

THE CASE FOR A PROTOCOL TO THE ICESCR!

International Covenant on Economic,
Social and Cultural Rights (1966)

What is at stake in the proposed international instrument for complaints and communication and for effective monitoring of the implementation of the ICESCR

Part of a series of the Human Rights Programme of the Europe - Third World Centre (CETIM)



CETIM

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*Through this **series** of informational brochures, the CETIM hopes to provide a better knowledge of the documents (conventions, treaties, declarations etc.) and existing official instruments to all those engaged in the struggle for the advancement of human rights.*

Cooperation

For a long time now, the CETIM has been working in most of the areas touching on economic, social and cultural rights in cooperation with the **American Association of Jurists**. This series – and this brochure in particular – draws abundantly on our common work and reflections.

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THE CASE FOR A PROTOCOL TO THE ICESCR!

What is at stake in the proposed international instrument for complaints and communication and for effective monitoring of the implementation of the “International Covenant on Economic, Social and Cultural Rights” (1966)

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**Part of a series of the Human Rights Programme
of the Europe-Third World Centre (CETIM)**

Introduction

In paragraph 3 of the common preamble to the two International Conventions of Human Rights – the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* – the states parties acknowledge, in accordance with the *Universal Declaration of Human Rights*, 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 his economic, social and cultural rights, as well as his civil and political rights”.

In order to know how this requirement is put into practice, it is necessary to have a monitoring and enforcement mechanism. For the past thirty years, the *International Covenant on Political and Civil Rights* has had a complaint procedure that has allowed for the development of ample case law on the subject. This procedure was established by what is called a “protocol”.¹

However, there is still no such procedure for the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Within the United Nations, the debate regarding the necessity of such a procedure has been going on for over fifteen years. An optional protocol to the *Covenant* has been drafted by the Committee on Economic, Social and Cultural Rights² and has been submitted for consideration to the Commission on Human Rights.

The CETIM has long been militating for the creation of such a mechanism. This brochure discusses its utility and provides information on the progress of negotiations on this question within the various United Nations bodies.

Thus, after a brief definition of several terms (I), and a presentation of the what is at stake (II), the brochure will present the current situation of the draft within the Commission on Human Rights (III) – where there has been a general refusal to open discussion on the draft – before moving on to a commentary on the draft by the CETIM (IV).

¹ For example, the first *Optional Protocol* to the *International Covenant on Civil and Political Rights*, adopted on 16 December 1966, which entered into force on 23 March 1976.

² The Committee is entrusted with monitoring the implementation of the *Covenant* by the states parties.

I. BRIEF DEFINITION OF SOME TERMS

A. International Covenant on Economic, Social and Cultural Rights (ICESCR)

Adopted on 16 December 1966, the ICESCR is the only international treaty covering all economic, social and cultural rights. With the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*, it constitutes the *International Human Rights Charter*, the basis of all the international treaties dealing with human rights.

The ICESCR defines and stipulates, first and foremost, as an integral part of, and indivisible from, human rights, the right to an adequate standard of living (food, clothing, shelter etc.), the right to education, the right to work in just and favorable conditions, the right to join a trade union and to strike, the right to health, the right to social security and social insurance and, finally, the right to participate in cultural life and to benefit from scientific progress.³

The ICESCR entered into force on 3 January 1976 and has been ratified by 152 countries.⁴ The implementation of the provisions of the ICESCR – at both the national and the international level – is thus legally binding for those countries that have ratified it. This means that the ICESCR has the force of law and can be invoked in the courts of these countries once it has been approved by the legislature, either by being incorporated into the body of national legislation or automatically upon ratification (self executing), depending upon the legal provisions in force in each country.

In practice, whereas countries are subject to considerable constraints and pressures to respect both the letter and the spirit of international trade agreements (such as those drafted by the WTO), no such constraints or pressures exist regarding commitments undertaken by the ratification of the ICESCR. Worse, acceptance of trade agreements is often made at the expense of the ICESCR – indeed, in flagrant violation

³ Cf. Annex 1 for the full text.

⁴ Cf. Annex 2.

of the rights stipulated therein, as if the *Covenant* had no legal force. Yet, this is not the case at all.

In fact, numerous U.N. texts emphasize the primacy of human rights over economic agreements. In support of this claim, one can cite the following extracts from recent declarations and resolutions that unmistakably assert this.

The Sub-Commission for the Promotion and Protection of Human Rights reminds all governments of

*“the primacy of human rights obligations under international law over economic policies and agreements, and requests them, in national, regional and international economic policy forums, to take international human rights obligations and principles fully into account in international economic policy formulation”;*⁵

The Committee on Economic, Social and Cultural Rights, at the time of the WTO’s third ministerial conference, requested that the WTO

*“undertake a review of the full range of international trade and investment policies and rules in order to ensure that these are consistent with existing treaties, legislation and policies designed to protect and promote all human rights.”*⁶

While deploring the abuse of intellectual property regulations that protect the interests and the investments of the business sector and commercial enterprises, the Committee on Economic, Social and Cultural Rights also affirmed that

*“Human rights are fundamental, inalienable entitlements belonging to individuals and, under certain circumstances, groups of individuals and communities... In contrast to human rights, intellectual property rights are generally of a temporary nature, and can be revoked, licensed or assigned to someone else.”*⁷

⁵ *Intellectual Property and Human Rights*, Resolution 2001/21, paragraph 3, 16 August 2001: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.SUB.2.RES.2001.21.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.SUB.2.RES.2001.21.En?Opendocument).

⁶ Committee on Economic, Social and Cultural Rights, Twenty-first session, Geneva, 15 November-3 December 1999, Agenda item 3, *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Statement of the United Nations Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization, (Seattle, 30 November to 3 December 1999)*, E/C.12/1999/9: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1999.9.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1999.9.En?Opendocument).

Both the Commission on Human Rights and the U.N. General Assembly recognize that “in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level”.⁸

B. What is an optional protocol?

An optional protocol is an addition to an international treaty, either to establish a follow-up mechanism to the treaty (in this case, the protocol would give the Committee on Economic, Social and Cultural Rights the authority receive complaints regarding violations of economic, social and cultural rights), or to strengthen it, or both. In either case, the protocol in question must be duly ratified by the signatory countries in order for it to enter into force and for the states parties to be held accountable.

Of course, each country is free to ratify or not any protocol, which is why it is called “optional”. However, it is only logical that the countries that have ratified a treaty should submit to a monitoring and enforcement mechanism so that their citizens may recur to it in the case of violations.

⁷ Committee on Economic, Social and Cultural Rights, Twenty-fifth session, Geneva, 7-25 November 2005, *General Comment No. 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 or she is the author (article 15, paragraph 1(c) of the Covenant)*, paragraphs 1 and 2 : [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.GC.17.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.GC.17.En?OpenDocument).

⁸ Cf. the resolution on globalization of the 61st Commission on Human Rights, E/CN.4/RES/2005/17, adopted 14 April 2005 and that of the General Assembly, entitled, *Enhancement of international cooperation in the field of human rights*, A/RES/58/170, paragraph 2, adopted 9 March 2004: <http://daccessdds.un.org/doc/UNDOC/GEN/N03/504/78/PDF/N0350478.pdf>.

II. WHAT'S AT STAKE

A. For governments

In 1993, all those countries present at the world conference on human rights⁹ reaffirmed, by consensus, that “All human rights are universal, indivisible and interdependent and interrelated.”¹⁰

This means that they should all be treated equally and that their defense should be given absolute priority.

However, economic, social and cultural rights have not yet been accorded the same status as civil and political rights. The latter benefit from much greater vigilance, both in practice and through the monitoring and enforcement mechanism accorded to them, whereas economic, social and cultural rights are often relegated, de facto, to the status of simple political aspirations.

Collateral damage from the Cold War? The end of the Cold War, obviously, has changed things, for, although economic, social and cultural rights have gotten more attention since the 1990s, they are nonetheless still not treated as equal to civil and political rights by most countries.

The result of neo-liberal economic policies that place economic considerations above all others? Most certainly. Most governments have yielded to the commercial (“private”) sector, when they have not become outright proponents of it, regardless of the consequences of this for human rights.

Article 2.1 of the ICESCR enjoins the states parties to act “by all appropriate means” in order to achieve the full realization of economic, social and cultural rights, and requires that they do so “individually and through international assistance and cooperation”.

One could take all the governments of the North – and of the South – to court for their social, economic and budgetary policies inspired by economic neo-liberalism if one could show that those policies result in a degradation of human rights and in the denial of the principle of

⁹ Held in Vienna, 14-25 June 1993.

¹⁰ Cf. the *Vienna Declaration and Program of Action*, A/Conf.157/23, 12 July 1993, part I, paragraph 5:

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En).

solidarity and general interest – something that has obviously been the case for several decades.

Those of the North, moreover, could be criticized for their unconditional support of the stranglehold on the world wielded by their transnational corporations in their search for profit, and for the murderous structural adjustment programs imposed on the countries of the Third World through the international financial institutions under their control. Those of the South could be equally criticized for submitting to these constraints without resistance and without regard for the disastrous social consequences of such programs.

B. For citizens and social movements

The protocol would further substantiate the meaning of economic, social and cultural rights and states parties' duties regarding their realization. It would make it possible to bring pressure to bear so that these governments incorporate the provisions of the ICESCR into their national legislation and take appropriate measures to enforce that legislation.

Through the individual and collective complaints procedure regarding specific violations of rights, the Committee on Economic, Social and Cultural Rights could provide states parties with practical directives on the extent of their real obligations.

This would reinforce economic, social and cultural rights and would make the international system protecting human rights more consistent.

Of the seven oversight bodies at the international level, five already have a complaints procedure mechanism. These are: the Human Rights Committee (dealing with civil and political rights), the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on Migrant Workers and the Committee on the Elimination of Discrimination against Women. The experience of these committees is rich in case law,¹¹ and, through these cases, they have been able to clarify the scope of the rights they are overseeing and incite the states parties to a better respect of their commitments.

Further, the responsibility of the international financial institutions and transnational corporations regarding human rights – in particular economic, social and cultural rights – would become unequivocally apparent.

¹¹ Except for the Committee on Migrant Workers, which has received no complaints until now, for its treaty entered into force 1 July 2003 and the Committee adopted its rules of procedure only last year.

In fact, the international financial institutions have enormous power and force most countries to adopt policies that are indisputably contrary to their commitments regarding economic, social and cultural rights.

As for the transnational corporations, they orient the bulk of the world's production while accumulating colossal capital. Their power and their activities should at least be subject to a legal framework and to control.¹²

Finally, as already mentioned, a protocol would offer the opportunity to strengthen the notion of international solidarity stated in the first paragraph of Article 2 of the ICESCR, which requires the states parties to realize economic, social and cultural rights, "individually and through international assistance and cooperation". Thus, governments are obliged not only to respect and enforce economic, social and cultural rights on their own territory but also to cooperate with other governments in need of support in achieving a full realization of these rights.

¹² For further information on transnational corporations, see our brochure *Transnational Corporations and Human Rights*, November 2005.

III. THE DEBATES WITHIN THE WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS: THE REFUSAL TO DISCUSS THE DRAFT PROTOCOL OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. Background

The debate within the Committee on Economic, Social and Cultural Rights over the drafting of an optional protocol to the ICESCR began in 1990.

In 1992, Danilo Turk, the special rapporteur for economic, social and cultural rights for economic, social and cultural rights of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities¹³ specifically recommended the adoption of such a protocol in his final report.¹⁴

Thus, starting in 1992, the Committee on Economic, Social and Cultural Rights devoted official sessions to the discussion of this question and, in 1996, adopted a draft optional protocol to the ICESCR.¹⁵

In spite of the existence of this draft – certainly imperfect (see Chapter IV) – and the 1993 Vienna human rights conference’s exhortation to the Commission on Human Rights “to continue the examination of optional protocols¹⁶ to the International Covenant on Economic,

¹³ In 1999 renamed the Sub-Commission on the Promotion and Protection of Human Rights.

¹⁴ Cf. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-fourth session, *The realization of economic, social and cultural rights, Final report submitted by Mr. Danilo Türk, Special Rapporteur*, 3 July 1992, E/CN.4/Sub.2/1992/16, paragraph 4:

[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.1992.16.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.Sub.2.1992.16.En)

¹⁵ Cf. *COMMISSION ON HUMAN RIGHTS, Fifty-third session, Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* E/CN.4/1997/105, 18 December 1996:

[http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1997.105.En?OpenDocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1997.105.En?OpenDocument).

¹⁶ The use of the plural “protocols” is not accidental. In the opinion of some observers there should be two protocols for the *Covenant*, one on a complaints procedure, the other on an investigative procedure. Some think that a single protocol would suffice

Social and Cultural Rights”¹⁷ (in tandem with the Committee on Economic, Social and Cultural Rights), the Commission on Human Rights has not budged on this question.

B. First session of the Working Group¹⁸

The Open-Ended Working Group¹⁹ (hereafter, the Working Group), requested to meet “with a view to *considering options*²⁰ regarding the elaboration of an optional protocol to the Covenant”, was established by the 59th session of the Commission on Human Rights by Resolution 2003/18²¹.

The Working Group held its first session in Geneva from 23 February to 5 March 2004. Besides governmental delegations, three experts from the oversight committees,²² two special rapporteurs from the Commission on Human Rights²³ and several NGOs participated in the work of the group. Catarina de Albuquerque (Portugal) was elected chairperson.

for both procedures, while others believe it also necessary to amend the *Covenant* to take everything into account.

¹⁷ Cf. WORLD CONFERENCE ON HUMAN RIGHTS, Vienna, 14-25 June 1993, *Vienna Declaration and Programme of Action*, A/Conf.157/23, Part II, Paragraph 75 : [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument).

¹⁸ Cf. the report of the CETIM, March 2004 and the report of the Working Group, E/CN.4/2002/44 of 15 March 2004: [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.44.En?OpenDocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.44.En?OpenDocument).

¹⁹ “Open-ended” means that the group is open to all members of the U.N., who participate on an equal footing with each other. The NGOs, specialized agencies and/or bodies of the U.N. as well as intergovernmental organizations may attend as observers.

²⁰ Emphasis added.

²¹ *Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social And Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights*, Resolution 2003/18, Paragraph 13 in *Commission on Human Rights, Report on the fifty-ninth session (17 March – 24 April 2003)*:

[http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/6395d27097af5ed0c1256e1600569325/\\$FILE/G0316227.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/6395d27097af5ed0c1256e1600569325/$FILE/G0316227.pdf).

²² Eibe Riedel, vice-chair of the Committee on Economic, Social and Cultural Rights; Martin Sheinin, member of the Human Rights Committee; Régis de Gouttes, member of Committee on the Elimination of Racial Discrimination.

²³ Miloon Kothari, special rapporteur on the right to adequate housing; Paul Hunt, special rapporteur on the right to health.

The vague character of the mandate of the Working Group consisting of “considering options” allowed certain delegations to prevent the beginning of work on the drafting of a protocol. The discussion rapidly digressed to focus on three points: 1. the justiciability of economic, social and cultural rights; 2. whether or not an optional protocol was necessary; and 3. the legal status of the Committee on Economic, Social and Cultural Rights. The final result of this was that the Working Group was unable to consider the draft optional protocol of the Committee.²⁴ Nonetheless, it was able to discuss the general scope of a future protocol.

In short, it turned out to be a matter of exploring questions raised by the drafting of an optional protocol to the ICESCR without referring to the Committee’s draft.

1. Judiciability of economic, social and cultural rights

According to certain delegations, considering the “vague” character of the ICESCR, economic, social and cultural rights were not justiciable, or, at least, not all of them. For others, the ICESCR is no more vague than its counterpart, the *International Covenant on Civil and Political Rights*. Those holding the latter view added that, in any event, the international texts create a framework, hence their general character, and that the oversight bodies and national courts clarify, in the light of specific cases, the substance of these rights. In support of their ideas, they presented an abundance of case law that is becoming progressively more abundant throughout the world.²⁵ Many countries have incorporated the INESCR into national legislation, thus making it justiciable in their courts.²⁶ Moreover, there are also regional instances (the European

²⁴ COMMISSION ON HUMAN RIGHTS, *Fifty-third session, Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* E/CN.4/1997/105, 18 December 1996:
[http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1997.105.En?OpenDocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1997.105.En?OpenDocument).

²⁵ Cf, inter alia *Commission on Human Rights, Sixty-first session, Background paper prepared by the Secretariat, Selection of case law on economic, social and cultural rights*, 15 November 2004, E/CN.4/2994/WG.23/CRP.1:
http://www.ohchr.org/english/issues/escr/docs/wg23-crp1_En.pdf.

²⁶ For example, Section 27 (“Heath, food, water and social security”) of the *Bill of Rights* of the constitution of the Republic of South Africa states that “(1) Everyone has the right to have access to a. health care services, including reproductive health care; b. sufficient food and water; and c. social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. (2) The

Court of Human Rights, the Inter-American Commission on Human Rights, the African Court on Human and Peoples' Rights Court) that deal already with certain violations of economic, social and cultural rights.²⁷

2. The necessity of an optional protocol

Officially, only Sweden opposed the adoption of an optional protocol, claiming that it would in no way contribute to a greater respect for economic, social and cultural rights.²⁸

Some of the other delegations remained skeptical or had not yet decided upon their positions for they wanted to know the scope and implications of a future protocol.

Some delegations (Saudi Arabia, Angola and India in particular) put forth legal obstacles to the drafting of an optional protocol (see below). Further, in their opinion, an optional protocol would result in leveling accusations only against countries in the South, which lack sufficient resources to assure their people the enjoyment of these rights and/or which would be victims of selective complaints. India claimed that the drafting of an optional protocol should wait until the countries of the South had reached the level of development currently enjoyed by the countries of the North (sic).

The majority of the delegations were in favor of drafting an optional protocol. Supported by experts and NGO participants in the Working Group, they put forth the following arguments.1. there is no such thing

state must take reasonable legislative and other measures, within available resources, to achieve the progressive realization of each of these rights.”

The constitution of Ecuador emphasizes, inter alia, “the right to a quality of life that guarantees health, food and nutrition, adequate housing, clothing, medical care and other necessary social services.” (Article 23.20, from the French CETIM translation). The constitution of Bangladesh (Article 15) provides that “It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens – a. the provision of the basic necessities of life, including food, clothing, shelter, education and medical care”.

²⁷ Cf. inter alia the CETIM's two earlier brochures on the right to food and on transnational corporations and human rights.

²⁸ Cf. *Commission on Human Rights, Sixtieth Session, 17 November 2003, Report of the Secretary General in response to Commission resolution 2003/18, E/CN.4/2004/WG.23/2:*

[http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/65ca676e4910c443c1256e2000574cf4/\\$FILE/G0316878.pdf](http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/65ca676e4910c443c1256e2000574cf4/$FILE/G0316878.pdf).

as an unjusticiable right; 2. the ICESCR has a binding character for the states parties to it with immediate effect; 3. as the ICESCR already confers upon states parties to it obligations, the protocol is only a question of procedure; 4. the drafting of a protocol was one of the recommendations of the Declaration of Vienna;²⁹ 5. creating an optional protocol is not a legal question but a political one.

These delegations maintained that adopting an optional protocol would: 1. result in a better definition of economic, social and cultural rights, hence a better implementation of the ICESCR; 2. contribute to the development of national case law; 3. establish the possibility of lodging a complaint against a violation of these rights; 4. reinforce the indivisibility of human rights, for there is no mechanism at the international level to sanction violations of economic, social and cultural rights;³⁰ 5. create a complementariness among the already existing international mechanisms.

With this in mind, Algeria suggested the creation of an International Criminal Court to judge violators of economic, social and cultural rights.

3. The legal status of the Committee on Economic, Social and Cultural Rights

The question arose as to whether the Committee on Economic, Social and Cultural Rights should be the body to receive complaints. It was suggested that a body other than the Committee be created to implement the future protocol.

The delegations questioned the legal status of the Committee on Economic, Social and Cultural Rights, given that it had been established by the ECOSOC, making it something of an “anomaly” relative to the other oversight bodies. However, the majority of the speakers emphasized the quality of the work of the Committee over the fifteen years

²⁹ The second world conference on human rights, held in Vienna in June 2003, recommended that the Commission on Human Rights “continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights”, WORLD CONFERENCE ON HUMAN RIGHTS, Vienna, 14-25 June 1993, *Vienna Declaration and Programme of Action*, A/Conf.157/23, part II, paragraph 75: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)

³⁰ Several of the oversight bodies (the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child) deal with only certain aspects of violations of economic, social and cultural rights.

of its existence, recalling that in its workings it was identical to the other bodies.

Referring to the Secretary General's report on the legal status of the Committee,³¹ Saudi Arabia claimed that it was impossible for the Working Group to draft an optional protocol without amending the ICESCR. Further, this country formally requested a new legal opinion, obviously unconvinced by the U.N. legal office's opinion provided during the drafting process. The Working Group, for its part, suggested two options: either the states parties create a new mechanism to draft an optional protocol providing for individual complaints or the ECOSOC extend the mandate of the Committee by means of a resolution, thus allowing it to receive complaints, as the other oversight bodies do.³²

4. General debate on the substance of a future optional protocol

The following question was asked by several delegations: how to assure economic, social and cultural rights when the resources to do so are lacking?

In response, certain delegations, NGOs and experts insisted on the need to put into practice international cooperation.

Others argued that the protection of certain economic, social and cultural rights do not always require financial means. If ca be enough for a government to stop taking measures (for example, forced evictions in the case of the right to adequate housing).

According to the special rapporteur on the right to adequate housing, giving a different orientation to subsidies – which often benefit the middle class and the rich – would assure full enjoyment of this right in several countries.

Certain delegations feared that the optional protocol would allow the Committee on Economic, Social and Cultural Rights to dictate policy to governments in the economic and social domains. In this regard, Canada asked if a government would have to justify its priorities.

Other delegations were for an “à la carte” approach (Switzerland, among them). This would mean that the protocol would not be taken as appertaining to the entirety of rights enumerated in the ICESCR but to

³¹ *Follow up and monitoring of the International Covenant on Economic, Social and Cultural Rights*, 10 September 1996, E/1996/101: <http://www.un.org/documents/ecosoc/docs/1996/e1996-101.htm>.

³² Cf. the letter of 2 March 2004 signed by Ralph Zacklin, Under-Secretary General for Legal Affairs.

only some of them. Some delegations came out for the exclusion of Article 1 of the ICESCR (the right to self-determination). To this the Committee, the NGOs and several delegations replied that all the articles of the ICESCR were justiciable and that what was needed was an overall approach for the drafting of the future protocol.

Several delegations questioned if it was necessary to provide for only individual complaints or if collective complaints were to be included, too. The majority of the participants were in favor of both.

Besides the individual and collective complaints procedure, the creation of an investigative procedure for use in the field was proposed.

Taking into account the character of economic, social and cultural rights, certain delegations asked if only the states parties would be targeted by the complaints or if the international financial institutions and transnational corporations would also be, given how they are implicated in violations of economic, social and cultural rights.

Some delegations asked to set up a framework of government obligations. One question frequently asked was how the Committee would evaluate a government that had taken all measures, using “all appropriate means” as mentioned in Article 2.1 of the ICESCR. This was not resolved.

Yet other delegations also asked that “historic violations” (colonialism, slavery etc.) be taken into account in the future optional protocol.

5. Position of the CETIM and other NGOs

The CETIM presented two written³³ and one oral statement to the Working Group. In essence, we spoke in favor of the drafting of an optional protocol that would allow the victims of violations of economic, social and cultural rights the possibility of bringing the case before the Committee, adding that the future protocol should take into account the following points: 1. the transnational character of violations of economic, social and cultural rights and the case law of the oversight bodies; 2. violations committed by transnational corporations as well as by the international trade and financial institutions, given their domination of the

³³ Joint declarations of the CETIM and the American Association of Jurists (AAJ) entitled, “La justiciabilité des droits économiques, sociaux et culturels” (E/CN.4/2004/WG.23/CRP.5) and “Comments to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights prepared by the Committee on Economic, Social and Cultural Rights”, (E/CN.4/2004/WG.23/CRP.6). Both statements and other are available under the heading “Issues” on our website: http://www.cetim.ch/en/dossier_desc.php.

world's economy; 3. complaints by governments against other governments; 4. individual complaints against governments, when the plaintiffs are not citizens of the country in question and are not under their jurisdiction.

Like the CETIM, all the NGOs – without exception³⁴ – participating in the Working Group spoke out in favor of an optional protocol to the ICESCR and for an increased protection of economic, social and cultural rights.

At the end of the debates, the Working Group adopted its report, but it was unable to adopt the recommendations of the Commission on Human Rights because of the opposition of the United States and Russia, which objected to a renewal of the mandate of the Working Group for another two years.

Without explaining its opposition, the United States³⁴ declared, simply, that the text, as presented, was unacceptable.

For Russia, the important thing was to move on to the next step, to the drafting of an optional protocol.

Without a consensus within the Working Group, the chair declared that she would submit the unadopted text to the Commission on Human Rights as her personal proposal and closed the session of the Working Group on this note on 5 March 2004.

C. Second Session of the Working Group³⁵

By its resolution, adopted by 48 in favor, none against and five abstentions,³⁶ the 60th session of the Commission on Human Rights decided to renew the mandate of the Working Group for two more years with the mandate remaining identical to the original one.³⁷

³⁴ These NGOs grouped themselves together in a coalition (of which the CETIM was a member) called “A Protocol for Economic, Social and Cultural Rights Now: Campaign for International Justice for Victims of Violations of Economic, Social and Cultural Rights”. This coalition had as its primary purpose the adoption of an optional protocol to the ICESCR, covering all the rights in the ICESCR and including a mechanism for individual and collective complaints as well as an investigative procedure. For further information: <http://www.escrprotocolnow.org/home.htm>.

³⁵ From the *Report of the Open-ended Working Group*, 10 February 2005, E/CN.4/2005/52: <http://daccessdds.un.org/doc/UNDOC/GEN/G05/108/36/PDF/G0510836.pdf?OpenElement> and the notes of the CETIM representative.

³⁶ Saudi Arabia, Australia, Bahrain, the United States and Qatar.

³⁷ Cf. E/CN.4/RES/2004/29, http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2004-29.doc

The Working Group held its second session in Geneva from 10 to 20 January 2005. Besides the governmental delegations and the NOGs, two of the Commission on Human Rights' special rapporteurs,³⁸ a Sub-Commission expert,³⁹ three experts from oversight committees,⁴⁰ two representatives from United Nations specialized agencies⁴¹ and two experts from regional mechanisms participated in the Group's work. Catarina de Albuquerque (Portugal) was reelected chair of the Group.

In essence, the second session was a repetition of the first, given that the mandate of the Working Group remained vague (see chapter III.B) and that the Group could produce no concrete results as regards the drafting of a protocol. However, the second session did produce substantive debates on the scope of the future protocol as well as greater clarity regarding the positions on the question held by the states parties. It also allowed numerous delegations to get to know better the experiences of other oversight committees and the regional mechanisms that include a complaint mechanism.

1. Position of the various countries on the adoption of a future protocol to the ICESCR and on its scope, independent of the draft of the Committee on Economic, Social and Cultural Rights

Most of the countries that participated in the work of the Working Group came out in favor of an optional protocol: Argentina (speaking for the Latin American Group and the Caribbean), Chili, Costa Rica, Croatia, Cuba, the Czech Republic, Ecuador, Ethiopia (speaking for the African Group), Finland, France, Germany, Ghana, Indonesia, Iran, Mexico, Norway, Peru, Portugal, Russia Slovenia, South Africa, Sudan, Spain, Switzerland and Venezuela.

On the other hand, opinions diverged on the substance of the protocol. Contrary to Brazil, Costa Rica, Ethiopia, Finland, Mexico, Portugal and South Africa, which opted for an overall approach (taking into account all the rights in the ICESCR), Russia and Switzerland argued for an "à la carte" approach (taking into account only certain

³⁸ Jean Ziegler, Special Rapporteur on the right to food and Doudou Diène, Special Rapporteur on Contemporary forms of racial discrimination, xenophobia and related intolerance.

³⁹ Emmanuel Decaux.

⁴⁰ Eiba Riedal, Vice-chair of Committee on Economic, Social and Cultural Rights, Anreas Mavromatic, member of the Committee Against Torture and Förän Melander, member of the Committee for the Elimination of Discrimination Against Women.

⁴¹ Vladimir Volodin, representing UNESCO, and Lee Swepston, representing the ILO.

rights in the ICESCR).⁴² Switzerland explicitly requested the exclusion of the first article (the right to self-determination) in the future protocol on the grounds that it is used for political purposes (secessionist rights) while Russia pointed out that its legislation did not permit recourse to this right.

Numerous countries of the South insisted that the obligation of international cooperation be taken into account in a future protocol, in keeping with the first paragraph of Article 2 of the ICESCR. They also requested that the international financial agencies and structural adjustment programs be considered as these affect the ability of countries to honor their commitments under the ICESCR.

Canada, the Czech Republic, France, and the United Kingdom proposed that international cooperation be regarded as a moral obligation but not a legal obligation (see also Chapter IV.B).

Canada, France, Japan, Poland, the United Kingdom and the United States came out against a protocol.⁴³

Moreover, Canada claimed that, before discussing the workings of an optional protocol, the countries should examine other potentially viable means that could be used to further oversight of the realization of economic, social and cultural right, such as a change in the procedure of presenting the states parties' reports so as to allow the Committee to examine individual situations where there might be non-respect of economic, social and cultural rights. Other such means included: broadening the mandate of the special rapporteurs in order to allow them to receive and study urgent communications; the examination of UNESCO's and the ILO's communication procedures; creating an "out-of-court" settlement procedure.⁴⁴

Taking advantage of the vagueness in the Group's mandate, Canada's proposal seems to have been an effort to distract the Group from its real work. Also, Canada was practically the only country to make

⁴² During the third session of the Working Group, held in Geneva from 5 to 17 February 2006, Russia maintained its position, whereas Switzerland declared that it would accept the overall approach, provided it allowed a country to attach reservations to its ratification.

⁴³ It is worth noting that Australia and the United States still have not ratified the ICESCR.

⁴⁴ *Commission on Human Rights, Sixty-first session, 10 February 2005, Report of the Open-ended Working Group to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights on its 2d session*, E/CN.4/2005/52: <http://daccessdds.un.org/doc/UNDOC/GEN/G05/108/36/PDF/G0510836.pdf>.

“concrete” proposals against the protocol. Its arguments did not stand up under close scrutiny.

The examination of either individual or collective complaints is simply not possible unless the states parties entrust this task to the Committee on Economic, Social and Cultural Rights and they acknowledge the authority of the Committee in this area. It is thus not a simple question of procedure or of internal regulation but one of the necessity of adopting a protocol to be ratified by the states parties (or the amending of the ICESCR – which would be much more laborious and complicated than drafting a protocol specifically for this purpose).

As for the special rapporteurs of the Commission on Human Rights, they already receive victims’ complaints, but their power is limited to bringing these complaints to the attention of the Commission. This is not a quasi-legal mechanism similar to the oversight committees, for they have the authority to make to governments recommendations that carry the weight of case law that the governments are expected to heed.

The procedures of the ILO and of UNESCO are limited, something admitted by the representatives of these institutions themselves, who favor the adoption of a protocol to the ICESCR. This would fill what is now a legal void and would complement the other already existing mechanisms at the regional and international levels.

2. The fate of the draft optional protocol of the Committee on Economic, Social and Cultural Rights

The examination of the draft optional protocol of the Committee on Economic, Social and Cultural Rights was prevented once more by Saudi Arabia, which cited the question of the legal status of the Committee. It requested and obtained – just as during the Working Group’s first session – a new opinion from the United Nations legal office.⁴⁵ In its reply, dated 6 January 2005, the legal office stated that “there is no reason to change the legal opinion given in 22004.”⁴⁶

However, Angola, the Czech Republic, Mexico, Portugal and Russia declared that the draft protocol constituted a good beginning for subsequent deliberations.

Sweden was of the opinion that they should revise and update the draft in the light of the new facts that had intervened since its creation in 1996 and because some of the questions that it raised appertained to

⁴⁵ Cf. also Chapter III.B.

⁴⁶ Signed by the chief legal counsel of the office, Daphna Shruga.

internal affairs. Egypt considered the draft as one of the bases, but the most important, of the discussion.

The special rapporteurs, experts and specialized bodies were all in favor of the adoption of an optional protocol. Some of them were clearly opposed to the “à la carte” approach, arguing – convincingly – that this would make the ICESCR inconsistent and would establish a hierarchy among the rights specified within it.

A.Mavrommatis, a member of the Committee Against Torture, argued in favor of equitable treatment for all human rights, for fear of seeing the international system of human rights protection falter. And the NGOs participating in the Working Group opposed the “à la carte” approach and supported taking into account in the protocol all the rights established by the ICESCR.⁴⁷

The CETIM followed their lead, further insisting on the importance of Article 1 on self-determination and of international cooperation.

⁴⁷ For further information, see the NGO coalition site: <http://www.escrprotocolnow.org>.

IV. THE CETIM'S COMMENTS ON THE DRAFT PROTOCOL OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The draft protocol worked out by the Committee on Economic, Social and Cultural Rights contains its own commentaries covering the discussion that took place among the Committee's experts.⁴⁸

Given the length of time that has gone by since it was written, the context of that time and case law tendencies, the Committee now appears to have been extremely cautious, whence perhaps the faults that the draft comports.

Since then, there has been a considerable evolution within the Committee. For example, the Committee had excluded from the draft the right of self-determination, justifying this by saying, in paragraph 24, that including this right "could involve a grave danger of the procedure being misused". Yet today, the Committee is in favor of the inclusion of all the rights set out in the ICESCR, with no exceptions. It defended this position before the Working Group of the Commission on Human Rights.⁴⁹

The draft protocol of the Committee constitutes a good basis for a future protocol; however, it is not without its weak points, which merit comment. It would be desirable for the Working Group to keep the draft and improve it.

A. Weak points of the Committee's draft⁵⁰

The weak points of the Committee's draft protocol concern, in particular, the criteria for bringing a case before the Committee.

⁴⁸ *COMMISSION ON HUMAN RIGHTS, Fifty-third session, Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights E/CN.4/1997/105*, 18 December 1996:

[http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1997.105.En?OpenDocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1997.105.En?OpenDocument).

⁴⁹ Cf. Statements by Eibe Riedal, vice-chair of the Committee on Economic, Social and Cultural Rights, made during the Working Group meetings, E/CN.4/2005/52:

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/108/36/PDF/G0510836.pdf?OpenElement>

⁵⁰ See note 33.

1. Governments' complaints excluded

The draft does not include governments among those eligible to lodge complaints (paragraph 14). Referring especially to the ILO's practice in the matter, the Committee contends that this procedure is rarely used by governments. This argument is anything but convincing for, within the framework of the Conference Committee on Application of Standards (one of the committees created pursuant to the Regulations of the International Labor Conference), the governments participate regularly in the analysis of the reports presented by other governments as well as in the drafting of recommendations addressed to government that are not in compliance with the rules in force – which explains why the other procedures provided for in the ILO constitution are used only exceptionally.

Moreover, the Committee itself is aware that in this respect its draft differs from the other international treaties such as the Covenant on Civil and Political Rights and the Conventions Against Torture and Against Racial Discrimination. The argument that governments rarely use the procedures against other governments is of relative value.

In any event, to exclude the governments is a legal contradiction since they are integral parts of international law as actors within the frameworks created by international instruments. Thus, the draft should contain an article referring to communications from governments.

2. Exclusion of complaints by victims not citizens of or resident in the violating state

The draft requires that the plaintiff come under the jurisdiction of the accused government (paragraph 21), but the Committee offer no explanation of this restriction on the right of victims. Paragraph proposes:

*"A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and examine communications from any individuals or groups **subject to its jurisdiction**⁵¹ in accordance with the provisions of this Protocol."*

This formulation repeats, literally, that of Article 1 of the first optional protocol. But the Committee encountered great difficulty in accomplishing its task because of this restrictive clause that it could not ignore owing to well argued case law, to wit that:

⁵¹ Emphasis added.

"it would be unconscionable to so interpret the responsibility under article 2 of the Covenant as to permit a State party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its won territory."⁵²

One cannot overemphasize that the governments have not only the obligation to respect human rights but also to assure that they are respected. The ICESCR makes no exception to the rule, and it should not. This is even truer now given that we are living in an ever more interdependent world owing to globalization.

3. Exclusion of complaints by groups and NGOs not duly mandated by the victims

The draft denies NGOs the right to act on their own initiative in response to violations of the ICESCR in any country. Paragraph states that, "The Committee recommends that the right to submit a complaint should be extended also to individuals or groups who act on behalf of alleged victims. The Committee noted, however, that this formulation should be interpreted *only to embrace individuals and groups who, in the view of the Committee, are acting with the knowledge and agreement of the alleged victim(s).*"⁵³

In essence, the Committee defends its recommendation as "avoiding opening up the possibility of complaints of a speculative character". This argument does not withstand close analysis for it is a fact that numerous regional and international mechanisms comport submission criteria that are sufficiently strict to avoid this sort of problem.

It is very important – and this is everybody's duty, as the Universal Declaration of Human Rights tells us – that the NGOs be able to bring all economic, social and cultural rights violations to the attention of the Committee.

It goes without saying that the victims of economic, social and cultural rights violations are usually from the most vulnerable social strata, people who, in general, have no access to the information – nor the means – required to bring their cases before the international instances. It also happens that fear of reprisal "dissuades" victims from taking a case to court. To this can be added the modest means available

⁵² Communication No 52/1997, 6 June 1979, in International Covenant on Civil and Political Rights, Human Rights Committee, Selected Decisions on the Optional Protocol (Second to sixteenth session), New York: United Nations, 1985, page 91.

⁵³ Emphasis added.

to most NGOs for meeting with the victims (in safe places, for example) and the numerous annoyances and administrative obstacles that they may have to confront in practice. Thus, the NGOs should have the right to file complaints, in the conditions already established in numerous existing procedures. If the NGOs are not accorded this right, the risk is great the serious violations, committed against those who are the least protected and the most vulnerable, will remain unpunished.

4. Limitation for filing a complaint at the national level

The draft proposes that, in order for the Committee to accept a complaint, “all available domestic remedies must have been exhausted” (paragraph 33.3). This clause should be completed as follows: “This shall not be the rule where the application of the remedies is unreasonably prolonged”⁵⁴ for the available remedies may be ineffective and/or deliberately long and drawn out – in particular for political reasons. As the old adage would have it: justice rendered late is not justice.

B. Strong points to be kept for a protocol to the Convention on Economic, Social and Cultural Rights

Besides the proposals concerning the criteria for bringing a case before the Committee mentioned above, and given the experiences of the existing mechanisms as well as the tendency of the case law, the future protocol should, inter alia, comport the following elements.

1. Procedures

Two procedures should be provided for: a communications (complaints) procedure for both individual and collective complaints, for this is a matter of rights that are both individual and collective; and investigative procedures, at the initiative of the Committee in cases of serious or systematic violations of economic, social and cultural rights in a given country.

⁵⁴ *Optional Protocol to the International Covenant on Civil and Political Rights*, article 5.2: http://www.unhcr.ch/html/menu3/b/a_opt.htm.

2. The rights in question

All the rights set forth in the ICESCR must be covered by the future protocol, including – and especially – the right to self-determination and the obligation to support international cooperation.

a. The right to self-determination

Like all human rights, the right of peoples to self-determination is one of the fundamentals of the United Nations and is specified in the charter. Numerous texts drafted within the U.N. system, including the two international human rights covenants in their common first article, have confirmed it.

This right is crucial today given that the sovereignty of many countries and their concomitant control of their own natural riches and resources have become endangered since the arrival on the scene of the WTO. Indeed, the WTO has imposed many rules that contradict this right, not to mention the structural adjustment programs and the burden of the debt, which constitute major obstacles to the right of peoples to freely choose their economic, social and cultural development policies.

b. International cooperation and assistance

International cooperation and assistance are provided for in Article 2.1 of the ICESCR, in the charter of the United Nations (Articles 55 and 56) and in the Declaration on the Right to Development.(1988). “The Committee [on Economic, Social and Cultural Rights] notes that the phrase ‘to the maximum of its available resources’ was intended by the drafters of the Covenant to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance.”⁵⁵ Further, Article 22 of the ICESCR assigns the coordination of this task, after a fashion, to the ECOSOC:

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

⁵⁵ *General Comment 3, The Nature of States Parties Obligations, (Art. 2, para. 1 of the Covenant), December 14, 1990*, paragraph 13, Committee on Economic, Social and Cultural Rights: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument).

measures likely to contribute to the effective progressive implementation of the present Covenant.

Moreover, in its General Observation 3, the Committee draws the attention of all governments to their duty:

It is particularly incumbent upon those States which are in a position to assist others in this regard. The Committee notes in particular the importance of the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 and the need for States parties to take full account of all of the principles recognized therein.⁵⁶

Unfortunately, for forty years, the ECOSOC and “organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance”⁵⁷ have given short shrift to putting into practice the ICESCR, and most of the rich countries remain indifferent to it, being, rather, intent upon perpetuating their relations of domination over the countries of the South.

One should also point out that international cooperation is not limited to development aid. It is also a question of cooperation in economic, social and cultural areas. International Cooperation is the commitment of all countries to cooperate for the realization of the human rights development objectives of every country in ways freely chosen as most appropriate to the context. In other words, it does not seek to impose on a people, on a nation, paths to development that are unsuited to it. For example, the construction of a dam on a river might be beneficial to the country in question, but might thus deprive another country of water and, so, constitute a violation. It is similar when a powerful country imposes an economic embargo on a weak neighbor, threatening even the minimum needed for subsistence.

⁵⁶ *Idem.*, paragraph 14.

⁵⁷ *General Comment 2, International technical assistance measures (Article 22 of the Covenant), February 2, 1990* paragraph 2:
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3659aaf3d47b9f35c12563ed005263b9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3659aaf3d47b9f35c12563ed005263b9?Opendocument)

Conclusion

Most of this brochure was written before the third session of the Working Group, held in Geneva from 6 to 17 February 2006. This meeting was largely devoted to examining an analytic document, prepared by the chair, dealing with various proposals regarding investigative procedures and communication, including between states parties.⁵⁸

Although many countries are opposed to the adoption of an optional protocol, most favor it.⁵⁹

Adopting a protocol to the ICESCR will not, of course, resolve all problems, but it would be a step in the direction of preventing further violations of economic, social and cultural rights. Such violations have reached alarming dimensions even as immunity for those committing violations has become intolerable. Not adopting such a protocol would be tantamount to calling into question the principles of universality, indivisibility and interdependence of all human rights.

However, the future of the Working Group depends above all on the clearness of the mandate that the Human Rights Council gives it. As long as its mandate is not amended, the drafting of a protocol will be postponed indefinitely.

There is no doubt that the mobilization and intervention of NGOs and social movements to put pressure on their respective governments, at the national and international levels, remain crucial if this protocol is to be adopted. It is essential to encourage all governments favorable to the protocol project to pursue it.

⁵⁸ *Analytical paper by the Chairperson-Rapporteur on elements for an Optional Protocol to the ICESCR*, E/CN.4/2006/WG.23/2:

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/164/64/PDF/G0516464.pdf?OpenElement>

⁵⁹ For further information, see the Working Group's report, *Report of the Open-ended working group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights*, E/CN.4/2006/47:

<http://www.ohchr.org/english/bodies/chr/docs/62chr/E.CN.4.2006.47.pdf>

V. APPENDIXES

Appendix 1

International Covenant on Economic, Social and Cultural Rights⁶⁰

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

⁶⁰ Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16th December 1966, this Covenant entered into force the 3rd January 1976, in accordance with article 27.

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 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, sub-

ject 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 2

List of States Parties to the International Covenant on Economic, Social and Cultural Rights (ratification by 152 States)

State	Signature	Ratification, Accession (a), Succession (d)	State	Signature	Ratification, Accession (a), Succession (d)
Afghanistan	.	24 Jan 1983 a	Dominican Republic	.	4 Jan 1978 a
Albania	.	4 Oct 1991 a	Ecuador	29 Sep 1967	6 Mar 1969
Algeria	10 Dec 1968	12 Sep 1989	Egypt	4 Aug 1967	14 Jan 1982
Angola	.	10 Jan 1992 a	El Salvador	21 Sep 1967	30 Nov 1979
Argentina	19 Feb 1968	8 Aug 1986	Equatorial Guinea	.	25 Sep 1987 a
Armenia	.	13 Sep 1993 a	Eritrea	.	17 Apr 2001 a
Australia	18 Dec 1972	10 Dec 1975	Estonia	.	21 Oct 1991 a
Austria	10 Dec 1973	10 Sep 1978	Ethiopia	.	11 Jun 1993 a
Azerbaijan	.	13 Aug 1992 a	Finland	11 Oct 1967	19 Aug 1975
Bangladesh	.	5 Oct 1998 a	France	.	4 Nov 1980 a
Barbados	.	5 Jan 1973 a	Gabon	.	21 Jan 1983 a
Belarus	19 Mar 1968	12 Nov 1973	Gambia	.	29 Dec 1978 a
Belgium	10 Dec 1968	21 Apr 1983	Georgia	.	3 May 1994 a
Belize	6 Sep 2000	.	Germany	9 Oct 1968	17 Dec 1973
Benin	.	12 Mar 1992 a	Ghana	7 Sep 2000	7 Sep 2000
Bolivia	.	12 Aug 1982 a	Greece	.	16 May 1985 a
Bosnia and Herzeg.	.	1 Sep 1993 d	Grenada	.	6 Sep 1991 a
Brazil	.	24 Jan 1992 a	Guatemala	.	19 May 1988 a
Bulgaria	8 Oct 1968	21 Sep 1970	Guinea	28 Feb 1967	24 Jan 1978
Burkina Faso	.	4 Jan 1999 a	Guinea-Bissau	.	2 Jul 1992 a
Burundi	.	9 May 1990 a	Guyana	22 Aug 1968	15 Feb 1977
Cambodia	17 Oct 1980	26 May 1992 a	Honduras	19 Dec 1966	17 Feb 1981
Cameroon	.	27 Jun 1984 a	Hungary	25 Mar 1969	17 Jan 1974
Canada	.	19 May 1976 a	Iceland	30 Dec 1968	22 Aug 1979
Cape Verde	.	6 Aug 1993 a	India	.	10 Apr 1979 a
Central African R.	.	8 May 1981 a	Iran	4 Apr 1968	24 Jun 1975
Chad	.	9 Jun 1995 a	Iraq	18 Feb 1969	25 Jan 1971
Chile	16 Sep 1969	10 Feb 1972	Ireland	1 Oct 1973	8 Dec 1989
China	27 Oct 1997	27 Mar 2001	Israel	19 Dec 1966	3 Oct 1991
Colombia	21 Dec 1966	29 Oct 1969	Italy	18 Jan 1967	15 Sep 1978
Congo	.	5 Oct 1983 a	Jamaica	19 Dec 1966	3 Oct 1975
Costa Rica	19 Dec 1966	29 Nov 1968	Japan	30 May 1978	21 Jun 1979
Côte d'Ivoire	.	26 Mar 1992 a	Jordan	30 Jun 1972	28 May 1975
Croatia	.	12 Oct 1992 d	Kazakhstan	2 Dec 2003	24 Jan 2006
Cyprus	9 Jan 1967	2 Apr 1969	Kenya	.	1 May 1972 a
Czech Republic	.	22 Feb 1993 d	Kuwait	.	21 May 1996 a
D. P. R. of Korea	.	14 Sep 1981 a	Kyrgyzstan	.	7 Oct 1994 a
D. R. of the Congo	.	1 Nov 1976 a	Lao P's. D. R.	7 Dec 2000	.
Denmark	20 Mar 1968	6 Jan 1972	Latvia	.	14 Apr 1992 a
Djibouti	.	5 Nov 2002 a	Lebanon	.	3 Nov 1972 a
Dominica	.	17 Jun 1993 a	Lesotho	.	9 Sep 1992 a

State	Signature	Ratification, Accession (a), Succession (d)	State	Signature	Ratification, Accession (a), Succession (d)
Liberia	18 Apr 1967	22 Sep 2004	Sao Tome and Principe	31 Oct 1995	.
Libya	.	15 May 1970 a	Senegal	6 Jul 1970	13 Feb 1978
Liechtenstein	.	10 Dec 1998 a	Serbia and Montenegro	.	12 Mar 2001 d
Lithuania	.	20 Nov 1991 a	Seychelles	.	5 May 1992 a
Luxembourg	26 Nov 1974	18 Aug 1983	Sierra Leone	.	23 Aug 1996 a
Macedonia	.	18 Jan 1994 d	Slovakia	.	28 May 1993 d
Madagascar	14 Apr 1970	22 Sep 1971	Slovenia	.	6 Jul 1992 d
Malawi	.	22 Dec 1993 a	Solomon Islands	.	17 Mar 1982 d
Mali	.	16 Jul 1974 a	Somalia	.	24 Jan 1990 a
Malta	22 Oct 1968	13 Sep 1990	South Africa	3 Oct 1994	.
Mauritania	.	17 Nov 2004 a	Spain	28 Sep 1976	27 Apr 1977
Mauritius	.	12 Dec 1973 a	Sri Lanka	.	11 Jun 1980 a
Mexico	.	23 Mar 1981 a	Sudan	.	18 Mar 1986 a
Monaco	26 Jun 1997	28 Aug 1997	Suriname	.	28 Dec 1976 a
Mongolia	5 Jun 1968	18 Nov 1974	Swaziland	.	26 Mar 2004 a
Morocco	19 Jan 1977	3 May 1979	Sweden	29 Sep 1967	6 Dec 1971
Namibia	.	28 Nov 1994 a	Switzerland	.	18 Jun 1992 a
Nepal	.	14 May 1991 a	Syrian Arab R.	.	21 Apr 1969 a
Netherlands	25 Jun 1969	11 Dec 1978	Tajikistan	.	4 Jan 1999 a
New Zealand	12 Nov 1968	28 Dec 1978	Thailand	.	5 Sep 1999 a
Nicaragua	.	12 Mar 1980 a	Timor-Leste	.	16 Apr 2003 a
Niger	.	7 Mar 1986 a	Togo	.	24 May 1984 a
Nigeria	.	29 Jul 1993 a	Trinidad and Tobago	.	8 Dec 1978 a
Norway	20 Mar 1968	13 Sep 1972	Tunisia	30 Apr 1968	18 Mar 1969
Pakistan	3 Nov 2004	.	Turkey	15 Aug 2000	23 Sep 2003
Panama	27 Jul 1976	8 Mar 1977	Turkmenistan	.	1 May 1997 a
Paraguay	.	10 Jun 1992 a	Uganda	.	21 Jan 1987 a
Peru	11 Aug 1977	28 Apr 1978	Ukraine	20 Mar 1968	12 Nov 1973
Philippines	19 Dec 1966	7 Jun 1974	United Kingdom	16 Sep 1968	20 May 1976
Poland	2 Mar 1967	18 Mar 1977	United R. of Tanzania	.	11 Jun 1976 a
Portugal	7 Oct 1976	31 Jul 1978	United States	5 Oct 1977	.
Republic of Korea	.	10 Apr 1990 a	Uruguay	21 Feb 1967	1 Apr 1970
Rep. of Moldova	.	26 Jan 1993 a	Uzbekistan	.	28 Sep 1995 a
Romania	27 Jun 1968	9 Dec 1974	Venezuela	24 Jun 1969	10 May 1978
Russian Federation	18 Mar 1968	16 Oct 1973	Viet Nam	.	24 Sep 1982 a
Rwanda	.	16 Apr 1975 a	Yemen	.	9 Feb 1987 a
St Vincent and the G.	.	9 Nov 1981 a	Zambia	.	10 Apr 1984 a
San Marino	.	18 Oct 1985 a	Zimbabwe	.	13 May 1991 a

Appendix 3

Websites to consult on ESCR

Center for Economic and Social Rights. <http://cesr.org>
Centre Tricontinental. <http://www.cetri.be>
Centre de Recherche et d'Information pour le Développement.
<http://www.crid.asso.fr>
El Observatori DESC. <http://www.descweb.org>
Haut-Commissariat aux droits de l'homme / High Commissioner for Human Rights / Alto Comisionado para los Derechos Humanos.
<http://www.ohchr.org>
Human Rights Watch. <http://www.hrw.org>
International Network for Economic, Social and Cultural Rights / Red Internacional para los Derechos Económicos, Sociales y Culturales.
<http://www.es-cr-net.org>
Les droits de l'homme. <http://www.aidh.org/>
Observatoire de la diversité et des droits culturels.
<http://www.unifr.ch/iiedh/droits-culturels/droits-culturels.htm>
Organisation internationale du travail / International Labour Organization / Organización Internacional del Trabajo. <http://www.ilo.org>
Peuples Solidaires. <http://www.peuples-solidaires.org>
South Centre. <http://www.southcentre.org>
UNESCO. <http://portal.unesco.org>

Organisations acting within the United Nations for the adoption of a Protocole

Amnesty International. <http://www.amnesty.org>
Association américaine de juristes / American Association of Jurists / Asociación Americana de Juristas. <http://www.aaj.org.br>
Centre on Housing Rights and Evictions. <http://www.cohre.org>
Centro de Asesoría Laboral del Perú. <http://www.cedal.org.pe>
Commission internationale de juristes / International Commission of Jurists / Comisión internacional de juristas. <http://www.icj.org>
ESCR Protocol Now! <http://www.es-cr-protocolnow.org>
Europe – Third World Centre (CETIM). <http://www.cetim.ch>
FIAN International / FIAN Internacional. <http://www.fian.org>
Franciscans International. <http://www.franciscansinternational.org>
International Federation Terre des Hommes. <http://www.terredeshommes.org>
International Women's Rights Action Watch - Asia Pacific. <http://www.iwraw-ap.org>