations on merits shall be transmitted, through the Secretary-General, to the author/s of the communication and to the State party concerned.
2. The Committee may revoke its decision that a communication is admissible in the light of any explanation or statements submitted by the State party and the author/s.

Examination of communications on their merits

Rule 14

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee, or the Committee through a Working Group or a Rapporteur, may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems that may assist in the examination of the communication, provided that the Committee shall afford each party an opportunity to comment on such third party documentation or information within fixed time limits.
2. The Committee shall formulate its Views on the communication in the light of all information made available to it in accordance with article 8, paragraph 1, of the

Optional Protocol, provided that this information has been duly transmitted to the parties concerned.

3. Consideration by the Committee of information submitted by third parties, pursuant to paragraph 1 of the present rule, does not in any way imply that these third parties become a party to the proceedings.

4. The Committee may refer any communication to a Working Group to make recommendations to the Committee on the merits of the communication.

5. The Committee shall not decide on the merits of the communication without having considered the applicability of all of the admissibility grounds referred to in articles 2 and 3 of the Optional Protocol.

6. The Secretary-General shall transmit the Views of the Committee, together with any recommendations, to the author/s of the communication and to the State party concerned.

Friendly settlement

Rule 15

1. At the request of any of the parties, at any time after receipt of a communication and before a determination on the merits has been reached, the Committee shall make available its good offices to the parties with a view to reaching a friendly settlement of the matter said to amount to a violation of the Covenant and submitted for consideration under the Optional Protocol, on the basis of respect for the obligations set forth in the Covenant.

2. The friendly settlement procedure shall be conducted on the basis of consent of the parties.

3. The Committee may designate one or more of its members to facilitate negotiations between the parties.

4. The friendly settlement procedure shall be confidential and without prejudice to the parties' submissions to the Committee. No written or oral communication and no offer or concession made in the framework of the attempt to secure a friendly settlement may be used against the other party in the communication proceedings before the Committee.

5. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that the matter is not susceptible to reaching a resolution or any of the parties does not consent to its application, decides to discontinue it, or does not display the requisite will to reach a friendly settlement based on respect for the obligations set forth in the Covenant.

6. Once both parties have expressly agreed to a friendly settlement, the Committee shall adopt a decision with a statement of the facts and of the solution reached. The decision will be transmitted to the parties concerned and published in the Committee's annual report. Prior to adopting that decision, the Committee shall ascertain whether the victim/s of the alleged violation have consented to the friendly settlement agreement. In all cases, the friendly settlement must be based on respect for the obligations set forth in the Covenant.

7. If no friendly settlement is reached, the Committee shall continue the examination of the communication in accordance with the present rules.

Individual opinions

Rule 16

Any member of the Committee who has participated in the decision may request that the text of his or her individual opinion be appended to the Committee's

decision or Views. The Committee may fix time limits for the submission of such individual opinions.

Discontinuance of communications

Rule 17

The Committee may discontinue consideration of a communication, when inter alia the reasons for its submission for consideration under the Optional Protocol have become moot.

Follow-up to Views of the Committee and Friendly Settlement Agreements

Rule 18

1. Within six months of the Committee's transmittal of its Views on a communication or decision that a friendly settlement has closed its consideration of a communication, the State party concerned shall submit to the Committee a written response, which shall include information on action taken, if any, in the light of the Views and recommendations of the Committee.
2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned to submit further information about any measures the State party has taken in response to its Views or recommendations or in response to a friendly settlement agreement.
3. The Committee shall, through the Secretary-General, transmit the information received from the State party to the author/s of the communication.
4. The Committee may request the State party to include information on any action taken in response to its Views, recommendations or decisions closing the consideration of a communication following a friendly settlement agreement in its subsequent reports under article 16 and 17 of the Covenant.
5. The Committee shall designate for follow-up on Views adopted under article 9 of the Optional Protocol a Rapporteur or Working Group to ascertain the measures taken by States parties to give effect to the Committee's Views, recommendations or decisions closing its consideration following a friendly settlement agreement.
6. The Rapporteur or Working Group may make such contacts and take such action as may be appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.
7. In addition to written representations and meetings with duly accredited representatives of the State party, the Rapporteur or Working Group may seek information from the author/s and victim/s of the communications and other relevant sources.
8. The Rapporteur or Working Group shall report to the Committee on follow-up activities at each session of the Committee.
9. The Committee shall include information on follow-up activities in its annual report under article 21 of the Covenant and article 15 of the Optional Protocol.

Confidentiality of communications

Rule 19

1. Communications submitted under the Optional Protocol shall be examined by the Committee, a Working Group or Rapporteur in closed meetings.

2. All working documents prepared by the Secretary-General for the Committee, Working Group or Rapporteur shall be confidential unless the Committee decides otherwise.
3. The Secretary-General, the Committee, Working Group or Rapporteur shall not make public any communication or submissions relating to a communication prior to the date on which a decision of admissibility is issued. This is without prejudice of the Committee's prerogatives under article 8, paragraph 3, of the Optional Protocol.
4. The Committee may decide ex officio or upon request of the author/s or alleged victim/s, that the names of the author/s of a communication or the individuals who are alleged to be the victim/s of a violation of the rights set forth in the Covenant not be published in its decision of admissibility or Views or decision closing the consideration of a communication following a friendly settlement agreement.
5. The Committee, a Working Group or Rapporteur may request the author of a communication or the State party concerned to keep confidential the whole or part of any submission or information relating to the proceedings.
6. Subject to paragraphs 4 and 5 of the present rule, nothing in this rule shall affect the right of the author/s, alleged victim/s or the State party concerned to make public any submission or information bearing on the proceedings.
7. Subject to paragraphs 4 and 5 of the present rule, the Committee's final decisions on inadmissibility and Views shall be made public.
8. The Secretary-General shall be responsible for the transmittal of the Committee's final decisions to the author/s and the State party concerned.
9. Unless the Committee decides otherwise, information related to follow-up to the Committee's Views and recommendations under article 9 of the Optional Protocol and in follow-up of a friendly settlement agreement under article 7 of the Optional Protocol shall not be confidential.
10. The Committee shall include in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned, and of its own suggestions and recommendations.

Protection measures

Rule 20

Where the Committee receives reliable information that a State party has not complied with its obligations under article 13 of the Optional Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation, it may seek from the State party concerned written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 13 are fulfilled. Thereafter, the Committee may request the State party to adopt and take urgently all appropriate measures to stop the breach reported.

Proceedings under the Inquiry Procedure of the Optional Protocol

Applicability

Rule 21

Rules 21 to 35 of the present rules only apply to a State party that has made the declaration under article 11, paragraph 1, of the Optional Protocol.

Transmission of information to the Committee

Rule 22

In accordance with the present rules, the Secretary-General shall bring to the attention of the Committee reliable information that is received for the Committee's consideration indicating grave or systematic violations by a State party of any of the economic, social and cultural rights set forth in the Covenant.

Record of information

Rule 23

The Secretary-General shall maintain a permanent record of information brought to the attention of the Committee in accordance with rule 22 of the present rules and shall make the information available to any member of the Committee upon request.

Summary of information

Rule 24

The Secretary-General, as appropriate, shall prepare and circulate to members of the Committee a brief summary of the information received in accordance with rule 22 of the present rules.

Confidentiality

Rule 25

1. All documents and proceedings of the Committee relating to the conduct of the inquiry shall remain confidential, without prejudice to the provisions of article 11, paragraph 7 of the Optional Protocol.
2. Meetings of the Committee during which inquiries under article 11 of the Optional Protocol are considered shall be closed.

Preliminary consideration of information by the Committee

Rule 26

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 11 of the Optional Protocol. It may seek to obtain additional relevant information substantiating the facts of the situation.
2. The Committee shall determine whether the information received contains reliable information indicating grave or systematic violations of rights set forth in the Covenant by the State party concerned.
3. The Committee may designate one or more of its members to assist it in discharging its duties under the present rule.

Examination of information

Rule 27

1. If the Committee considers that the information received and/or compiled on its own initiative is reliable and appears to indicate grave or systematic violations of rights set forth in the Covenant by the State party concerned, the Committee, through the Secretary-General, shall invite the State party to submit observations with regard to that information within fixed time limits.

2. The Committee shall take into account any observations submitted by the State party concerned, as well as any other relevant information.
3. The Committee may seek to obtain additional information, inter alia, from the following:
 - (a) Representatives of the State party concerned;
 - (b) Governmental organizations;
 - (c) United Nations bodies, specialized agencies, funds, programmes and mechanisms;
 - (d) International organizations, including from regional human rights systems;
 - (e) National Human Rights Institutions;
 - (f) Non-governmental organizations;

Establishment of an inquiry

Rule 28

1. Taking into account any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to make a report within an appropriate time limit.
2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.
3. The member or members designated by the Committee to conduct the inquiry shall determine their own methods of work, taking into account the Covenant, the Optional Protocol and the present rules.
4. During the period of the inquiry, the Committee may defer the consideration of any report that the State party concerned may have submitted pursuant to articles 16 and 17 of the Covenant.

Cooperation of the State party concerned

Rule 29

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.
2. The Committee may request the State party concerned to nominate a representative to meet with the member or members designated by the Committee.
3. The Committee may request the State party concerned to provide the member or members designated by the Committee with any information that they or the State party may consider relevant to the inquiry.

Visits

Rule 30

1. Where the Committee deems it warranted, the inquiry may include a visit to the territory of the State party concerned.
2. Where the Committee decides, as a part of its inquiry, that there should be a visit to the State party concerned, it shall, through the Secretary-General, request the consent of the State party to such a visit.

3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow the member or members designated by the Committee to conduct the inquiry to carry out their task.

Hearings

Rule 31

1. Visits may include hearings to enable the designated member or members of the Committee to determine facts or issues relevant to the inquiry.
2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated member or members of the Committee visiting the State party in connection with an inquiry.
3. Any person appearing before the designated member or members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony and the confidentiality of the procedure.
4. The Committee shall request that the State party take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to reprisals as a consequence of providing information or participating in any hearings or meetings in connection with an inquiry.

Assistance during an inquiry

Rule 32

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with an inquiry, including during a visit to the State party concerned, the designated member or members of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Covenant, as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.
2. Where such interpreters or other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

Transmission of findings, comments or suggestions

Rule 33

1. After examining the findings of the designated member or members submitted in accordance with rule 28 of the present rules, the Committee shall transmit the findings, through the Secretary-General, to the State party concerned, together with any comments and recommendations.
2. Such transmission of findings, comments and recommendations is without prejudice to article 11, paragraph 7, of the Optional Protocol.
3. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, within six months of their receipt.

Follow-up action by the State party

Rule 34

1. The Committee may, after the end of the period of six months referred to in paragraph 2 of rule 33 above, invite the State party concerned, to provide it with additional information on measures taken in response to an inquiry.

2. The Committee may request a State party that has been the subject of an inquiry to include, in its report under article 16 and 17 of the Covenant, details of any measures taken in response to the Committee's findings, comments and recommendations.

Protection measures

Rule 35

Where the Committee receives reliable information that a State party has not complied with its obligations under article 13 of the Optional Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation, it may seek from the State party concerned written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 13 are fulfilled. Thereafter, the Committee may request the State party to adopt and take urgently all appropriate measures to stop the breach reported.

Proceedings under the Inter-State Communications Procedure of the Optional Protocol

Declarations by States parties

Rule 36

1. Rules 36 to 46 of the present rules only apply to a State party that has made a declaration under article 10, paragraph 1, of the Optional Protocol.
2. The withdrawal of a declaration made under article 10 of the Optional Protocol shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under that article; no further communication by any State party shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Notification by the States parties concerned

Rule 37

1. A communication under article 10 of the Optional Protocol may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.
2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:
 - (a) Steps taken to seek adjustment of the matter in accordance with article 10, paragraphs 1 (a) and (b), of the Optional Protocol, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;
 - (b) Steps taken to exhaust domestic remedies;
 - (c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Record of communications

Rule 38

The Secretary-General shall maintain a record of all communications received by the Committee pursuant to article 10 of the Optional Protocol.

Information to the members of the Committee

Rule 39

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 37 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Meetings

Rule 40

The Committee shall examine communications under article 10 of the Optional Protocol in closed meetings.

Issue of communiqués concerning closed meetings

Rule 41

The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the media and the general public regarding the activities of the Committee under article 10 of the Optional Protocol.

Requirements for the consideration of communications

Rule 42

A communication shall not be considered by the Committee unless:

- (a) Both States parties concerned have made declarations under article 10, paragraph 1, of the Optional Protocol;
- (b) The time limit prescribed in 10, paragraph 1, of the Optional Protocol has expired;
- (c) The Committee has ascertained that all available and effective domestic remedies have been invoked and exhausted in the matter, or that the application of such remedies has been unreasonably prolonged.

Good offices

Rule 43

1. Subject to the provisions of rule 42 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to reaching a friendly solution of the matter on the basis of respect for the obligations provided for in the Covenant.

2. For the purpose indicated in paragraph 1 of this rule, the Committee may, as appropriate, establish an ad hoc conciliation commission.

Request for information

Rule 44

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall set a time limit for the submission of such written information or observations.

Attendance by the States parties concerned

Rule 45

1. The States parties concerned shall be entitled to representation when the matter is considered by the Committee and to make submissions orally and/or in writing.
2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.
3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Report of the Committee

Rule 46

1. The Committee shall adopt a report in accordance with article 10, paragraph 1 (h), of the Optional Protocol with due expediency after the date of receipt of a notice under article 10, paragraph 1 b) of the Optional Protocol,
2. The provisions of paragraph 1 of rule 45 of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.
3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

Communiqués on the Committee's activities under the Optional Protocol

Rule 47

The Committee may issue press communiqués on its activities under the Optional Protocol for the use of the media and the general public.