



General Assembly

Distr.: Limited
16 March 2021

Original: English

Human Rights Council

Forty-sixth session

22 February–23 March 2021

Agenda item 3

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

Albania,* Argentina, Austria, Belgium,* Bosnia and Herzegovina,* Bulgaria, Chile,* Croatia,* Cyprus,* Ecuador,* Fiji, Finland,* France, Germany, Greece,* Ireland,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* North Macedonia,* Paraguay,* Peru,* Portugal,* Romania,* San Marino,* Slovakia,* Slovenia,* Sweden,* Ukraine and United States of America*: draft resolution

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

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and all other relevant human rights instruments, and by the principles of economic, social and cultural rights therein enshrined,

Reaffirming that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Recalling, as highlighted, inter alia, in the Vienna Declaration and Programme of Action, that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the respect, protection and fulfilment of one category of rights should never exempt States from the respect, protection and fulfilment of the other rights,

Reaffirming Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the latest of which being Council resolution 40/12 of 8 April 2019, and the resolutions adopted by the Commission on Human Rights on the same topic,

Recalling the Sustainable Development Goals and their specific and interlinked targets, which cover a wide range of issues relating to economic, social and cultural rights, and acknowledging that the promotion, protection and realization of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, including full respect for international law, and is

* State not a member of the Human Rights Council.



grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recalling General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Recalling also the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, which led to the adoption of a global compact on refugees and the Global Compact for Safe, Orderly and Regular Migration that address the human rights of all refugees and migrants, regardless of status, and that include a pledge to fully protect such rights, including economic, social and cultural rights,

Reaffirming the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to undertake to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

Noting general comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights, wherein the Committee states that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party to the International Covenant on Economic, Social and Cultural Rights, as is not to adopt retrogressive measures on the protection of economic, social and cultural rights,

Underlining the human rights principles of, inter alia, non-discrimination and equality, human dignity, equity, universality, indivisibility, interrelatedness, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recalling the obligation included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and recalling also the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal, and its integration into all goals and targets of the 2030 Agenda and throughout the implementation process,

Recognizing that the establishment of nationally defined gender-responsive social protection floors is a key path to facilitating the enjoyment of economic, social and cultural rights and that social protection floors, when used as a baseline, have the potential to reduce poverty and inequality by promoting basic income security, decent work, equal pay for work of equal value and universal access to health care and basic services,

Recognizing also the importance of the universality and indivisibility of all human rights, of robust and efficient public policies, of adequately resourced and fully functioning services and of cooperation at national, regional and international levels for the realization of all economic, social and cultural rights to address the negative impact of the coronavirus disease (COVID-19) pandemic, including on women and girls, older persons, persons with disabilities and indigenous peoples, and to ensure an equitable recovery,

Noting with concern that the growing economic and financial burden caused by the COVID-19 pandemic will further exacerbate inequalities, increase poverty and hunger, reverse hard-won developmental gains and reduce the chances of achieving the Sustainable Development Goals,

Reiterating that empowering people and ensuring equality and inclusiveness in a manner consistent with States' obligations under international human rights law are among the main elements for achieving sustainable development, and mindful that the normative framework for economic, social and cultural rights offers guidance in implementing the 2030 Agenda in a more effective and inclusive manner,

Noting that an essential aspect of a human rights-based approach to sustainable development is promoting knowledge of human rights, including economic, social and cultural rights, thus enabling individuals and stakeholders to participate in a meaningful, free and active manner in decision-making processes that affect their lives, including through the exercise of civil and political rights,

Recognizing that persistent and growing inequalities and underinvestment in public services within countries are major challenges to the realization of economic, social and cultural rights, affecting in particular those living in poverty and in vulnerable situations, including, inter alia, older persons and persons with disabilities, and recalling State obligations related to non-discrimination and the promotion of equality, and their commitment to leave no one behind and to reach the furthest behind first,

1. *Urges* all States to respect, protect and fulfil all economic, social and cultural rights by strengthening legal frameworks, adopting adequate policies and programmes and allocating sufficient resources for their implementation;

2. *Calls upon* all States to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which being resolution 40/12;

3. *Welcomes* the most recent accessions to the International Covenant on Economic, Social and Cultural Rights, and calls upon all States that have not yet signed and ratified or acceded to the Covenant to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

4. *Also welcomes* the most recent accessions to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified or acceded to the Optional Protocol to do so, and also to make declarations under articles 10 and 11 thereof;

5. *Takes note with appreciation* of the reports of the Secretary-General on the question of the realization of economic, social and cultural rights in all countries, with a special focus on the role of new technologies for the realization of economic, social and cultural rights¹ and on the impact of COVID-19 on the realization of economic, social and cultural rights,² and of the conclusions contained therein;

6. *Recognizes* that, in order to fully reap the benefits of new technologies for the realization of economic, social and cultural rights while minimizing the potential for harm, States should apply regulatory frameworks in accordance with international human rights law, as applicable, in the design, development, deployment, evaluation and regulation of new technologies, and to ensure that they are subject to adequate safeguards and oversight;

7. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge digital divides and technological gaps, including but not limited to those based on gender, age and disability, and not only to combat discrimination and bias in the development and use of new technologies, in particular in terms of access to products and services that are essential for the enjoyment of economic, social and cultural rights, but also to ensure accessible and quality education at all levels, in order to increase the digital competencies and innovation skills of all, including of women, girls and persons with disabilities;

8. *Recognizes* that, in recovering better from the pandemic, structural inequalities and deficiencies in social protection, health and education systems should be addressed to

¹ A/HRC/43/29.

² A/HRC/46/43.

better protect economic, social and cultural rights and to ensure that societies and economies are more resilient to possible future crises;

9. *Urges* all States to prioritize measures to guarantee economic, social and cultural rights for all individuals, in particular for those disproportionately affected by the pandemic, and to ensure timely, fair and equitable universal access to quality, safe, affordable and effective vaccines, therapeutics and diagnostics;

10. *Notes with appreciation* the contributions of international human rights mechanisms, including the international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda for Sustainable Development in a manner consistent with States' human rights obligations, and encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring the progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

11. *Underlines* the importance of access to justice, and to an effective remedy for violations of economic, social and cultural rights, including those of a systemic character, and in this regard notes with appreciation the measures taken by States for the domestic adjudication of cases and to ensure access to complaints procedures for victims of alleged human rights violations, and calls upon States to strengthen their efforts to guarantee access to judicial and non-judicial remedies at the national, regional and international levels;

12. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights contained in the International Covenant on Economic, Social and Cultural Rights;

13. *Acknowledges* that social protection floors facilitate the enjoyment of economic, social and cultural rights, including the rights to education, social security, work, including just and favourable conditions of work, the enjoyment of the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of acting consistently to establish and/or further develop such floors in compliance with the principles of non-discrimination and equality, gender equality and inclusion of persons with disabilities, transparency, participation and accountability;

14. *Also acknowledges* the important contribution of women and girls to sustainable development and reiterates that gender equality and the empowerment of all women and girls and women's full equal and meaningful participation and leadership in the economy are vital for achieving sustainable development, promoting peaceful, just and inclusive societies, enhancing sustained, inclusive and sustainable economic growth and productivity, ending poverty in all its forms everywhere and ensuring the well-being of all;

15. *Underlines* the importance of providing human rights training and education for all, across the life cycle, which can help to build societies that respect dignity, equality, inclusion, integrity, diversity and the rule of law;

16. *Encourages* the use of international human rights standards and the recommendations of the human rights bodies and mechanisms to identify the root causes of discrimination, in particular in the context of multiple and aggravated forms of discrimination, and the measures necessary to combat discrimination and inequalities;

17. *Calls upon* States:

(a) To adopt, further develop, use and promote the use of procedures for information-gathering and measurement, and human rights indicators contextualized at the national level, to support decision-making processes and to measure progress in the implementation of laws, policies and actions to respect, protect and fulfil economic, social and cultural rights and to address discrimination and inequalities, noting that these procedures

should respect human rights, including the right to privacy, and be transparent, participatory and allow for accountability;

(b) To identify patterns of discrimination in law, policies and practices, and to address entrenched structural barriers and unequal power relations that generate and perpetuate inequality over generations;

(c) To strengthen the role and capacity of national human rights institutions consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and of equality bodies, to protect civic space and to contribute to strengthening the realization of economic, social and cultural rights, and to provide support for stakeholders in the identification of appropriate measures for achieving the Sustainable Development Goals at the national and local levels;

(d) To consider establishing and/or strengthening national mechanisms for implementation, reporting and follow-up of human rights obligations and recommendations, recognizing their contribution to implementation, reporting and follow-up processes and their potential to undertake cross-cutting initiatives to strengthen the realization of economic, social and cultural rights and to follow up on and review the progress made in achieving the Sustainable Development Goals, as well as international and national commitments made at United Nations conferences and summits;

18. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the elaboration of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

19. *Also notes with appreciation* the work of other relevant treaty bodies and special procedures, within their mandates, in the promotion and protection of economic, social and cultural rights, and the important role of the universal periodic review in this regard;

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

21. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the promotion and protection of economic, social and cultural rights, including training and information activities, and underlines the importance of consultation with and the participation of affected persons in decisions affecting them;

22. *Encourages* States, in line with the Guiding Principles on Business and Human Rights, to provide effective guidance to business enterprises on how to meet their responsibility to respect human rights, including economic, social and cultural rights, throughout their operations, and to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts;

23. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, and notes with appreciation the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

24. *Requests* the Secretary-General to prepare and submit to the Human Rights Council, at its forty-ninth session, a report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the

importance of robust and efficient public policies and of adequately resourced and fully functioning services for the protection of economic, social and cultural rights to address the negative impact of the COVID-19 pandemic and to contribute to recovery efforts;

25. *Decides* to convene a panel discussion, during its forty-ninth session, under agenda item 3, to discuss the conclusions and recommendations made by the Secretary-General in his report on the importance of robust and efficient public policies and of adequately resourced and fully functioning services for the protection of economic, social and cultural rights to address the negative impact of the COVID-19 pandemic and to contribute to recovery efforts, including practical examples and good practices, and requests the Office of the High Commissioner to invite States and relevant international organizations, treaty bodies and special procedures, and civil society to participate in the panel discussion;

26. *Also decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.
