

1. Historical Background of ESCR

The international law of human rights was created immediately following World War II in response to widespread atrocities committed by states against innocent civilians.¹ Human rights law broke new ground in international relations by establishing binding legal duties that governments owed to individuals and groups rather than to other governments. The purpose of the law was to provide protection to all human beings, regardless of who they were and where they lived.

The founding document of international human rights law was the Universal Declaration of Human Rights (UDHR), unanimously ratified by the UN General Assembly in 1948.² The Universal Declaration established the fundamental vision and principles of the new human rights regime by recognizing the interdependence and indivisibility of all human rights. Under this vision, people were guaranteed civil and political freedom through the human rights to life, physical integrity, free speech and belief, and due process of law - as well as economic and social well-being - through the human rights to an adequate standard of living, housing, work, education, food and health.

Over the past 50 years, ESCR were elaborated through a wide range of international treaties, laws, and principles, despite being neglected in practice.³ Of primary importance is the 1967 International Covenant on Economic, Social and Cultural Rights (the "Covenant"), which has been ratified by 137 states to date.⁴ ESCR have been recognized in all major international treaties protecting the human rights of vulnerable groups, such as the Convention on the Rights of the Child,⁵ the Convention on the Elimination All Forms of Discrimination Against Women,⁶ and the Convention on the Elimination of All Forms of Racial Discrimination,⁷ as well as various treaties of the International Labour Organization. ESCR have also been affirmed at the world conferences in Rio (on Development and Environment), Vienna (on Human Rights), Copenhagen (on Social Development), and Rome (on Food Security). Finally, ESCR have been incorporated into regional law through organizations such as the European Union, as well as the domestic law of many countries in the form of constitutional rights and national/local legislation.⁸

The international law of ESCR provides a legal, political, and moral framework to challenge policies that perpetuate poverty and inequality. Just as governments are accountable under human rights law for denying political freedom, so too they are accountable for denying adequate food or health care. ESCR also provide a framework for people to participate in claiming their own rights. This enables affected communities

¹ See, generally, Henkin, *The Age of Rights* (New York: Columbia University Press, 1990); Cassese, *Human Rights in a Changing World* (Cambridge, England: Polity, 1990).

² Universal Declaration of Human Rights, G.A. Res. 217A of 10 December 1948, UN Doc. A/810 (1948).

³ See Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford: Clarendon Press, 1995); Leckie, "Another Step Towards Indivisibility: Violations of Economic, Social and Cultural Rights" in *Human Rights Quarterly*, vol 20, no. 1, 1998, pp. 81-124; Eide, "Economic, Social and Cultural Rights as Human Rights" in Eide, Krause and Rosas, eds., *Economic, Social and Cultural Rights: A Textbook.*, (Netherlands: Kluwer Academic Publishers, 1995).

⁴ International Covenant on Economic, Social and Cultural Rights, UN Doc. A/RES/2200 A (XXI), (1966).

⁵ Convention on the Rights of the Child, UN Doc. A/RES/44/736 (1989).

⁶ Convention on the Elimination of All Forms of Discrimination Against Women, UN Doc. A/RES/34/180 (1979).

⁷ Convention for the Elimination of All Forms of Racial Discrimination, UN Doc. A/RES/2106 A (XX) (1965).

⁸ Leckie; Craven, and Eide, see note 3.

and NGOs to demand legal accountability in situations where policy-makers would prefer to obscure the lines of responsibility and avoid public scrutiny.

2. Basic Content of ESCR

Despite widespread acceptance of ESCR in international law, their actual content and meaning is still in the process of development. During the Cold War they were neglected by international organizations and Western governments in favor of civil and political rights, which as a result have a more fully developed practical content.⁹ In recent years, however, a wide range of advocacy groups have made ESCR meaningful to people on the ground by working to hold states and other parties accountable for specific policies that result in violations. This process of rights-claiming by affected communities is the most important force in shaping the content and meaning of ESCR.

There is also a growing body of jurisprudence on ESCR. This jurisprudence has been developed by legal scholars, courts at the local, national, and regional levels, and international legal bodies such as the UN Committee on Economic, Social and Cultural Rights (the Committee is a group of experts that meets periodically to monitor compliance with the Covenant).¹⁰ For example, the Committee has issued a series of general comments elaborating the legal content of specific rights (housing, food, education),¹¹ as has another UN human rights body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities (food, housing).¹²

These diverse efforts have helped create a broad consensus on the basic content of ESCR. Some key rights are described briefly below:

- The right to education guarantees free and compulsory primary education and equal access to secondary and higher education.
- The right to health guarantees access to adequate health care, nutrition, sanitation, and to clean water and air.
- The right to housing guarantees access to a safe, habitable, and affordable home with protection against forced eviction.
- The right to food guarantees the ability of people to feed themselves, and also obligates states to cooperate in the equitable distribution of world food supplies.
- The right to work guarantees the opportunity to earn a living wage in a safe work environment, and also provides for the freedom to organize and bargain collectively.

International law also includes several procedural rights that make it possible for people to enforce their substantive ESCR and make them meaningful. These include:

⁹ Mutua, "Human Rights Ideology," in the *University of Virginia International Law Journal* 36:589 (1996). Philip Alston, one of the leading experts in ESCR, has criticized this imbalanced approach to human rights work: "Non-governmental organizations in the human rights field should urgently consider what can be done to remedy the present situation in which the great majority of NGOs pay little more than lip service to economic, social and cultural rights." Alston, "Denial and Neglect" in Roeh, ed., *Human Rights: The New Consensus* (London: Regency Press, 1994), p. 112.

¹⁰ See, Alston and Quinn, "The Nature and Scope of States Parties' Obligations Under the International Covenant on Economic, Social and Cultural Rights" in *Human Rights Quarterly*, vol. 9, no. 2, 1987; Craven, see note 3.

¹¹ General Comment 4 of the Committee on Economic, Social and Cultural Rights, U.N. Doc.E/C.12/1991/23; General Comment 7 of the Committee on Economic, Social and Cultural Rights, U.N. Doc.E/C.12/1997/4; General Comment 11 of the Committee on Economic, Social and Cultural Rights, U.N. Doc. E/C.12/1999/4; General Comment 12 of the Committee on Economic, Social and Cultural Rights, U.N. Doc. E/C.12/1999/5.

¹² See, Eide, Report on the Right to Adequate Food as a Human Right, UN Doc. E/CN.4/Sub.2/1987/23; Sachar, UN Special Rapporteur on the Human Right to Adequate Housing, Final Report: E/CN.4/Sub.2/1995/12).

- The right to participation in policy decisions that affect one's human rights. This extends beyond voting rights to include public access to government decision-making processes such as the formulation of national budgets.
- The right to information necessary to participate in national and local affairs. This requires government transparency in providing public information on issues such as major development projects or potential health hazards.
- The right to effective remedies from domestic courts. Legal recourse is central to every human right. It requires governments not only to recognize that people have human rights in the first place, but also to incorporate human rights into domestic law and enforce them through a fair and impartial judicial system.

It should be emphasized that the process of defining and elaborating the content of ESCR is an ongoing and dynamic one. Decades of neglect by governments and even NGOs have left the field of ESCR with a range of vague legal standards and norms that have rarely been implemented and enforced. As is the case with any rights, the real importance of ESCR lies in their actual and potential impact on people's daily lives. Rights are exercised by people; only people can make them meaningful through the process of demanding freedom, economic welfare, and all the other ideals that human rights embody.

3. Human Rights Obligations

All governments are obligated to guarantee ESCR. Most are obligated by virtue of having ratified specific treaties, but even the handful of states that have not ratified the major human rights treaties are obligated to respect general principles of international law and human rights.

State parties to the Covenant are obligated to respect the full range of ESCR contained therein. They must also report periodically to the Committee monitoring compliance with the Covenant, which is mandated to review state reports, accept NGO submissions, and issue specific recommendations regarding implementation of the Covenant.¹³ In addition, states that have ratified other international treaties, such as the Convention on the Rights of the Child, are obligated to respect the relevant articles and principles concerning ESCR and report on compliance to an expert committee.

Even states that have not ratified international treaties on ESCR are bound to respect human rights principles that are part of “customary law,” law that has gained universal acceptance in the international community.¹⁴ The Universal Declaration is widely considered to be part of customary law and therefore binding on all states, whether or not they have ratified subsequent human rights treaties.

Moreover, states are legally responsible for policies that violate human rights beyond their own borders, and for policies that indirectly support violations by third parties. For example, the International Court of Justice found the United States responsible for abuses committed by the contras in Nicaragua by virtue of US political and financial support.¹⁵ Humanitarian law also holds states responsible for the well-being of occupied civilian populations living outside the state's proper borders.¹⁶

It is important to note that, in addition to states, a broad range of non-state actors have duties under human rights law even though they have not ratified specific treaties. The General Assembly proclaimed in the Universal Declaration that “every individual and every organ of society shall Épromote respect for these rights and freedoms.”¹⁷ The Committee has affirmed this broad concept of human rights responsibility in observing that third parties, intergovernmental organizations and agencies, and the international community as a whole have legal obligations regarding ESCR.¹⁸ For example, speaking directly to the issue of free trade and development, the Committee has noted that “international institutions promoting measures of structural adjustment should ensure

¹³ Alston and Quinn, see note 10.

¹⁴ See Alston and Simma, “The Sources of Human Rights Law: Custom, *Jus Cogens* and General Principles,” *Australian Yearbook of International Law*, vol. 12 (1992).

¹⁵ Case Concerning Military and Paramilitary Activities in and against Nicaragua, Judgment of 27 June 1986, ICJ Rep. Para. 107-109. See also the Inter-American Court of Human Rights judgment in the Velasquez-Rodriguez Case that a state has a positive duty to prevent human rights violations occurring in territory subject to its effective control, even if such violations are carried out by third parties. Velasquez-Rodriguez Case, 28 ILM 291, para. 166 (1989); Case 7615 Inter-Am. Ct. H.R., OAS/ser.L/V/II.66, Doc. 10.

¹⁶ For example, the IVth Geneva Convention obligates occupying powers to “facilitate the care and education of children” and to ensure the availability of “foodstuffs, medical stores and other articles” for civilian needs. *IVth Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, Aug. 12, 1949, Arts. XXIII, L, 6 UST. 3516, 75 UNTS. 287.

¹⁷ UDHR, see note 2, Preamble.

¹⁸ The Committee observed that these obligations “are multidimensional. At the macro-level, they affect: (1) national and local governments and agencies, as well as third parties capable of breaching those norms, (2) the international community of States, and (3) intergovernmental organizations and agencies.” Id. (emphasis added) UN Doc. E/CN.4/Sub.2/1991/17, 18-19.

that such measures do not compromise the enjoyment of [for example] the right to adequate housing."¹⁹

Accountability of non-state actors is the most important frontier of human rights protection. In the post-Cold War era of increasing free trade, non-state actors such as the International Monetary Fund (IMF), the World Trade Organization (WTO), and private corporations have gained increasing control over global, national, and even local economic policies. These policies affect everyone everywhere, yet the policy-makers are not elected and their decisions are not subject to popular or democratic oversight. Demanding human rights accountability from this new set of institutions will be a long and difficult struggle, but one with tremendous implications for the well-being of billions of people.²⁰

¹⁹ General Comment 4, see n. 11, para. 19. These obligations have been further highlighted by recent UN conferences, all of which have made explicit reference to IFIs, urging them to assess the impact of their policies and programmes on the enjoyment of human rights" and underscoring their "special responsibility" to promote human rights through international cooperation. See 1993 Vienna Declaration, Part II, para. 2; Agenda 21, UN Doc A/CONF.151/26 (vol. III), para 38.41; Copenhagen Declaration on Social Development.

²⁰ See, Jochnick, "Challenging Impunity: Accountability for Non-State Actors," *Human Rights Quarterly*, vol. 21, no. 2, 1999.

4. Legal Duties

All human rights carry corresponding obligations that must be translated into concrete duties to guarantee these rights. For many years, traditional human rights discourse was dominated by the misperception that civil and political rights require only negative duties while ESCR require positive duties. In this view, the right to free speech is guaranteed when the state leaves people alone, whereas the state must take positive action to guarantee the right to health by building health clinics and providing immunization.

This positive versus negative dichotomy has been discredited recently in favor of the understanding that all human rights have both positive and negative components. It is a matter of common sense that civil and political rights, including free speech, require the positive outlay of state resources in terms of providing a functioning judicial system and educating people about their rights. Conversely, all ESCR have negative aspects; some states prevent people from freely exercising ESCR, for example by blocking food or medical supplies to disfavored groups or regions.

Most scholars and activists now agree that duties for all human rights -- civil and political as well as ESCR -- can be divided into several discrete categories based on the type of duties. Although there is some variation in these typologies, they converge along the following basic categories: the duties to respect, protect, and fulfill.²¹

- The duty to respect is the negative obligation. It requires responsible parties to refrain from acting in a way that deprives people of the guaranteed right. Regarding the right to health, for example, a government may not deprive certain communities of access to health care facilities.
- The duty to protect is the obligation concerning third parties. It requires responsible parties to ensure that third parties do not deprive people of the guaranteed right. For example, a government must pass and enforce laws prohibiting private companies from releasing hazardous chemicals that impair public health.
- The duty to fulfill is the positive obligation. It requires responsible parties to establish political, economic, and social systems that provide access to the guaranteed right for all members of society. For example, a government must provide essential health services such as accessible primary care and clean water.

²¹ Eide, see note 3; Shue, "The Interdependence of Duties." in Alston & Tomaševski, eds., *The Right to Food* (Utrecht: Stichting Studie- en Informatiecentrum Mensenrechten, 1984)

5. Violations

Assessing violations in concrete situations is one of the most important and controversial aspects of ESCR. Lack of clarity as to what constitutes a violation has impeded efforts to implement and enforce ESCR. Part of the difficulty lies in the Covenant's "progressive realization" clause (discussed below), which some states have erroneously interpreted to avoid any accountability for violations. But the biggest obstacle remains the lack of political will on the part of policy-makers and failure of the human rights movement to hold policy-makers accountable for economic injustice.

This is changing, as more and more activists and NGOs turn to rights-based advocacy to mobilize opposition to systemic poverty. Their efforts are beginning to have an impact, but the problem of how to assess violations remains a major obstacle. In recent years, legal scholars, advocates, and UN agencies have developed methodologies and lists of indicators for measuring violations.²² While detailed lists of indicators for each right can help clarify the theoretical components of the rights, a basic legal framework for assessing violations in specific situations may be of more practical use to advocates.

What follows is a very simple framework that divides violations into two broad categories: failure to “progressively realize” rights, and discrimination in access to rights.

Progressive Realization

The first category of violations is based on the much-debated provision in the Covenant that state parties are obligated to “progressively” realize ESCR “to the maximum of available resources.”²³ While this language recognizes that poor states are not immediately capable of guaranteeing the same levels of education and health care as developed states, the concept of progressive realization does not permit the perpetuation of economic injustice and disparity.²⁴ On the contrary, state parties are required to take steps to continuously improve people’s enjoyment of ESCR. These rights are therefore violated when a government does not allocate sufficient resources towards basic social services, or when these services are undermined through corruption, or when the institutional structures necessary to deliver these services are deliberately neglected.

Within the progressive realization paradigm, there are two types of policies that always constitute violations of ESCR. First are policies that deprive people of a basic level of subsistence necessary to live in dignity: the principle of minimum core content. Second are measures that actually worsen people’s access to ESCR: the principle of non-regression.

It is widely agreed that failure to satisfy essential human needs, based on the minimum core content of ESCR, is an immediate and absolute violation of human rights that can

²² For example, a group of legal experts met in 1986 and produced a comprehensive set of legal criteria on ESCR known as the Limburg Principles, which were subsequently expanded at a meeting in Maastricht in 1997. Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, UN Doc. E/CN.4/1987/17, Annex, reprinted in *Human Rights Quarterly*, vol. 9 (1987), pp. 122-135. See also, Tomasevski, “Human Rights Indicators: The Right to Food as a Test Case” in *The Right to Food* (see full cite in note 21).

²³ The Covenant, see note 4, Art. 2(1).

²⁴ General Comment 3, UN doc. E/C.12/1990/12, paras. 8--11.

never be excused by a country's level of development.²⁵ This recognizes that people's very survival depends upon access to essential services and that no state is too poor to meet those basic needs. As noted by Danilo Turk, the UN Special Rapporteur on ESCR: "States are obliged, regardless of their level of economic development, to ensure respect for minimum subsistence rights for all."²⁶ Along the same lines, the Committee has affirmed that "a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education, is, *prima facie*, failing to discharge its obligations under the Covenant."²⁷

The Committee has also declared that responsible parties may not adopt regressive measures that harm ESCR, for example through "a general decline in living and housing conditions directly attributable to policy and legislative decisions by States parties."²⁸ The principle of non-regression would prohibit a government from cutting back on basic services such as health care or primary education, even under pressure from international lenders such as the IMF and World Bank, if such cutbacks lessened people's access to those services.

Discrimination

The second category of violations is the prohibition of discrimination in access to ESCR. The obligation not to discriminate is not subject to the limitation of progressive realization, but rather is an immediate duty of states and non-state actors. The Covenant flatly prohibits discrimination in access to food, health care, housing, work, education and other ESCR on the grounds of "race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."²⁹ The prohibition against discrimination is absolute. Discrimination may not be justified under any circumstances, such as low levels of development. A government's failure to provide the same standard of health care or education to girls as to boys is *per se* a violation of ESCR under all circumstances. Moreover, policies are considered discriminatory if their effects are discriminating in practice, even if those effects were not intended.³⁰

²⁵ See, Turk, Second Progress Report of the UN Special Rapporteur on Economic, Social and Cultural Rights, UN Doc. E/CN.4/Sub.2/1991/17, p. 18, para. 10; General Comment 3, see note 24, UN Doc. E/C.12/1990/8, para. 10. International law scholar Richard Falk argues that a state which "maintains an economic situation in which a small proportion of the population gains most of the wealth while a large majority subsists at or below the poverty line is guilty of violating this category of human rights." Falk, *Human Rights and State Sovereignty*, (New York: Holmes & Meier Publishers, 1981).

²⁶ See Turk, *ibid.*

²⁷ General Comment No. 3 of the Committee, see n. 24, para. 10.

²⁸ General Comment No. 4, see note 11, para. 11.

²⁹ The Covenant, see note 4, Art. 2(2).

³⁰ Craven, see note 3, pps. 166-167.

6. ESCR for Social Justice

In CESR's experience, groups working in diverse fields such as development, environment and human rights share common concerns about justice and poverty without a common language to support action and collaboration. This lack of shared response goes a long way towards explaining why a single case of torture elicits more international attention and outrage than a thousand unnecessary deaths from lack of potable water. ESCR can offer the missing framework and strategy to force governments to redress social injustice.

This paper is intended to introduce the reader to the basic legal issues of ESCR. It is hoped that NGOs and activists can use this guide to inform their own practical work in the field. Even social justice advocates whose work is not normally considered within the human rights field may benefit from articulating their activities in the vocabulary of rights.

There are a number of reasons why ESCR can make a difference in these struggles for justice:

- *They confront the most pressing problems of the day.* Adequate food, health care, and housing are of fundamental importance to all human beings. Yet hundreds of millions around the world have neither access to these basic necessities nor influence over the policy decisions that affect their daily survival. Economic and social rights empower people to take an active role in challenging the root causes of their impoverishment.
- *They transform needs into rights.* Traditional models of development treat people in low-income communities as passive victims. Grounded in concepts of justice and human dignity, economic and social rights enable people to reconceive their basic needs as a matter of rights to claim rather than charity to receive. This change in consciousness is the first step towards taking action.
- *They provide legal accountability.* International and domestic laws impose clear duties on decision-makers to guarantee economic and social rights. This means that advocacy groups can use legal mechanisms to demand more transparent allocation of resources and concrete remedies for policies that violate these rights.
- *They help build coalitions across borders.* A wide variety of grassroots, social justice, human rights, development, environmental, and women's groups are working for social change. Economic and social rights provide an overarching framework and common focus to link these efforts at the local, national, and international levels.
- *They challenge global inequality.* Globalization has widened the gap between rich and poor and left decisions about people's basic welfare in the hands of unaccountable officials in transnational corporations and financial institutions like the World Bank. Economic and social rights provide a mechanism to hold these powerful international actors responsible for the impacts of their policies.
- *They are inseparable from other human rights.* The interdependence of all human rights is an inescapable reality in the world today. The rights to vote and to free speech have little value to those lacking the education and income to

make them meaningful. Only when all human rights are respected will all people have the opportunity to realize their full human potential.

Conclusion

Responding to the daunting challenges posed by poverty and inequality is not a short-term proposition. Reversing the growing gap between rich and poor at the local and global level will require concerted and coordinated efforts by a wide range of civil society groups and activists. In the process of "globalization from below," human rights can play an important role by unifying these efforts for social and economic justice and providing a framework for demanding accountability and change.

ANNEX: International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

entry into force 3 January 1976, in accordance with article 27

PREAMBLE

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the

realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

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

Article 4

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

© 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;

© 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;

© 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;

© Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

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

Article 14

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

Article 15

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

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

© 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 fulfillment 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.