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Human Rights Council

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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council*

19/5

Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

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

Recalling that the Vienna Declaration and Programme of Action,¹ the 2005 World Summit Outcome² and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also previous resolutions of the Human Rights Council and of the Commission on Human Rights on the realization of economic, social and cultural rights, as well as Council resolution 4/7 of 30 March 2007,

Welcoming ongoing efforts, including by the Human Rights Council, towards the realization of economic, social and cultural rights, and encouraging additional efforts to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its nineteenth session (A/HRC/19/2), chap. I.

¹ A/CONF.157/24 (Part I), chap. III.

² General Assembly resolution 60/1.

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

Recognizing that the early entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, through its ratification by ten States, will be an important tool to help to strengthen the promotion and protection of economic, social and cultural rights worldwide, and noting with interest the fact that thirty-nine States have signed the Optional Protocol and eight have ratified it since it was opened for signature on 24 September 2009,

1. *Affirms*:

(a) That the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the obligation of all States to ensure the full promotion, protection and realization of all human rights;

(d) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the primary responsibility for promoting and protecting human rights lies with States;

(e) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development;

2. *Calls upon* all States:

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

(b) To consider signing and ratifying, and States parties to implement, the International Covenant on Economic, Social and Cultural Rights, as well as other international instruments relating to the realization of economic, social and cultural rights;

(c) To guarantee that economic, social and cultural rights shall be exercised without discrimination of any kind;

(d) To secure progressively, through national development policies and with international assistance and cooperation, as appropriate, the full realization of economic, social and cultural rights, paying particular attention to individuals and communities living in extreme poverty;

(e) To promote the meaningful and wide participation of civil society in decision-making processes relating to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices;

3. *Encourages* all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so with a view to its early entry into force;

4. *Calls upon* the States parties to the Covenant:

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

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

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

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

5. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving the Millennium Development Goals, and emphasizes the central role of the United Nations in enhancing global partnerships for development, with a view to creating a supportive global environment for the attainment of the Millennium Development Goals;

6. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and Human Rights Council resolution 15/9 of 30 September 2010, in which the Council affirmed that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

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

8. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments;

9. *Encourages* the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights at the national and international levels, including by making the experience gained through the examination of States parties' reports available for the benefit of all States parties, and by organizing regional workshops to promote follow-up to its concluding observations;

10. *Expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by other human rights treaty bodies working on issues that bear upon the Covenant and United Nations bodies, specialized agencies or programmes;

11. *Also expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by all relevant special procedures of the Human Rights Council;

12. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or programmes, mechanisms of the Human Rights Council, and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

13. *Welcomes* the inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action,³ in which States underscored, inter alia, the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

14. *Welcomes and encourages* regional initiatives to promote the further realization of economic, social and cultural rights;

15. *Recognizes and encourages* the important contributions of national human rights institutions and non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;

16. *Expresses its appreciation* for the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise and its publications and studies on related issues;

17. *Encourages* the Office of the High Commissioner:

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

(b) To continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;

(c) To strengthen its research and analytical capacities in the field of economic, social and cultural rights, and to share its expertise through, inter alia, the holding of expert meetings;

(d) To strengthen support for the Committee on Economic, Social and Cultural Rights;

(e) To continue its activities on the promotion and awareness-raising of economic, social and cultural rights, including by supporting regional initiatives relating to the implementation of the International Covenant on Economic, Social and Cultural Rights;

18. *Takes note with interest* of the report of the High Commissioner on the question of the realization in all countries of economic, social and cultural rights⁴ and its recommendations, submitted pursuant to Human Rights Council resolution 14/13 of 18 June 2010;

19. *Decides* to focus on the issue of economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of Millennium Development Goals, in consultation with States, relevant special procedures and United Nations bodies and agencies and other stakeholders, in its annual discussion on the integration of a gender perspective, to be held at the twenty-first session of the Human Rights Council, and requests the Office of the High Commissioner to prepare and disseminate a report on the proceedings;

20. *Requests* the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the implementation of the present resolution, with a

³ See A/CONF.189/12 and Corr.1, chap. I.

⁴ A/HRC/17/24 and Corr.1.

special focus on economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of the Millennium Development Goals;

21. *Decides* to remain seized of this issue and to consider taking further actions in order to implement the present resolution.

*52nd meeting
22 March 2012*

[Adopted without a vote.]
